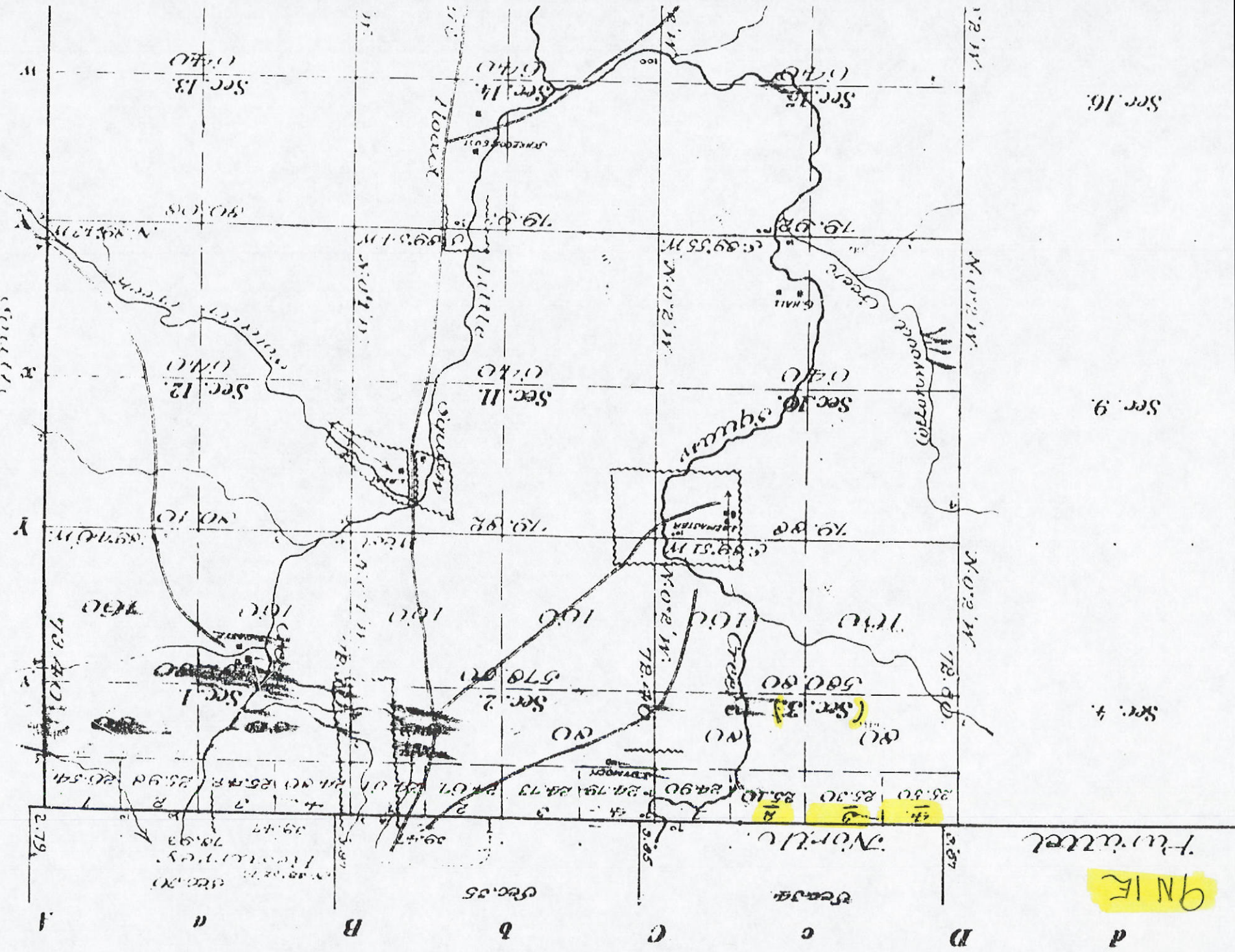


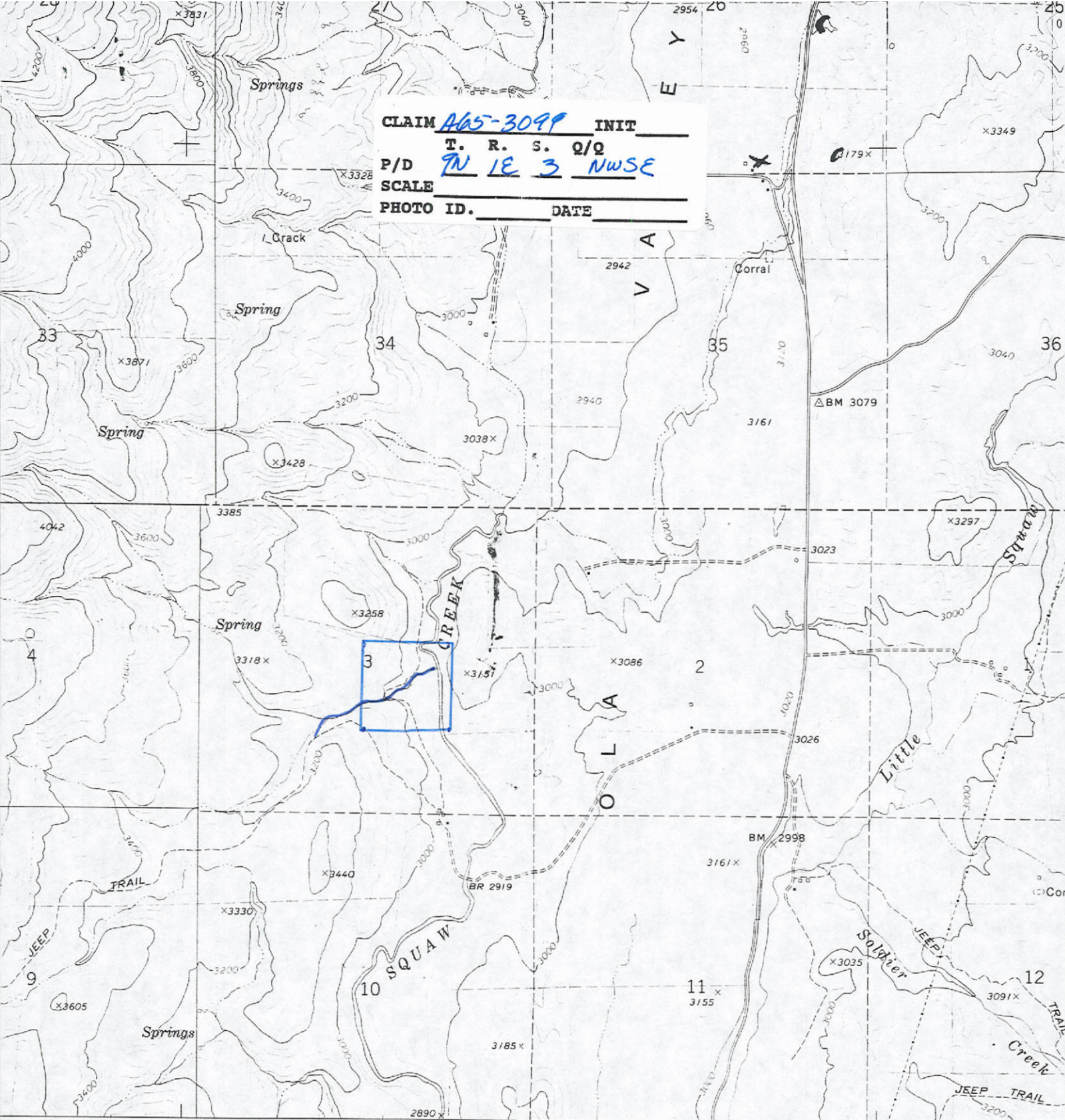
QNE

H = Horton property
obtained in 2002 } To be changed to
Western Ranch Equities
in 2004...

