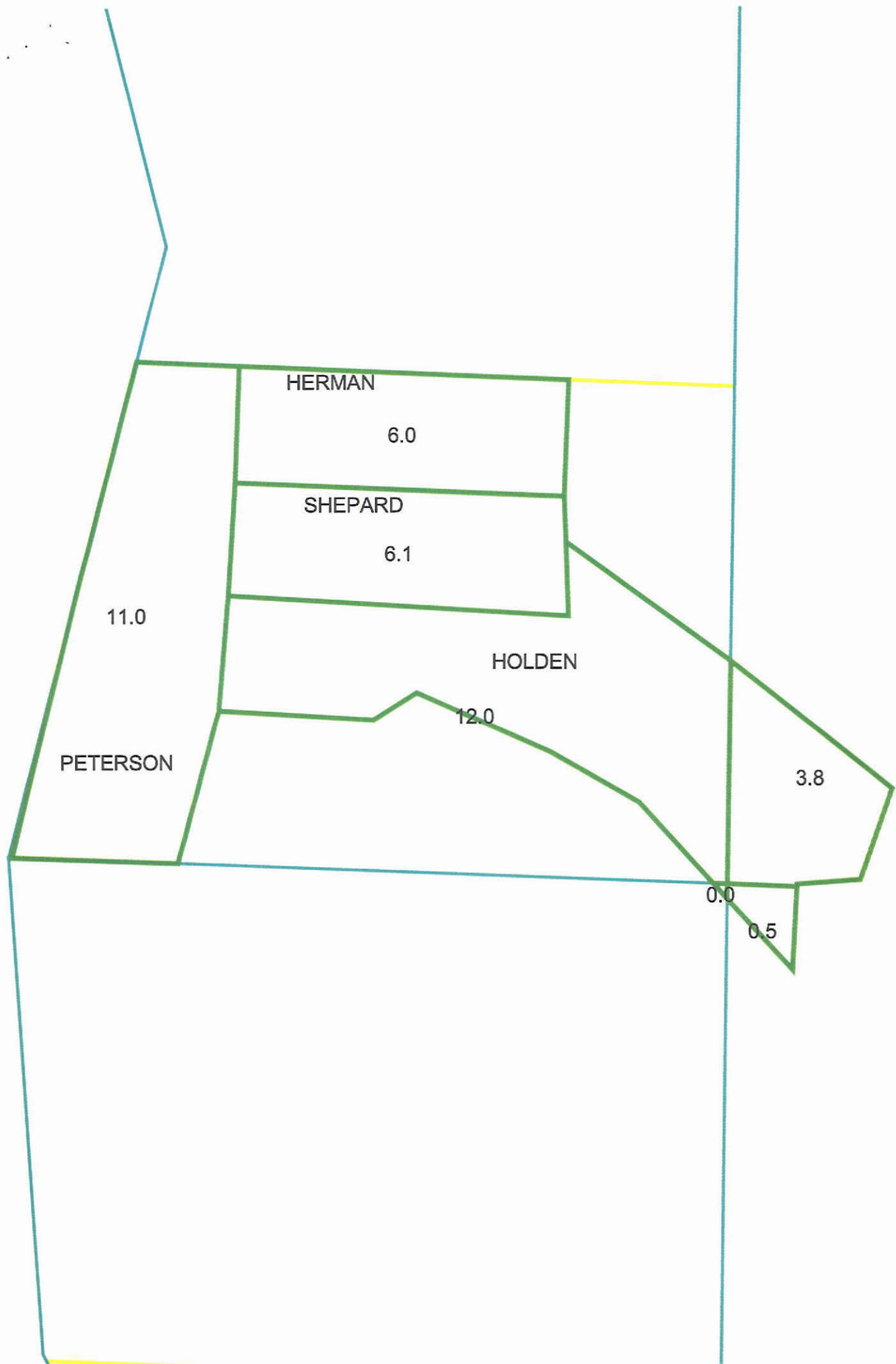
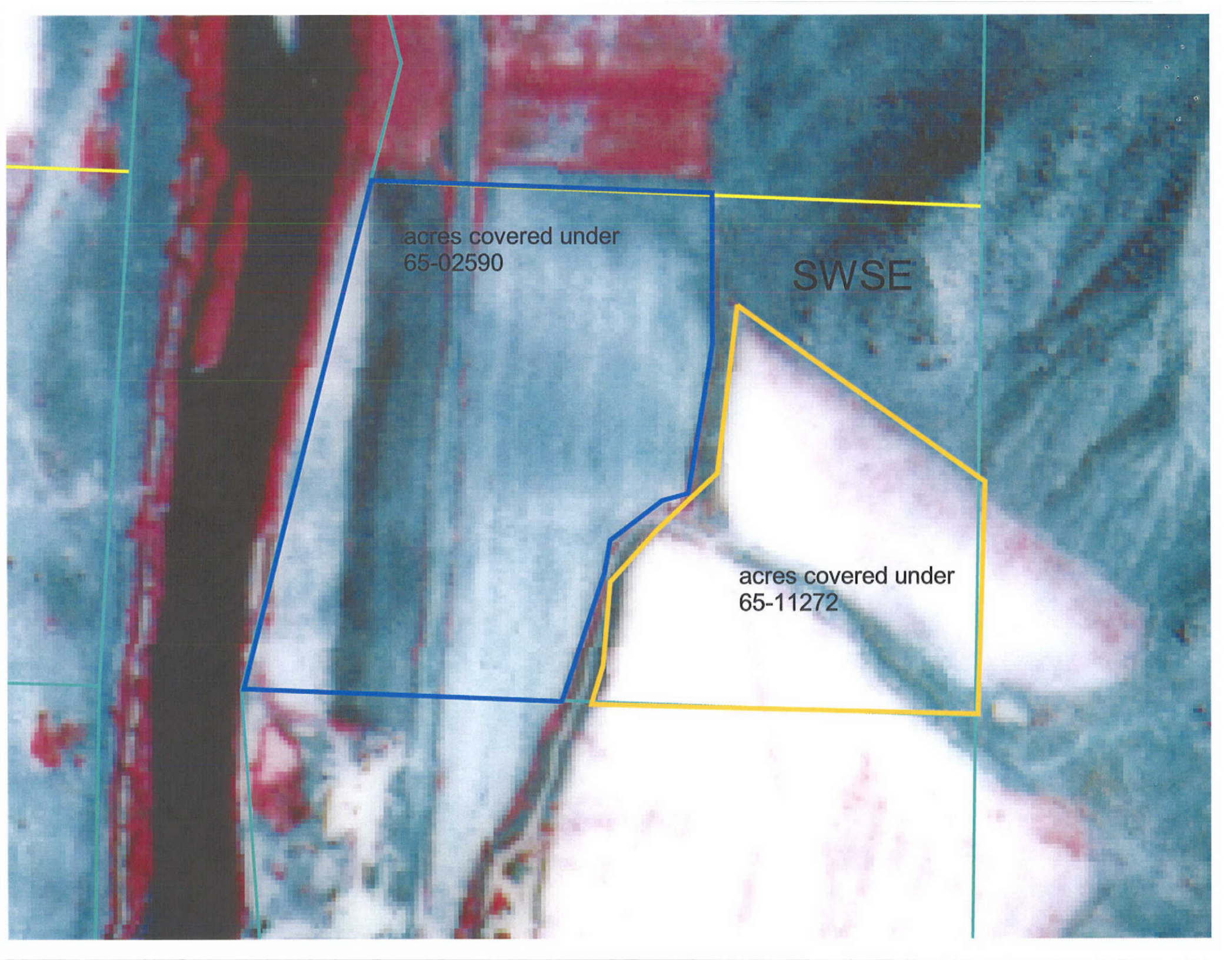




