



Lot

T331

T330

T335

Alta
Vista
Sub.

secondary
POD

POU

18.9

22.2

36

15-- Boulder Creek POD

secondary
POD

A65-03117

Alta
Vista
S30

T 330

T 331

707

Idaho Department of Water Resources

Claim No(s): 65-03117B

Claimant(s): Umbach

T18N, R03E, S 36

Prepared by: Sue Bock

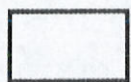
Date: 05/10/1999



Place of Use



Point of Diversion



Section lines

1/4 1/4 lines



0 0.25 0.5 Miles

1987 NAPP Photo



DRY

57 Ac

WASTE
WATER

24/2 out
DRY
22

22
DRY

1100
DRY

DRY

DRY

35

36

Idaho Department of Water Resources

Claim No(s): 65-03117B

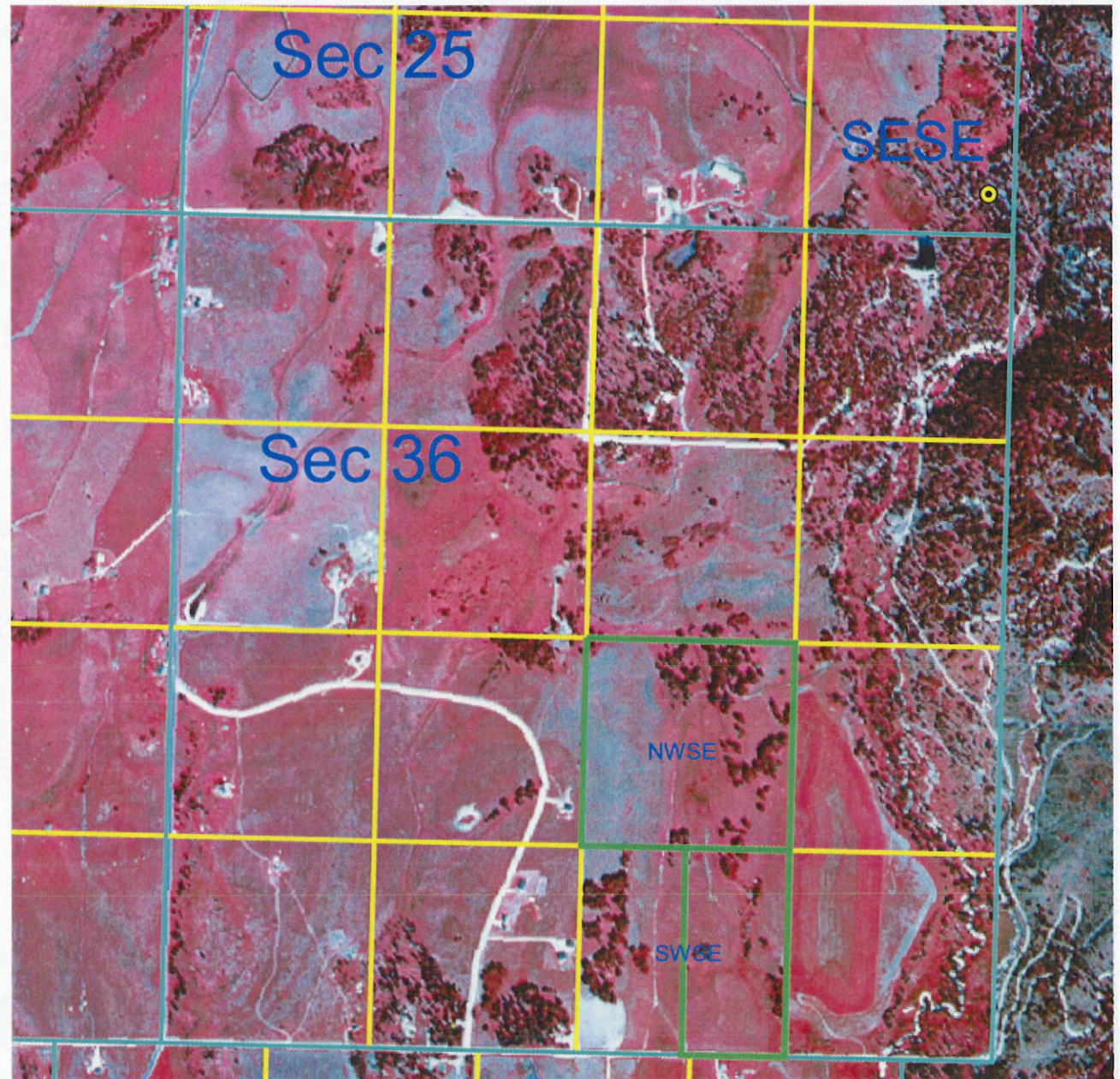
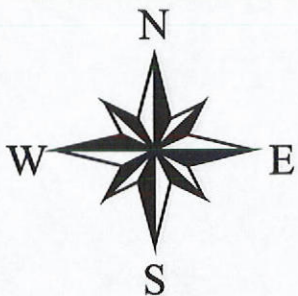
Claimant(s): Umbach