X ^H NWNW L-4	X ^H NENW L-3	X ^H NWNE L-2	NENE L-1	NWNW	NENW	NWNE	NENE
X ^H SWNW	X ^H SEnw	X ^H SWNE	SENE	SWNW	SEnw	SWNE	SENE
X ^H NWSW	X ^H NESW	X ^H NWSE	NESE	NWSW	NESW	NWSE	NESE
X ^H SWSW	X ^H SESW	X ^H SWSE	X ^H SESE	SWSW	SESW	SWSE	SESE
X ^H NWNW	X ^H NENW	X ^H NWNE	X ^H NENE	X ^H NWNW	NENW	NWNE	NENE
X ^H SWNW	X ^H SEnw	X ^H SWNE	Should be Schmelzer SENE	SWNW	SEnw	SWNE	SENE
NWSW	NESW X ^H	NWSE X ^H	NESE	NWSW	NESW	NWSE	NESE
SWSW X ^H	SESW X ^H	SWSE X ^H	SESE	SWSW	SESW	SWSE	SESE

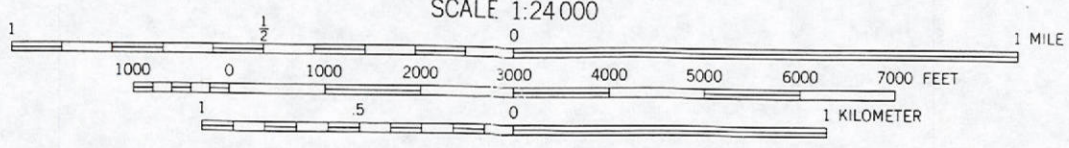
Range No. 1 East of the Boise Meridian





CLAIM 445-3099 INIT
T. R. S. Q/Q
P/D 7N 1E 3 NWSE
SCALE
PHOTO ID. DATE

★
GN
MN
18½°
329 MILS
1970 MAGNETIC NORTH
AT CENTER OF SHEET



CONTOUR INTERVAL 40 FEET
DOTTED LINES REPRESENT 20-FOOT CONTOURS
DATUM IS MEAN SEA LEVEL



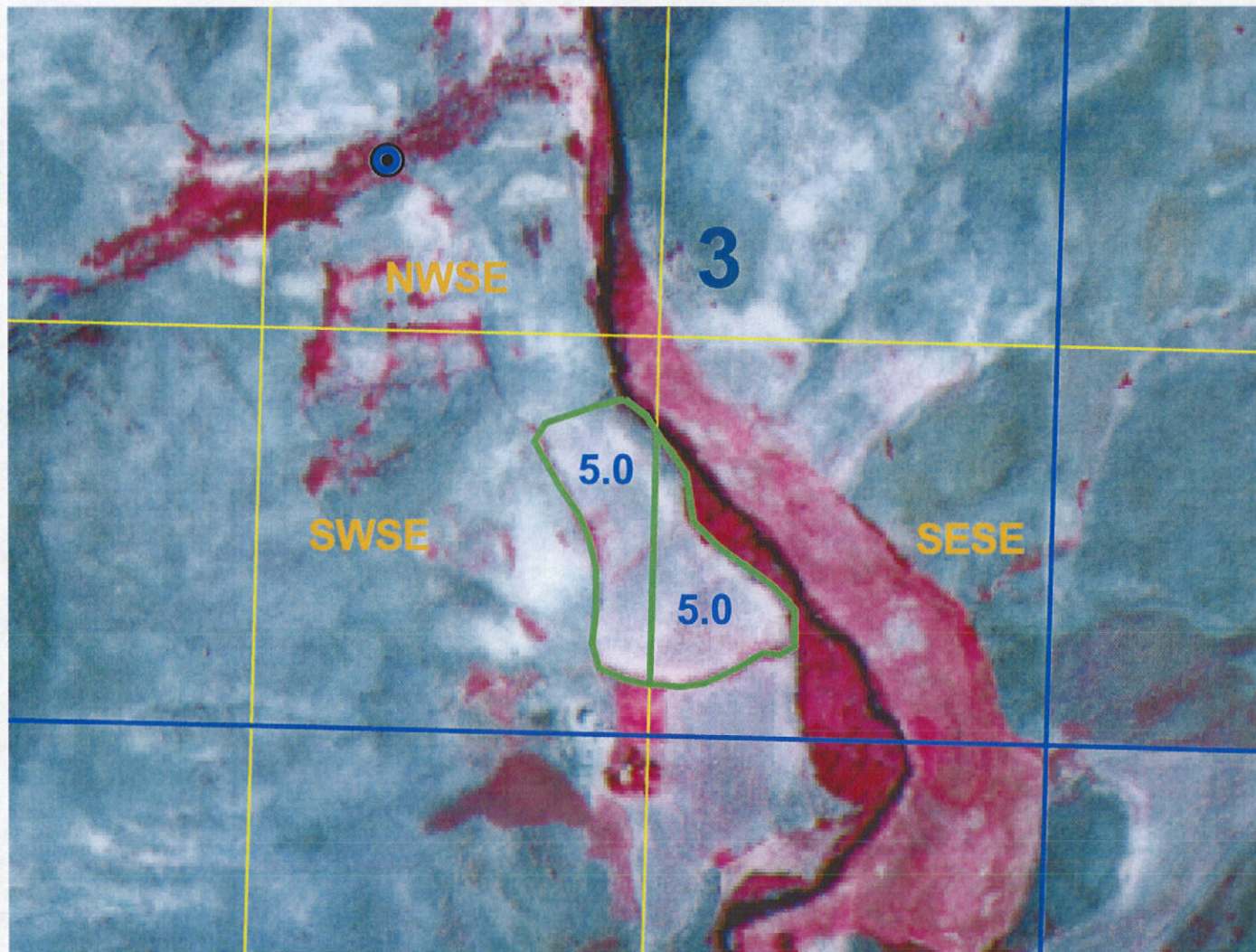
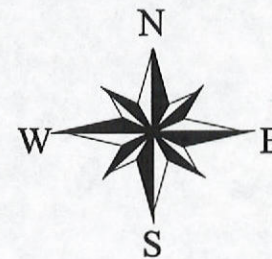
31016

