

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 45-256A  
Date Received: 5/23/1989  
Receipt No: S007286  
Received By:

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

1. Name of Claimant(s)

ELIZABETH NEYMAN ESTATE Phone:  
1836 S 2000 E  
GOODING ID USA 83330

2. Date of Priority: 04/12/1892

3. Source: ANTONE CREEK , PINE CREEK, HOWELL CREEK  
Trib. to: UNNAMED STREAM , ANTONE CREEK , MARSH CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot |    |    | County | Type |
|----------|-------|---------|-----------------------|----|----|--------|------|
| 12S      | 25E   | 28      | SE                    | NE | NE | CASSIA |      |
| 12S      | 25E   | 27      | SW                    | SW | NW | CASSIA | R    |
| 12S      | 25E   | 27      | SW                    | SW | NW | CASSIA |      |
| 12S      | 25E   | 28      | SE                    | SW | SE | CASSIA |      |
| 12S      | 25E   | 33      | SW                    | NW | NW | CASSIA |      |
| 12S      | 25E   | 21      | SE                    | NW | SW | CASSIA |      |
| 12S      | 25E   | 28      | SE                    | SW | SE | CASSIA | I    |
| 12S      | 25E   | 28      | SE                    | NE | NE | CASSIA | R    |

5. Description of diverting works:

headgates, diversion plastic dams, to ditches and flood irrigation.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/15 | 11/15 | 3.35   |            |

7. Total Quantity Appropriated is:  
3.35 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 Lot |    | Use           | Acres |
|----------|-------|---------|----------------|----|---------------|-------|
| 12S      | 25E   | 21      | SE             | NE | IRRIGATION    | 40    |
|          |       |         | NE             | SE | IRRIGATION    | 40    |
|          |       |         | NE             | NE | IRRIGATION    | 40    |
|          |       |         |                |    | Section Acres | 120   |
| 12S      | 25E   | 22      | NW             | NW | IRRIGATION    | 3.3   |

|     |     |    |    |    |               |       |
|-----|-----|----|----|----|---------------|-------|
|     |     |    | SW | NW | IRRIGATION    | 3.3   |
|     |     |    | NW | SW | IRRIGATION    | 3.3   |
|     |     |    | SW | SW | IRRIGATION    | 8.9   |
|     |     |    |    |    | Section Acres | 18.8  |
| 12S | 25E | 27 | NW | NW | IRRIGATION    | 14    |
|     |     |    | SW | NW | IRRIGATION    | 4.1   |
|     |     |    |    |    | Section Acres | 18.1  |
| 12S | 25E | 28 | NE | NE | IRRIGATION    | 8     |
|     |     |    | SE | NE | IRRIGATION    | 2.8   |
|     |     |    |    |    | Section Acres | 10.8  |
|     |     |    |    |    | Total Acres   | 167.7 |

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

claim was amended to recognize Antone creek, pine creek, and Howell Creek for the sources for high water use. Pine creek is injected into Antone creek. The place of use was also amended to recognize additional ground that was not perviously claimed. The diversion rate now reflects one inch per acre.

REPRESENTS 8" OF 45-00256 DECREE.

15. Basis of Claim: Decreed

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 Organizations:

I do solemnly swear or affirm that I am Personal Representative of Elizabeth Neyman Estate, that I have signed the foregoing document in the space below as Personal Representative of Elizabeth Neyman Estate and that the statements contained in the foregoing document are true and correct.

Gene T. Josthco  
Signature of Authorized Agent  
Personal Representative of Elizabeth Neyman Estate  
Title and Organization  
8-21-03  
Date

State of Idaho )  
County of Twin Falls ) SS.

Subscribed and sworn (or affirmed) before me this 21<sup>st</sup> day of Aug 2003  
Kelly L. Christensen  
Notary Public  
Residing at Twin Falls id  
My commission Expires 3-11-04

**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 (under the "split" heading), 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<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 45-2663               |                              |       |                       |                              |       |
| 45-256A               |                              |       |                       |                              |       |
| 45-284C               |                              |       |                       |                              |       |
| 45-286                |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

**RECEIVED**  
**AUG 21 2003**  
 Department of Water Resources  
 Southern Region

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) is 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) Grant Clark
- P.O. Box 20, Albion, Idaho 83311
4. New Owner/Claimant(s) Elizabeth Neyman Estate
- Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 1836 S 2000 E
- City, State and ZIP Code Gooding, Idaho 83330
- New Telephone Number (208) 934-4170
5. Date you acquired the property June 4, 2002