T18N, R03E, S 36

Prepared by: Sue Bock

Date: 05/10/1999

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



0 0.25 0.5 Miles



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: A65-03117B
Date Received: 8/18/1988
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: CUTLER UMBACH
Address: PO BOX 2329
MC CALL ID

83638

AND

Name: NANCY E UMBACH
Address: PO BOX 2329
MC CALL ID

83638

2. Date of Priority: MAY 7, 1891

3. Source: BOULDER CREEK

Trib. to: PAYETTE RIVER, NORTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
18N	03E	25	SE	SE			VALLEY

5. Description of diverting works:

METAL PIPE WITH STEEL HEADGATE (40' PIPE)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.770		

7. Total Quantity Appropriated is:

0.770 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
18N	03E	36	NW	SE		IRR	34.0
			SW	SE		IRR	14.0
						Section Acres	48.0
						Total Acres	48.0

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:

IRRIGATION FROM BOULDER MEADOWS IRRIG. INC.

14. Remarks:

ADDRESS CORRECTION 2/11/00 SB

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

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: 65-03117B and
65-02937B

NOTICE OF ADMINISTRATIVE
PROCEEDING

IDWR has received an application for an Administrative Proceeding for the above water right(s).

The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

- ☐ Substitution of Party (waiting for documentation)
- ☐ Substitution of Party/Split Water Right

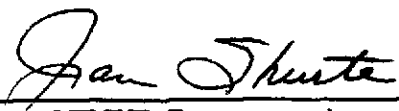
~~xxx~~ I.C. § 42-222 transfer

- ☐ point of diversion
- ☐ period of use

- ~~xxx~~ place of use
- ☐ nature of use

IDWR projects the Administrative Proceeding shall be completed no later than:
December 15, 2000.

DATED: December 15, 1999



Signature of IDWR Representative

INSTRUCTIONS FOR MAILING

Mail this form, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

CERTIFICATE OF MAILING

I certify that on December 15, 1999, 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
P. O. Box 2707
Twin Falls, Idaho 85303-2707
2. One Copy to:
~~Claimant/Seller for Substitution of Party or attorney of record:~~
Cutler and Nancy E Umbach
PO Box 172
Mc Call ID 83638
3. One Copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A
4. One copy to:
Each party in the subcase, or attorney of record :
Brian L Mc Mahan
Millemann, Pittenger & Mc Mahan
706 N First
PO Box 1066
Mc Call ID 83638



Signature of person or attorney mailing the form

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: A65-03117B
Date Received: 8/18/1988
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: CUTLER UMBACH
Address: PO BOX 172
MC CALL ID 83638
AND
Name: NANCY E UMBACH
Address: PO BOX 172
MC CALL ID 83638
2. Date of Priority: MAY 7, 1891
3. Source: BOULDER CREEK Trib. to: PAYETTE RIVER, NORTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
18N	03E	25		SE	SE		VALLEY
5. Description of diverting works:
METAL PIPE WITH STEEL HEADGATE (40' PIPE)
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.770		
7. Total Quantity Appropriated is:
0.770 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
18N	03E	36	NW	SE		IRR	34.0
			SW	SE		IRR	14.0
Section Acres							48.0
Total Acres							48.0

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:
IRRIGATION FROM BOULDER MEADOWS IRRIG. INC.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