PRB# map

VAC

IDAHO DEPARTMENT OF WATER RESOURCES

T09N, R01E, S3



1987 NAPP PHOTO

● POINT OF DIVERSION

▭ PLACE OF USE

▭ 1/4 1/4 LINES

▭ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-03099

OWNER(S): SCHMELZER, ELVIN &
BETTY LUE

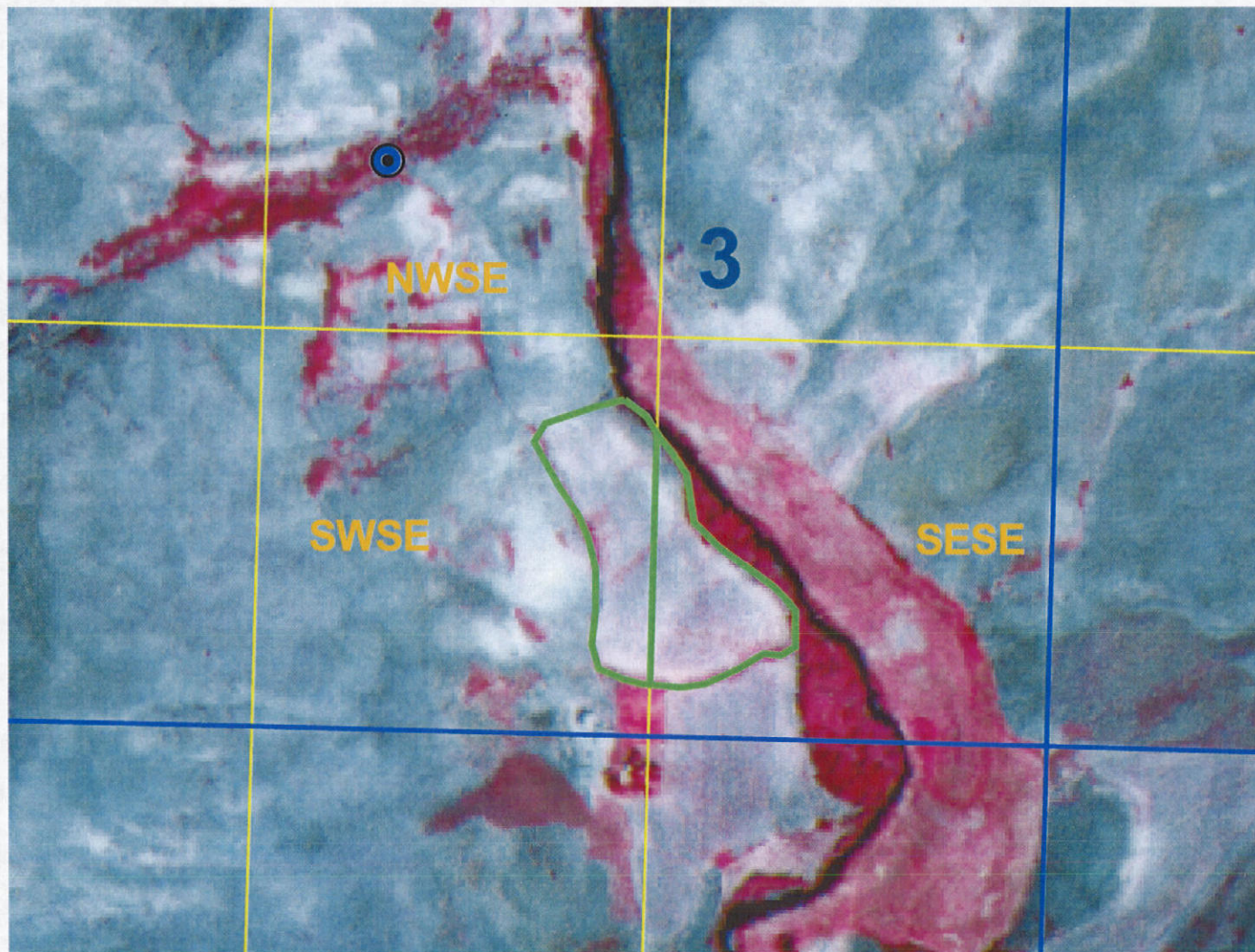
Prepared by Mel Schulte

DATE: JULY 28, 2000

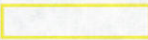
0 0.25 0.5 0.75 Miles

IDAHO DEPARTMENT OF WATER RESOURCES

T09N, R01E, S3



1987 NAPP PHOTO

-  POINT OF DIVERSION
-  PLACE OF USE
-  1/4 1/4 LINES
-  SECTION LINES

6 ACRES

6 SECTION NUMBERS

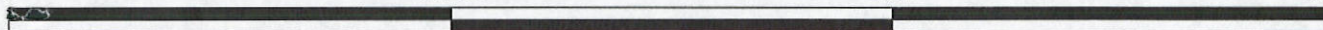
CLAIM(S): 65-03099

OWNER(S): SCHMELZER, ELVIN &
BETTY LUE

Prepared by Mel Schulte

DATE: JULY 28, 2000

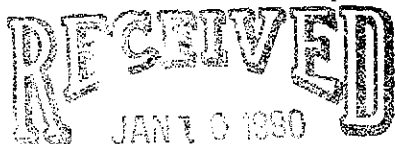
0 0.25 0.5 0.75 Miles



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: A65-03099
Date Received: 1/10/1990
Receipt No: X999999
Received By: LA

Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ELVIN C. SCHMELZER 208-584-3569
Address: HC 78, BOX 3839
OLA, ID 83657

OR

Name: BETTY LUE SCHMELZER
Address: OLA, ID 83657

2. Date of Priority: APR 01, 1891

3. Source: UNNAMED STREAM Trib. to: SQUAW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	01E	3	NW	SE			GEM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		1.20
IRRIGATION	04/01	11/01	0.200		1.20

7. Total Quantity Appropriated is:
0.200 C.F.S. (and/or) 1.20 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	01E	3	SW	SE		IRR	5.0
			SW	SE		DOMEST	
			SE	SE		IRR	5.0
						Section Acres	10.0
						Total Acres	10.0

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:

14. Remarks:

THIS RIGHT WHEN COMBINED WITH RIGHT 65-2897 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Elwin Schmeizer Date: 1-10-90

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 10 day

of Jan 19 90

Linda A. Werner
Notary Public

Seal

Residing at _____ Linda A. Werner
Residing at Boise, Idaho
My Commission Expires ~~My Commission Expires~~ December 8, 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 SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-03099

NAME AND ADDRESS: WESTERN RANCH EQUITIES LLC
20 WALDEN CT
YORK, PA 17404

SOURCE: UNNAMED STREAM TRIBUTARY: SQUAM CREEK

QUANTITY: 0.20 CFS
1.20 AFY

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

THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-22859 & 65-22860
SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 04/01/1891

POINT OF DIVERSION: T09N R01E S03 NWSE Within Gem County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.20 CFS
	Domestic	01-01 TO 12-31	0.04 CFS
			1.20 AFY

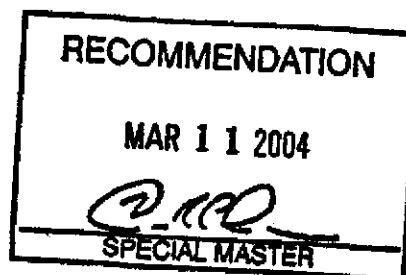
PLACE OF USE:	Irrigation		Within Gem County
	T09N R01E S03	SWSE 5.0	SESE 5.0
	10.0 Acres Total		
	Domestic		Within Gem County
	T09N R01E S03	SWSE	

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

Basin 65 General Provisions No. 3, the Separate Streams
General Provision, does not apply to appropriations of water
after October 18, 1977.

