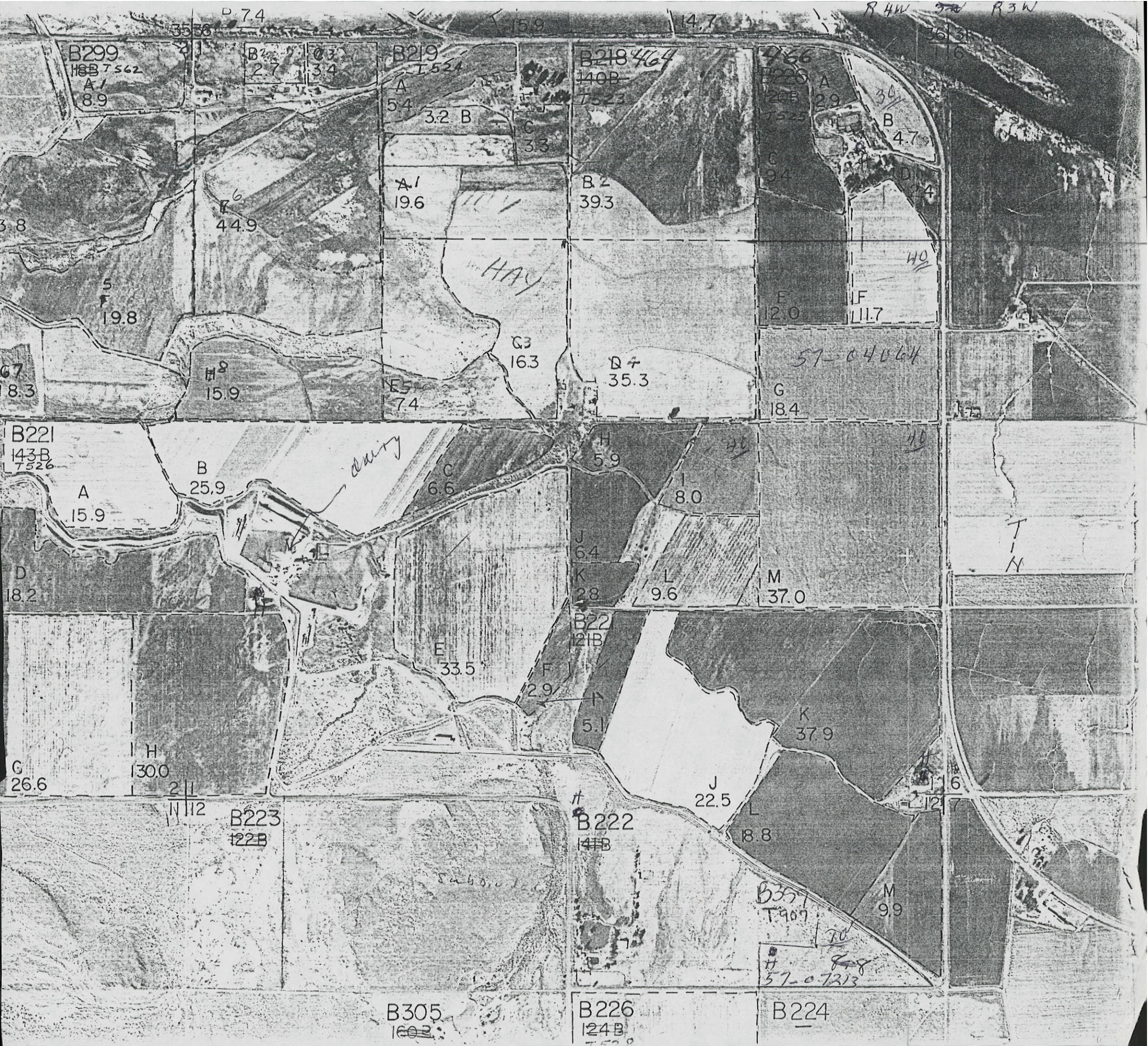
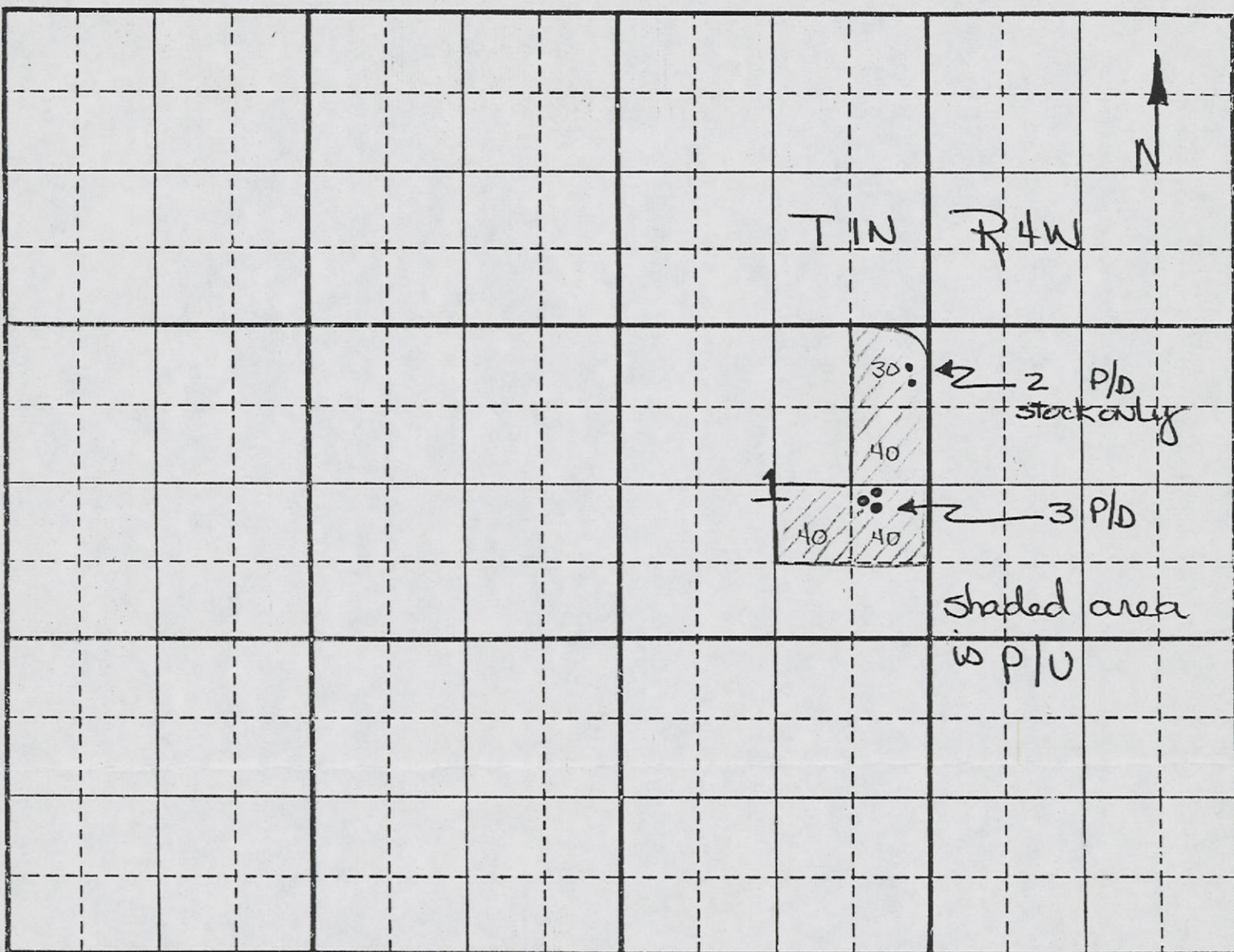




(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

County of Ada)

) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 6th day of January, 1982.

Clyde Leroy
(Claimant)

Roberta M. Garrett
Notary Public
Residing at Boise

My commission expires life

Received by RC

Prepaid check by RC

\$30.00 fee received by RC

Published in

Dates

1-14-82 FOR DEPARTMENT USE ONLY

Date 1/6/82

Date 1/23/82

Date 1-6-82 # 21662

anyone heard
3/28/82

Exception filed by:

Forwarded to

claimant by:

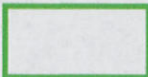
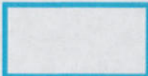
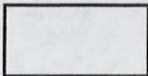
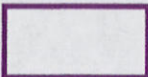
Date

Idaho Department of Water Resources

Claim Number: 57-04064

Legal: T01N, R04W, S01

Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines
-  Township/Range Lines

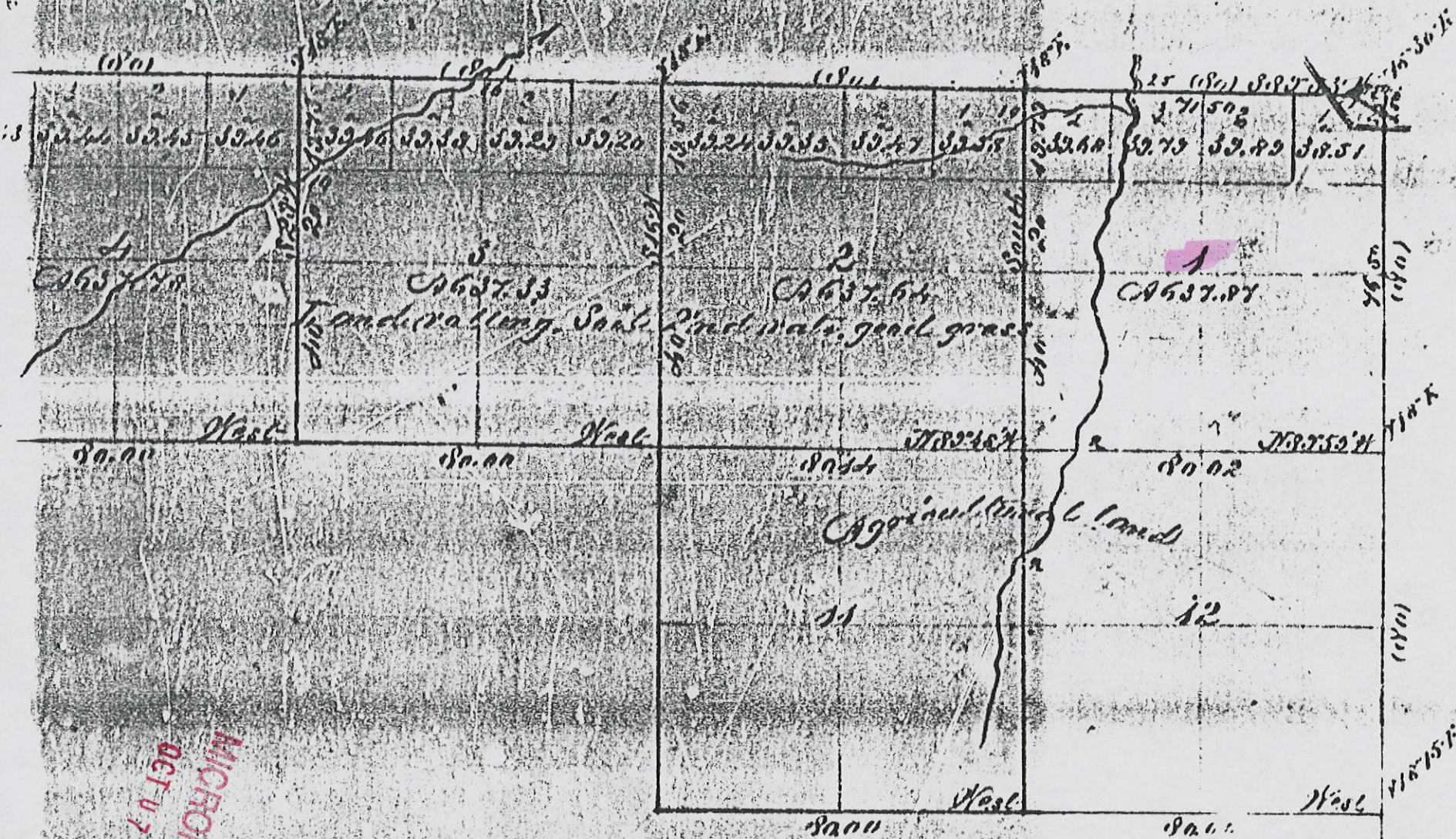


6/03

1987 Napp Photo



to Range No 4 West Boise Meridian



MICROFILMED
OCT 10 1962

Claim A57-04064

PHOTO # 1

Measurement #1 taken here. Water used for heating of house, grain dryer, and irrigation. The black plastic pipe is 1½". Water from the pipe shown was said to be 125 degrees.



PHOTO # 2

Picture of freshly dug trench which contains pipeline in photo #1.



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OCT 7 1982

Claim A57-04064

PHOTO # 3

Measurement #2 taken here. Overflow from heating of house.



PHOTO # 4

Picture of the three buried artesian wells located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, Twp. 1N, Rge. 4W. These wells produce the water for heating, grain dryer and irrigation. The frost in the early morning helped to delineate the location of the wells.



Claim A57-04064

PHOTO # 5

Picture of the concrete capture box which collects the outflow from the three artesian wells. At this point water is delivered to irrigation ditches and/or black PVC pipe to house. Overflow goes into a ditch. Measurement #3 was made on the overflow into the ditch.



PHOTO # 6

Picture of shut-off valve at concrete capture box.