STATE OF IDAHO
Decree Plaintiff

A & C CORP., ET AL.
vs Decree Defendant

RECEIVED

APR 27 1998

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 13 1998

WATER RESOURCES
WESTERN REGION

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 No(s): _____
 Adjudication Claim No(s): A65-03117
2. The following REQUIRED information must be submitted with this from:
 - 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 Cutler Umbach and Nancy E. Umbach
P.O. Box 172, McCall, Idaho 83638
4. New Owner/Claimant(s) Alan W. Busby & Terri L. Busby 1983 Living Trust
 Name Connector (Check One): ☐ and, ☐ or, ☐ and/or
 New Mailing Address P.O. Box 2021
 City, State and ZIP Code McCall, Idaho 83638
 New Telephone Number (208) 634-1747
5. Date you acquired the property July 22, 1996
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 20 Number and type of stock _____
 Diversion rate in CFS 10 AFA Number of Homes _____ 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) Alan W. Busby Alan W. Busby, Trustee
Terri L. Busby Terri L. Busby, Trustee
 (Corporations or other organizations must submit list of directors and/or officers demonstrating authority to sign form).
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.

ADDENDUM TO MEMORANDUM OF SALE/GRANT OF EASEMENT

This Addendum to Memorandum of Sale/Grant of Easement is effective the 5th day of January, 1998, and is an Addendum to that certain Memorandum of Sale dated July 22, 1996, between Cutler Umbach and Nancy Umbach, husband and wife (hereinafter referred to as "Seller"), and Alan W. Busby and Terri L. Busby 1983 Living Trust (hereinafter referred to as "Buyer"), regarding the E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36, T18N, R3E, B.M., Valley County, Idaho.

WHEREAS, in said Memorandum of Sale, Seller was to transfer to Buyer water rights amounting to ten (10) acre feet per annum (AFA),

NOW THEREFORE, for the considerations given in the aforesaid Memorandum of Sale, the parties hereto agree as follows:

1. Seller hereby transfers to Buyer ten (10) acre feet per annum (AFA) of water from Snake River Basin Adjudication (SRBA) Claim No. A65-03117. Seller has prepared an Idaho Department of Resources (IDWR) Notice of Change of Water Right Ownership form to accomplish said transfer, and said Notice is incorporated herein by this reference. If Buyer ever decides to sell any part of the aforesaid 10 AFA, then Buyer hereby grants to Seller a right of first refusal to buy back the water Buyer desires to sell at a price and on terms that are then mutually acceptable to Buyer and Seller.
2. Buyer will timely pay Buyer's pro rata share of the costs of maintenance and repair of the subject water delivery system, if any.
3. In the event that Seller secures an additional right to 10 AFA of water from Boulder Reservoir, which is acceptable to Buyer and can be used on Buyer's above-described property, then Buyer agrees to exchange the 10 AFA being transferred hereby for the newly-secured Boulder Reservoir water. Documents and all other arrangements necessary to effectuate said exchange shall be prepared by Seller, at no expense to Buyer.
4. Seller hereby grants to Buyer an easement across the northwest corner of Seller's adjacent property from the secondary point of diversion along the current water

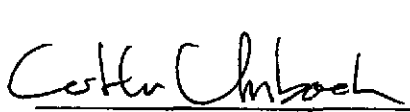
UMBACH'S SELLING
20 AC TO BUSBY'S
10 AFA = .03 CFS
(100K 10AF ÷ 4000 DPM)
IN 1983 = .03 CFS

diversion/irrigation system to Buyer's property line for the purpose of transporting said irrigation water from said point of diversion to Buyer's property, all as shown on the copy of the aerial photo attached to the incorporated IDWR Notice.

5. In all other respects, the terms and provisions of the aforesaid Memorandum of Sale, effective July 22, 1996, are hereby ratified and confirmed.
6. Without limiting the generality of the foregoing paragraph, the parties acknowledge that this Addendum/Easement and the accompanying documents have been prepared by the law firm of Millemann, Pittenger & McMahan as scrivener for the parties and not acting as attorney or advocate for either party. By their signatures below, the parties acknowledge and agree that the aforesaid law firm enjoys an attorney/client relationship with both parties, that consent to said law firm's preparation of these documents is given, and that neither party is relying on said law firm regarding the advisability of either party signing this Addendum/Easement.