This water right shall be administered as being from a
separate source pursuant to Basin 65 General Provision No. 3.
If the holder of this right seeks to change the right pursuant
to Idaho Code Section 42-222 or successor statute, nothing in
this general provision shall preclude any other person or entity
from demonstrating that such change in use would cause injury to
its water right or from receiving any relief provided by law in
the event of injury.

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. I.C. SECTION 42-1412(6).



01/29/2004

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

RIGHT NUMBER: 65-3099

NAME AND ADDRESS: WESTERN RANCH EQUITIES LLC
20 WALDEN CT
YORK PA 17404

SOURCE: UNNAMED STREAM TRIBUTARY: SQUAW CREEK

QUANTITY: 0.200 CFS
1.200 AFY

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-2897 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

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

PRIORITY DATE: 04/01/1891

POINT OF DIVERSION:

T09N R01E S3 NWSE Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.200 CFS
DOMESTIC	01/01 12/31	0.040 CFS 1.20 AFY

PLACE OF USE: IRRIGATION Within GEM County

T09N R01E S03 SWSE 5.0 T09N R01E S03 SESE 5.0

DOMESTIC Within GEM County

T09N R01E S03 SWSE

10 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.

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

EXPLANATORY MATERIAL: Decreed

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

Case No. 39576

Water Rights: 65-3099

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party
- ☐ IC § 42-222 transfer
- ☐ Point of diversion ☐ Place of use
- ☐ Period of use ☐ Nature of use
- ☐ Split of water right ☐ Change in ownership
- ☐ Other
- ☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: January 29, 2004


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on January 29, 2004, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Jack Horton *(Former Owner)*
19501 Jackknife
Ola ID 83657

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Western Ranch Equities LLC *(Current Owner)*
20 Walden Ct
York PA 17404

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document

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

RECEIVED

JAN 28 2004

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

WATER RESOURCES
WESTERN REGION

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

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
65-2897					
65-3099					

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

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

OR

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

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

m/m SMELZER
 JACK HORTON

4. New Owner/Claimant(s)

WESTERN RANCH EQUITIES, LLC
 Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

20 WALDEN CT

City, State and ZIP Code

YORK, PA 17404

New Telephone Number

717 779-0804

5. Date you acquired the property

MAY 5, 2003

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

[Signature]
MANAGING MEMBER

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

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____	AJ Date _____	WR _____ Date _____

WARRANTY DEED

Order No.: 405033873

FOR VALUE RECEIVED

Jack E. Horton and Cami F. Horton, husband and wife,

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

Western Ranch Equities, LLC,

whose current address is

20 Walden Court, York, PA, 17404,

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

TRACT I

TOWNSHIP 9 north, Range 1 East, B.M., Gem County, Idaho

Section 3: The SE $\frac{1}{4}$ of the NW $\frac{1}{4}$; the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$; SW $\frac{1}{4}$; NW $\frac{1}{4}$ of the SE $\frac{1}{4}$; S $\frac{1}{2}$ of the SE $\frac{1}{4}$; and SW $\frac{1}{4}$ of the NW $\frac{1}{4}$; and Lots 2, 3 and 4

Section 4: Lots 1, 2 and 3 and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$; SW $\frac{1}{4}$ of the NE $\frac{1}{4}$; and SE $\frac{1}{4}$

Section 8: The SE $\frac{1}{4}$; SE $\frac{1}{4}$ of the NE $\frac{1}{4}$

Section 9: The N $\frac{1}{2}$ of the SW $\frac{1}{4}$; Lots 1, 2, 3 and 4; SE $\frac{1}{4}$ of the NW $\frac{1}{4}$; SW $\frac{1}{4}$ of the NE $\frac{1}{4}$; NW $\frac{1}{4}$ of the SE $\frac{1}{4}$; NW $\frac{1}{4}$ of the NE $\frac{1}{4}$

Section 10: The N $\frac{1}{2}$ of the N $\frac{1}{2}$; S $\frac{1}{2}$ of the NW $\frac{1}{4}$; SW $\frac{1}{4}$ of the NE $\frac{1}{4}$; W $\frac{1}{2}$ of the SE $\frac{1}{4}$; E $\frac{1}{2}$ of the SW $\frac{1}{4}$; SW $\frac{1}{4}$ of the SW $\frac{1}{4}$

Section 11: The NW $\frac{1}{4}$ of the NW $\frac{1}{4}$

Section 15: The NW $\frac{1}{4}$; and W $\frac{1}{2}$ of the NE $\frac{1}{4}$

Section 17: The N $\frac{1}{2}$ of the NE $\frac{1}{4}$

N/A → Section 2: A tract of land in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2, Township 9 North, Range 1 East, B.M., Gem County, Idaho, described as follows:

BEGINNING at the Southeast corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 2; thence North on quarter quarter line 795 feet; thence South 32°00' West 940 feet to the South line of the said SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 2; thence East on the Section line 500 feet to said REAL POINT OF BEGINNING.

EXCEPTING the following described tract in Sections 2 and 11, Township 9 North, Range 1 East, B.M., Gem County, Idaho:

BEGINNING at the Southeast corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 11, T. 9 N., R. 1 E., B.M.; thence North on quarter quarter line 2025 feet to a point 705 feet North of the Southeast corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2, T. 9 N., R. 1 E., B.M.; thence South 32°00' West 440 feet, to a point 231 feet West of the East line of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 2; thence South parallel to the East line of said SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2, and the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 11, 1645 feet, to the South line of the said NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 11; thence East along the quarter quarter line 231 feet to said REAL POINT OF BEGINNING.

Section 2: A tract of land in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Township 9 North, Range 1 East, B.M., Gem County, Idaho, described as follows:

BEGINNING at the Northwest corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2, T. 9 N., R. 1 E., B.M.; thence South on the quarter quarter line 616 feet; thence North 66°00' East 1445 feet to the East line of the said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence



EXHIBIT "A"

INSTRU. NO. <u>229118</u>
PAGES <u>3</u> OF <u>3</u>

II

BLM Grazing Permit Allotment #00232 – 141 AUM's and all renewals thereof.

III

State of Idaho Lease #G-6619, comprising approximately 710 acres – 65 AUM's – in Sections 4, 10, and 16 in T 9N R 1E Boise Meridian.

IV

All water rights, ditches and ditch rights, any permits, licenses, certificates or shares of stock evidencing any such water or ditch rights, and any such rights acquired in the future, which entitle the owner of the real property described above to use water upon said property, including, without limitation:

License No. A65-02897

License No. A65-03099

Instrument # 229118

EMMETT, GEM, IDAHO

2003-05-20

11:11:00 No. of Pages: 3

Recorded for : ALLIANCE TITLE & ESCROW

SUSAN K. HOWARD

Fee: 9.00

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

Judy Evans

QNE

H = Horton property
obtained in 2002

To be changed to
Western Ranch Equities
in 2004...