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: A45-00256A  
Date Received: 5/23/1989  
Receipt No: S007286  
Received By: W

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: JAMES H. NEYMAN  
Address: BOX 605  
HAILEY, ID

83333

*regard*  
~~208-788-2916~~

AND/OR

Name: ELIZABETH NEYMAN  
Address: BOX 605  
HAILEY, ID

*current work*  
83333

~~208-788-2916~~

2. Date of Priority: APR 12, 1892

3. Source: HOWELL CREEK  
ANTONE CREEK

Trib. to: MARSH CREEK  
HOWELL CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 12S      | 25E   | 28      | NW     | NW     |     |     | CASSIA |

5. Description of diverting works:  
HEADGATE

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.160  |      |        |

7. Total Quantity Appropriated is:  
0.160 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 |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 12S      | 25E   | 21      | NE     | NE  |     | IRR           | 40.0  |
|          |       |         | SE     | NE  |     | IRR           | 40.0  |
|          |       |         | NE     | SE  |     | IRR           | 40.0  |
|          |       |         |        |     |     | Section Acres | 120.0 |
|          |       | 22      | NW     | NW  |     | IRR           | 3.3   |
|          |       |         | SW     | NW  |     | IRR           | 3.3   |
|          |       |         | NW     | SW  |     | IRR           | 3.3   |
|          |       |         |        |     |     | Section Acres | 9.9   |
|          |       |         |        |     |     | Total Acres   | 129.9 |

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:  
A45-00286, 00284C

14. Remarks:  
REPRESENTS 8" OF 45-00256 DECREE.

15. Basis of Claim: DECREED  
Case Number:  
Court :  
Decree date: 3/17/1910

JOHN A. BRIDGER, ET AL  
Decree Plaintiff

vs

HYRUM TREMAYNE, ET AL  
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): *Steven H. Reymann* Date: 5-23-89  
Date:                                     

State of Idaho )  
County of *TF* ) SS.

Subscribed and sworn (or affirmed) before me this 23 day  
of *May* 19 84 *Lon White*  
Notary Public  
Seal

Residing at *TF*  
My Commission Expires 5/94

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT CLAIMS PROOF READING REPORT  
(REGIONAL)

05/23/89 12:55:52  
Page 1

Water Right Number - 45-00284A      Adj. Flag Translation: Standard Water Right Number      Old (D) Number -

+ - - - - Last Name - - - - +      + - First Name - - +      + - - - - Address - - - - - +

+ - - Priority Date - - +      + - - Region - - - +      + - - Stage - - - +      + - - Status - - - +  
04/01/1875      17      D - DECREED

+ - - - - Source - - - - - +      + - - - - Tributary - - - - - +  
HOWELL CREEK      MARSH CREEK

+ - - - - Point of Diversion - - - - - +  
TwN      Rng      Sec      Tract      Lot      RFlg      County

+ - - - - Code      Description      Period From      Period To      Diversion Rate      Diversion Volume      +  
01 - IRRIGATION      1.180

+ - Total Div. Rate - +      + - Total Div. Volume - +      + - Total Div. Capacity - +  
1.180

+ - - - - Place of Use - - - - - +  
TwN      Rng      Sec      Tract      Lot      Acres      Code      Description      County

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +  
TRANS. 639.

+ - - - - Conditions of Approval - - - - - +  
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +      + - - - - Decree Defendant - - - +      + - Decree Date - +  
R. L. WOOD, ET. AL.      WM. STOKES, ET. AL.      03/21/1892

+ - - Audit Fields -

+ - - - - Water Rights Dates and Flags Area - - - - - +

|                               |                              |                      |
|-------------------------------|------------------------------|----------------------|
| Proof Due Date - 00/00/0000   | Field Exam Made - 00/00/0000 | Field Exam Fee -     |
| Approved/Denied - 00/00/0000  | Protested Date - 00/00/0000  | Swan Falls -         |
| Proof Made Date - 00/00/0000  | Hearing Date - 00/00/0000    | Temporary Right - P  |
| Start Work Date - 00/00/0000  | Verified Date - 03/02/1987   | DLE/Carey Act -      |
| Order Show Cause - 00/00/0000 | Receipt Number -             | Water District - 45F |