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OCT 07 1992

Claim A57-04064

PHOTO # 7

Picture of well with broken pipe. Well described as stockwater well "A". No measurement possible.



PHOTO # 8

PHOTO # 9

Pictures of stockwater well "B". Area very marshy. No measurement possible.



Claim A57-04064

PHOTO # 10

Mr. Sevy with grain dryer. Air blows up through water, then through the grain.



PHOTO # 11

Hydrant that can be used for stockwater.



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Claim A57-04064

PHOTO # 12

Stockwater place of use.



PHOTO # 13

Irrigation place of use (extends to the end of the plowed field).



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Claim A57-04064

PHOTO # 14

Place of use.



PHOTO # 15

Ditch and place of use.



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OCT 07 1992

PICTURES TAKEN BY LINDA WERNER WHILE OUT IN THE FIELD ONE DAY

(5-1-91)

Claim A57-04064

PHOTO #1

Picture of Clyde Sevy's home.



PHOTO #2

Picture of Mr. Sevy's home and pipes used to heat.



kw
9-3-91

RECEIVED

AUG 27 1992

Department of Water Resources

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: A57-04064
Date Received: 1/11/1989
Receipt No: C005049
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CLYDE E. SEVY 208-896-4308
Address: HC 79, BOX 113
MELBA ID 83641

2. Date of Priority: JAN 1, 1914

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	04W	1	NE	NE	NE		OWYHEE
			NW	NE	SE		OWYHEE

5. Description of diverting works:
WELLS & PIPELINE, ARTESIAN

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.300		
STOCKWATER	01/01	12/31	0.070		
DOMESTIC	01/01	12/31	0.070		

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

A.F.A.

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8. Total consumptive use is 525.0 Acre Feet Per Annum.

JUL 20 1994

9. Non-irrigation uses:
STOCKWATER, 100 DAIRY; DOMESTIC, 1 HOME AND HEATING USES.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	04W	1	NE	NE		IRR	30.0

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
01N	04W	1	NE	NE		DOMEST	
			NE	NE		STOCK	
			SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0

Section Acres 150.0

Total Acres 150.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
OPALINE IRR. DISTRICT

14. Remarks:

3 P/D IN NESE, SEC. 1, T1N, R4W.

2 P/D IN NENE, S1, T1N, R4W.

.3 CFS CAPACITY OF SYSTEM.

15. Basis of Claim: STATUTORY CLAIM

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): Clyde Seng Date: 8/25/92

Date: _____

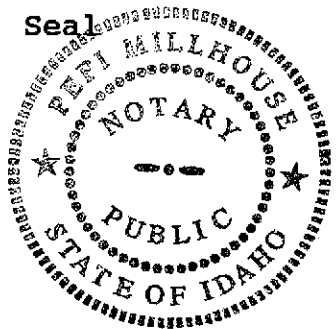
MICROFILMED

JUL 20 1992

State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 25th day
of August 19 92

Pepi Millhouse
Notary Public



Residing at Nampa, Idaho
My Commission Expires 6-3-98

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JUL 20 1992

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CLYDE E SEVY HC 79 BOX 113 MELBA ID 83641 (208) 896-4308	01/01/1914	IRRIGATION STOCKWATER DOMESTIC	03-15 11-15 01-01 12-31 01-01 12-31	0.30 CFS 0.07 CFS 0.07 CFS	146.1 AFA
TOTAL DIVERSION:					0.30 CFS	146.1 AFA
CONSUMPTIVE USE:						146.1 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T01N R04W S01 Lot01(NWNE) Lot01(SENENE) NWNESE OWYHEE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		
01N	04W	1	: 01-27				34								37	35
															TOTAL ACRES	
															134.2	

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		
01N	04W	1	: 01-S													

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		
01N	04W	1	: 01-D													

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 100 DAIRY; DOMESTIC, HEATING HOME AND GRAIN DRYER.

Other Rights: OPALINE IRR. DIST.

Conditions of Approval:

- W06 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM
- OPALINE IRRIGATION DISTRICT.

Remarks: THREE POINTS OF DIVERSION LOCATED IN NWNESE, S01, T01N, R04W.
WATER IS LOW TEMPERATURE GEOTHERMAL WATER.

JUL 20 1994
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=====

Dates: Exam Made Date: 12/06/1990 Verified Date: 09/29/1992

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 07/14/1992 User-ID: SMITH Subject: DATA ENTRY
CHANGED TO BENEFICIAL USE, NO CHANGES TO VERIFICATION STATUS

Date: 08/19/1992 User-ID: WALKER Subject: P/D CORRECTION
MR. SEVY CALLED THE OFFICE TODAY WITH A QUESTION ON THE P/D
DESCRIPTION. HE WONDERED WHY THE P/DS IN SENE WERE SHOWING AS
BEING IN GOV. LOT 1. I CORRECTED THIS WITHOUT A NOTICE OF ERROR
SINCE IT WAS A DATA ENTRY ERROR.

Date: 09/29/1992 User-ID: WALKER Subject: AMENDED CLAIM
MR. SEVY AMENDED HIS CLAIM TO INCREASE THE AMOUNT OF WATER USED
FOR DOMESTIC PURPOSES, I.E. HEATING HIS HOME AND HEAT FOR HIS
GRAIN DRYER. THE AMENDED CLAIM WAS NOT ATTACHED TO THE FILE
AT THE TIME THE FINAL RECOMMENDATIONS WERE SUBMITTED ON 9/25/92.
THIS CORRECTION WAS DONE TO ACKNOWLEDGE THE AMENDED CLAIM FORM.

Audit: 09/29/92 WALKER

MICROFILMED
JUL 20 1994

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: A57-04064
Date Received: 12/27/1988
Receipt No: C005049 *llt.*
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLYDE E. SEVY 208-896-4308
Address: HC 79, BOX 113
MELBA, ID 83641

2. Date of Priority: JAN 01, 1914

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	04W	1	NE	NE	NE		OWYHEE
			NW	NE	SE		OWYHEE

5. Description of diverting works:
WELLS & PIPELINE, ARTESIAN

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.300		
STOCKWATER	01/01	12/31	0.070		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 525.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 DAIRY

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01N	04W	1	NE		NE		IRR	30.0
			NE		NE		DOMEST	
			NE		NE		STOCK	
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
							Section Acres	150.0
							Total Acres	150.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
OPALINE IRR. DISTRICT

14. Remarks:
3 P/D IN NESE, SEC. 1, T1N, R4W.
2 P/D IN NENE, S1, T1N, R4W.
.3 CFS CAPACITY OF SYSTEM.

15. Basis of Claim: STATUTORY CLAIM

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 57-04064Date Received 12-27-88Receipt Number COO5049

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
DEC 27 1988

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Clyde E Sevy Phone (209) 896-4308Mailing Address HC 79 Box 113 Melba, Ida Zip 836412. Date of Priority (Only one (1) per claim) 1/1/19143. Source of water supply (a) Groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 1N Range 4W Section 1,3pts NW 1/4 of NE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of _____Additional points of diversion if any: (2pts stockwater only) NE NE NE 1/4 NW 1/4

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. artesian wells withpipeline to place of use.

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OCT 07 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1/1 to 12/31 amount .04 or _____

For stockwater purposes from 1/1 to 12/31 amount .07 or _____

For Irrigation purposes from 3/15 to 11/15 amount 3.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 525 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

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	
<u>1N</u>	<u>4W</u>	<u>1</u>	<u>D</u> <u>30</u> <u>S</u>			<u>40</u>									<u>40</u>	<u>40</u>			<u>150</u>

Total number of acres irrigated 150

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

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

Opaline Irr. District

14. Remarks:

uses water to heat house (Domestic)
combined with opaline irrigation
District: 30 cfs capacity of system

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OCT 07 1992

Last Name Sevy Ident No. 57-04064

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 57-04064

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 ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1

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

☒ Signature of Claimant (s) Clyde E. Servey Date 12/13/88

Date _____

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

of _____ Title _____, that I have signed the foregoing

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 Idaho)

County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 13 day of December 1988

SEAL

Notary Public John K. Noyes

Residing at 15470 Homedale Rd

My Commission Expires Sept 21, 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 _____

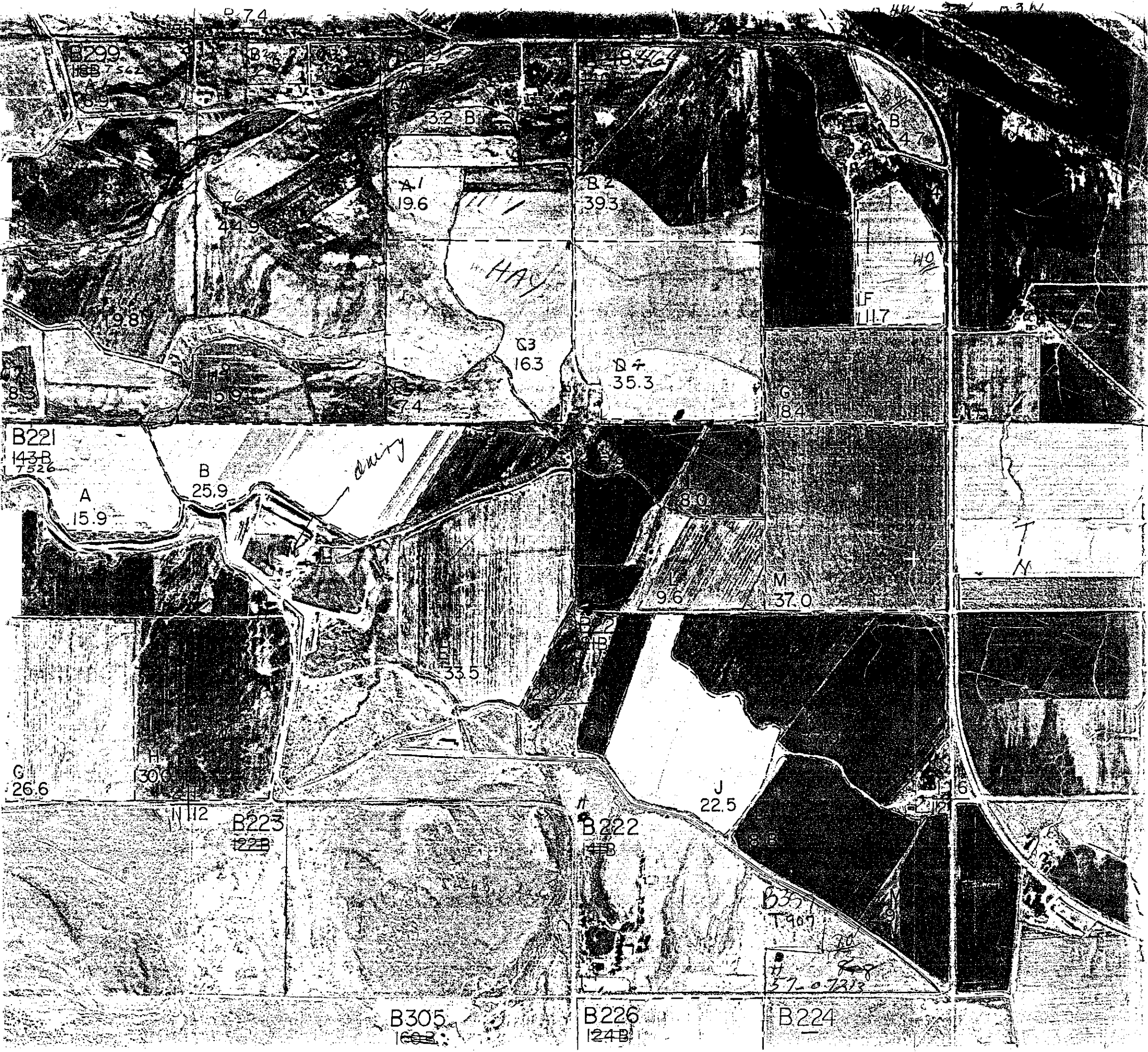
Date _____

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OCT 07 1992

Last Name Servey Ident. Number 57-04064

Copies White-State, Yellow-Claimant



RECEIVED

DEC 27 1988

Clyde Berry

Department of Water Resources

1 Domestic	\$ 25
1 Irrigation 57-04009	\$ 50
	<u>\$ 75 Total</u>

average within the opation irrigators
electrified

MICROFILMED

OCT 07 1992

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Sevy CLAIM IDENT. NO. A57-04064

DATE RECEIVED 12-27-88 CK # CO05049 AMOUNT \$ _____

1. Is the name and address complete with zip code? YES ☒ NO ☐
2. 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) N/A ☒

4. Is the legal description of the p.d. sufficient? YES ☒ NO ☐

5. Is there a description of the diverting works? YES ☒ NO ☐

6. 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 ☒ NO ☐

Is the period of use included? YES ☒ NO ☐

Is a quantity claimed for each use? YES ☒ NO ☐

7. Is a total quantity claimed entered? YES ☒ NO ☐

8. If required is a consumptive use entered? N/A ☐

Is the consumptive use correct? N/A ☐

9. 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, see Adjudication Memo # 4. N/A ☐

10. Is (are) the place(s) of use and purpose(s) indicated? YES ☒ NO ☐

11. Is (are) the county(ies) entered? YES ☒ NO ☐

12. Is the ownership of p.u. checked? YES ☒ NO ☐

13. Are other water rights listed or "none" indicated? YES ☒ NO ☐

14. 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.) N/A ☐

15. Is the basis of the claim indicated? YES ☒ NO ☐

16. 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 ☒ NO ☐

Has the claim been signed, sealed, and dated by a notary? MICROFILMED

Was this claim filed on time, or was an extension granted? OCT 07 1992

Is the fee enclosed correct? Exempt ☐

If this claim is based on an existing water right, has the identification number been entered? N/A ☒

Should this claim be receipted and data entered? YES ☒ NO ☐

Claim checked by: RAT

Comments: Field exam - fly but acceptable. Assume Opaline paid... per D. Shoff.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that

Clyde Leroy

(Name of Claimant)

Star Route

Melba, Idaho 83641

(Mailing Address)

(Zip Code)

Telephone No. 896-4808

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) January, 1914

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

ground water tributary to

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)	(Both dates inclusive)	(Mo., Day)
Quantity	<u>.04</u>	Use <u>domestic</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>	
Quantity		Use	Period of Use From	To	
Quantity	<u>3.0</u>	Use <u>irrigation</u>	Period of Use From <u>9/15</u>	To <u>11/15</u>	
Quantity	<u>.07</u>	Use <u>stock water</u>	Period of Use From <u>7/1</u>	To <u>12/31</u>	
Quantity		Use	Period of Use From	To	

- (4) 3.11 TOTAL QUANTITY USED.