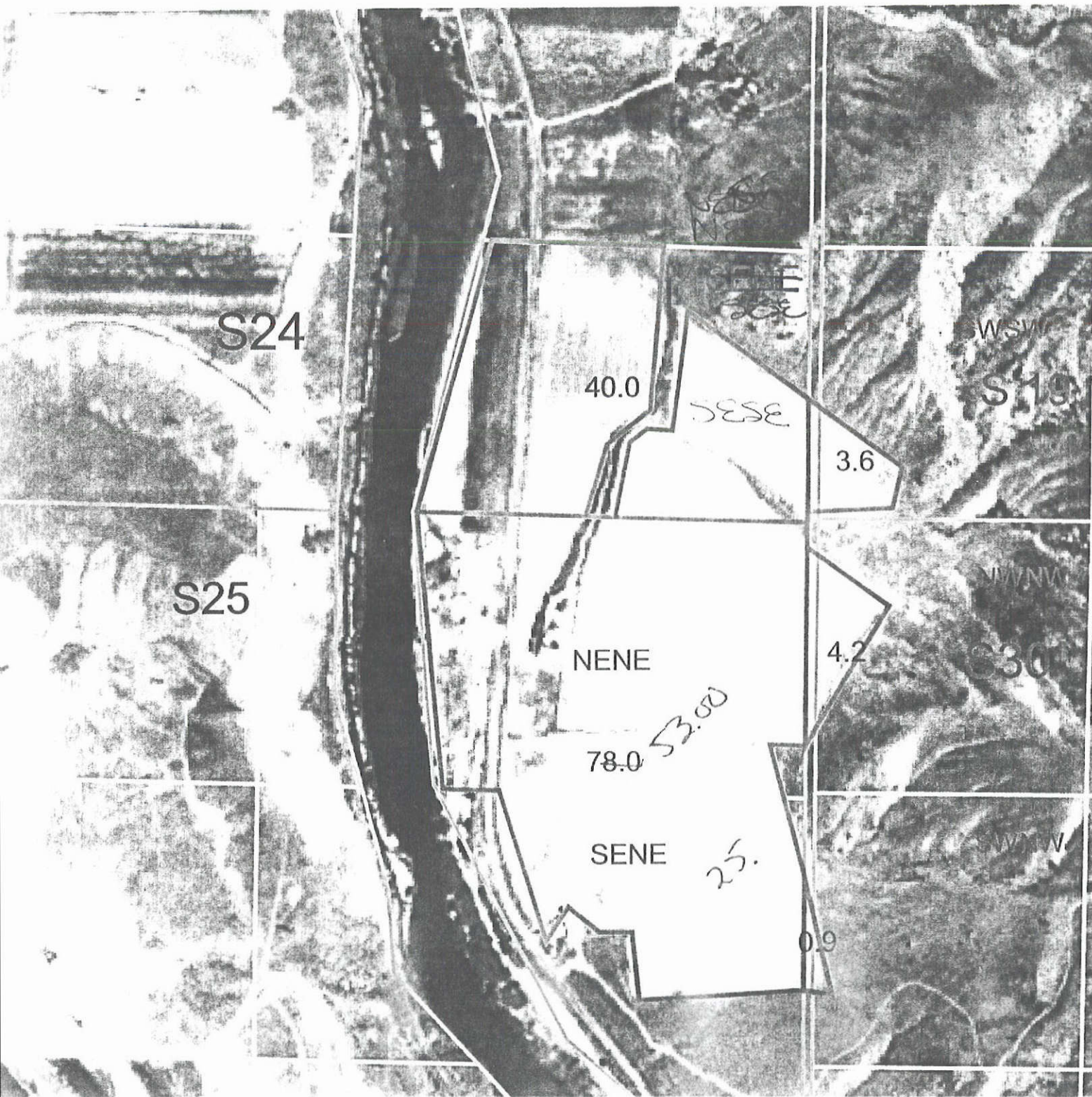


An aerial photograph of a landscape, possibly a wetland or marsh, with various shades of blue, green, and brown. A blue polygon outlines a large area on the left side of the image. A yellow polygon outlines a smaller area on the right side of the image. The text 'acres covered under 65-02590' is located inside the blue polygon. The text 'acres covered under 65-11272' is located inside the yellow polygon. The text 'SWSE' is located to the right of the blue polygon.

acres covered under
65-02590

SWSE

acres covered under
65-11272



RECORD OF SURVEY

A TRACT OF LAND SITUATED IN A PORTION OF GOVERNMENT LOT 1,
OF SECTION 24, TOWNSHIP 7 NORTH, RANGE 1 EAST, BOISE MERIDIAN,
GEM COUNTY, IDAHO.

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS DRAWING IS THE CENTER LINE
OF STATE HIGHWAY 52, THROUGH LOT 1 OF SECTION 24,
TOWNSHIP 7 NORTH, RANGE 1 EAST, BOISE MERIDIAN, AS SHOWN
ON THE "REVISED AS CONSTRUCTED", AUGUST 1938 PLANS FOR
FEDERAL AID PROJECT No. W.P.S.S. 214, i.e. S 03°27' W.

LEGEND:

- FOUND BRASS CAP MONUMENT
- FOUND 5/8" IRON PIN
- FOUND 1/2" IRON PIN
- FOUND ORIGINAL STONE - REPLACED WITH 5/8" IRON PIN
AND ALUMINUM CAP STAMPED PLS 4108
- FOUND ORIGINAL STONE - REPLACED WITH A
5/8" IRON PIN W/PLASTIC CAP PLS 4108
- SET 1/2" IRON PIN W/PLASTIC CAP PLS 4108
- — — BARBED WIRE FENCE

NOTE:

FISCHER LAND SURVEYING, INC. ASSUMES NO LIABILITY
FOR PRESENT OR FUTURE COMPLIANCE OR NON-COMPLIANCE
WITH COUNTY PLANNING AND ZONING ORDINANCE RESTRICTIONS
AS THEY PERTAIN TO BUILDING PERMITS AND THE ISSUANCE THEREOF

SURVEY FOR:

PETE & JACKIE MONTGOMERY
11800 N. HWY 52
HORSESHOE BEND, ID 83629
(208) 584-3791

Fischer Land Surveying, Inc.

PROFESSIONAL LAND SURVEYING
404 So. Washington Ave.
Emmett, Idaho 83617
Phone: (208) 365-4146

Instr. No.: _____

STATE OF IDAHO } SS.
COUNTY OF GEM

Recorded at the request of
Pete Montgomery
Time: _____
Date: _____
Instr. No.: _____
Recorded as a Survey

Thelma R. Kolodziej, Clerk
Ex-officio Recorder

Deputy
Fee: \$5.00



23 24 WITNESS CORNER TO THE MEANDER CORNER
LEFT BANK OF THE PAYETTE RIVER

23 24 1/4 COR

S89°11'00"E
5164.28'

1/4 COR
FOUND 5/8" IRON AT 1/4
CORNER WITH ORIGINAL STONE
PLASTIC CAP STAMPED CE/LS 2478

FOUND 1/2" IRON PIN
RMB 878 PER BLAKLEY
SURVEY DATED 7-12-72.