MICROFILMED  
MAR 07 1993

Water right number - 45-00284A      Adj. flag translation: Standard Water Right Number

+ - - - - Water Rights Dates and Flags Area - - - - - +

|               |              |               |              |                      |
|---------------|--------------|---------------|--------------|----------------------|
| Licensed Date | - 00/00/0000 | Appl Received | - 00/00/0000 | Transfer/Amended - P |
| Decree Date   | - 03/21/1892 |               |              |                      |

MICROFILMED  
MAR 07 1993



## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-256A V1

WATER RIGHT NUMBER: 45-256A V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                     |
|-------------------|-----------------------------------------------------------------------------|
| Current Owner     | MARY MAY POTTER<br>PO BOX 993<br>KETCHUM, ID 83340<br>(208)788-3413         |
| Current Owner     | JOLENE NORTHCOTT<br>1836 S 2000 E<br>GOODING, ID 83330<br>(208)934-4170     |
| Current Owner     | ELIZABETH STUHLBERG<br>938 4TH AVE DR<br>JEROME, ID 83338<br>(208)324-4855  |
| Current Owner     | DEBORAH BROADIE<br>222 PICABO CUTOFF RD<br>CAREY, ID 83320<br>(208)788-4455 |
| Original Owner    | JAMES H NEYMAN<br>BOX 605<br>HAILEY, ID 83333<br>(208)788-2916              |
| Original Owner    | ELIZABETH NEYMAN ESTATE<br>1836 S 2000 E<br>GOODING, ID 83330               |
| Original Owner    | ELIZABETH NEYMAN<br>BOX 605<br>HAILEY, ID 83333<br>(208)788-2916            |

Priority Date: 04/12/1892

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| ANTONE CREEK  | UNNAMED STREAM   |
| HOWELL CREEK  | MARSH CREEK      |
| PINE CREEK    | ANTONE CREEK     |

| <u>Beneficial Use</u> | <u>From To</u>          | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 04/01 to 10/31          | 3.350 CFS             |                      |
|                       | <u>Total Diversion:</u> | 3.350 CFS             |                      |

Location of Point(s) of Diversion

|               |                 |                                 |
|---------------|-----------------|---------------------------------|
| ANTONE CREEK  | SE1/4NE1/4NE1/4 | Sec. 28, Twp 12S, Rge 25E, B.M. |
| CASSIA County |                 |                                 |
| PINE CREEK    | SW1/4SW1/4NW1/4 | Sec. 27, Twp 12S, Rge 25E, B.M. |
| CASSIA County | (Rediversion)   |                                 |
| ANTONE CREEK  | SW1/4SW1/4NW1/4 | Sec. 27, Twp 12S, Rge 25E, B.M. |
| CASSIA County |                 |                                 |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 45-256A V1

|               |                 |                                 |
|---------------|-----------------|---------------------------------|
| ANTONE CREEK  | SW1/4NW1/4SW1/4 | Sec. 22, Twp 12S, Rge 25E, B.M. |
| CASSIA County |                 |                                 |
| PINE CREEK    | SW1/4NW1/4NW1/4 | Sec. 33, Twp 12S, Rge 25E, B.M. |
| CASSIA County |                 |                                 |
| HOWELL CREEK  | SE1/4NW1/4SW1/4 | Sec. 21, Twp 12S, Rge 25E, B.M. |
| CASSIA County |                 |                                 |
| PINE CREEK    | SE1/4SW1/4SE1/4 | Sec. 28, Twp 12S, Rge 25E, B.M. |
| CASSIA County | (Injection)     |                                 |
| PINE CREEK    | SE1/4NE1/4NE1/4 | Sec. 28, Twp 12S, Rge 25E, B.M. |
| CASSIA County | (Rediversion)   |                                 |
| PINE CREEK    | SE1/4NE1/4NE1/4 | Sec. 28, Twp 12S, Rge 25E, B.M. |
| CASSIA County | (Rediversion)   |                                 |
| ANTONE CREEK  | SE1/4NE1/4NE1/4 | Sec. 28, Twp 12S, Rge 25E, B.M. |
| CASSIA County |                 |                                 |
| PINE CREEK    | SW1/4NW1/4SW1/4 | Sec. 22, Twp 12S, Rge 25E, B.M. |
| CASSIA County | (Rediversion)   |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE   |    |    |      | NW   |     |    |    | SW  |     |    |    | SE   |    |    |    | Totals |
|-----|-----|-----|------|----|----|------|------|-----|----|----|-----|-----|----|----|------|----|----|----|--------|
|     |     |     | NE   | NW | SW | SE   | NE   | NW  | SW | SE | NE  | NW  | SW | SE | NE   | NW | SW | SE |        |
| 12S | 25E | 21  | 40.0 |    |    | 40.0 |      |     |    |    |     |     |    |    | 40.0 |    |    |    | 120.0  |
| 12S | 25E | 22  |      |    |    |      | 3.3  | 3.3 |    |    | 3.3 | 8.9 |    |    |      |    |    |    | 18.8   |
| 12S | 25E | 27  |      |    |    |      | 14.0 | 4.1 |    |    |     |     |    |    |      |    |    |    | 18.1   |
| 12S | 25E | 28  | 8.0  |    |    | 2.8  |      |     |    |    |     |     |    |    |      |    |    |    | 10.8   |