(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

(3pts) NE 1/4 SE 1/4, Sec. 1 Twp. 1N Rge. 4W B.M., County of Owyhee
Additional points of diversion: (2 pts stock only) NE NE 51T 1N R4W

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Artesian wells with pipe line

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for Irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>1N</u>	<u>4W</u>	<u>1</u>	<u>30</u>			<u>40</u>									<u>40</u>	<u>40</u>	<u>X</u>	<u>X</u>	<u>150</u>

No. of acres 150

- B) If water is used for other than Irrigation, fully describe that use, being as specific as possible:

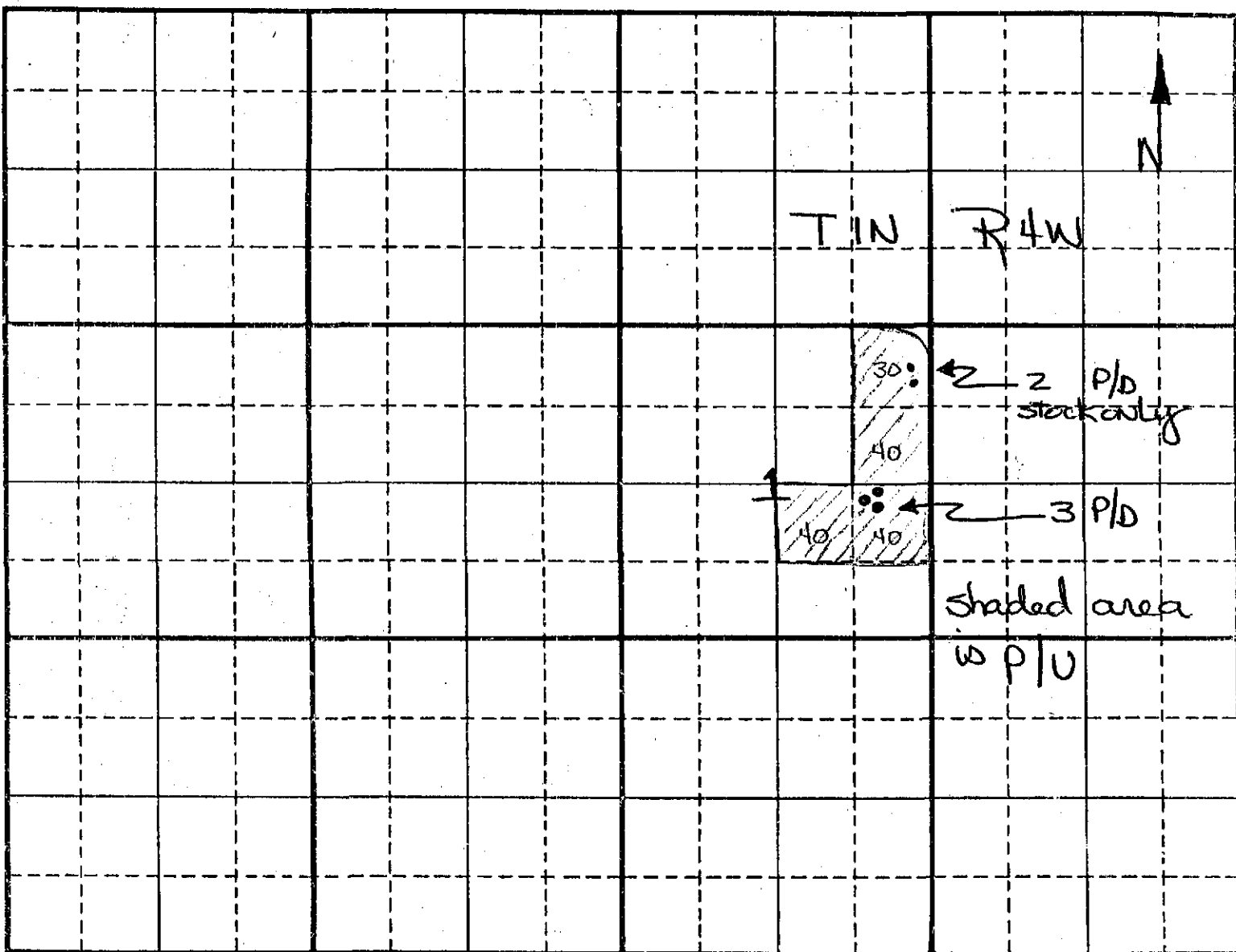
domestic, heating for domestic approx. 100 dairy cattle

NOTE: Include here the type and number of stock watered:

If you are claiming water as a member of an organization, list name of organization:

* correction made 1/20/82 RC.

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

County of Ada)

ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 6th day of January, 1982.

Clyde Leroy
(Claimant)

Roberta M. Garrett
Notary Public
Residing at Boise

My commission expires life

Recorded by RC

Proven, check by RC

Sub fee received by RC

Published in

Dates

1-14-82 FOR DEPARTMENT USE ONLY

Date

1/6/82

Exception filed by:

Date

1/23/82

Date

1-6-82 #21662

Oversee history

7/28/82

Forwarded to

claimant by:

Date

Idaho Department of Water Resources

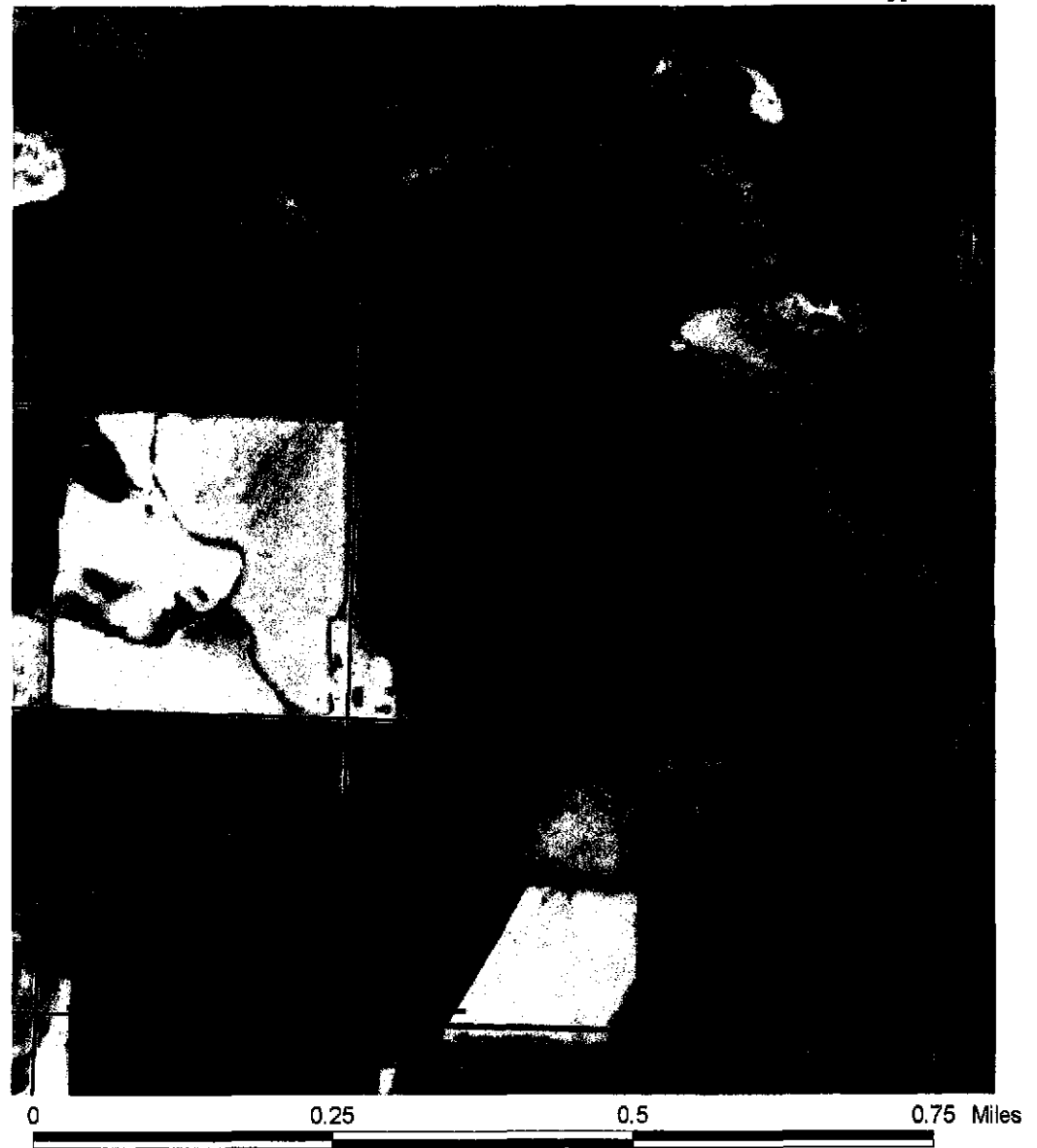
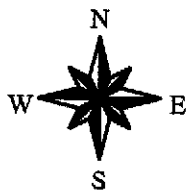
Claim Number: 57-04064

Legal: T01N, R04W, S01

Reviewed By:

1987 Napp Photo

- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines
- Township/Range Lines



IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 57-04064

Date: 6-29-03

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	1N	4W	1	01- 27.4			34.1									37	35.7			134.2
GIS				27.4			39.3									39.4	32.6			138.7
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 5

Total Claimed Acres: 134.2

Overlapping FOU Claim #'s:

Total GIS Acres: 138.7

COMMENTS:

per claim map

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 57-04064

1997 DEC 15 AM 10:56
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME & ADDRESS: CLYDE E SEVY
HC 79 BOX 113
MELBA ID 83641

SOURCE: GROUNDWATER

QUANTITY: 0.3 CFS
146.1 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 01/01/1914

POINT OF DIVERSION: T01N R04W S01 LOT 1 (NWNENE) Within Owyhee County
LOT 1 (SENESE)
NWNENE 3)

THREE POINTS OF DIVERSION LOCATED IN T01N, R04W, S01, NWNENE.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.3 CFS 146.1 AFY
	STOCKWATER	01-01 12-31	0.07 CFS
	DOMESTIC	01-01 12-31	0.07 CFS

DOMESTIC USE IS FOR HEATING OF HOME & GRAIN DRYER.

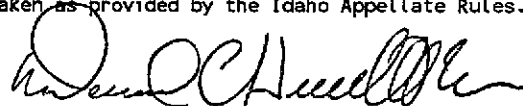
PLACE OF USE:	IRRIGATION	Within Owyhee County			
	T01N R04W S01 Lot 1 (NENE)	27.4	SENE 34.1	NESE 37	NWSE 35.7
	134.2 ACRES TOTAL				
	STOCKWATER	Within Owyhee County			
	T01N R04W S01 Lot 1 (NENE)				
	DOMESTIC	Within Owyhee County			
	T01N R04W S01 Lot 1 (NENE)				

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

AJ0749NP
No. R57-04064

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 11/17/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CLYDE E SEVY HC 79 BOX 113 MELBA ID 83641 (208) 896-4308	01/01/1914	IRRIGATION STOCKWATER DOMESTIC	03-15 11-15 01-01 12-31 01-01 12-31	0.30 CFS 0.07 CFS 0.07 CFS	146.10 AFA
TOTAL DIVERSION:					0.30 CFS	146.10 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T01N R04W S01 Lot01(NWNENE) Lot01(SENENE) NWNESE OWYHEE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
01N	04W	1	:	01-27			34	:					:					:	37	35			:	134.2
																						TOTAL ACRES	134.2	

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
01N	04W	1	:	01-S				:					:					:					:	

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
01N	04W	1	:	01-D				:					:					:					:	

POU County: OWYHEE

Other Rights: OPALINE IRR. DIST.

Conditions of Approval:

- W06 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM
- OPALINE IRRIGATION DISTRICT.
- N05 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
- SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- N08 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
- STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
- USE.

Remarks: POD THREE POINTS OF DIVERSION LOCATED IN T01N, R04W, S01, NWNESE.