GOV'T LOT 2

GOV'T LOT 1

TOWNSHIP 7 NORTH, RANGE 1 EAST, BOISE MERIDIAN

TOWNSHIP 7 NORTH, RANGE 2 EAST, BOISE MERIDIAN

PAYETTE RIVER

1997 HIGH WATER LINE AS DETERMINED BY
DON STOCKTON, DEPARTMENT OF LANDS

1869 MEANDER LINE

ACCRETION GROUND IN US GOV.
LOT 1 BETWEEN THE 1869 ML
SURVEY AND THE 1997 ML SURVEY.
AREA = 2.15 ACRES±



FOUND 1/2" IRON PIN
9.94' NORTH x 0.12' WEST OF LINE

FOUND 1/2" IRON PIN
4.77' SOUTH x 0.10' WEST OF LINE

PARCEL 1
6.03 ACRES±

HERMAN

PARCEL 2
6.03 ACRES±

PARCEL 3
6.03 ACRES±

PARCEL 4
5.00 ACRES±

PARCEL 5
5.00 ACRES±

RIGHT BANK

1399.14'

46.75'

112°36'47"E

112°36'47"E

112°36'47"E

112°36'47"E

112°36'47"E

112°36'47"E

112°36'47"E

112°36'47"E

112°36'47"E

112°36'47"E

112°36'47"E

112°36'47"E

112°36'47"E

112°36'47"E

112°36'47"E

112°36'47"E

112°36'47"E

Idaho Dept. of Water Resources

Claim No(s): 65-02590B

T7N, R1E, S 24

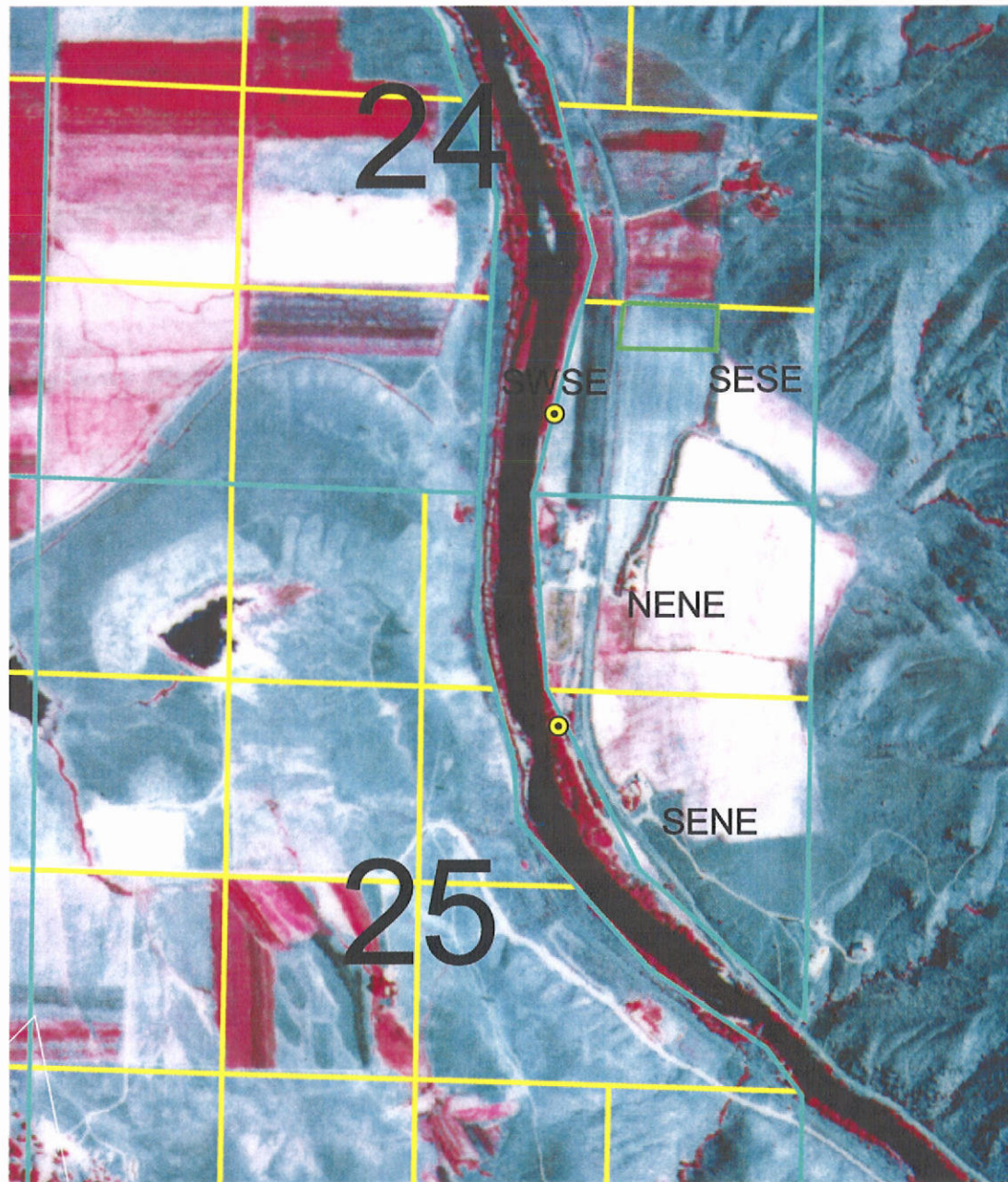
Prepared by: Sue Bock

Date: 5/3/2001

-  Place of Use
-  Point of Diversion
-  Section lines
-  1/4 1/4 lines



1000 0 1000 2000 Feet



1987 NAPP Photo

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 65-2590B
Date Received: 9/13/89
Receipt No: X777777
Received By:

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

1. Name of Claimant(s): MIKE MIHALKA
11720 N HWY 52
HORSESHOE BEND ID USA 83629

Phone: (208) 584-3707

LINDA MIHALKA
11720 N HWY 52
HORSESHOE BEND ID USA 83629

Phone: (208) 584-3707

2. Date of Priority: 04/19/1954

3. Source: PAYETTE RIVER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07N	01E	25	NE SW NE 1	GEM	

5. Description of diverting works:

PUMP IN RIVER, MAINLINE TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.08	

7. Total Quantity Appropriated is:
0.08 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
07N	01E	24	SE SE	1	IRRIGATION	4.2
Section Acres						4.2
Total Acres						4.2

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

CHANGE OF OWNERSHIP COMPLETED BY L.R.W. ON 4/9/93
THIS CHANGE IS A RESULT OF A SPLIT DUE TO CHANGE IN OWNERSHIP
Ownership change by DB 5/8/2001

15. Basis of Claim: Decreed

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
65-259013					

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

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

OR

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

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

Helen & Clifford Herman
P.O. Box 146, Horseshoe Bend, Id. 83629

4. New Owner/Claimant(s)

Mike & Linda Mihalka

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

New Mailing Address

1120 N. Hwy 52, Horseshoe Bend, Id.

City, State and ZIP Code

Horseshoe Bend, ID 83629

New Telephone Number

208 584-3707

5. Date you acquired the property

March 30, 2001

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

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

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

7. Signature of New Owner(s) or Claimant(s) Linda J. Mikaluk
(include title if applicable) [Signature]

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 _____

WARRANTY DEED

Order No.:405000782

FOR VALUE RECEIVED

Clifford L. Herman and Helen M. Herman, Husband and Wife

the grantors, do hereby grant, bargain, sell and convey unto

Michael J. Mihalka, a married man, as his sole and separate property

whose current address is

11720 North Highway 52 Horseshoe Bend, Idaho 83629

the grantee, the following described premises, in Gem County, Idaho, TO WIT:

Being a portion of U.S. Government Lot 1, Section 24, Township 7 North, Range 1 East, B.M., Gem County, Idaho, described as follows:

COMMENCING at the Section corner common to Sections 19 and 30, T. 7 N., R. 2 E. and Sections 24 and 25, T. 7 N., R. 1 E., B.M., marked by a found stone and replaced with a 5/8" iron pin P.L.S. 4108; thence North 89°29'29" West, 1412.90 feet along the South line of U.S. Government Lot 1 to a point on the Easterly right of way line of State Highway 52; thence North 03°27'00" East, 1017.63 feet along the Easterly right of way line of State Highway 52 to a set 1/2" iron pin P.L.S. 4108 and THE REAL POINT OF BEGINNING; thence continuing along said right of way line North 03°27'00" East, 300.36 feet to a point on the North line of U.S. Government Lot 1 marked by a set 1/2" iron pin P.L.S. 4108; thence South 89°20'16" East, 876.04 feet along the North line of said Lot 1 to a set 1/2" iron pin P.L.S. 4108; thence South 03°27'00" West, 300.36 feet parallel with the Easterly right of way line of State Highway 52 to a set 1/2" iron pin P.L.S. 4108; thence North 89°20'16" West, 876.04 feet parallel with the North line of said Lot 1 to THE REAL POINT OF BEGINNING.