Total Acres: 167.7

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 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.

Remarks:

1. Place of Use USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COM BINED  
- Irrigation TOTAL OF 167.7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.  
45-284C, 45-286, 45-256A, and 45-2663.

**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 (under the "split" heading), 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<br>Right No(s). | Adjudication<br>Claim No(s). | Split              | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|--------------------|-----------------------|------------------------------|-------|
| 45-256A               |                              | <u>no fees due</u> |                       |                              |       |
| 45-284C               |                              |                    |                       |                              |       |
| 45-286                |                              |                    |                       |                              |       |
| 45-2663               |                              |                    |                       |                              |       |
| 45-13592              |                              |                    |                       |                              |       |
| 45-13593              |                              |                    |                       |                              |       |

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) is 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)

Elizabeth Neyman Estate

4. New Owner/Claimant(s)

See attached sheet for owners

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

New Mailing Address

City, State and ZIP Code

New Telephone Number

5. Date you acquired the property

( ) Sept 2003

**RECEIVED**  
**MAY 27 2004**  
 Department of Water Resources  
 Southern Region

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<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

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

*Jolene Y. Northcott*

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 \_\_\_\_\_  
 Receipted by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

Jolene NorThcott Ph. 934-4170  
1836 S 2000 E  
Gooding Idaho 83330

RECEIVED  
MAY 27 2004  
Department of Water Resources  
Southern Region

MARY MAY Potter 788-3413  
Box 993  
Ketchum Id 83340

Elizabeth Ann ~~Shutberg~~ Stuhlberg  
938 4<sup>th</sup> Avenue Drive  
Jerome Id 83338 Ph 324-4855

Deborah Broadie  
~~Po Box 706 222 Picabo Cutoff Road~~  
~~Picabo Id. 83348 Ph. 788-4455~~  
Carey, Id. 83320

**PERSONAL REPRESENTATIVE'S DEED**

THIS DEED, made by MARY MAY POTTER, ELIZABETH ANN STUHLBERG, JOLENE NORTHCOTT, and DEBORAH BROADIE, as co-personal representatives of the Estate of Elizabeth Neyman, deceased, Grantor, to , MARY MAY POTTER, ELIZABETH ANN STUHLBERG, JOLENE NORTHCOTT, and DEBORAH BROADIE, % Jolene Northcott, 1836 S 2000 E, Gooding, ID 83330, Grantees;

WHEREAS, Grantors are the qualified co-personal representatives of said estate, filed as Probate Number SP 00-2236, in Blaine County, Idaho;

THEREFORE, for valuable consideration received, Grantors sell and convey to Grantee the following described real property in Cassia County, Idaho:

TOWNSHIP 12 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO  
Section 21: E $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 22: That portion of the W $\frac{1}{2}$  lying West of Albion  
Conner Creek Highway. (Highway 77)

Section 27: That portion of the NW $\frac{1}{4}$  lying West of Albion  
Conner Creek Highway. (Highway 77)

Section 27: That portion of the SW $\frac{1}{4}$  lying South and West  
of Albion Conner Creek Highway (Highway 77)  
North and West of Howell Creek Road.

Section 28: E $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$

TOGETHER WITH all water and ditch rights appurtenant thereto.  
TOGETHER WITH 143 AUM'S of BLM Grazing Rights.  
with all appurtenances.

EXECUTED this 23<sup>rd</sup> day of September, 2003.