USE DOMESTIC USE IS FOR HEATING OF HOME & GRAIN DRYER.

AJ0749NP
No. R57-04064

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 11/17/97
PAGE: 2

Remarks: EXP WATER IS LOW TEMPERATURE GEOTHERMAL WATER.
STOCKWATER, 100 DAIRY CATTLE

Dates: Exam Made Date: Verified Date: 11/17/1997 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 07/14/1992 User-ID: SMITH Subject: DATA ENTRY
CHANGED TO BENEFICIAL USE, NO CHANGES TO VERIFICATION STATUS

Date: 08/19/1992 User-ID: WALKER Subject: P/D CORRECTION
MR. SEVY CALLED THE OFFICE TODAY WITH A QUESTION ON THE P/D
DESCRIPTION. HE WONDERED WHY THE P/DS IN SENE WERE SHOWING AS
BEING IN GOV. LOT 1. I CORRECTED THIS WITHOUT A NOTICE OF ERROR
SINCE IT WAS A DATA ENTRY ERROR.

Date: 09/29/1992 User-ID: WALKER Subject: AMENDED CLAIM
MR. SEVY AMENDED HIS CLAIM TO INCREASE THE AMOUNT OF WATER USED
FOR DOMESTIC PURPOSES, I.E. HEATING HIS HOME AND HEAT FOR HIS
GRAIN DRYER. THE AMENDED CLAIM WAS NOT ATTACHED TO THE FILE
AT THE TIME THE FINAL RECOMMENDATIONS WERE SUBMITTED ON 9/25/92.
THIS CORRECTION WAS DONE TO ACKNOWLEDGE THE AMENDED CLAIM FORM.

Audit: 11/17/97 KWALKER

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: NOV-17-1997

PAGE: A-1

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 57-04064

NAME AND ADDRESS: CLYDE E SEVY
HC 79 BOX 113
MELBA ID 83641

SOURCE: GROUNDWATER

QUANTITY: 0.3 CFS
146.1 AFY

THE QUANTITY FOR NON/IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIARILY
USED FOR STOCKWATER, 100 DAIRY, DOMESTIC, HEATING HOME AND GRAIN DRYER.

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 01/01/1914

POINT OF DIVERSION: T01N R04W S01 LOT 1 (NWNENE) Within Owyhee County
LOT 1 (SENE) NWSE

THREE POINTS OF DIVERSION LOCATED IN T01N, R04W, S01, NWSE.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	<u>Irrigation Season</u>	0.3 CFS
	<u>03/15 11/15</u>	146.1 AFY
STOCKWATER	01-01 12-31	0.07 CFS
DOMESTIC	01-01 12-31	0.07 CFS

DOMESTIC USE IS FOR HEATING OF HOME & GRAIN DRYER.

PLACE OF USE:

IRRIGATION	Within Owyhee County
T01N R04W S01 Lot 1 (NENE) 27.4	SENE 34.1 NESE 37 NWSE 35.7
134.2 ACRES TOTAL	

STOCKWATER	Within Owyhee County
T01N R04W S01 Lot 1 (NENE)	

DOMESTIC	Within Owyhee County
T01N R04W S01 Lot 1 (NENE)	

CONSUMPTIVE USE: 146.1 AFY

57-04064 (CONT.)

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

THREE POINTS OF DIVERSION LOCATED IN WYNNESE, SD; TOWN ROAD/
WATER IS LOW TEMPERATURE GEOTHERMAL WATER.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
USE OF THIS RIGHT IS COMBINED WITH WATER FROM
OPALINE IRRIGATION DISTRICT.
WATER IS LOW TEMPERATURE GEOTHERMAL WATER.
STOCKWATER, 100 DAIRY CATTLE



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 20, 1992

RE: Amended Notice of Claim to a Water Right

Clyde Sevy
HC 79, Box 113
Melba, ID 83641

Dear Mr. Sevy:

Pursuant to our telephone conversation yesterday, enclosed you will find an **amended** Notice of Claim to a Water Right No. A57-04064. Please note that I have only changed the amount of water for your domestic use on this amended claim form. Please sign this in the presence of a notary public and return it to my attention at your earliest convenience. This amount of water should cover all the water necessary for your home, heating of your home and the grain dryer. Once I receive the signed and notarized amended claim form back from you, I will be able to change my recommendations to show 0.07 cfs for your domestic use.

Also enclosed is a corrected profile report of my recommendations. I have corrected the legal description of the points of diversion in the NWNESE, Sec. 01, T01N, R04W so that they are not listed as being within Government Lot 1. Thank you for bringing this error to my attention.

If you have any further questions or concerns in regard to this claim, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Kay Walker".

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

Enclosures

MICROFILMED
OCT 07 1992

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CLYDE E SEVY HC 79 BOX 113 MELBA ID 83641 (208) 896-4308	01/01/1914	IRRIGATION STOCKWATER DOMESTIC	03-15 11-15 01-01 12-31 01-01 12-31	0.30 CFS 0.07 CFS 0.04 CFS	146.1 AFA
TOTAL DIVERSION:					0.30 CFS	146.1 AFA
CONSUMPTIVE USE:						146.1 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T01N R04W S01 Lot01(NWNE) Lot01(SENENE) NWNESE OWYHEE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE								
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
01N	04W	1	:	01-27				34	:							37	35			134.2
TOTAL ACRES																			134.2	

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE								
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
01N	04W	1	:	01-S																

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE								
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
01N	04W	1	:	01-D																

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 100 DAIRY; DOMESTIC, HEATING HOME AND GRAIN DRYER.

Other Rights: OPALINE IRR. DIST.

Conditions of Approval:

- W06 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM
- OPALINE IRRIGATION DISTRICT.

Remarks: THREE POINTS OF DIVERSION LOCATED IN NWNESE, S01, T01N, R04W.
WATER IS LOW TEMPERATURE GEOTHERMAL WATER.

MICROFILMED
OCT 07 1992

=====

Dates: Exam Made Date: 12/06/1990 Verified Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 07/14/1992 User-ID: SMITH Subject: DATA ENTRY
CHANGED TO BENEFICIAL USE, NO CHANGES TO VERIFICATION STATUS

Date: 08/19/1992 User-ID: WALKER Subject: P/D CORRECTION
MR. SEVY CALLED THE OFFICE TODAY WITH A QUESTION ON THE P/D
DESCRIPTION. HE WONDERED WHY THE P/DS IN SENE WERE SHOWING AS
BEING IN GOV. LOT 1. I CORRECTED THIS WITHOUT A NOTICE OF ERROR
SINCE IT WAS A DATA ENTRY ERROR.

Audit: 08/19/92 WALKER

MICROFILMED
OCT 07 1992

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO.

A57-04064

WR ELEMENT	FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE	CLAIM VERIFIED BY CODE (SEE BELOW)	CHANGE CLAIM Y/N	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE	"R" RECORD
PRIORITY*	N	KW & LW 12-6-90	5	N	N	KW 10/10/91	
PT. OF DIV.	N		5	Y			DATA ENTRY COMPLETED BY <u>KW</u> DATE <u>10-10-91</u>
SOURCE	N		5	N			FINAL RECOMMENDATION
PL. OF USE	N		5,4,2	Y			BY _____ DATE _____
DIV. AMOUNT CFS/AF	reduced rate		5	N			
CONSUMPTIVE USE	-		5	Y			
NATURE OF USE	N		5	N			
PERIOD OF USE	N		5	N			
BASIS OF CLAIM	Y	5	N				
REMARKS	N	5	N				

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES ☒ NO ☐.

**IF CLAIMANT CONTACT IS NEEDED, COMPLETE
CLAIMANT CONTACT CHECKLIST AND ATTACH.

COMMENT:

VERIFICATION CODES

TOPO MAP/ORTHOPHOTO = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE COMMENTS) = 6

Statutory Claim - must verify in field. Done 12/6/90.

ACT 67 1992
MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:20:19
10/10/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A57-04064

LAST: SEVY
ADDRESS: HC 79, BOX 113
CITY: MELBA
PHONE NUMBER: 208-896-4308

FIRST: CLYDE E.
STATE: ID ZIP: 83641

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE
Y

FIELD
EXAMINER
kw

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: 3 P/D IN NESE, SEC. 1, T1N, R4W.
2 P/D IN NENE, S1, T1N, R4W.
.3 CFS CAPACITY OF SYSTEM.

FIELD EXAMINATION INFORMATION

CONTACT PERSON:

Clyde Sevy

PHONE NUMBER: () *896-4308*

DATE OF FIELD EXAM: *12/6/90*

APPOINTMENT MADE: Y(☒) N()

TIME: *9:00* A(☒) P()

ACCOMPANIED BY:

Clyde Sevy, Linda Werner

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT:

same, IDWR

DIRECTIONS TO PROPERTY / REMARKS:

see conversation memo -

MICROFILMED
OCT 7 1992

9-13-90

11/2/90 - no answer

FIELD EXAM
TELEPHONE CONVERSATION MEMO

I.D. NUMBER A57-4064 - Roger Jerry Clyde Sevy
NAME OF CONTACT Jerry Dairy Mrs Jackie Sevy
PHONE NO. 896-4308 ADJ. AGENT Linda Warner

DATE SET FOR EXAM 9-28-90 0830 Karcher Rd. @ Nampa

LOCATION Thru Marsing toward Milboms Hot Springs
7 1/2 miles S. of Marsing. Right side of rd.
Fin Tan cinderblock house on Hwy 78, Mailbox
on left side of rd. (river side). Across the
road from a roundhouse.

Diverting at full rates? _____

Type of measuring devices? _____

Places to make measurements? Possible to do a bucket measmt.

Type of system? (pipeline, ditches) from home to ditch for irr.
Hardly enough to irr. with.

How many laterals are used? _____

Length and size of mainline? _____

Size of Motor used for each P/D? No pump info. available.

Estimate of depth to water? _____

Pressure at well? _____

Pressure at sprinkler head? _____

COMMENTS Artesian

2 wells into house - 1 artesian + 1 pump
watering calves + drying corn, also some irr. to ditch (it is
runoff.) Supplements Opaline
There are 2 other wells (artesian-hot) but are
only running a trickle.

MICROFILMED
OCT 1990

A. AJ CLAIM: # A57-04064 PRIORITY DATE: 01-01-1914 STAGE: S

B. WR RECORD: # 57-04064 PRIORITY DATE: 01-01-1914 STAGE: S

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER
kw

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(☒)
IF YES EXPLAIN.

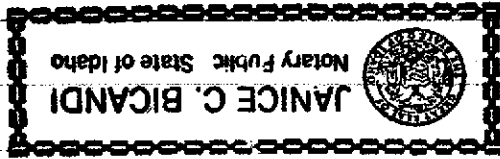
REMARKS: *Evidence of priority submitted in affidavit
form by Everett L. Clark, neighbor. See
in file.*

RECOMMENDED PRIORITY DATE:
01-01-1914 ☒

REVIEWED BY *kw*

DATE *10/10/91*

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OCT 17 1992



11-29-90

Edward P. Clark

My father, A.L. CLARK and his
neighbor J.A. Patten filed a homestead
on adjoining property in 1904
in about 1908 or 1909 they purchased
a well drilling machine in partnership
for the purpose of drilling wells both
for domestic use and for irrigation.
Between the years 1908 and 1914 or 1915
they drilled about 14 wells on both
properties.
With the exception of one or two wells
they are still flowing and are now in use as
domestic water, stock water, and some
for lawns and gardens.
I have personal knowledge of the
use of these wells for the last twenty
years and I still live here in the same
place and am a neighbor of the present
owner of the place that Mr. Long owns.