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

And that they will warrant and defend the same from all lawful claims whatsoever.

Dated: March 30, 2001

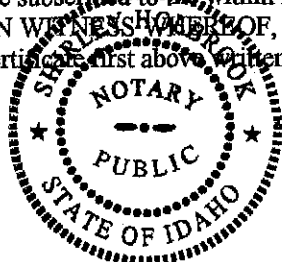

Clifford L. Herman

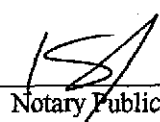

Helen M. Herman

State of Idaho }
County of Gem } ss

On this 30th day of March, 2001, before me, a Notary Public in and for said state, personally appeared Clifford L. Herman and Helen M. Herman known or identified to me to be the persons whose names are subscribed to the within Instrument and acknowledged to me that they executed same.

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




Notary Public for the State of Idaho
Residing at: Emmett, Idaho
Commission Expires: 04/19/2006

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: A65-02590B
Date Received: 9/13/1989
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: CLIFFORD L HERMAN 208-793-2461
Address: PO BOX 146
HORSESHOE BEND ID 83629
AND
Name: HELEN M HERMAN 208-793-2461
Address: PO BOX 146
HORSESHOE BEND ID 83629

2. Date of Priority: APR 19, 1954

3. Source: PAYETTE RIVER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	01E	25	NE	SW	NE	1	GEM

5. Description of diverting works:
PUMP IN RIVER, MAINLINE TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.080		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	01E	24	SE	SE	1	IRR	4.2
Section Acres							4.2
Total Acres							4.2

11. Place of use in counties: GEM

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

13. Other Water Rights Used:
A65-11272

14. Remarks:

CHANGE OF OWNERSHIP COMPLETED BY L.R.W. ON 4/9/93.
THIS CHANGE IS A RESULT OF A SPLIT DUE TO CHANGE IN OWNERSHIP.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

Montgomery

65-02590 85 Acres 1.7 cfs

65-02590A
Montgomery
2.8 acres

65-02590B
Herman
4.2 acres
0.68 cfs

65-02590C
Shepard
4.2 acres
0.08 cfs

65-02590D
Holden
3.8 acres
0.08 cfs

65-02590E
Peterson
10 acres
0.2 cfs

Total 1.26

[All acres for splits come from land
in 7N, 01E, Sec 24 SESE]

All land in Sec 25 stays w/ Montgomery

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

1. Water Right or Adjudication Claim No(s): A65-11272
 2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
AND
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.
 3. Name and Address of Former Owner/Claimant MONTGOMERY TRUST - TRUSTEES
ROWLAND P. MONTGOMERY AND SYLVIA J. MONTGOMERY
11800 N. HWY. 52, HORSESHOE BEND ID. 83619
 4. New Owner/Claimant(s) CLIFFORD L. HERMAN AND HELEN M. HERMAN
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
 New Mailing Address P.O. BOX 146
 City, State and ZIP Code HORSESHOE BEND, IDAHO 83619
 New Telephone Number (208) 793 2461
 5. Date you acquired the property AUGUST 12, 1997
 6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres you irrigate 4.2 Number and type of stock _____
 Diversion rate in CFS _____ Number of homes 1 Other uses _____
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Clifford L. Herman
Helen M. Herman
 8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign this form.

Appears that
Herman's acquired
portion of A65-02590,
not A65-11272 as
indicated.

WARRANTY DEED

FOR VALUE RECEIVED Rowland P. Montgomery and Sylvia J. Montgomery, Trustees of The Montgomery Trust dated March 29, 1988, who acquired title as R.P. Montgomery and S.J. Montgomery, Trustees of the Montgomery Trust

THE GRANTOR s, do hereby grant, bargain, sell and convey unto Clifford L. Herman and Helen M. Herman, husband and wife

THE GRANTEE s, whose current address is PO Box 146
Horseshoe Bend, Idaho 83629

the following described premises, in Gem County, Idaho,
to wit:

(Continued)

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever; and the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; are free from all encumbrances EXCEPT: current year taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record

and that t he y will warrant and defend the same from all lawful claims whatsoever.

DATED: August 11, 1997

✓ Rowland P. Montgomery
Rowland P. Montgomery, Trustee

✓ Sylvia J. Montgomery
Sylvia J. Montgomery, Trustee

STATE OF IDAHO, COUNTY OF Gem

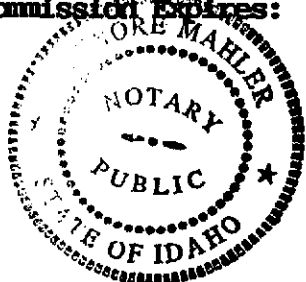
On this 12th day of August , 19 97 , before me, a notary public in and for the said State, personally appeared Rowland P. Montgomery, Trustee AND Sylvia J. Montgomery, Trustee

known or identified to me to be the person whose names ARE subscribed to the within instrument, and acknowledged to me that they executed the same.

Genore Mahler

Notary Public

Residing at Emmett , Idaho
Commission Expires: 04/18/00



P.J.W.
H.M.H.

WARRANTY DEED

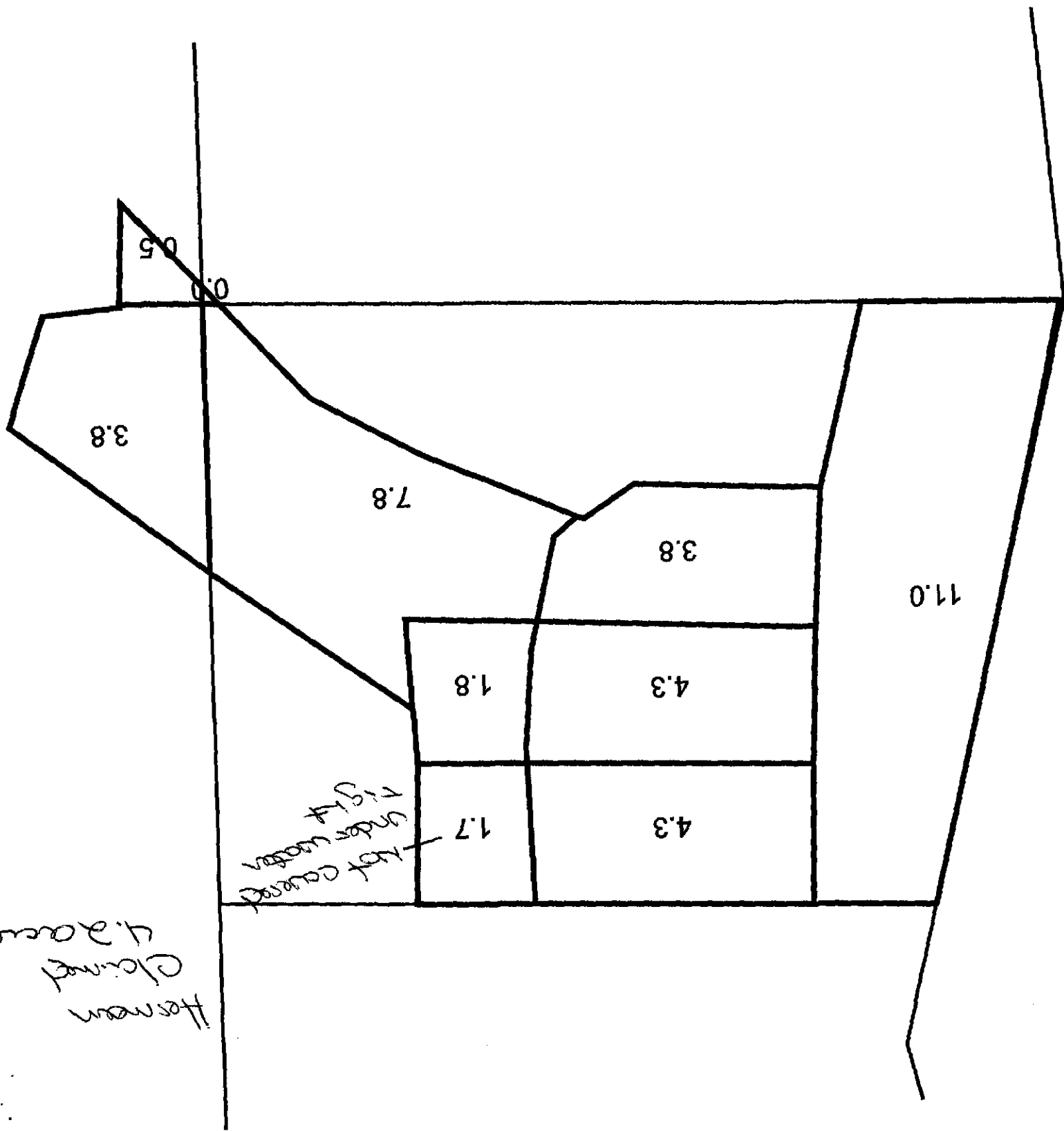
Legal Description (Continued)