IN WITNESS WHEREOF, the parties have signed this Addendum/Easement on the dates written next to their respective signatures.

SELLERS

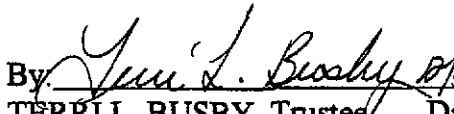
 1/5/98
CUTLER UMBACH Date

 1/7/98
NANCY UMBACH Date

BUYERS

**Alan W. Busby and Terri L. Busby
1983 Living Trust**

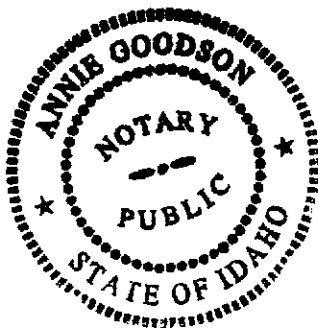
By:  12/31/97
ALAN W. BUSBY, Trustee Date

By:  12/31/97
TERRI L. BUSBY, Trustee Date

STATE OF IDAHO,)
(ss.
County of Valley.)

On this 5th day of January, 1998 before me, Annie Goodson a Notary Public in and for said State, personally appeared Cutler Umbach, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the 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.

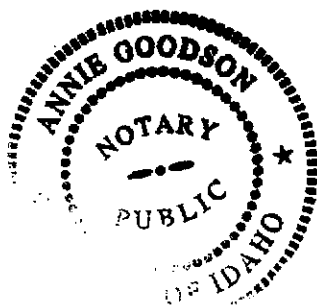


Annie Goodson
NOTARY PUBLIC FOR IDAHO
Residing at: McCall, Idaho
My Commission Expires: 11-06-2001

STATE OF IDAHO,)
(ss.
County of Valley.)

On this 7th day of January, 1998 before me, Annie Goodson a Notary Public in and for said State, personally appeared Nancy Umbach, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the 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.



Annie Goodson
NOTARY PUBLIC FOR IDAHO
Residing at: McCall, Idaho
My Commission Expires: 11-06-2001

STATE OF IDAHO,)
(ss.
County of Valley.)

On this 31 day of Dec, 1997, before me, Patti L. Davis, a Notary Public in and for said State, personally appeared **Alan W. Busby**, known to me to be a Trustee under the **Alan W. Busby and Terri L. Busby 1983 Living Trust**, and acknowledged to me that he executed the same as Trustee of said Trust.

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



Patti L. Davis
NOTARY PUBLIC FOR IDAHO
Residing at: McCall, Idaho
My Commission Expires: 2/22/2000

STATE OF IDAHO,)
(ss.
County of Valley.)

On this 31 day of Dec, 1997, before me, Patti L. Davis, a Notary Public in and for said State, personally appeared **Terri L. Busby**, known to me to be a Trustee under the **Alan W. Busby and Terri L. Busby 1983 Living Trust**, and acknowledged to me that she executed the same as Trustee of said Trust.

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



Patti L. Davis
NOTARY PUBLIC FOR IDAHO
Residing at: McCall, Idaho
My Commission Expires: 2/22/2000

addendum

WARRANTY DEED

FOR VALUE RECEIVED, CUTLER UMBACH and NANCY UMBACH, husband and wife, Grantors, do hereby grant, bargain, sell, and convey unto ALAN W. BUSBY and TERRI L. BUSBY, Trustees of the ALAN W. BUSBY and TERRI L. BUSBY 1983 LIVING TRUST, Grantees, whose address is P. O. Box 2021, McCall, Idaho, the following described real property situated in Valley County, Idaho, to-wit:

E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, S. 36, T. 18 N., R. 3 E., B.M.

Subject to easements, liens or encumbrances of record, in use, or visible on the property.

To have and to hold the said premises, together with improvements and appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors hereby covenant to and with said Grantees, that they are the owners in fee simple of said premises; that the said premises are free from all encumbrances except as noted above; and, that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 22nd day of July, 1996.

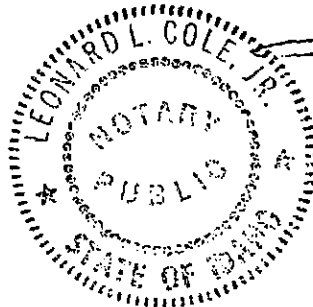
Cutler Umbach
CUTLER UMBACH

Nancy Umbach
NANCY UMBACH

STATE OF IDAHO,)
) ss.
County of Valley.)