James C. Bricandi
11-29-90
OCT 07 1992
MICROFILMED
Exposure 3-13-93

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A57-04064	01N	04W	1	~~NE~~ NW	NE	NE	<u>64</u>	OWYHEE
A57-04064	01N	04W	1	NW	NE	SE	<u>-3 points</u>	OWYHEE
	"	"	"	SE	NE	NE	<u>64</u>	

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A57-10668 NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
57-04064	01N	04W	1		NE	SE		OWYHEE
57-04064	01N	04W	1		NE	NE		OWYHEE

OTHER WR RECORDS WITH SAME WR POD
NONE

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
A57-10668 NONE

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)	DUE TO SOURCE DISCREPANCY? (Y/N)	DATABASE	FIELD EXAMINER
Y	N	Y	<u>fw</u>
		N	<u>fw</u>

REMARKS:

10-ac. tract description added to diversion points - corrected per field exam. See aerial photo with wells pinpointed - kw

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>1N</u>	<u>4W</u>	<u>1</u>	<u>NW</u>	<u>NE</u>	<u>NE</u>	<u>1</u>	<u>73</u>
<u>1N</u>	<u>4W</u>	<u>1</u>	<u>SE</u>	<u>NE</u>	<u>NE</u>	<u>1</u>	<u>11</u>

SOURCE: GROUNDWATER

TRIB:

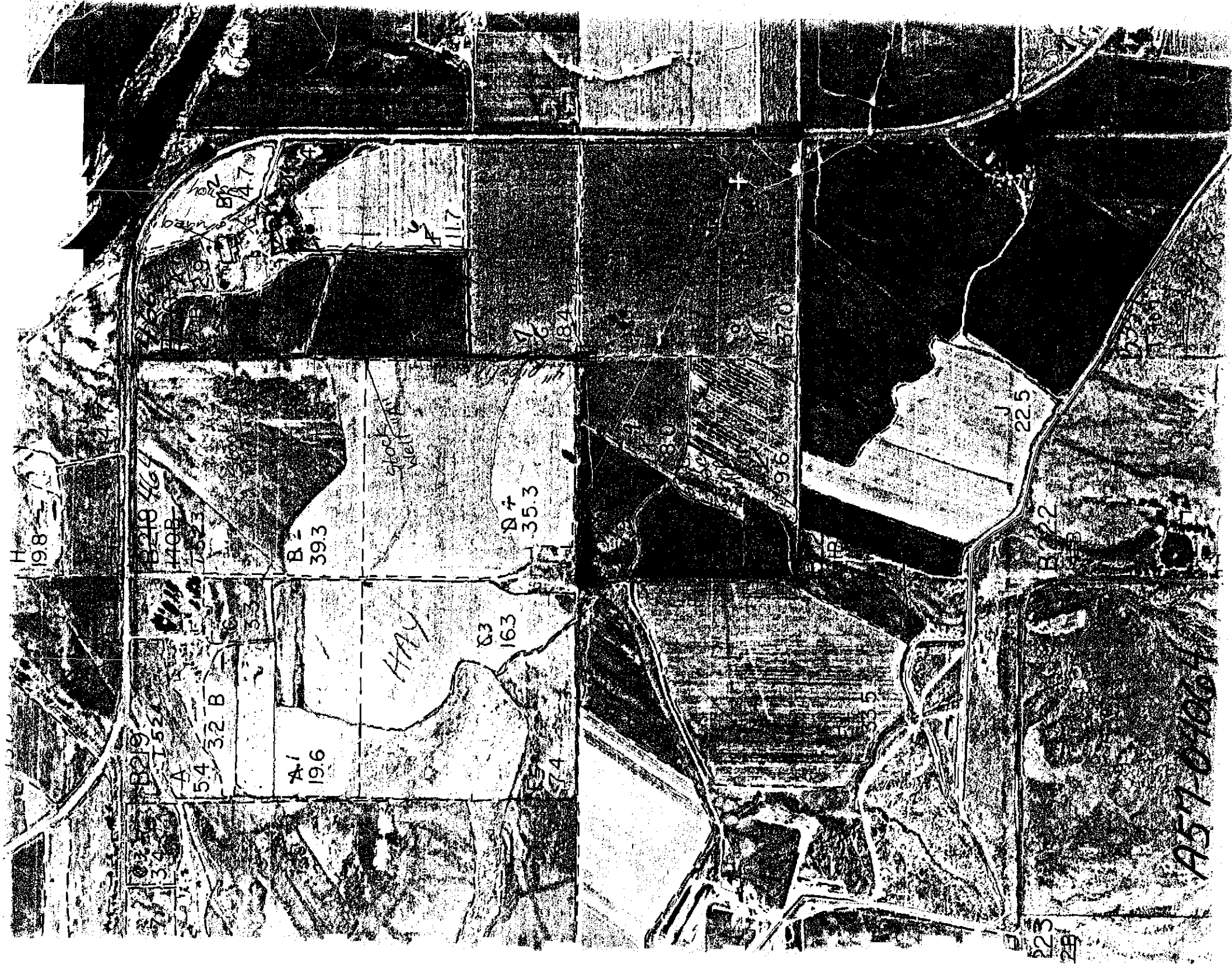
REVIEWED BY: kw

DATE: 10/10/91

and → 1N 4W 1 NWNENE(3 points)

5 wells all together -

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A. ROOT WATER RIGHT NUMBERS: A57-04064
R57-04064

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
01N	04W	1	NE	NE		SEVY, CLYDE E.	A57-04064 /30.0	57-04064 /30.0			
			NE	NE		SEVY, CLYDE E.	A57-10668 /	- /			
			NE	NE	1	OPALINE IRRIGATION DISTRICT	A02-02072 /35.0	02-02072 / 4.0			
			NE	NE	1	SEVY, CLYDE E.	R57-04064 /27.4	- /			
			NE	NE	1	SEVY, CLYDE E.	R57-10668 /	- /			
			NE	NE		HAZEN, ROBERT R.	A57-02197B /	- /			
			NE	NE		PATTON, JESSE A.		57-02336 /40.0			
			NE	NE	1	OPALINE IRRIGATION DIST.		A02-02072 /			
01N	04W	1	SE	NE		SEVY, CLYDE E.	A57-04064 /40.0	57-04064 /40.0	40.0		40.0
			SE	NE		OPALINE IRRIGATION DISTRICT	A02-02072 /40.0	02-02072 / 4.0			
			SE	NE		SEVY, CLYDE E.	R57-04064 /34.1	- /			
			SE	NE		HAZEN, ROBERT R.	A57-02197B /	- /			
			SE	NE		PATTON, JESSE A.		57-02336 /40.0			
			SE	NE		OPALINE IRRIGATION DIST.		A02-02072 /			
01N	04W	1	NE	SE		SEVY, CLYDE E.	A57-04064 /40.0	57-04064 /40.0	39.0		
			NE	SE		OPALINE IRRIGATION DISTRICT	A02-02072 /40.0	- /			
			NE	SE		SEVY, CLYDE E.	R57-04064 /37.0	- /			
			NE	SE		PATTON, JESSE A.		57-02336 /20.0			
			NE	SE		OPALINE IRRIGATION DIST.		A02-02072 /			
01N	04W	1	NW	SE		SEVY, CLYDE E.	A57-04064 /40.0	57-04064 /40.0	40.0		40.0
			NW	SE		OPALINE IRRIGATION DISTRICT	A02-02072 /40.0	- /			
			NW	SE		SEVY, CLYDE E.	R57-04064 /35.7	- /			
			NW	SE		OPALINE IRRIGATION DIST.		A02-02072 /			
01N	04W	1	NE	NE		SEVY, CLYDE E.	A57-04064 /	57-04064 /30.0			
			NE	NE		SEVY, CLYDE E.	A57-10668 /	- /			
			NE	NE	1	OPALINE IRRIGATION DISTRICT	A02-02072 /35.0	02-02072 / 4.0			
			NE	NE	1	SEVY, CLYDE E.	R57-04064 /27.4	- /			
			NE	NE	1	SEVY, CLYDE E.	R57-10668 /	- /			
			NE	NE		HAZEN, ROBERT R.	A57-02197B /	- /			
			NE	NE		PATTON, JESSE A.		57-02336 /40.0			
			NE	NE	1	OPALINE IRRIGATION DIST.		A02-02072 /			
01N	04W	1	NE	NE		SEVY, CLYDE E.	A57-04064 /	57-04064 /30.0			
			NE	NE		SEVY, CLYDE E.	A57-10668 /	- /			
			NE	NE	1	OPALINE IRRIGATION DISTRICT	A02-02072 /35.0	02-02072 / 4.0			
			NE	NE	1	SEVY, CLYDE E.	R57-04064 /27.4	- /			
			NE	NE	1	SEVY, CLYDE E.	R57-10668 /	- /			
			NE	NE		HAZEN, ROBERT R.	A57-02197B /	- /			
			NE	NE		PATTON, JESSE A.		57-02336 /40.0			
			NE	NE	1	OPALINE IRRIGATION DIST.		A02-02072 /			
TOTAL ACRES							A57-04064	150.00	210.00	119.00	

overlap

*NO CLAIM
FILED-NO
USE EXISTS
PER MR. SEVY*

*A57-10668-
domestic*

*A57-02197B-
No overlap
per Mr. Sevy-
see page 8*

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OCT 07 1992*

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N(✓)
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
kw

PRESUMPTION FLAG:

REMARKS:

*See attached Place of Use Comparison
Report - Recommend WOb for standard
condition.*

RECOMMENDATIONS:

TOTAL ACRES: *134.2*

REVIEWED BY: *kw*

DATE: *10-10-91*

*Per review of ASCS photo, NAPP photo and field exam,
I recommend 134.2 acres under this claim
as shown below.*

1N	4W	Sec. 1	NENE (Lot 1)	27.4
"	"	"	SENE	34.1
"	"	"	NESE	37.0
"	"	"	NWSE	35.7

134.2 TOTAL ACRES

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A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A57-04064 IRRIGATION	FROM 03-15 TO 11-15	.300 CFS
A57-04064 STOCKWATER	FROM 01-01 TO 12-31	.070 CFS
A57-04064 DOMESTIC	FROM 01-01 TO 12-31	.040 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.300 CFS ✓

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
57-04064 IRRIGATION	FROM 03-15 TO 11-15	3.000 CFS
57-04064 STOCKWATER	FROM 01-01 TO 12-31	.070 CFS
57-04064 DOMESTIC	FROM 01-01 TO 12-31	.040 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		3.110 CFS ✓

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N	<i>[Signature]</i>
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y	<i>[Signature]</i>
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	N	<i>[Signature]</i>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(✓) N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N() Explain in remarks, below.

REMARKS:

Domestic use is for heating one home and drying grain.

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(✓)

AJ TOTAL CLAIMED DIVERSION RATE: 0.300 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 3.110 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD DATABASE EXAMINER
Y

Claimant reduced amount to 0.30 cfs -

said this was capacity of system - see remarks on claim.

B.

FLOW MEASUREMENT

MEASUREMENT METHOD

Bucket & Stopwatch

SEE ATTACHED CALCULATIONS.

→ Page 10

C. ARE OTHER WATER RIGHTS USED? Y() N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: OPALINE IRR. DISTRICT

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A57-04064	GROUNDWATER	SEVY, CLYDE E.	0.300	0.002		
A02-02072	SNAKE RIVER	OPALINE IRRIGATION DISTRICT	50.320	0.019	125000.00	49.23

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A57-04064	STOCKWATER	SEVY, CLYDE E.	FROM 01-01 TO 12-31	.070 CFS	
A57-04064	DOMESTIC	SEVY, CLYDE E.	FROM 01-01 TO 12-31	.040 CFS	
A57-10668	DOMESTIC	SEVY, CLYDE E.	FROM 01-01 TO 12-31	.040 CFS	
R57-04064	STOCKWATER	SEVY, CLYDE E.	FROM 01-01 TO 12-31	.070 CFS	3.70 AF/A
R57-04064	HEATING	SEVY, CLYDE E.	FROM 01-01 TO 12-31	.010 CFS	7.20 AF/A
R57-10668	DOMESTIC	SEVY, CLYDE E.	FROM 01-01 TO 12-31	.040 CFS	1.20 AF/A
A57-02197B	STOCKWATER	HAZEN, ROBERT R.	FROM 01-01 TO 12-31	.050 CFS	

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discussed overlap of A57-02197B with Mr. Sevy. He does not allow Mr. Hazen to run his cattle through this property. Mr. Sevy sent in proof of ownership (see in file) for the lands identified on his claim. - Hazen amended his claim to remove from Sevy's property.

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE
ACRES 134.2 x 0.02 CFS/ACRE = 2.68 CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N(☒)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 525.0 AF/A

ACRES 134.2 x CONSUMPTIVE VOL. AF/A FOR AREA 3.5 ✓ =

TOTAL CONSUMPTIVE USE 469.7 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 134.2 x DIVERSION VOL. AF/A FOR AREA 4.5 ✓ =

TOTAL DIVERSION VOLUME 603.9 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(☒) N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

This right used to supplement irrig. district's water.

NOTE: The Dept. has
no guidelines for
determining consumptive
use based on
diversion rate -
~~Recommend~~ Recommend
consumptive use to
be same amt. as
field headgate volume.
KW
1/9/92

Step water = 100 hd. dairy x 0.0391 = 3.9 AFA ←
YS 0.07 x 1.9835 x 365 = 50.7 AFA

RECORDED
OCT 07 1992

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO		REC. DIV RATE CFS		REC. DIV VOL. AF/A		REC. CONS. USE	
			DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
IRRIGATION	03-15	11-15	0.300	<u>0.30</u>		<u>146.1</u>	525.0	<u>469.7</u>
STOCKWATER	01-01	12-31	0.070	<u>0.07</u>		<u>N/A</u>		<u>N/A</u>
DOMESTIC	01-01	12-31	0.040	<u>0.04</u>		<u>N/A</u>		<u>N/A</u>
TOTAL FOR THIS RIGHT			0.300	<u>0.30</u>				

REVIEWED BY: kw DATE: 10/10/91

Measurement #1 - see picture #1 - overflow from house

5.5 gal/8.38 sec. = 0.09 cfs

#2 - see picture #3 - overflow from house

5.5 gal/18.37 sec. = 0.04 cfs

#3 - pictures #5 & 6 - Overflow at concrete capture box

5.5 gal/7.34 sec. = 0.10 cfs

0.23 cfs measured.

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At time of exam system was valved down since no irrigation use in December at time of exam. No way to measure stock water wells (see pictures #7 & #8 & #9 - stand pipes broken off at ground level.) System is capable of producing 0.30 cfs if not valved down.