X H NWNW L-4	X H NENW L-3	X H NWNE L-2	NENE L-1	NWNW	NENW	NWNE	NENE
H SWNW X	H SEnw X	H SWNE X	SENE	SWNW	SEnw	SWNE	SENE
H NWSW X	H NESW X	H NWSE X	NESE	NWSW	NESW	NWSE	NESE
H SWSW X	H SESW X	H SWSE X	H SESE X	SWSW	SESW	SWSE	SESE
NWNW H X	NENW H X	NWNE H X	NENE H X	NWNW H X	NENW	NWNE	NENE
H SWNW X	H SEnw H X	H SWNE X	Should be Schmelzer SENE	SWNW	SEnw	SWNE	SENE
NWSW	NESW H X	NWSE H X	NESE	NWSW	NESW	NWSE	NESE
SWSW X H	SESW H X	SWSE H X	SESE	SWSW	SESW	SWSE	SESE

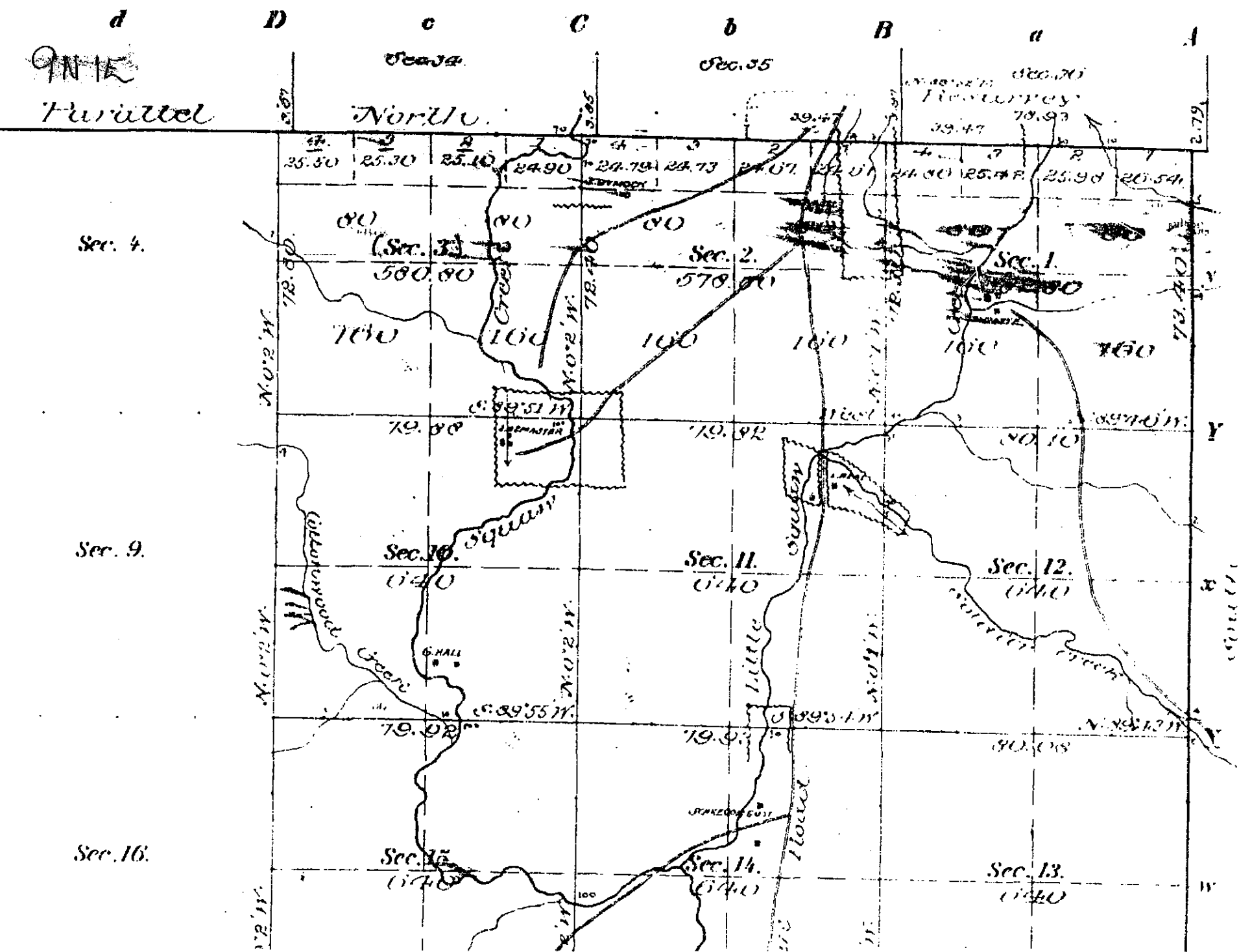
3

2

10

11

Range N° 1 East of the Boise Meridian



SRBA

SUBCASE SUMMARY REPORT 65-03099

[Return to SRBA Home Page](#)

SRBA
01-29-2004

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 65-03099 FILE#: 00904
CLAIMANT: HORTON, JACK E
19501 JACKKNIFE

OLA ID 83657
STATUS: GENERAL PROVISION SPECIAL MASTER: CUSHMAN, THOMAS R
WATER SOURCE: UNNAMED STREAM TRIBUTARY: SQUAW CREEK

**** PARTIES INVOLVED ****

JACK E HORTON C PRO SE
UNITED STATES OF AMERICA O ATTY: DAVID W GEHLERT

**** ROA ENTRIES ****

01-17-2002	OBJ 01 F/B UNITED STATES OF AMERICA	RB	03-22-2002 0001
02-27-2002	ORIGINAL CLAIM FILED		
11-14-2002	NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING		11-14-2002
11-14-2002	AMENDED DIRECTOR'S REPORT		
	SUBSTITUTE OWNER - SCH MELZER TO HORTON		
11-24-2003	ORDER SETTING HEARING	HS	01-28-2004 0200
	Order to Show Cause Regarding General		
01-23-2004	STANDARD FORM 5 FILED		01-23-2004
01-23-2004	ORDER VACATING EVENT ON 01282004 AT 1400		

[Return to SRBA Home Page](#)

- Change in full to Western Equities



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 29, 2004

65-3099

WESTERN RANCH EQUITIES LLC
20 WALDEN CT
YORK PA 17404

RE: Water Right No. 65-3099 & 65-22860

Dear Property Owner(s):

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

In addition, we received check number 5053 in the amount of \$50.00, and, we are returning it to you, as the ownership change fee is not required for these particular water right claims. These claims have not yet been decreed by the SRBA Court.