On this 22 day of July, 1996, before me, Leonard L. Cole Jr., a Notary Public in and for said State, personally appeared CUTLER UMBACH and NANCY UMBACH, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the 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.

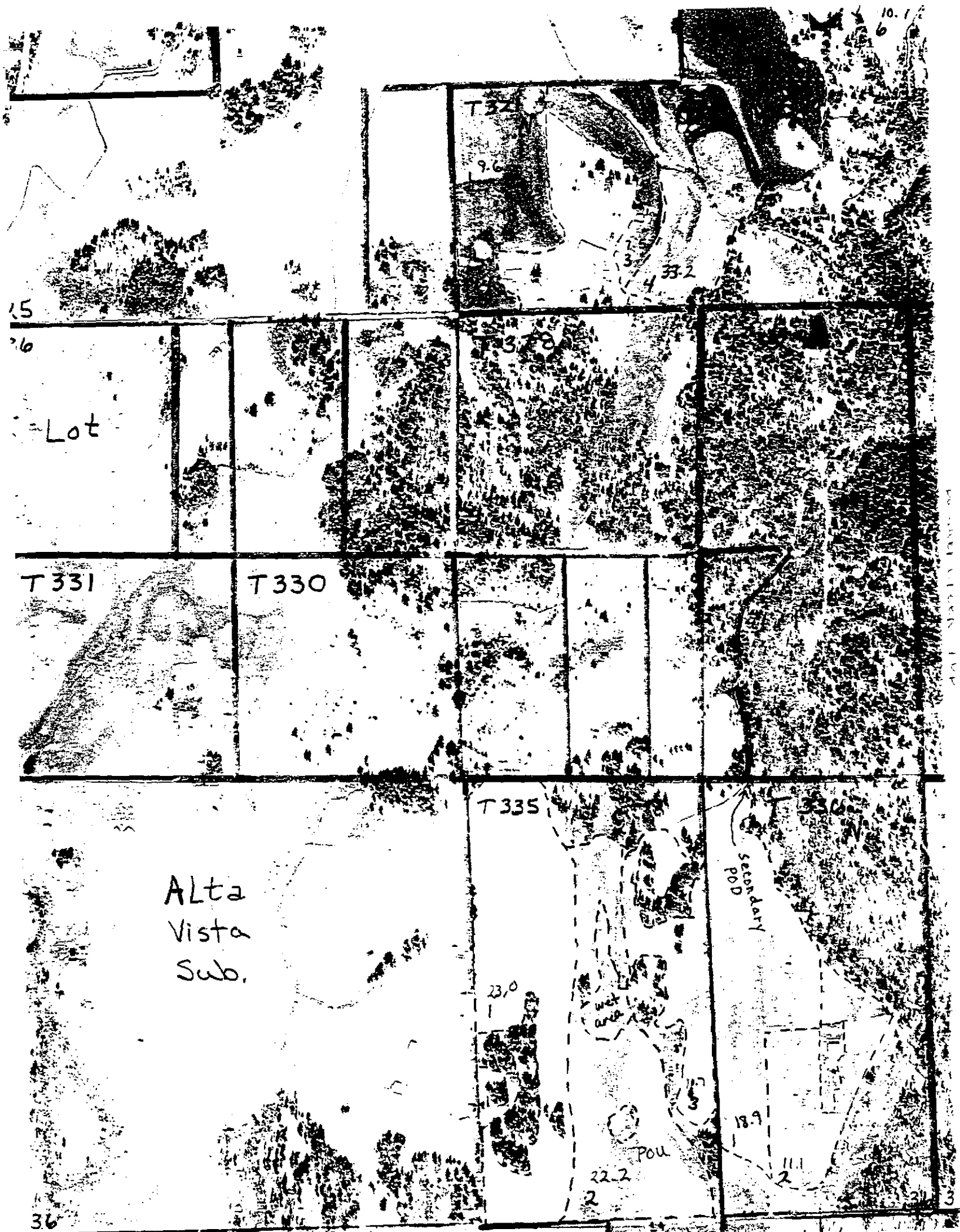


Leonard L. Cole Jr.
NOTARY PUBLIC FOR IDAHO

Residing at: CASCADE

My Commission Expires: 1-13-99

wdeed



STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

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APR 27 1998

WATER RESOURCES
WESTERN REGION

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 No(s): _____
Adjudication Claim No(s): A65-03117
2. The following REQUIRED information must be submitted with this from:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal documents indicating your ownership of the property and water rights or claims in question. WITH ATTACHED LEGAL DESCRIPTION.
 - 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).
 - C. For water rights of 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 From Owner/Claimant C. Ray and Ina C. Potter
Route 1, Box 89, McCall, Idaho 83638
4. New Owner/Claimant(s) Cutler Umbach and/or Nancy Umbach
Name Connector (Check One): ☐ and, ☐ or, ☒ and/or
New Mailing Address P.O. Box AN
City, State and ZIP Code McCall, Idaho 83638
New Telephone Number (208) 634-5818
5. Date you acquired the property June 1, 1989
6. If you have acquired only a portion of the from 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 68 Number and type of stock _____
Diversion rate in CFS 0.8 Number of Homes _____ 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) Cutler Umbach Cutler Umbach
8. For Snake River Basin Adjudication Claims: Please attach a list of directors and/or officers demonstrating authority to sign from).

RECEIVED
APR 27 1998
WATER RESOURCES
WESTERN REGION

MEMORANDUM OF SALE

THIS MEMORANDUM OF SALE, and Agreement is made and entered into effective this 1st day of June, 1989, by and between ^{C.R.P.} CRAY POTTER and ^{J.C.P.} INACPOTTER, husband and wife, of Post Office Box 95, Cambridge, Idaho 83610, hereinafter referred to as "Sellers", and CUTLER UMBACH and NANCY UMBACH, husband and wife, of Post Office Box 172, McCall, Idaho 83638, hereinafter referred to as "Buyers".

WHEREAS, Sellers are presently the record owners of certain real property situate in Valley County, Idaho, more particularly described as follows:

West 1/2 of the Southeast 1/4 of Section 36, Township 18 North, Range 3 East, Boise, Meridian.