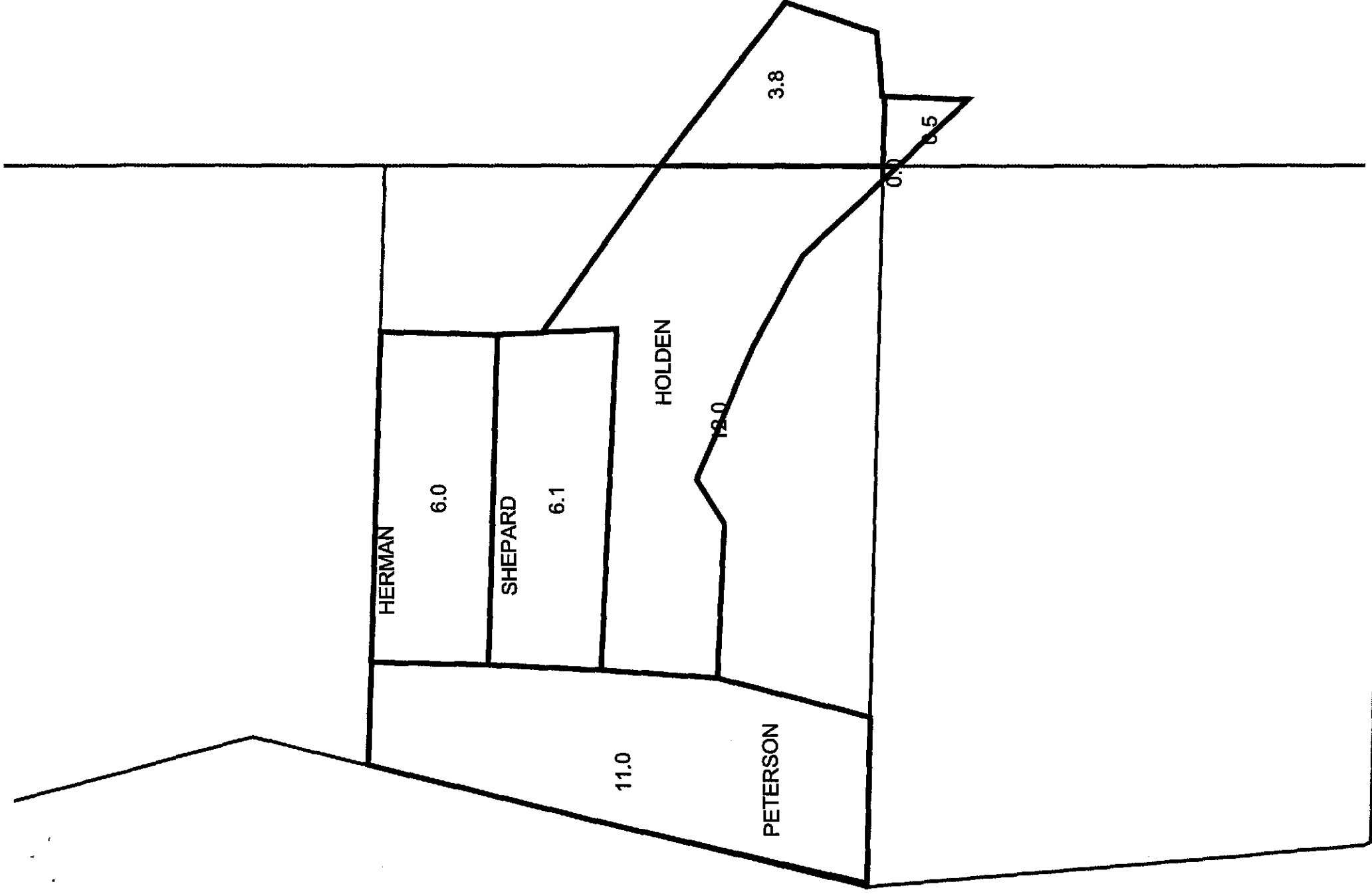
Being a portion of U.S. Government Lot 1, Section 24, Township 7 North, Range 1 East, B.M., Gem County, Idaho, described as follows:

Commencing at the Section corner common to Sections 19 and 30, T. 7 N., R. 2 E. and Sections 24 and 25, T. 7 N., R. 1 E., B.M., marked by a found stone and replaced with a 5/8" iron pin P.L.S. 4108; thence
North 89°29'29" West, 1412.90 feet along the South line of U.S. Government Lot 1 to a point on the Easterly right of way line of State Highway 52; thence
North 03°27'00" East, 1017.63 feet along the Easterly right of way line of State Highway 52 to a set 1/2" iron pin P.L.S. 4108 and THE REAL POINT OF BEGINNING;
thence continuing along said right of way line
North 03°27'00" East, 300.36 feet to a point on the North line of U.S. Government Lot 1 marked by a set 1/2" iron pin P.L.S. 4108; thence
South 89°20'16" East, 876.04 feet along the North line of said Lot 1 to a set 1/2" iron pin P.L.S. 4108; thence
South 03°27'00" West, 300.36 feet parallel with the Easterly right of way line of State Highway 52 to a set 1/2" iron pin P.L.S. 4108; thence
North 89°20'16" West, 876.04 feet parallel with the North line of said Lot 1 to THE REAL POINT OF BEGINNING.

Herman
Clined
4.2 acres

not covered
under water
right





65-112-
acted covered under



S25

S24

SENE

NENE

25.0

78.0

52.0

4.2

3.6

40.0

53.52

RECORD OF SURVEY

A TRACT OF LAND SITUATED IN A PORTION OF GOVERNMENT LOT 1,
OF SECTION 24, TOWNSHIP 7 NORTH, RANGE 1 EAST, BOISE MERIDIAN,
GEM COUNTY, IDAHO.

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS DRAWING IS THE CENTER LINE
OF STATE HIGHWAY 52, THROUGH LOT 1 OF SECTION 24,
TOWNSHIP 7 NORTH, RANGE 1 EAST, BOISE MERIDIAN, AS SHOWN
ON THE "REVISED AS CONSTRUCTED", AUGUST 1938 PLANS FOR
FEDERAL AID PROJECT NO. W.P.S.S. 214, I.A. 5 0327' W.