Thank you for your patience and cooperation, as we have had several ownership changes to process. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

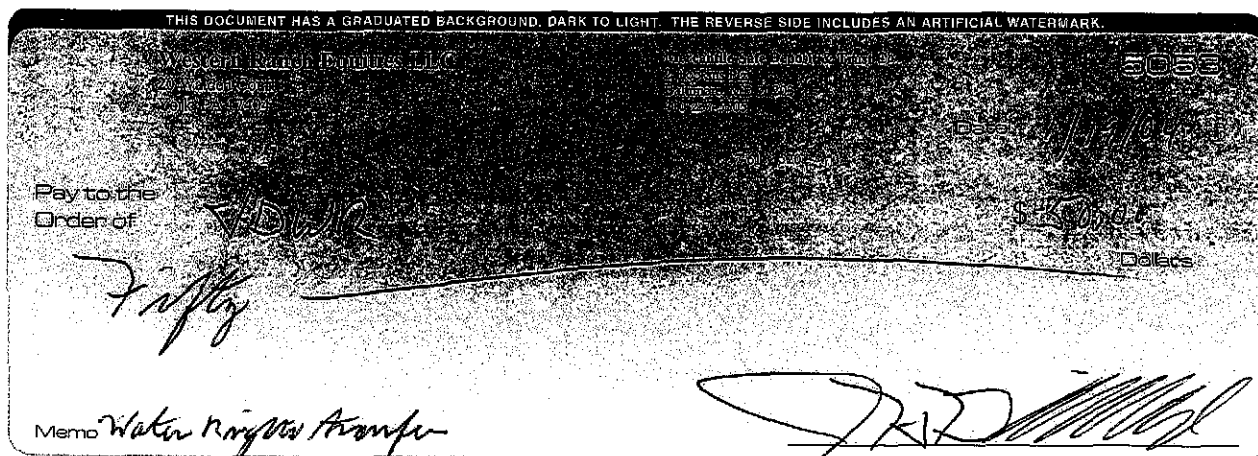
Denise Buffington

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region

DB: db

Enclosures

cc: Jack Horton, Betty Lue Schmelzer, Elvin C Schmelzer,



11/05/2002

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

RIGHT NUMBER: 65-3099

NAME AND ADDRESS: JACK E HORTON
19501 JACKKNIFE
OLA ID 83657

SOURCE: UNNAMED STREAM

TRIBUTARY: SQUAW CREEK

QUANTITY: 0.200 CFS
1.200 AFY

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-2897 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

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

PRIORITY DATE: 04/01/1891

POINT OF DIVERSION:

T09N R01E S3 NWSE Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.200 CFS
DOMESTIC	01/01 12/31	0.040 CFS 1.20 AFY

PLACE OF USE: IRRIGATION Within GEM County

T09N R01E S03 SWSE 5.0

T09N R01E S03 SESE 5.0

DOMESTIC Within GEM County

T09N R01E S03 SWSE

10 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.

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

EXPLANATORY MATERIAL: Decreed

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

Case No. 39576

SUBCASE NO. 65-2897 & 65-3099

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: November 5, 2002

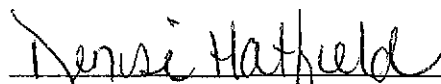


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on November 12, 2002, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Betty Lue Schmelzer
Elvin C Schmelzer
HC 78 Box 3839
Ola ID 83657
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Jack E Horton
19501 Jackknife
Ola ID 83657
4. One Copy to:
Each party in the subcase or attorney of record:
N/A
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

RECEIVED
OCT 29 2002
WATER RESOURCES
WESTERN REGION

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
	65-2897				
	65-3099				

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)

SCHMELZER

OLA, ID 83657

4. New Owner/Claimant(s)

JACK E. HORTON

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

New Mailing Address

19501 JACKNIFE

City, State and ZIP Code

OLA, ID 83657

New Telephone Number

208 584-3232

5. Date you acquired the property

1998

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

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

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

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

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 DH/95 Date 10/29/02 Fee 0
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

Warranty Deed

For Value Received

LEE ELVIN SCHMELZER and KERRY LYNN SCHMELZER, husband and wife,

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

JACK E. HORTON, a married man as his separate property

whose current address is P.O. Box 669, Weiser, Idaho 83672

the grantee, the following described premises, in GEM County Idaho, to wit:

Legal Description Attached as "Exhibit A" and existing easements along a lane as follows:

Together with an easement from the West corner of Jackknife Road, which point is the terminus of Jackknife Road, over and across the southwest quarter of Section 2, Township 9 North, Range 1 East, B.M., Gem County, Idaho in a Southwesterly direction terminating at approximately the mid-point of the North boundary of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T. 9 N., R. 1 E., B.M., Gem County, Idaho

Subject to and together with an easement 20 feet in width, 10 feet on each side of the centerline of the existing lane which proceeds across the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T. 9 N., R. 1 E., B.M., Gem County, Idaho. The easement commences at a point approximately midway on the north boundary of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10 and proceeds generally southerly and then westerly exiting the west boundary of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, approximately 100 feet north of the Southwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T. 9 N., R. 1 E., B.M., Gem County, Idaho.

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 he is the owner in fee simple of said premises; that they are free from all incumbrances 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: June 1, 1998

x Lee Elvin Schmelzer x Kerry Lynn Schmelzer
 Lee Elvin Schmelzer Kerry Lynn Schmelzer

STATE OF MONTANA
 COUNTY OF St. Helens
 On this 5 day of June, 1998
 before me, a notary public in and for said State, personally appeared
 Lee Elvin Schmelzer & Kerry Lynn Schmelzer

known to me to be the persons whose names are
 subscribed to the within instrument, and acknowledged to me that
 they executed the same.

Clay J. Hamby
 Notary Public
 Residing at Columbus MT
 Comm. Expires 8-23-99

WARRANTY DEED

Legal Description "EXHIBIT A"

TOWNSHIP 9 North, Range 1 East, B.M., Gem County, Idaho

- Section 3: The SE 1/4 of the NW 1/4, SW 1/4 of the NE 1/4, SW 1/4, NW 1/4 of the SE 1/4, S 1/2 of the SE 1/4 and SW 1/4 of the NW 1/4, and Lots 2, 3 and 4
- Section 4: Lots 1, 2 and 3 and the SE 1/4 of the NW 1/4, SW 1/4 of the NE 1/4, and SE 1/4
- Section 8: The SE 1/4, SE 1/4 of the NE 1/4
- Section 9: The N 1/2 of the SW 1/4, Lots 1, 2, 3 and 4, SE 1/4 of the NW 1/4, SW 1/4 of the NE 1/4, NW 1/4 of the SE 1/4, NW 1/4 of the NE 1/4
- Section 10: The N 1/2 of the N 1/2, S 1/2 of the NW 1/4, SW 1/4 of the NE 1/4, W 1/2 of the SE 1/4, E 1/2 of the SW 1/4, SW 1/4 of the SW 1/4
- Section 11: The NW 1/4 of the NW 1/4
- Section 15: The NW 1/4, and W 1/2 of the NE 1/4
- Section 17: The N 1/2 of the NE 1/4

Section 2: A tract of land in the SW 1/4 of the SW 1/4 of Section 2, Township 9 North, Range 1 East, B.M., Gem County, Idaho, described as follows: BEGINNING at the Southeast corner of the SW 1/4 of the SW 1/4 of said Section 2; thence North on quarter quarter line 795 feet; thence South 32°00' West 940 feet to the South line of the said SW 1/4 of the SW 1/4 of said Section 2; thence East on the Section line 500 feet, to said REAL POINT OF BEGINNING.