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP <u>See copy of mortgage in file</u>	(✓)	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 57-04064

TOTAL DIVERSION RATE OF WR SPLITS N/A DATABASE 3.110 EXAMINER See 0.3 CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A57-04064	0.300	R57-04064	0.300	57-04064	3.110
-	R57-04064	0.300	R57-04064	0.300	57-04064	3.110
TOTAL CFS		0.600	0.600		3.110	

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
N

FIELD
EXAMINER

REMARKS:

*said is No split of water right- claimant claimed what he
Capacity of system.*

AUTHENTICATION:

SIGNATURE:

NAME OF FIELD EXAMINER:

DATE:

TITLE:

Kay Walker
Kay Walker
10-10-91
Sr. Water Resource Agent

OCT 07 1992
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RECEIVED

JAN 1 1991

Kay Walker

Department of West Resources
Western Regional Office

*This is information you
requested for ownership & legal description.
If you need more please contact me*

Clyde Leroy

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OCT 07 1992

RECEIVED
JAN 04 1991

REAL ESTATE MORTGAGE FOR IDAHO

Department of Water Resources
Western Regional Office

THIS MORTGAGE is made and entered into by Clyde E. Sevy and Jacki D. Sevy,

husband and wife

residing in Owyhee County, Idaho, whose post office address is

Star Route, Melba, Idaho, 83641

herein called "Borrower," and:

WHEREAS Borrower is indebted to the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, herein called the "Government," as evidenced by one or more promissory note(s) or assumption agreement(s), herein called "note," which has been executed by Borrower, is payable to the order of the Government, authorizes acceleration of the entire indebtedness at the option of the Government upon any default by Borrower, and is described as follows:

<u>Date of Instrument</u>	<u>Principal Amount</u>	<u>Annual Rate of Interest</u>	<u>Due Date of Final Installment</u>
Dec. 15, 1976	\$8,000.00	-5%-	Dec. 15, 2016

And the note evidences a loan to Borrower, and the Government, at any time, may assign the note and insure the payment thereof pursuant to the Consolidated Farm and Rural Development Act, or Title V of the Housing Act of 1949;

And it is the purpose and intent of this instrument that, among other things, at all times when the note is held by the Government, or in the event the Government should assign this instrument without insurance of the note, this instrument shall secure payment of the note; but when the note is held by an insured holder, this instrument shall not secure payment of the note or attach to the debt evidenced thereby, but as to the note and such debt shall constitute an indemnity mortgage to secure the Government against loss under its insurance contract by reason of any default by Borrower:

NOW, THEREFORE, in consideration of the loan(s) and (a) at all times when the note is held by the Government, or in the event the Government should assign this instrument without insurance of the payment of the note, to secure prompt payment of the note and any renewals and extensions thereof and any agreements contained therein, including any provision for the payment of an insurance or other charge, (b) at all times when the note is held by an insured holder, to secure performance of Borrower's agreement herein to indemnify and save harmless the Government against loss under its insurance contract by reason of any default by Borrower, and (c) in any event and at all times to secure the prompt payment of all advances and expenditures made by the Government, with interest, as hereinafter described, and the performance of every covenant and agreement of Borrower contained herein or in any supplementary agreement, Borrower does hereby grant, bargain, sell, convey, mortgage, and assign unto the Government the following property situated in the State of Idaho,

County(ies) of Owyhee

IN TOWNSHIP 1 NORTH, RANGE 4 WEST, B. M., OWYHEE COUNTY, IDAHO
Section 1: Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$

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Together with all water and water rights, ditches and ditch rights used thereon or appurtenant thereto, including but not limited to water and ditch rights under the Opaline Irrigation District.

Subject to exceptions and reservations contained in patents from the United States.

Subject to existing easements for roads, highways, ditches, canals, laterals and power and transmission lines.

Subject to the burdens incident to the inclusion of the land within the boundaries of the Opaline Irrigation District.

Subject to current taxes, assessments, and all easements, restrictions and reservations of record.

Subject to that Mortgage dated August 28, 1975, executed by Clyde E. Sevy and Jacki D. Sevy, his wife, to the United States of America, acting through the Farmers Home Administration, given to secure the payment of \$70,000.00 and interest; recorded August 28, 1975 as Instrument No. 145031, Owyhee County Records.

Subject to that Mortgage dated January 30, 1976, executed by Clyde E. Sevy and Jacki D. Sevy, his wife, to the United States of America, acting through the Farmers Home Administration, given to secure the payment of \$20,000.00 and interest; recorded January 30, 1976 as Instrument No. 146290, Owyhee County Records.

together with all rights, interests, easements, hereditaments and appurtenances thereunto belonging, the rents, issues, and profits thereof and revenues and income therefrom, all improvements and personal property now or later attached thereto or reasonably necessary to the use thereof, including, but not limited to, ranges, refrigerators, clothes washers, clothes dryers, or carpeting purchased or financed in whole or in part with loan funds, all water, water rights, and water stock pertaining thereto, and all payments at any time owing to Borrower by virtue of any sale, lease, transfer, conveyance, or condemnation of any part thereof or interest therein-all of which are herein called "the property";

TO HAVE AND TO HOLD the property unto the Government and its assigns forever in fee simple.

BORROWER for himself, his heirs, executors, administrators, successors and assigns WARRANTS THE TITLE to the property to the Government against all lawful claims and demands whatsoever except any liens, encumbrances, easements, reservations, or conveyances specified hereinabove, and COVENANTS AND AGREES as follows:

(1) To pay promptly when due any indebtedness to the Government hereby secured and to indemnify and save harmless the Government against any loss under its insurance of payment of the note by reason of any default by Borrower. At all times when the note is held by an insured holder, Borrower shall continue to make payments on the note to the Government, as collection agent for the holder.

(2) To pay to the Government such fees and other charges as may now or hereafter be required by regulations of the Farmers Home Administration.

(3) If required by the Government, to make additional monthly payments of 1/12 of the estimated annual taxes, assessments, insurance premiums and other charges upon the mortgaged premises.

(4) Whether or not the note is insured by the Government, the Government may at any time pay any other amounts required herein to be paid by Borrower and not paid by him when due, as well as any costs and expenses for the preservation, protection, or enforcement of this lien, as advances for the account of Borrower. All such advances shall bear interest at the rate borne by the note which has the highest interest rate.

(5) All advances by the Government as described by this instrument, with interest, shall be immediately due and payable by Borrower to the Government without demand at the place designated in the latest note and shall be secured hereby. No such advance by the Government shall relieve Borrower from breach of his covenant to pay. Any payment made by Borrower may be applied on the note or any indebtedness to the Government secured hereby, in any order the Government determines.

(6) To use the loan evidenced by the note solely for purposes authorized by the Government.

(7) To pay when due all taxes, liens, judgments, encumbrances, and assessments lawfully attaching to or assessed against the property, including all charges and assessments in connection with water, water rights, and water stock pertaining to or reasonably necessary to the use of the real property described above, and promptly deliver to the Government without demand receipts evidencing such payments.

(8) To keep the property insured as required by and under insurance policies approved by the Government, and retained by the Government.

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OCT 07 1982

(9) To maintain improvements in good repair and make repairs required by the Government; operate the property in a good and husbandmanlike manner; comply with such farm conservation practices and farm and home management plans as the Government from time to time may prescribe; and not to abandon the property, or cause or permit waste, lessening or impairment of the security covered hereby, or, without the written consent of the Government, cut, remove, or lease any timber, gravel, oil, gas, coal, or other minerals except as may be necessary for ordinary domestic purposes.

(10) To comply with all laws, ordinances, and regulations affecting the property.

(11) To pay or reimburse the Government for expenses reasonably necessary or incidental to the protection of the lien and priority hereof and to the enforcement of or the compliance with the provisions hereof and of the note and any supplementary agreement (whether before or after default), including but not limited to costs of evidence of title to and survey of the property, costs of recording this and other instruments, attorneys' fees, trustees' fees, court costs, and expenses of advertising, selling, and conveying the property.

(12) Neither the property nor any portion thereof or interest therein shall be leased, assigned, sold, transferred, or encumbered, voluntarily or otherwise, without the written consent of the Government. The Government shall have the sole and exclusive rights as mortgagee hereunder, including but not limited to the power to grant consents, partial releases, subordinations, and satisfaction, and no insured holder shall have any right, title or interest in or to the lien or any benefits hereof.

(13) At all reasonable times the Government and its agents may inspect the property to ascertain whether the covenants and agreements contained herein or in any supplementary agreement are being performed.

(14) The Government may extend and defer the maturity of and renew and reamortize the debt evidenced by the note or any indebtedness to the Government secured hereby, release from liability to the Government any party so liable thereon, release portions of the property from and subordinate the lien hereof, and waive any other rights hereunder, without affecting the lien or priority hereof or the liability to the Government of Borrower or any other party for payment of the note or indebtedness secured hereby except as specified by the Government in writing.

(15) If at any time it shall appear to the Government that Borrower may be able to obtain a loan from a production credit association, a Federal land bank, or other responsible cooperative or private credit source, at reasonable rates and terms for loans for similar purposes and periods of time, Borrower will, upon the Government's request, apply for and accept such loan in sufficient amount to pay the note and any indebtedness secured hereby and to pay for any stock necessary to be purchased in a cooperative lending agency in connection with such loan.

(16) Default hereunder shall constitute default under any other real estate, or under any personal property or other security instrument held or insured by the Government and executed or assumed by Borrower, and default under any such other security instrument shall constitute default hereunder.

(17) SHOULD DEFAULT occur in the performance or discharge of any obligation in this instrument or secured by this instrument, or should any one of the parties named as Borrower die or be declared an incompetent, a bankrupt, or an insolvent, or make an assignment for the benefit of creditors, the Government, at its option, with or without notice, may: (a) declare the entire amount unpaid under the note and any indebtedness to the Government hereby secured immediately due and payable, (b) for the account of Borrower incur and pay reasonable expenses for repair or maintenance of and take possession of, operate or rent the property, (c) upon application by it and production of this mortgage, without other evidence and without notice of hearing of said application, have a receiver appointed for the property, with the usual powers of receivers in like cases, (d) foreclose this instrument as provided herein by law, (e) require Borrower to surrender to the Government any and all abstracts of title then owned by Borrower covering all or any part of the property, and (f) enforce any and all other rights and remedies provided herein or by present or future law.

(18) The proceeds of foreclosure sale shall be applied in the following order to the payment of: (a) costs and expenses incident to enforcing or complying with the provisions hereof, (b) any prior liens required by law or a competent court to be so paid, (c) the debt evidenced by the note and all indebtedness to the Government secured hereby, (d) inferior liens of record required by law or a competent court to be so paid, (e) at the Government's option, any other indebtedness of Borrower owing to or insured by the Government, and (f) any balance to Borrower. At foreclosure or other sale of all or any part of the property, the Government and its agents may bid and purchase as a stranger and may pay the Government's share of the purchase price by crediting such amount on any debts of Borrower owing to or insured by the Government, in the order prescribed above.

(19) Borrower agrees that the Government will not be bound by any present or future State laws, (a) providing for valuation, appraisal, homestead or exemption of the property, (b) prohibiting maintenance of an action for a deficiency judgment or limiting the amount thereof or the time within which such action may be brought, (c) prescribing any other statute of limitations, (d) allowing any right of redemption or possession following any foreclosure sale, or (e) limiting the conditions which the Government may by regulation impose, including the interest rate it may charge, as a condition of approving a transfer of the property to a new Borrower. Borrower expressly waives the benefit of any such State laws. Borrower hereby relinquishes, waives, and conveys all rights, inchoate or consummate, of descent, dower and curtesy.

(20) If any part of the loan for which this instrument is given shall be used to finance the purchase, construction or repair of property to be used as an owner-occupied dwelling (herein called "the dwelling") and if Borrower intends to sell or rent the dwelling and has obtained the Government's consent to do so (a) neither Borrower nor anyone authorized to act for him will, after receipt of a bona fide offer, refuse to negotiate for the sale or rental of the dwelling or will otherwise make unavailable or deny the dwelling to anyone because of race, color, religion, sex, or national origin, and (b) Borrower recognizes as illegal and hereby disclaims, and will not comply with or attempt to enforce any restrictive covenants on the dwelling relating to race, color, religion, sex, or national origin.

(21) This instrument shall be subject to the present regulations of the Farmers Home Administration and to its future regulations not inconsistent with the express provisions hereof.

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OCT 7 1962

(22) Notices given hereunder shall be sent by certified mail, unless otherwise required by law, addressed, unless and until some other address is designated in a notice so given, in the case of the Government to Farmers Home Administration, United States Department of Agriculture, at Boise, Idaho 83702, and in the case of Borrower to him at his post office address stated above.

(23) At the option of the Government this mortgage may be foreclosed by action or advertisement as provided by statute, and Borrower hereby irrevocably vests in the Government the statutory power of sale and constitutes and appoints the Government his agent and attorney in fact to sell the property, after due notice, at public auction to the highest bidder, for cash or secured credit at the option of the Government, and to give the purchaser a warranty deed binding upon Borrower and all claiming under him.

(24) Borrower has assigned or waived or will immediately on request of the Government, assign or waive in favor of the Government all grazing privileges, permits, licenses, or leases appurtenant to or used in connection with said land, and Borrower further covenants and agrees to produce renewals thereof prior to their expiration and to pay all fees and charges and to perform all acts and do all things necessary to keep and preserve all said grazing rights and renewals thereof, and in the event of the failure of Borrower to do any of these things the Government may do so on behalf of Borrower, including advancing such sums as may be necessary for this purpose, and such funds advanced shall be secured by this instrument.

(25) If any provision of this instrument or application thereof to any person or circumstances is held invalid, such invalidity will not affect other provisions or applications of the instrument which can be given effect without the invalid provision or application, and to that end the provisions hereof are declared to be severable.