ESTATE OF ELIZABETH NEYMAN

Mary May Potter  
MARY MAY POTTER

Elizabeth Ann Stuhberg  
ELIZABETH ANN STUHLBERG

RECEIVED  
MAY 27 2004  
Department of Water Resources  
Southern Region

Copy

Co-Personal Representative of the  
Estate of Elizabeth Neyman, deceased.

Jolene Northcott  
JOLENE NORTHCOTT

Co-Personal Representative of the  
Estate of Elizabeth Neyman, deceased.

Co-Personal Representative of the  
Estate of Elizabeth Neyman, deceased.

Deborah Broadie  
DEBORAH BROADIE

Co-Personal Representative of the  
Estate of Elizabeth Neyman, deceased.

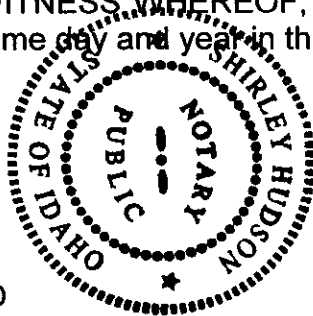
STATE OF IDAHO

County of Twin Falls

)  
) ss.  
)

On this 26<sup>th</sup> day of August, 2003, before me, the undersigned, a notary public in and for said county and state, personally appeared MARY MAY POTTER, known to me to be the person whose name is subscribed to the foregoing instrument as personal representative and acknowledged to me that she executed the same as personal representative.

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



Shirley Hudson  
NOTARY PUBLIC FOR IDAHO  
Residing at: Buhl Idaho  
My Commission Expires: 8-26-05

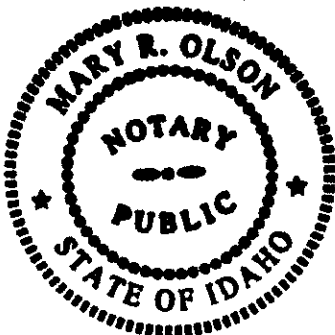
STATE OF IDAHO

County of Twin Falls

)  
) ss.  
)

On this 5<sup>th</sup> day of September, 2003, before me, the undersigned, a notary public in and for said county and state, personally appeared ELIZABETH ANN STUHLBERG, known to me to be the person whose name is subscribed to the foregoing instrument as personal representative and acknowledged to me that she executed the same as personal representative.

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



Mary R. Olson  
NOTARY PUBLIC FOR IDAHO  
Residing at: Twin Falls, ID  
My Commission Expires: 08/13/2009

Copy

STATE OF IDAHO )

County of Twin Falls ) ss.

On this 5<sup>th</sup> day of September, 2003, before me, the undersigned, a notary public in and for said county and state, personally appeared JOLENE NORTHCOTT, known to me to be the person whose name is subscribed to the foregoing instrument as personal representative and acknowledged to me that she executed the same as personal representative.

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



Mary R. Olson

NOTARY PUBLIC FOR IDAHO

Residing at: Twin Falls, ID

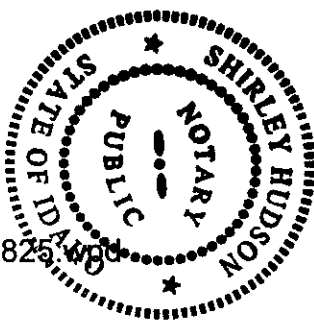
My Commission Expires: 08/13/2009

STATE OF IDAHO )

County of Twin Falls ) ss.

On this 23<sup>rd</sup> day of September, 2003, before me, the undersigned, a notary public in and for said county and state, personally appeared DEBORAH BROADIE, known to me to be the person whose name is subscribed to the foregoing instrument as personal representative and acknowledged to me that she executed the same as personal representative.