EXCEPTING the following described tract in Sections 2 and 11, Township 9 North, Range 1 East, B.M., Gem County, Idaho: BEGINNING at the Southeast corner of the NW 1/4 of the NW 1/4 of Section 11, T. 9 N., R. 1 E., B.M.; thence North on quarter quarter line 2025 feet to a point 705 feet North of the Southeast corner of the SW 1/4 of the SW 1/4 of Section 2, T. 9 N., R. 1 E., B.M.; thence South 32°00' West 440 feet, to a point 231 feet West of the East line of the SW 1/4 of the SW 1/4 of said Section 2; thence South parallel to the East line of said SW 1/4 of the SW 1/4 of Section 2, and NW 1/4 of the NW 1/4 of said Section 11, 1645 feet, to the South line of the said NW 1/4 of the NW 1/4 of said Section 11; thence East along the quarter quarter line 231 feet to said REAL POINT OF BEGINNING.

Section 2: A tract of land in the SE 1/4 of the SW 1/4, Township 9 North, Range 1 East, B.M., Gem County, Idaho, described as follows: BEGINNING at the Northwest corner of the SE 1/4 of the SW 1/4 of Section 2, T. 9 N., R. 1 E., B.M.; thence South on the quarter quarter line 615 feet; thence North 66°00' East 1445 feet to the East line of the said SE 1/4 of the SW 1/4; thence North on the quarter quarter line 25 feet to the Northeast corner of the said SE 1/4 of the SW 1/4; thence West along the quarter quarter line 1320 feet, more or less, to the said REAL POINT OF BEGINNING.

EXCEPTING THEREFROM the following described portion thereof: COMMENCING at the Northwest corner of the said SE 1/4 of the SW 1/4 of said Section 2; thence South on the quarter quarter line 554 feet; thence North 66°00' East 1360 feet to the North line of the said SE 1/4 of the SW 1/4; thence West on the quarter quarter line 1242 feet, more or less, to said REAL POINT OF BEGINNING.

LESS road, canal and ditch rights of way.

SRBA

SUBCASE SUMMARY REPORT 65-03099

[Return to SRBA Home Page](#)

SRBA
11-05-2002

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 65-03099 FILE#: 00904
CLAIMANT: SCHMELZER, ELVIN C
 HC 78 BOX 3839

OLA ID 83657
STATUS: AT ISSUE SPECIAL MASTER: CUSHMAN, THOMAS R
WATER SOURCE: UNNAMED STREAM, SQUAW CREEK

****** PARTIES INVOLVED ******

ELVIN C SCHMELZER	C PRO SE
UNITED STATES OF AMERICA	O ATTY: DAVID W GEHLERT
BETTY LUE SCHMELZER	C PRO SE

****** ROA ENTRIES ******

01-17-2002	OBJ	01 F/B UNITED STATES OF AMERICA	RB	03-22-2002 0001
02-27-2002	ORIGINAL CLAIM FILED			

[Return to SRBA Home Page](#)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 12, 2002

JACK E HORTON
19501 JACKNIFE
OLA ID 83657

RE: Water Right No. 65-2897 & 65-3099

Dear Property Owner(s):

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Hatfield". The signature is written in dark ink and is positioned above the printed name and title.

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region

DH: dh

Enclosures

cc: Elvin C and Betty Lue Schmelzer

Shurte, Jan

From: Shurte, Jan
Sent: Thursday, November 07, 2002 5:06 PM
To: Baxter, Garrick
Cc: Shurte, Jan
Subject: Separate Stream stipulations- 65-2897 & 65-3099

Hey Garrick:

We have a change of ownership in Basin 65 and are going to send the NCAP to the court tomorrow. It has a separate stream objection only. The new owner stated he would sign a stipulation if he gets one as the new owner. How do you think that works - does the BOR send him a new stip when they are notified as a part of the NCAP procedure. Do we? Just trying to clear up two more subcases.

Thanks,
Jan

RECEIVED

JAN 24 2002

WATER RESOURCES
WESTERN REGION

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)

A. Subcase 65-3099

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100

Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234

Daytime Phone: (208) 678-0461 (Dala Walton)

Name & Address of Attorney, if any:

David W. Gehlert (303 312-7352)

Trial Attorney, General Litigation Section

Environment and Natural Resource Division

U.S. Department of Justice

999 18th Street, Suite N 945

Denver, CO 80202

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Elvin C. Schmelzer & Betty Lue Schmelzer

Address: HC 78 Box 3839
Ola, ID 83657

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

- ☒ **General Provision Basin 65 Irrigation & Other Part III (3) Separate Streams**
1. ☐ **Name and Address**
Should be:
 2. ☐ **Source**
Should be:
 3. ☐ **Quantity**
Should be:
 4. ☐ **Priority Date**
Should be:
 5. ☐ **Point(s) of Diversion**
Should be:
 6. ☐ **Instream Flow Description**
Should be:
 7. ☐ **Purpose(s) of Use**
Should be:
 8. ☐ **Period of Year**
Should be:
 9. ☐ **Place of Use**
Should be:
11. **I object because:**
- ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described.

E. REASONS SUPPORTING EACH OBJECTION(S):

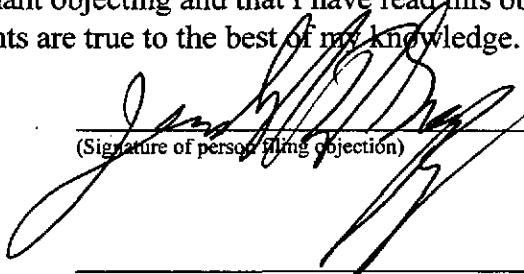
The Bureau of Reclamation objects to the separate stream provision of the Director's Report for Basin 65, Part III. These streams should be administered as part of the Payette River System in order to adequately protect water rights in the Payette River subbasin.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

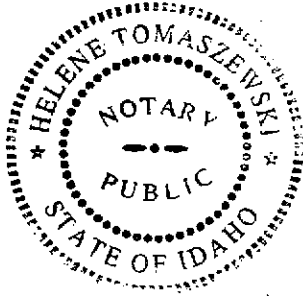
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

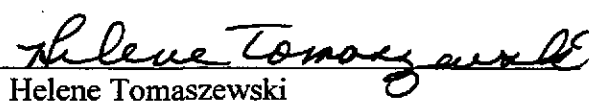

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 9, 2002




Helene Tomaszewski
Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 01-16-2002

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 17, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID. 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Elvin C. Schmelzer & Betty Lue Schmelzer

Address: HC 78 Box 3839
Ola, ID 83657

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf



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

11/22/2000

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

RIGHT NUMBER: 65-3099

NAME AND ADDRESS: BETTY LUE SCHMELZER
ELVIN C SCHMELZER
HC 78 BOX 3839
OLA, ID 83657

SOURCE: UNNAMED STREAM TRIBUTARY: SQUAW CREEK

QUANTITY: 0.2 CFS
1.2 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR
DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-2897
SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 04/01/1891

POINT OF DIVERSION: T09N R01E S3 NWSE Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 11-01	0.20 CFS
DOMESTIC	01-01 12-31	0.04 CFS
		1.2 AFY

PLACE OF USE:

IRRIGATION Within GEM County
T09N R01E S3 SWSE 5 T09N R01E S3 SESE 5

DOMESTIC Within GEM County
T09N R01E S3
SWSE

10 ACRES TOTAL

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

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

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

AJ5809NP
No. A65-03099

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/22/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ELVIN C SCHMELZER HC 78 BOX 3839 OLA ID 83657 (208) 584-3569	04/01/1891	IRRIGATION DOMESTIC	04-01 11-01 01-01 12-31	0.200 CFS 0.040 CFS	1.20 AFA 1.20 AFA
TOTAL DIVERSION:					0.200 CFS	1.20 AFA