SUBJECT TO an irrigation ditch easement across the above-described property to carry irrigation water along the existing ditch to other lands owned by Sellers, including the right to enter onto the above-described property for the purposes of maintenance, repair and cleaning of said irrigation ditch.

WHEREAS, Sellers desire to sell and convey to Buyers and Buyers desire to purchase from Sellers, all right, title and interest of Sellers in and to the subject real property upon the terms and conditions set forth hereinbelow and set forth in the Promissory Note, Warranty Deed, Bill of Sale, and Mortgage (hereinafter referred to as "the Documents of Sale") entered into and executed by the parties simultaneously with this Agreement.

NOW, THEREFORE, in consideration of the sums to be paid by Buyers to Sellers, and the mutual covenants and representations and warranties herein contained, the parties hereto do agree and cove-

nant as follows:

1. SALES PRICE: Buyers shall pay to Sellers and Sellers shall accept from Buyers, in consideration for the real property, personal property, water rights and other conveyances, covenants and promises identified in the Documents of Sale, the sum of \$150,000.00, payable as follows:

a. \$25,000.00 at closing; and,

b. The balance of \$125,000.00 payable according to the terms of the Promissory Note and Mortgage executed concurrently herewith.

2. The Promissory Note and Mortgage referred to above prohibit the prepayment of principal or interest without Sellers' prior written consent. Buyers acknowledge that such prohibition of prepayment is a material term of the parties' agreement. To preserve the benefit of such term to Sellers, in the event of a default by Buyers under said Note and Mortgage, Sellers shall have the following options:

a. To accelerate the balance of such Note, including all interest and principal, and bring an action to foreclose its Mortgage. In such event, Sellers shall be entitled to the penalty provided for prepayment of one year's interest on the unmatured principal at the time of acceleration.

b. In the event Buyers desire to cure, prior to sheriff's sale, Sellers, at their option, may allow such cure upon Buyers tendering all past-due installments and interest, plus Sellers' reasonable attorney fees and costs. Such Note and Mort-

4. RIGHT OF FIRST REFUSAL: Sellers do hereby grant to Buyers exclusive rights of first refusal to purchase water rights now owned by Sellers as follows:

a. Absolute Right:

(1) This right applies to 816 of 1,013 remaining shares of stock in Boulder Meadows Irrigation, Inc., which Sellers will continue to own after the transfer of shares confirmed herein-above.