IN WITNESS WHEREOF, Borrower has hereunto set Borrower's hand(s) and seal(s) this 15th day of December, 19 76.

Clyde E. Sevy
Clyde E. Sevy

Jacki D. Sevy
Jacki D. Sevy

ACKNOWLEDGMENT

STATE OF IDAHO

COUNTY OF Owyhee

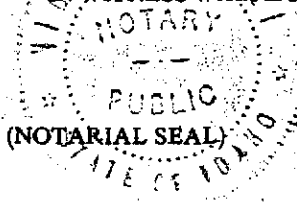
ss:

On this 15th day of December, in the year of 1976, before me, the undersigned,

a Notary Public in and for said State, personally appeared Clyde E. Sevy and Jacki D. Sevy

known to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same as their free act and deed for the uses, purposes and consideration therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the said date.



F.H.A.
P.O. Box 148
Marsing, Id
83639

Nicholas K. Shli

Notary Public, residing at Murphy, Idaho

My commission expires: Jan. 31, 1980

MICROFILMED
OCT 7 1982

Instrument 149258
Number _____

**** REAL MORTGAGE ****

Clyde E. Sevy, et ux

Recorded	☒
Compared	☒
Ind. Direct	☒
Ind. Reverse	☒
Bk. & Pg. B.	☐
Ex. & Pg. R.	☐
Assigned	☐
Released	☐

United States of America

STATE OF IDAHO, }
Owyhee County, } ss.

Filed for record this 15th day
of December, 1976
at 2:15 o'clock P. M. at
request of Owyhee Title Co.

and Microfilmed

_____, in the records of said county.

BARBARA JAYO,
Ex Officio Recorder.

By Jane Tyson
Deputy.

Fee, \$ 4.00

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OCT 7 1976

SYSTEM DESCRIPTION ATTACHMENT TO CLAIM VERIFICATION REPORT

CLAIM NO. A57-04064

Two artesian wells in the NENE used for stockwater only. Mr. Levy believes these wells are approx. 1100' deep. These wells had broken stand pipes. Water just flowed out into ditches/marshy areas. No measurement possible. See pictures #7, 8 & 9.

Three artesian wells in the NESE used to supplement irrigation district water, heat home and dry grain. These wells are all underground. The water is piped through a 4" pipe to a concrete capture box which is geared with a shut-off valve. The water is then run through the 4" pipe to the grain dryer (picture #10) or to the house. There is 700' of 1 1/2" black plastic pipe coiled under a cement slab into house. The overflow from heating the house is discharged into irrigation ditches. Mr. Levy stated that the water being discharged was approximately 125°. He believes that two of these wells are 3" holes and the third is a 4" hole, each approx. 380' deep.

There has been no noticeable variation in the flow of these wells per claimant.

Copy

MEMORANDUM

TO: ROB WHITNEY
FROM: KAY WALKER
RE: ARTESIAN WELLS
DATE: MARCH 29, 1991

While doing field examinations last November, Linda and I found that Clyde Sevy has 5 artesian wells on his place that do not meet the well construction standards.

Three of these wells are located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, Twp. 1N, Rge. 4W. These wells are all underground. When we went out the frost on the ground had melted due to the hot water below, leaving a black spot on the field and that is how we determined their location. Mr. Sevy believes that these wells are all approximately 385' deep. He uses them for heating his home, drying grain and supplemental water for irrigation. This water flows out of a pipe in his front yard after going through his heating system. He says it is about 125 degrees where it comes out of the pipe.

Two of the wells are located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, Twp. 1N, Rge. 4W. These wells need help. The stand pipes that were in the wells are broken off and the wells are just flowing into ditches/marshy areas. Mr. Sevy says these wells are both approximately 1100' deep. The water is used for stockwatering only.

Attached is a copy of an aerial photo which shows the location of the wells. To get to Sevy's place go 7 $\frac{1}{2}$ miles south of Marsing. His is a tan cinderblock house on the right side of Hwy. 78. If you need more information or want to see pictures of these wells, see file

A57-04064.

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OCT 07 1994

Claim A57-04064

PHOTO # 1

Measurement #1 taken here. Water used for heating of house, grain dryer, and irrigation. The black plastic pipe is $1\frac{1}{2}$ ". Water from the pipe shown was said to be 125 degrees.

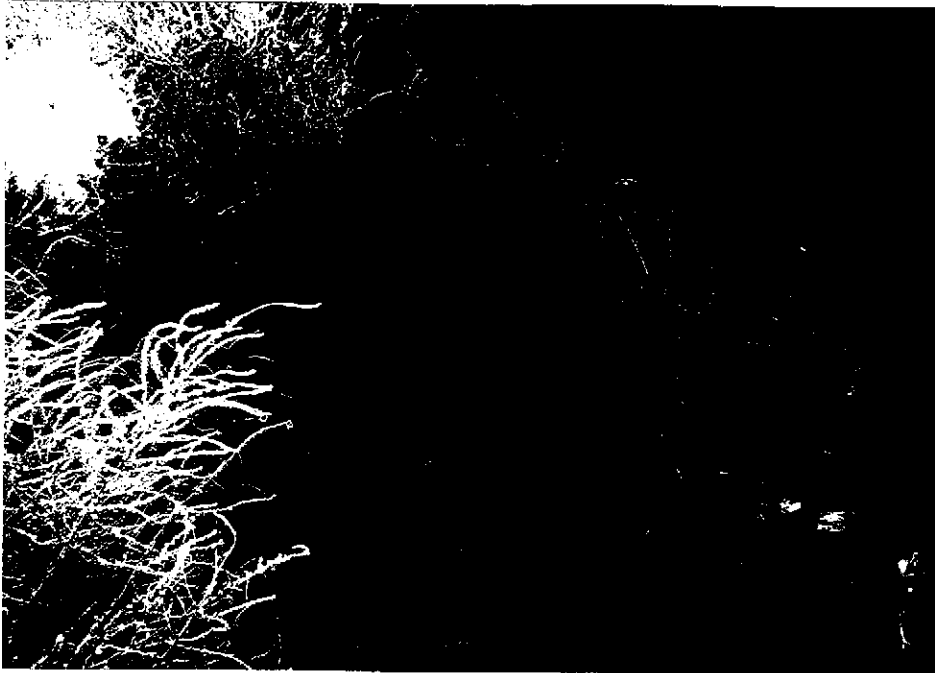


PHOTO # 2

Picture of freshly dug trench which contains pipeline in photo #1.



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Claim A57-04064

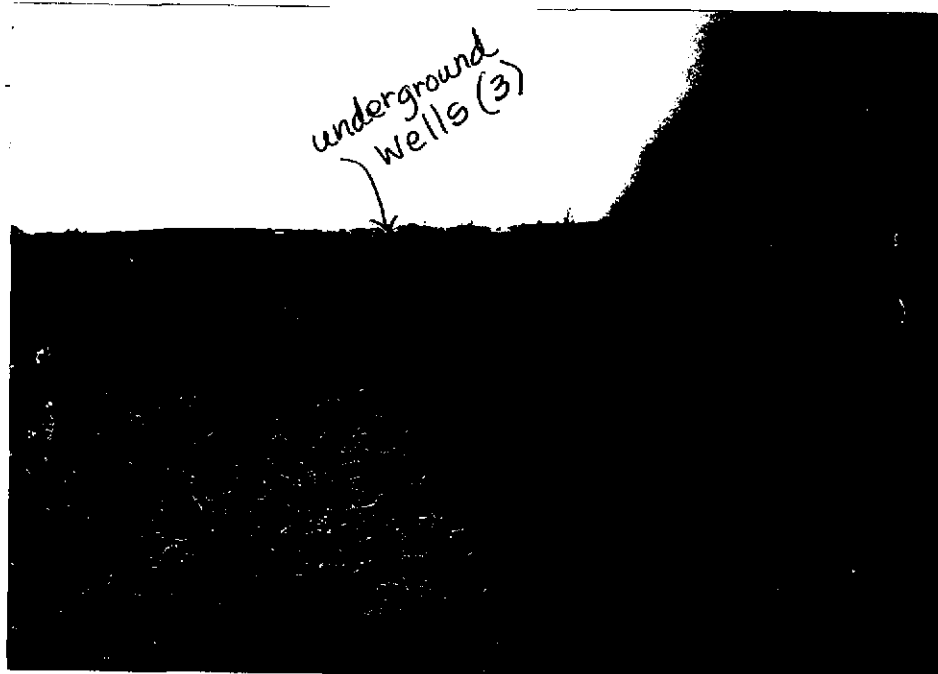
PHOTO # 3

Measurement #2 taken here. Overflow from heating of house.



PHOTO # 4

Picture of the three buried artesian wells located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, Twp. 1N, Rge. 4W. These wells produce the water for heating, grain dryer and irrigation. The frost in the early morning helped to delineate the location of the wells.

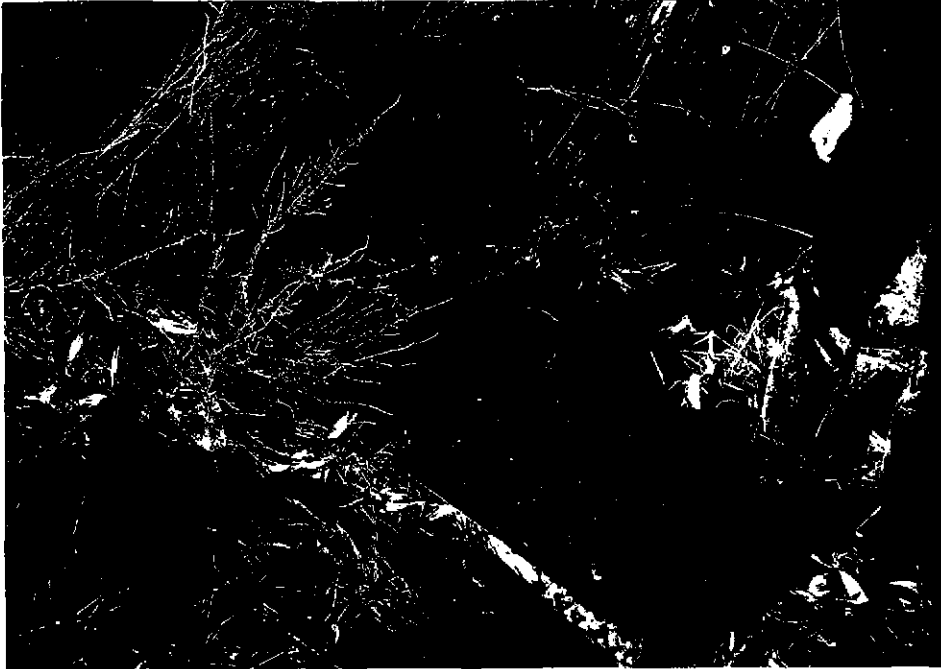


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JUL 7 1992

Claim A57-04064

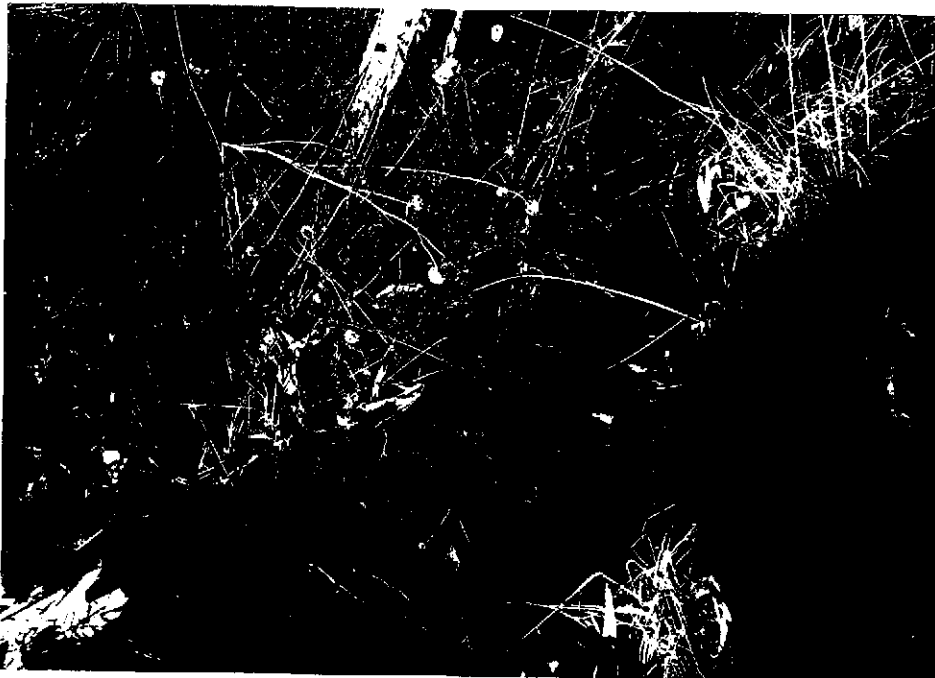
PHOTO # 5

Picture of the concrete capture box which collects the outflow from the three artesian wells. At this point water is delivered to irrigation ditches and/or black PVC pipe to house. Overflow goes into a ditch. Measurement #3 was made on the overflow into the ditch.



Picture of shut-off valve at concrete capture box.

PHOTO # 6



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OCT 07 1992

Claim A57-04064

PHOTO # 7

Picture of well with broken pipe. Well described as stockwater well "A". No measurement possible.