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



Shirley Hudson

NOTARY PUBLIC FOR IDAHO

Residing at: Buhl, Idaho

My Commission Expires: 8-26-05

Neyman\PRD030825.wpd

03 SEP 25 AM 10 17  
RECEIVED AT THE REQUEST OF  
H. J. BARTLEY  
Twin Falls, ID

CLERK OF COUNTY OF IDAHO  
LARRY A. MICKELSEN  
RECORDER  
FEE 9.00 DEPUTY LM

291571

09/05/2003

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

RIGHT NUMBER: 45-256A

NAME AND ADDRESS: ELIZABETH NEYMAN ESTATE  
1836 S 2000 E  
GOODING ID 83330

SOURCE: ANTONE CREEK  
HOWELL CREEK  
PINE CREEK

TRIBUTARY: UNNAMED STREAM  
TRIBUTARY: MARSH CREEK  
TRIBUTARY: ANTONE CREEK

QUANTITY: 3.350 CFS

PRIORITY DATE: 04/12/1892

VERIFIED BY *KKC*

POINT OF DIVERSION:

T12S R25E S21 SENWSW Within CASSIA County  
T12S R25E S22 SWNWSW Within CASSIA County  
T12S R25E S22 SWNWSW Rediversion Within CASSIA County  
T12S R25E S27 SWSWNW Rediversion Within CASSIA County  
T12S R25E S27 SWSWNW Within CASSIA County  
T12S R25E S28 SENENE Rediversion Within CASSIA County  
T12S R25E S28 SENENE Rediversion Within CASSIA County  
T12S R25E S28 SENENE Within CASSIA County  
T12S R25E S28 SENENE Within CASSIA County  
T12S R25E S28 SESWSE Injection Within CASSIA County  
T12S R25E S33 SWNNWN Within CASSIA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 10/31          | 3.350 CFS       |

PLACE OF USE: IRRIGATION Within CASSIA County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T12S R25E S21 | NENE | 40.0 | T12S R25E S21 | SENE | 40.0 |
| T12S R25E S21 | NESE | 40.0 | T12S R25E S22 | NWNW | 3.3  |
| T12S R25E S22 | SWNW | 3.3  | T12S R25E S22 | NWSW | 3.3  |
| T12S R25E S22 | SWSW | 8.9  | T12S R25E S27 | NWNW | 14.0 |
| T12S R25E S27 | SWNW | 4.1  | T12S R25E S28 | NENE | 8.0  |
| T12S R25E S28 | SENE | 2.8  |               |      |      |

167.7 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A  
COMBINED TOTAL OF 167.7 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS. 45-284C, 45-286, 45-256A, and 45-2663.

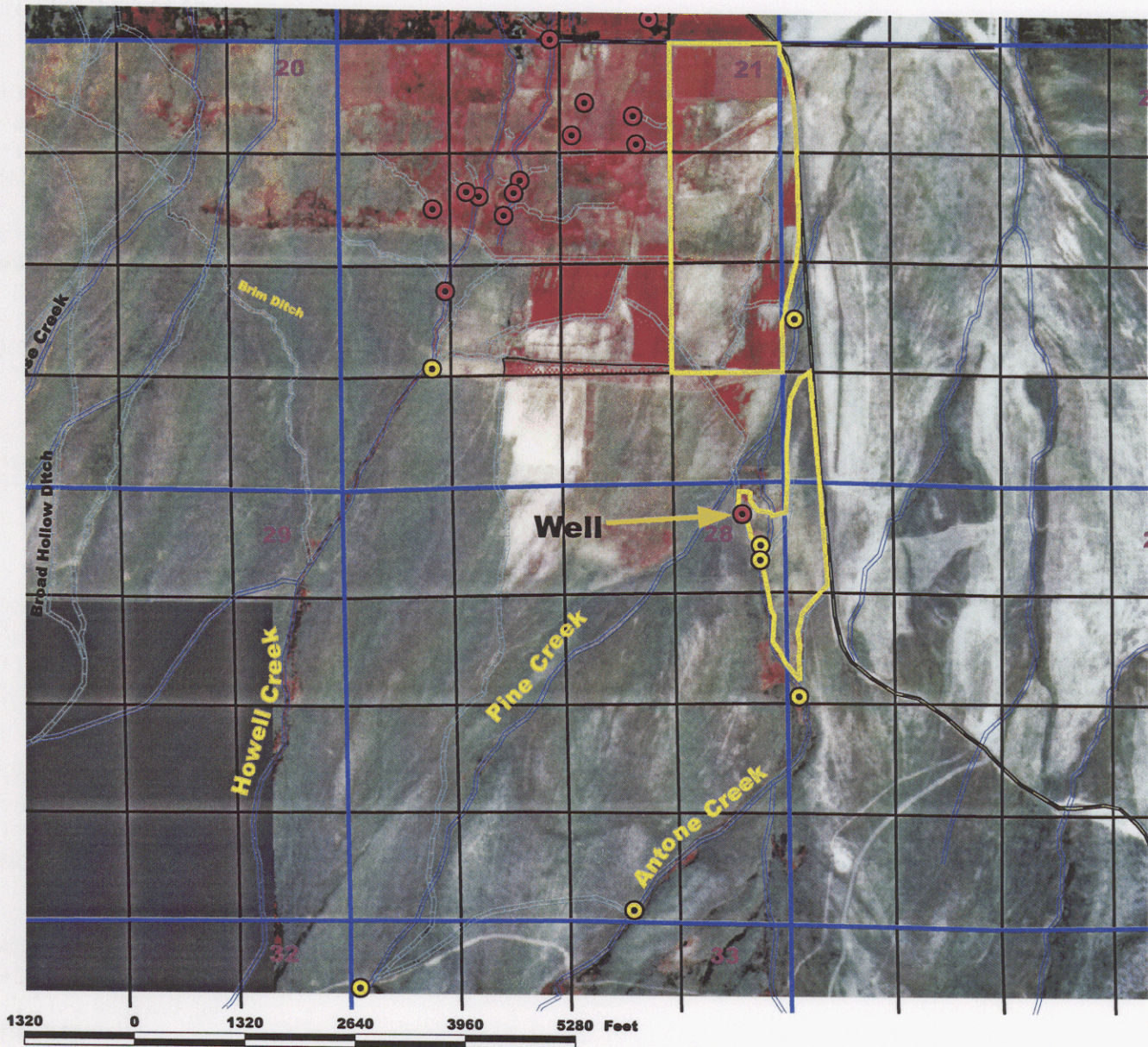
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-  
1425, IDAHO CODE.