LEGEND:

- FOUND BRASS CAP MONUMENT
- FOUND 5/8" IRON PIN
- FOUND 1/2" IRON PIN
- FOUND ORIGINAL STONE - REPLACED WITH 5/8" IRON PIN
- FOUND ORIGINAL STONE - REPLACED WITH 5/8" IRON PIN
- FOUND ORIGINAL STONE - REPLACED WITH 5/8" IRON PIN
- FOUND 1/2" IRON PIN W/PLASTIC CAP PLS 4108
- SET 1/2" IRON PIN W/PLASTIC CAP PLS 4108
- BARBED WIRE FENCE

NOTE:

FISCHER LAND SURVEYING, INC. ASSUMES NO LIABILITY
FOR PRESENT OR FUTURE COMPLAINTS OR NON-COMPLIANCE
WITH COUNTY PLANNING AND ZONING ORDINANCES AND THE ISSUANCE THEREOF.
AS THEY PERTAIN TO BUILDING PERMITS AND THE ISSUANCE THEREOF.

SURVEY FOR:

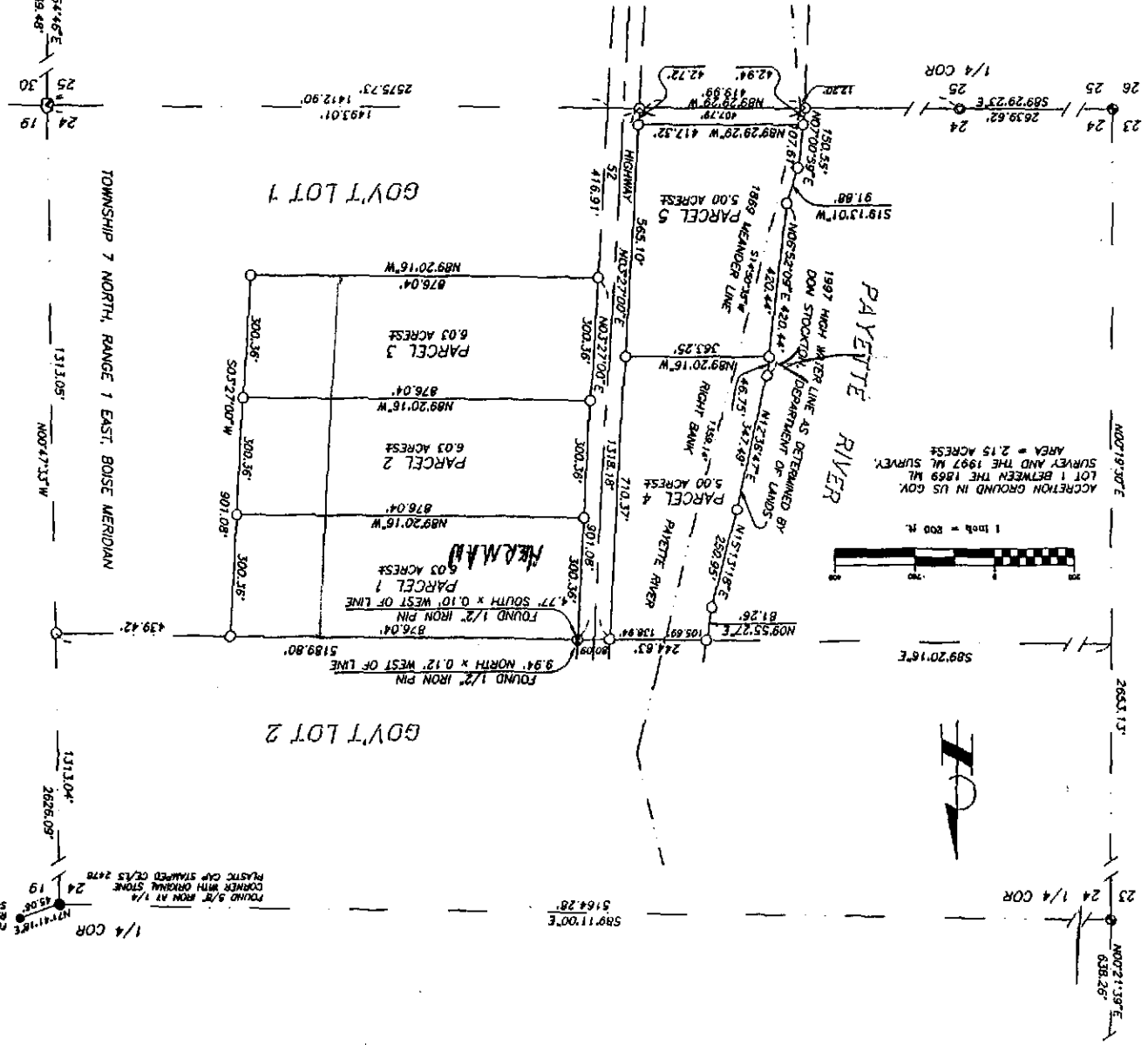
PETE & JACKIE MONTGOMERY
11800 N. HWY 52
MORRISBEND, ID 83629
(208) 544-3791

Fischer Land Surveying, Inc.
404 So. Washington Ave.
Emmett, Idaho 83617
Phone: (208) 365-4146



Inst. No.: _____
STATE OF IDAHO } SS.
COUNTY OF GEM }
Recorded of the request of
Pete Montgomery
Date: _____
Inst. No.: _____
Recorded as a Survey
Theresa R. Kozdzial, Clerk
Ex-Officio Recorder
Deputy
Fee: \$5.00

MAY 1997
JOB No. 27-97(R05)
INDEX No. 711-24-2-2-0



23 24 WITNESS CORNER TO THE MEANDER CORNER
LEFT BANK OF THE PAYETTE RIVER

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: A65-02590
Date Received: 9/13/1989
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: R P MONTGOMERY 213-927-0254
Address: TRUSTEES OF MONTGOMERY TRUST
11800 N HWY 52
HORSESHOE BEND ID 83629

OR

Name: S J MONTGOMERY 213-927-0254
Address: TRUSTEES OF MONTGOMERY TRUST
11800 N HWY 52
HORSESHOE BEND ID 83629

2. Date of Priority: APR 19, 1954

3. Source: PAYETTE RIVER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	01E	25	NE	SW	NE	1	GEM

5. Description of diverting works:
PUMP IN RIVER, MAINLINE TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.700		

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

8. Total consumptive use is 212.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

~~MICROFILMED~~
AUG 8 3 1994

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	01E	24		1	IRR	25.0
					Section Acres	25.0
		25		1	IRR	20.0
				2	IRR	40.0
					Section Acres	60.0
					Total Acres	85.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:
A65-11272

14. Remarks:
CHANGE OF OWNERSHIP COMPLETED BY L.R.W. ON 4/9/93.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

~~MICROFILMED~~

AUG 03 1994

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 _____

~~NOTARIZED~~
AUG 03 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user:

This letter is to inform you that you may be eligible to file a stockwater claim with the Idaho Department of Water Resources (IDWR) in connection with the Snake River Basin Adjudication (SRBA). IDWR is sending this letter to water users in Basin 65 who might have relied upon the non-irrigation season stockwater provision in the Payette Adjudication. This provision states:

"When stockwater is not a specifically mentioned use for a right that includes irrigation, a reasonable flow is implied and included for the watering of livestock during the non-irrigation season."

In another basin, the Idaho Supreme Court struck down general provisions that contained similar language. The non-irrigation season stockwater language quoted above was not included in the General Provisions for Basin 65 because of the Idaho Supreme Court's ruling.

IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without a separate stockwater claim might desire to file a new stockwater claim with IDWR.

To be eligible for a new non-irrigation season stockwater claim:

1. You must have actually and historically watered livestock during the non-irrigation season without a separate stockwater right.
2. You must have filed a surface water irrigation claim in both the Payette Adjudication and the SRBA.
3. You must not have filed a stockwater claim with the surface water irrigation claim.