PHOTO # 8
PHOTO # 9

Pictures of stockwater well "B". Area very marshy. No measurement possible.



Claim A57-04064

PHOTO # 10

Mr. Sevy with grain dryer. Air blows up through water, then through the grain.



PHOTO # 11

Hydrant that can be used for stockwater.



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Claim A57-04064

PHOTO # 12

Stockwater place of use.

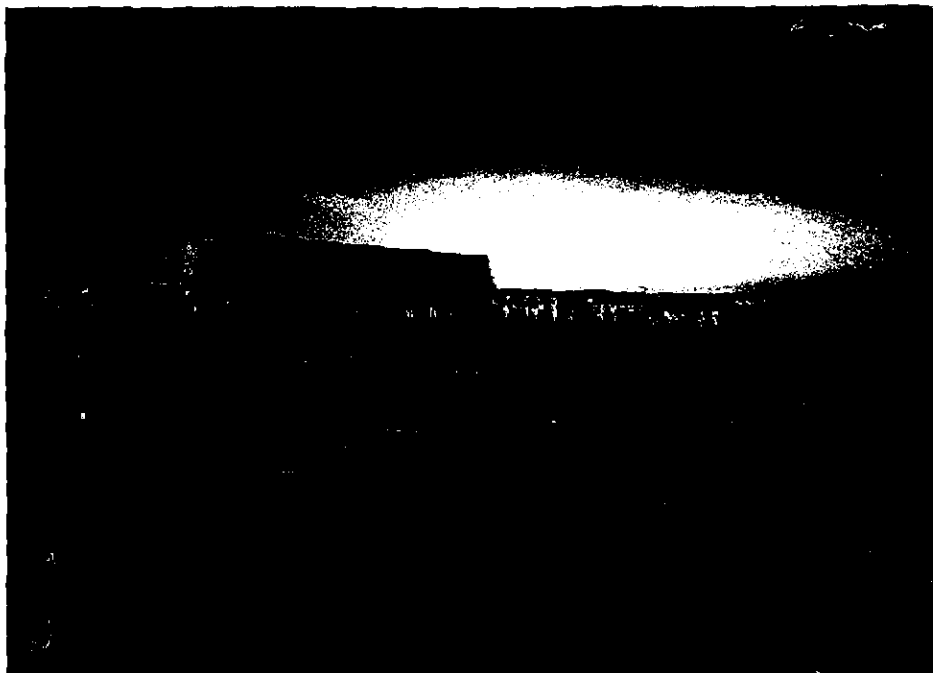
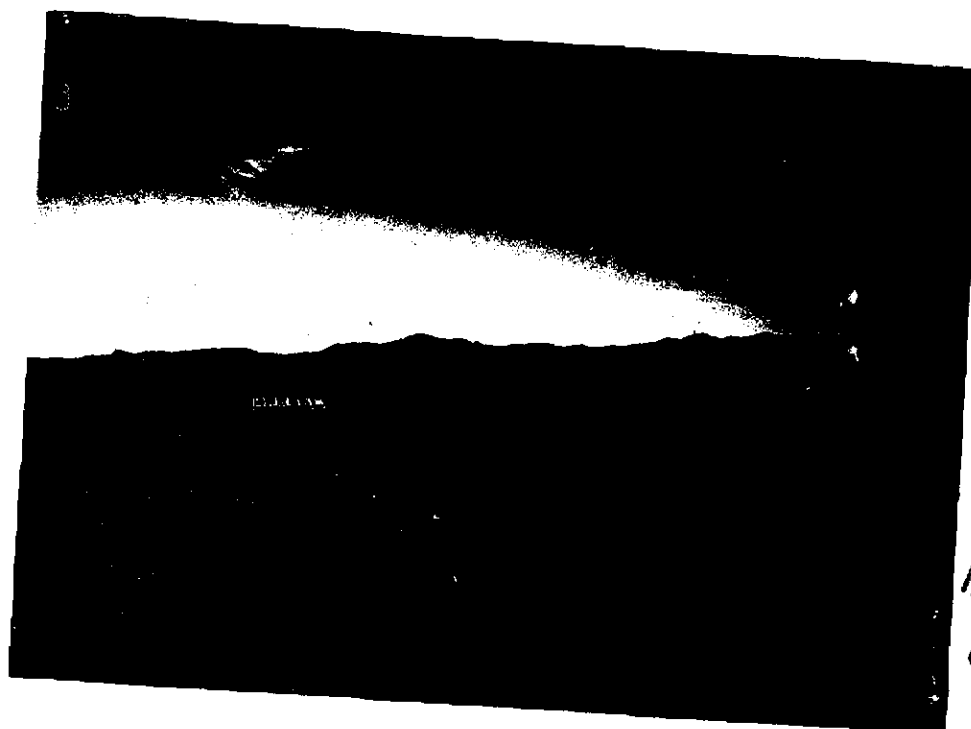


PHOTO # 13

Irrigation place of use (extends to the end of the plowed field).



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OCT 07 1992

Claim A57-04064

PHOTO # 14

Place of use.

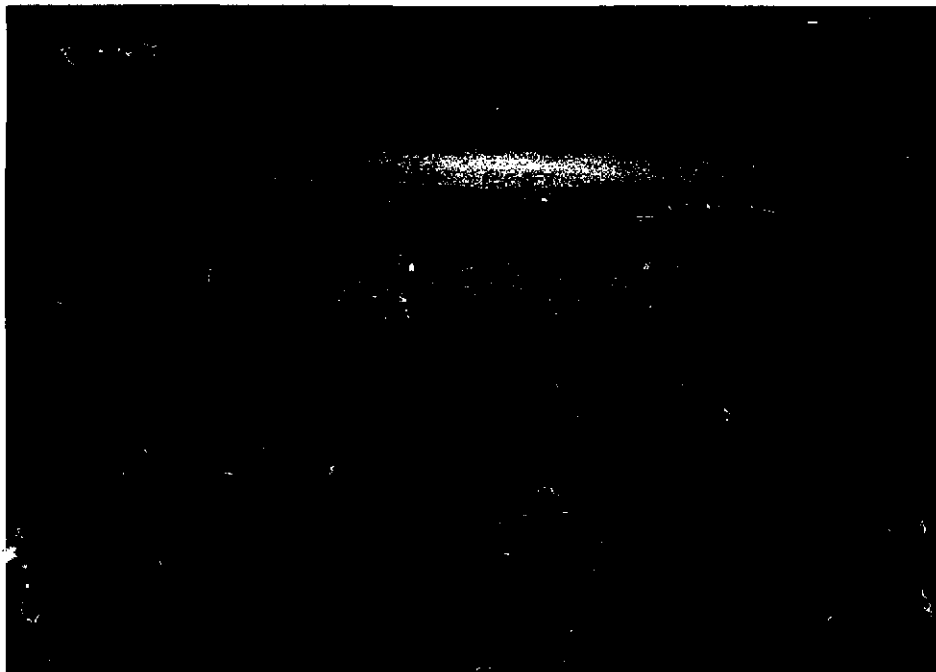


PHOTO # 15

Ditch and place of use.



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PICTURES TAKEN BY LINDA WERNER WHILE OUT IN THE FIELD ONE DAY

(5-1-91)

Claim A57-04064

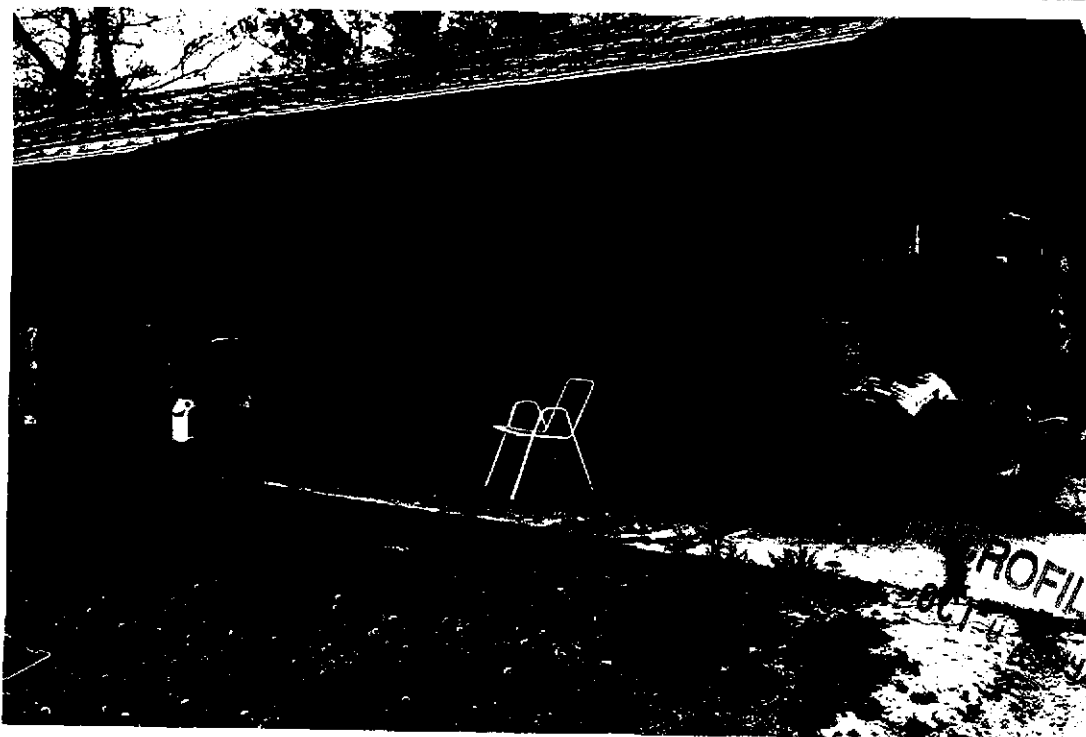
PHOTO #1

Picture of Clyde Sevy's home.



Picture of Mr. Sevy's home and pipes used to heat.

PHOTO #2



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OCT 11 1991

fw
9-3-91

DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet For

SRBA Claim Verification Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☒ Claim Verification Report(CVR)
- ☒ Copy of Adjudication Claim
- ☒ Copies of pertinent files(prev. rts., exams, etc.)
- ☒ Well Inspection Form (If Needed)
- ☒ Copy of U.S.G.S. Quad map, orthophotoquad, or NAPP photography
- ☒ Check P.D. & P.U. desc. for Govt. Lots(if a lot is found, a copy of the Govt. plat is needed to add the lot onto the R claim file later.)
- ☒ Check CVR for P.D. overlap(see page titled Pt. of Div. Review Sheet)
- ☒ Check AJ & WR P/D indexes(to ck. accuracy of CVR overlap ckd. above)
- Overlap ☒ yes ☐ no If yes: ☐ copy of claims & water rights incl? *A57-10668 domestic use only for same claimant*
- Type of Overlap? ☐ Add acres or uses to existing system
- ☐ Increase rate of flow or volume
- ☒ Other: *dom. well, same QQ*
- ☒ Check CVR for P.U. overlaps(see page titled Pl. of Use Review Sheet)
- ☒ Check AJ & WR P/U indexes(to ck. accuracy of CVR overlap ckd. above)
- Overlap ☒ yes ☐ no If yes: ☐ copy of claims & water rights incl?
- Type of Overlap? ☐ Increase rate of flow or volume
- ☐ Add P/D's
- ☐ Increase number of acres within tracts
- ☒ Different source for same acres - *No claim filed on this WR (57-02336)*
- ☒ Other: *stockwater filed on under A57-02197B*
- ☐ Appointment Letter Sent? _____ (initial & date)
- ☒ Appointment Made and Telephone Conversation Memo Attached

B. After Conducting the Exam, the File Contains:

- ☒ Fully Completed and Signed CVR Form
- ☒ Photographs of Point(s) of Diversion and Place of Use
- ☒ Completed map outlining Point(s) of Diversion and Place of Use

C. Review and Processing:

- Claim No. submitted for weekly exam completed prog. report? ☐ Yes ☐ No
- Exam completed date data entered on claim _____ (initial & date)
- Claim Verification Report completed _____ (initial & date)
- Was CVR spot-checked by Supervisor? ☐ Yes ☐ No _____ (initial & date)
- R claim file created _____ (initial & date)
- Recommendations entered on R claim file _____ (initial & date)

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OCT 10 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

October 12, 1990

RE: Claim No(s):

A57-04064

CECIL D. ANDRUS

A57-04064

GOVERNOR

CLYDE E. SEVY

R. KEITH HIGGINSON

HC 79, BOX 113

DIRECTOR

MELBA

ID 83641

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is NOT to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no license, decree or permit on file to verify the use of this water. For this reason, the Department is under a legal requirement to gather evidence from claimants supporting the date of first use, or "Priority Date", for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes the types of evidence required and explains what kind of documents will fulfill this requirement. While we encourage you to read the entire pamphlet, we would like to direct your attention to the right-hand half of this pamphlet once you open it. There you will find information concerning the evidence requirements mentioned above. The other sections describe to you why this evidence is necessary.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, cannot be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the above claim(s) have been or soon will be conducted by Department personnel.

Please submit the required evidence supporting the priority date(s) by December 1, 1990, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact a water resource agent in this office.

Sincerely,

Jan Shurte
Water Rights Supervisor
Adjudication Section

JS:lh
Enclosures

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OCT 17 1990