**RECOMMENDED PLACE OF USE FOR  
45-256A**



**PLACE OF USE**

**TWP 12S, RNG 25E, SEC 21, 22, 27 & 28**

**Data entry on September 5, 2003**

**CASSIA CO**



● RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES

GIS PLACE OF USE PRESENTATION  
1987/1988 NAPP AERIAL PHOTOGRAPHY  
DATA ENTRY BY KELLY K CHRISTENSEN



# Idaho Dept of Water Resources Claims review notes and narrative

Date: 10-1-2001

File: 45-256 decree split analysis

Prepared by Kelly K Christensen

## ANALYSIS OF 45-256

4-12-1892

10.00 cfs on fifteen 40 ac tracts

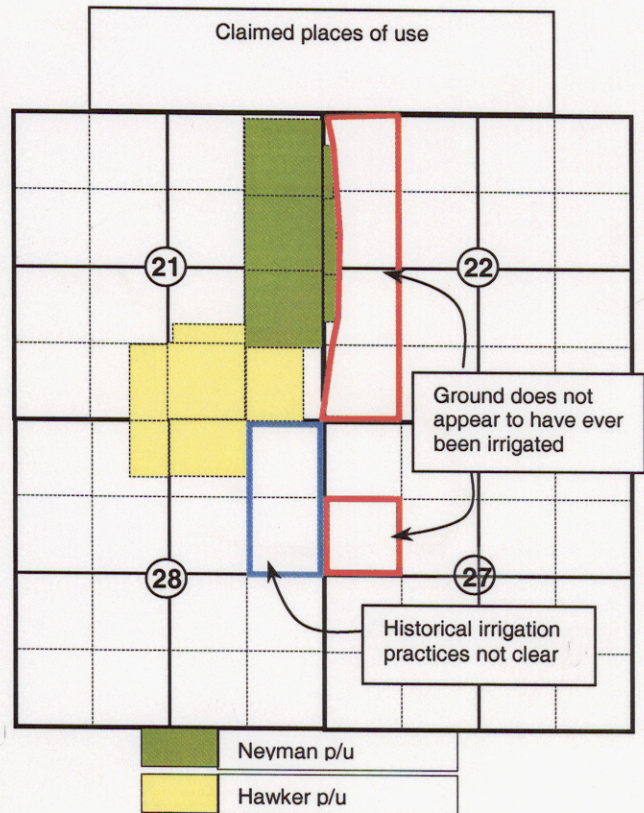
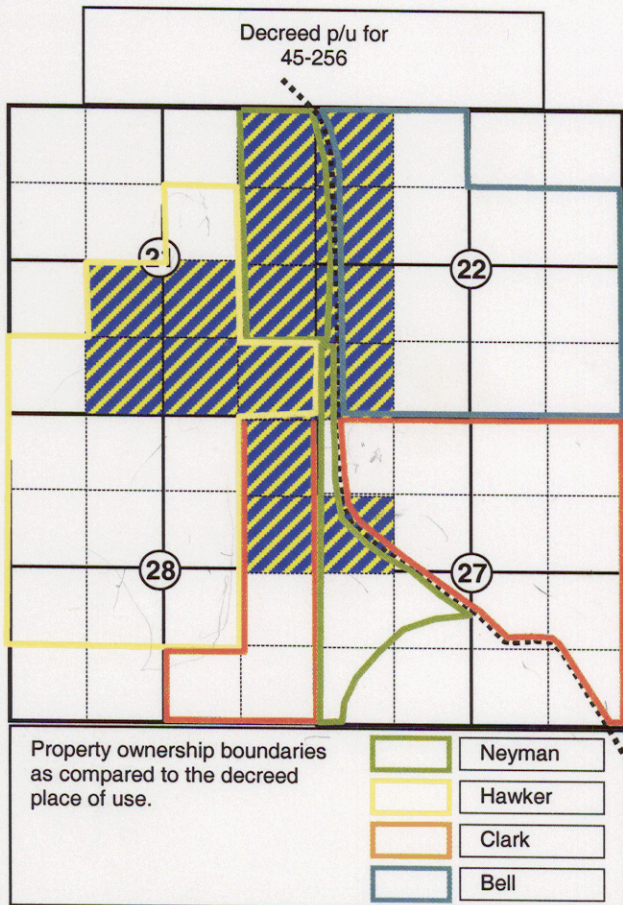
Decreed source = Marsh Creek and its tributaries