If you meet these three requirements, you may file a Notice of Claim form for stockwater with IDWR. **To have a timely filing you must file this claim with IDWR by May 25, 2001.** IDWR will waive filing fees for these stockwater claims if filed before this deadline. Failure to file your claim in a timely manner may prevent you from claiming it in the future. Notice of Claim forms are available on IDWR's website at www.idwr.state.id.us/info/water/srba/forms.htm or from any IDWR office. Claimants can call IDWR, Western Region at (208) 334-2190 to make an appointment if they need assistance filling out a Notice of Claim form.

Sincerely,

David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

05/08/2001

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

RIGHT NUMBER: 65-2590B

NAME AND ADDRESS: LINDA MIHALKA
MIKE MIHALKA
11720 N HWY 52
HORSESHOE BEND, ID 83629

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.08 CFS

PRIORITY DATE: 04/19/1954

POINT OF DIVERSION:	T07N R01E S24	LOT 1	SWSE	Within GEM County
	T07N R01E S25	LOT 1	NESWNE	Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-01 11-01	0.08 CFS

PLACE OF USE:

IRRIGATION Within GEM County
T07N R01E S24 LOT 1 SESE 4.2

4.2 ACRES TOTAL

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL
PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS
OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER
RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT
AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL
UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

**NOTICE OF ERROR
REPLY**

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 13, 2001

Water right number: 65-2590B

HELEN M HERMAN
PO BOX 146
HORSESHOE BEND ID 83629
Telephone Number: (208)793-2461

CLIFFORD L HERMAN
PO BOX 146
HORSESHOE BEND ID 83629
Telephone Number: (208)793-2461

Mike & Linda Mihalka
11720 N. Hwy 52
Horseshoe Bend, ID 83629
(208) 584-3707

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

~~Point of Diversion is incorrect.~~

2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: April 3, 2001

SIGNATURE:

Linda J. Mihalka / Michael J. Mihalka

Please print your name:

Linda J. Mihalka / Michael J. Mihalka

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

09/28/2000

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

RIGHT NUMBER: 65-2590B

NAME AND ADDRESS: CLIFFORD L HERMAN
HELEN M HERMAN
PO BOX 146
HORSESHOE BEND, ID 83629

SOURCE: PAYETTE RIVER TRIB: SNAKE RIVER

QUANTITY: 0.08 CFS

PRIORITY DATE: 04/19/1954

POINT OF DIVERSION: T07N R01E S25 LOT 1 NESWNE Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-01 11-01	0.08 CFS

PLACE OF USE:

IRRIGATION Within GEM County
T07N R01E S24 LOT 1 SESE 4.2
4.2 ACRES TOTAL

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

COMMENTS:

For 65-2590 A,B,C,D,E AND 65-11272 A, B,C,D

See each individual file for maps and split tree. Whole number rights as decreed were shown on map with warranty deeds of splits overlaid to determine amount of acreage each split would get.

65-2590 for 85 acres and 1.7 cfs was split into:

- Second point of diversion was added in Sec 24 SWSE, as per documentation provided. Original point of diversion in Sec 25 SWNE is in use also. Change occurred prior to 1987.
- A Montgomery 2.8 acres in Sec 24 SESE, all land in Sec 25 stays with Montgomery and 1.26 cfs.
- B Herman 4.2 acres .08 cfs – New owners Mihalka.
- C Shepard 4.2 acres .08 cfs
- D Holden 3.8 acres .08 cfs
- E Peterson 10 acres and .2 cfs

65-11272 for 47 acres and .94 cfs was split into:

- A Shobel 7 acres .14 cfs – part of this right will now go to Holstein.
- B Montgomery 27.7 acres .55 cfs
- C Shepard 1.6 acre .03 cfs
- D Holden 10.7 acres .22 cfs

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

07:18:52
02/18/00
37

PAGE: 18
PROFILE REPORT

CLAIM NUMBER: A65-02590B

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HELEN M HERMAN	04/19/1984	IRRIGATION	04-01 11-01	0.080 CFS	
C	CLIFFORD L HERMAN					
TOTAL DIVERSION:					0.080 CFS	

Water Source: PAYETTE RIVER ✓ Tributary to: Snake R ✓

Point(s) of Diversion: T07N R01E S25 Lot01(NESWNE) ✓ GEM 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	Lt	Ac	Lt	Ac	Lt	Ac	SUM
07N	01E	24	:																							
																								01-04	4.2	
TOTAL ACRES,																									4.2	

POU County: GEM

Non-Irrigation Uses: NONE

Other Rights: A65-11272

Remarks: GEN CHANGE OF OWNERSHIP COMPLETED BY L.R.W. ON 4/9/93.
THIS CHANGE IS A RESULT OF A SPLIT DUE TO CHANGE IN OWNERSHIP.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

C18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

07:17:20
02/18/00

PAGE: 1
GENERAL INFORMATION

20
CLAIM NUMBER: A65-025908

LAST: GOSLIN
ADDRESS: RT 1 BOX 73
CITY: HORSESHOE BEND
PHONE NUMBER: 208-000-0000
STATE: ID ZIP: 83629

FIRST: BEN R

OWNER CODE: O

LAST: JENKINS
ADDRESS: PO BOX 1137
CITY: NORTH FORK
PHONE NUMBER: 208-865-2442
STATE: ID ZIP: 83466

FIRST: BOBBY F

OWNER CODE: O

LAST: MONTGOMERY
ADDRESS: TRUSTEES OF MONTGOMERY TRUST
11800 N HWY 52
CITY: HORSESHOE BEND
PHONE NUMBER: 208-584-3791
STATE: ID ZIP: 83629

FIRST: R P

OWNER CODE: O

LAST: MONTGOMERY
ADDRESS: TRUSTEES OF MONTGOMERY TRUST
11800 N HWY 52
CITY: HORSESHOE BEND
PHONE NUMBER: 208-584-3791
STATE: ID ZIP: 83629

FIRST: S J

OWNER CODE: O

LAST: HERMAN
ADDRESS: PO BOX 146
CITY: HORSESHOE BEND
PHONE NUMBER: 208-793-2461
STATE: ID ZIP: 83629

FIRST: HELEN M

OWNER CODE: C

LAST: GOSLIN
ADDRESS: RT 1 BOX 73
CITY: HORSESHOE BEND
PHONE NUMBER: 208-000-0000
STATE: ID ZIP: 83629

FIRST: AVIS V

OWNER CODE: O

LAST: HERMAN
ADDRESS: PO BOX 146
CITY: HORSESHOE BEND
PHONE NUMBER: 208-793-2461
STATE: ID ZIP: 83629

FIRST: CLIFFORD L

OWNER CODE: C

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GENERAL INFORMATION

21
CLAIM NUMBER: A65-02590B

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: GEN CHANGE OF OWNERSHIP COMPLETED BY L.R.W. ON 4/9/93.
THIS CHANGE IS A RESULT OF A SPLIT DUE TO CHANGE IN OWNERSHIP.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: () -

DATE OF FIELD EXAM: __/__/__

APPOINTMENT MADE: Y() N()

TIME: __:__ A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A65-02590B PRIORITY DATE: 04-19-1954 STAGE: D

B. WR RECORD: # 65-02590 PRIORITY DATE: 04-19-1954 STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y(☒) N(☐)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y(☐) N(☒)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW) Y(☐) N(☒)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED N/A(☒) Y(☐) N(☐)

FIELD EXAM COMPLETED N/A(☒) Y(☐) N(☐)

FIELD EXAM SENT TO STATE OFFICE N/A(☒) Y(☐) N(☐)

LICENSE ISSUED N/A(☐) Y(☐) N(☐)