C BETTY LUE SCHMELZER
OLA ID 83657

Water Source: UNNAMED STREAM

Tributary to: SQUAW CREEK

Stage: DECREED

Point(s) of Diversion:

T09N R01E S03

NWSE

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	SUM
09N	01E	3	:															05	05	10.0
TOTAL ACRES																			10.0	

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	
09N	01E	3	:															0		

POU County: GEM

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHT 65-2897 SHALL PROVIDE NO
MORE THAN .02 CFS/ACRE.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

Audit: 01/10/90 MOBILE3 03/30/95 POST-STD

N10 + N12 + C18 + E28

WR5809NP
No. 65-03099

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/22/00
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ELVIN C. SCHMELZER	04/01/1891	IRRIGATION	04/01 11/01	0.200 CFS	1.20 AFA
C	BETTY LUE SCHMELZER		DOMESTIC	01/01 12/31	0.040 CFS	1.20 AFA
	OLA ID 83657					
TOTAL DIVERSION:					0.200 CFS	1.20 AFA

Water Source: UNNAMED STREAM

Tributary to: SQUAW CREEK

Stage: DECREED

Point(s) of Diversion:

T09N R01E S03

NWSE

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	:	SUM	
09N	01E	3	:																	:		
																			05	05	:	10.0
																			TOTAL ACRES		:	10.0

Place of use Legal Description for: DOMESTIC

09N	01E	3	:																	:	
																			D	:	

Pou County: GEM

Other Water Rights Listing Overlapping Place(s) of use:
65-02897

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHT 65-2897 SHALL PROVIDE NO
MORE THAN .02 CFS/ACRE.

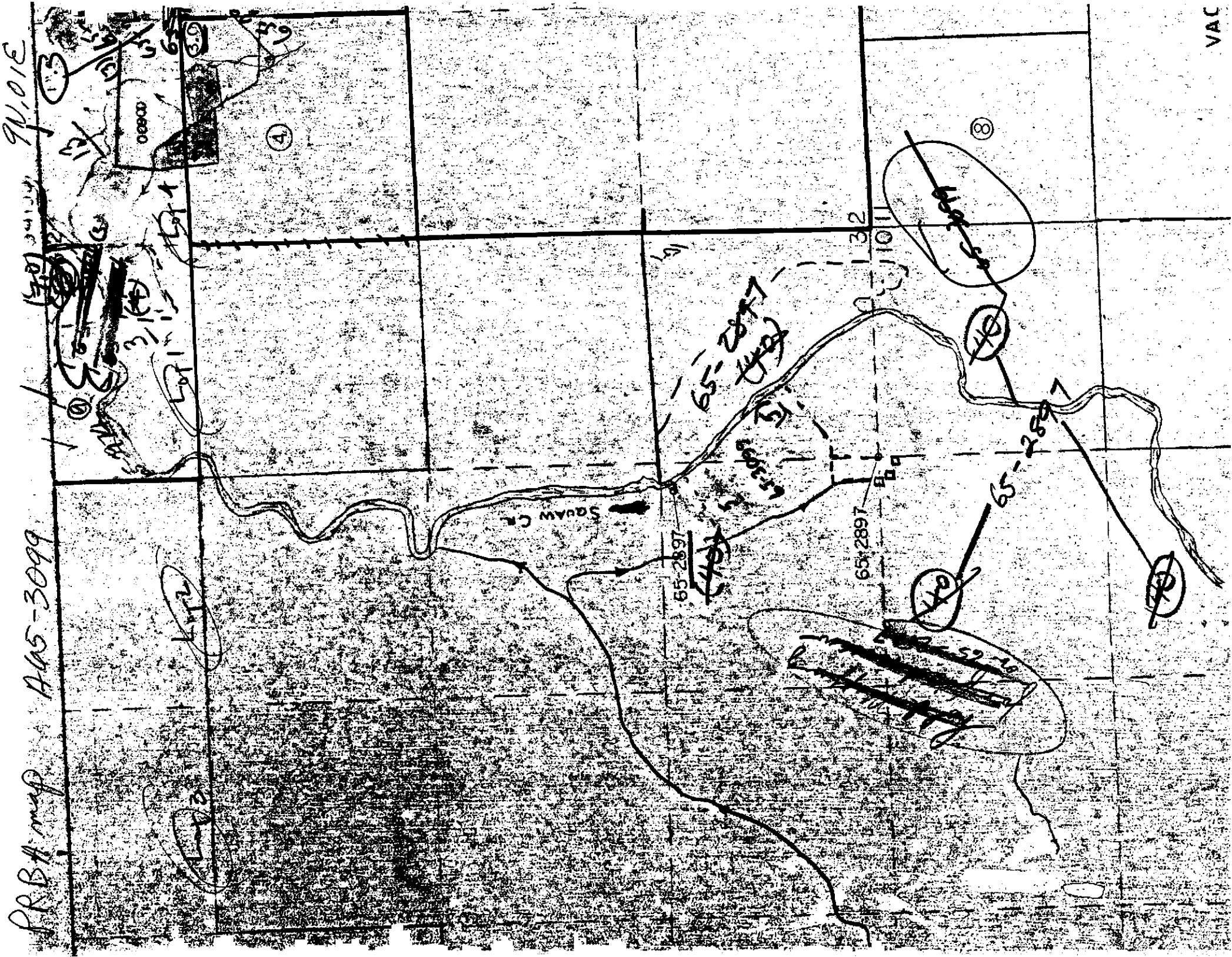
Dates:	App. Received:	Priority Date:	04/01/1891
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

Audit: 04/02/86 04/30/88 CONVERT

PRBA map AAS-3099

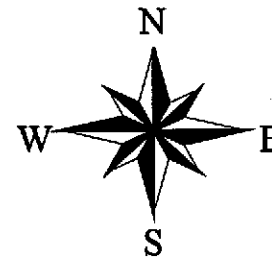
94,01E



VAC

IDAHO DEPARTMENT OF WATER RESOURCES

T09N, R01E, S3



1987 NAPP PHOTO

● POINT OF DIVERSION

▭ PLACE OF USE

▭ 1/4 1/4 LINES

▭ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-03099

OWNER(S): SCHMELZER, ELVIN &
BETTY LUE

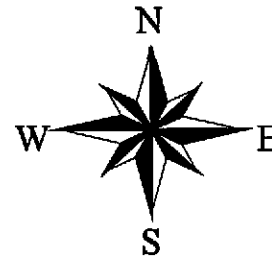
Prepared by Mel Schulte

DATE: JULY 28, 2000

0 0.25 0.5 0.75 Miles

IDAHO DEPARTMENT OF WATER RESOURCES

T09N, R01E, S3



1987 NAPP PHOTO

● POINT OF DIVERSION

▬ PLACE OF USE

▬ 1/4 1/4 LINES

▬ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-03099

OWNER(S): SCHMELZER, ELVIN &
BETTY LUE

Prepared by Mel Schulte

DATE: JULY 28, 2000

0 0.25 0.5 0.75 Miles