*By excluding the ground east of the highway  
the remaining p/u is decreed @ 0.02 cfs/ac*

This right was claimed as follows

|         |        |          |                                                |
|---------|--------|----------|------------------------------------------------|
| 45-256A | Neyman | 0.16 cfs | claim includes 6 of the decreed 40 acre tracts |
| 45-256B | Hawker | 2.50 cfs | claim includes 4 of the decreed 40 acre tracts |
|         | total  | 2.66 cfs |                                                |

Remark in the Hawker claim states that the full right is rotated among all users.



Actual ownership of the ground west of the highway in section 22 is not clear. There is some information that Clark may own that ground.

As of this date neither Clark nor Bell has claimed against the decreed right. It does not appear that the ground owned by Bell was ever actually irrigated. It does not appear that the decreed ground in section 27 has ever been irrigated either.

It is not clear from the available aerial photography the historical irrigation practices for the ground in section 28.

45-256A Neyman. Neyman has claimed  $\approx 130$  acres within the decreed place of use but has only claimed 0.16 cfs. He has claimed both Howell Creek and Antone Creek as the sources for this right but has claimed one point of diversion, which is consistent with Howell Cr.

45-256B Hawker. Hawker has claimed a 152-acre place of use with approximately 102 acres within the decreed place of use. It appears that this right could overlap with the place of use covered under 45-284A and 45-286A. He has claimed 2.50 cfs. This exceeds one inch per acre for the 102 acres but is short of one inch per acre for the claimed 152 acres. The one of the claimed points of diversion does not appear to correctly identify a diversion location (sec 28 SWSWSW). The map attached to the claim identifies a point of diversion in Sec 21 SESESE. The claimed sources are Antone Cr and Pine Cr. A pond exists in sec 27 NWNWSW that is on the same channel as the marked point of diversion in sec 21. No known connection is known though. Possibly part of the Neyman system.

Log for claim A45-00256A

Spatial Dynamics MWY

4/3/00

| TR             | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT        |
|----------------|-----|------|------------------|----------------|----------------|
| 12s25e         | 21  | NENE | 40               | 40             |                |
| 12s25e         | 21  | SENE | 40               | 40             | POD placement? |
| 12s25e         | 21  | NESE | 40               | 40             |                |
| 12s25e         | 22  | NWNW | 3                | 4.5            |                |
| 12s25e         | 22  | SWNW | 3                | 7.2            |                |
| 12s25e         | 22  | NWSW | 3                | 1.9            |                |
| <b>Totals:</b> |     |      | 129              | 133.6          |                |

Under Claimed?  
add gnd in sec 28 E & NE?  
Possibly add Pine Cr as a source?

Township , 12S25E