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A(☒) Y(☐) N(☐)

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y(☒) N(☐)

NOTES: _____

=====

RECOMMENDED PRIORITY DATE:

04-19-1954

REVIEWED BY SB

DATE 6-16-00

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A65-02590B	07N 01E	25	NE	SW	NE	1		GEM		

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A65-02590A	65-00195
A65-02590C	R65-02779A
A65-02590D	R65-02779B
A65-02590E	R65-10302
A65-02779A	
A65-02779B	
A65-10302	
A65-12760	

WR RECORDS IN SAME 40 ACRE TRACT

65-02779
65-10302
65-12760
L65-12760A

SOURCE: PAYETTE RIVER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
65-02590	07N 01E	25				1		GEM		
65-02590	07N 01E	25	SW	NE		1		GEM		

OTHER WR RECORDS WITH SAME WR POD

65-00110
65-00164
65-00195
65-02779
65-10302
65-11272
65-12760
L65-12760A

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
A65-00110	65-00110
A65-00164	65-00164
A65-00195	65-00195
A65-02590A	R65-02779A
A65-02590C	R65-02779B
A65-02590D	R65-10302
A65-02590E	
A65-02779A	
A65-02779B	
A65-10302	
A65-12760	

SOURCE: PAYETTE RIVER

TRIB:

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA?

N/A() Y(☒) N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM?

Y() N(☒)

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE?

Y(☒) N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM?

Y() N(☒)

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____)

Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM _____ NAME OF EXAMINER _____) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (☒)

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY GEM	DIVERSION NAME	DIVERSION NBR
07N	01E	25	NE	SW	NE	1				

SOURCE: PAYETTE RIVER

TRIB:

REVIEWED BY:

JB

DATE:

6-16-00

SYSTEM DESCRIPTION: DESCRIBED BELOW (), SEE LICENSE FILE (), OR SEE ATTACHMENT ()

A. ROOT WATER RIGHT NUMBERS: A65-02590A
A65-02590B
A65-02590C
A65-02590D
A65-02590E

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07N	01E	24	SE	SE	1	HERMAN, HELEN M	A65-02590B / 4.2	- /	24.0		
			SE	SE	1	MONTGOMERY, R P	A65-02590A / 2.8	- /			
			SE	SE	1	SHEPHERD, EUGENE M	A65-02590C / 4.2	- /			
			SE	SE	1	LUND, VALORIE L	A65-02590D / 3.8	- /			
			SE	SE	1	PETERSON, JAMES E	A65-02590E / 10.0	- /			
			SE	SE	1	MONTGOMERY, S J	A65-11272B / 4.6	- /			
			SE	SE	1	SHEPHERD, EUGENE M	A65-11272C / 1.6	- /			
			SE	SE	1	HOLDEN, MARY LOU	A65-11272D / 7.8	- /			
			SE	SE	1	GOSLIN, BEN R.		65-02590 / 25.0			
			SE	SE	1	GOSLIN, BEN R.		65-11272 / 14.0			

4.2

ADDITIONAL POU FOUND

TOTAL ACRES A65-02590B 4.20 24.00

POU COUNTY: GEM

4.2

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N(☒)

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A65-02590B	PAYETTE RIVER	HERMAN, HELEN M	0.080	0.019		
A65-02590A	PAYETTE RIVER	MONTGOMERY, R P	1.260	0.020		
A65-02590C	PAYETTE RIVER	SHEPHERD, EUGENE M	0.080	0.019		
A65-02590D	PAYETTE RIVER	LUND, VALORIE L	0.080	0.021		
A65-02590E	PAYETTE RIVER	PETERSON, JAMES E	0.200	0.020		
A65-11272B	PAYETTE RIVER	MONTGOMERY, S J	0.550	0.019		
A65-11272C	PAYETTE RIVER	SHEPHERD, EUGENE M	0.030	0.018		
A65-11272D	PAYETTE RIVER	HOLDEN, MARY LOU	0.220	0.020		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N(☒)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A65-11272

does not apply to this right

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y(☒) N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N(☒)

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N(☒)

CHECK DOCUMENTS USED TO VERIFY POU: () ORTHOPHOTOQUAD, IDWR NO. _____; () TOPOGRAPHIC QUAD, IDWR NO. _____;

☒ NAPP, IDWR NO. _____; () ASCS PHOTO; () OTHER _____

NOTES: Claimant filed on this right and on 65-11272 for 4.2 acres. The parcel for Herman does not fall within lands decreed for 65-11272. All 4.2 acres claimed does fall within this right. According to survey claimant purchased 6.03 acres, 2 of which were not previously irrigated. Maps on claim section.

RECOMMENDATIONS:

TOTAL ACRES: 4.2 N/A()

REVIEWED BY: SB

DATE: 6-18-00

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-02590B IRRIGATION	FROM 04-01 TO 11-01	0.080 CFS	
TOTAL DIVERSION RATE/VOLUME		0.080 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-02590 IRRIGATION	FROM 04-01 TO 11-01	1.700 CFS	
TOTAL DIVERSION RATE/VOLUME		1.700 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(☒) N(☐)

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y(☐) N(☒)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y(☒) N(☐)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(☐) N(☐)

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☐) N(☒)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☒) Y(☐) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☒) Y(☐) N(☐)

PAGE: 10

PURPOSE OF USE, PERIOD OF USE, DIVERSION RATE AND DIVERSION VOLUME REVIEW SHEET CONTINUED

29

CLAIM NUMBER: A65-02590B

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 0.080 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 1.700 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y(☒) N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N(☒)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N(☒)

E. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 4.2 x 0.02 CFS/ACRE = .08 CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N(☒)

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

PAGE: 12
DIVERSION AMOUNT REVIEW SHEET CONTINUED

31
CLAIM NUMBER: A65-02590B

NOTES:

WR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (X)

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE CFS		VOL. AF/A		USE	
			DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
IRRIGATION	04-01	11-01	0.080	_____		_____	0.0	_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
TOTAL FOR THIS RIGHT			0.080	_____		_____	0.0	_____

NON-IRRIGATION USES CLAIMED: NONE

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REVIEWED BY: _____ DATE: _____

FLAG: _____

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	(X)	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-02590

TOTAL DIVERSION RATE OF WR SPLITS DATABASE 1.700 EXAMINER _____ CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A65-02590	A65-02590A	1.260	-		65-02590	1.700
-	A65-02590B	0.080	-		-	
-	A65-02590C	0.080	-		-	
-	A65-02590D	0.080	-		-	
-	A65-02590E	0.200	-		-	
TOTAL CFS		1.700				1.700

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N) (Y)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE N FIELD EXAMINER Y() N()

NOTES:

See Claim Side of for split info.

=====

AUTHENTICATION

SIGNATURE: Dee Boer DATE: 6/16/00

NAME OF FIELD EXAMINER: _____ TITLE: _____

=====

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
() NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
(X) SUBDIVISION PLAT MAP	DATE OF MAP <u>5/97</u>	Y(X) N()
(X) OTHER <u>GIS map</u>	DATE <u>6/9/01</u>	Y(X) N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
() OTHER _____	DATE _____	_____	_____
() OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

07:17:20
02/18/00

PAGE: 17
QUICKLOOK INFORMATION

36
CLAIM NUMBER: A65-025908

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE					02/18/00	02/18/00		
POINT OF DIV	Y							
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE								
BASIS OF CLAIM	Y							
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

Idaho Dept. of Water Resources

Claim No(s): 65-02590B

T7N, R1E, S 24

Prepared by: Sue Bock

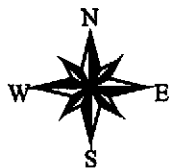
Date: 5/3/2001

 Place of Use

 Point of Diversion

 Section lines

 1/4 1/4 lines



1000 0 1000 2000 Feet



1987 NAPP Photo