(2) In the event that Sellers receive any offer for the sale, transfer or assignment of any property to which these 816 shares are appurtenant, or in the event that Sellers receive any offer for the sale or assignment of all or any of these 816 shares, independent of real property, then Sellers shall convey the exact terms of such offer to Buyers in writing;

(3) Buyers shall then have thirty (30) days from date of the mailing or delivery of such written offer in which to either accept or reject the terms and conditions of such offer, which acceptance or rejection shall be communicated by Buyers to Sellers in writing;

(4) If the Buyers decide to exercise this right of first refusal, then they shall have the right to and shall be obligated to purchase the above-described water rights, or any portion thereof which are covered by the subject offer, for the same price and on the same terms and conditions as those stated in the offer. Failure by Buyers to either accept or reject the subject offer in writing within the said thirty (30) day period shall constitute a

rejection of the offer and shall entitle Sellers to conclude that Buyers do not intend to exercise their right of first refusal as to those water rights; and,

b. Contingent Right:

(1) This right applies to the balance of 197 shares of stock in Boulder Meadows Irrigation, Inc., not included in Paragraph 3,a.(1) above and to the twenty (20) inches of "adjudicated water" which Sellers will continue to own after the transfer of water confirmed in Paragraph No. 2,a. hereinabove (i.e. the balance of the water right claimed by Sellers in the Notice of Claim to a Water Right Acquired Under State Law filed by the Sellers with the Department of Water Resources as Claim No. A65-3117);

(2) In the event that Sellers decide to offer these water rights, or any portion thereof, for sale, transfer or assignment independent and apart from the real property owned by Sellers in Section 1, Township 17 North, Range 3 East, Valley County, Idaho, and receive an offer therefor, then Sellers shall convey the exact terms of any said offer to Buyers in writing (it being understood and agreed by the parties that, in the event these water rights are offered and sold with the said real property, then Buyers have no right of first refusal as to these water rights);

(3) Buyers shall then have thirty (30) days from date of the mailing or delivery of such written offer in which to either accept or reject the terms and conditions of such offer, which acceptance or rejection shall be communicated by Buyers to Sellers in writing;

(4) If the Buyers decide to exercise this right of first refusal, then they shall have the right to and shall be obligated to purchase the above-described water rights, or any portion thereof which are covered by the subject offer, for the same price and on the same terms and conditions as those stated in the offer. Failure by the Buyers to either accept or reject the subject offer in writing within the said thirty (30) day period shall constitute a rejection of the offer and shall entitle Sellers to conclude that Buyers do not intend to exercise their right of first refusal as to those water rights; and,

c. These rights of first refusal herein granted shall be binding upon and shall inure to the benefit of the heirs, assigns, personal representatives and successors in interest of the parties.

5. PARTIAL INVALIDITY: In the event that any portion of or clause contained in this Memorandum is found by a court or administrative body of competent jurisdiction to be invalid or unenforceable, then the validity of the balance of this Memorandum and of the Documents of Sale shall not be affected thereby.

6. INTEGRATION CLAUSE: This Memorandum and the Documents of Sale executed concurrently herewith represent the entirety of the agreements reached between the parties, none of whom are relying on any representations, promises or statements made by the other or by either attorney, except insofar as such statement is expressly contained herein or in the Documents of Sale.

DATED this ____ day of June, 1989.

SELLERS:

Ray Potter
Ray Potter

Ina Potter
Ina Potter

BUYERS:

Cutler Umbach
Cutler Umbach

Nancy Umbach
Nancy Umbach

STATE OF IDAHO

)
:
ss.
)

COUNTY OF VALLEY

On this ____ day of June, 1989, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared RAY POTTER and INA POTTER, husband and wife, known to me to be the persons executing the within instrument, and acknowledged to me that they executed the 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 Idaho
Residing at McCall, Idaho
My Commission expires: _____

STATE OF IDAHO

)
:
ss.
)

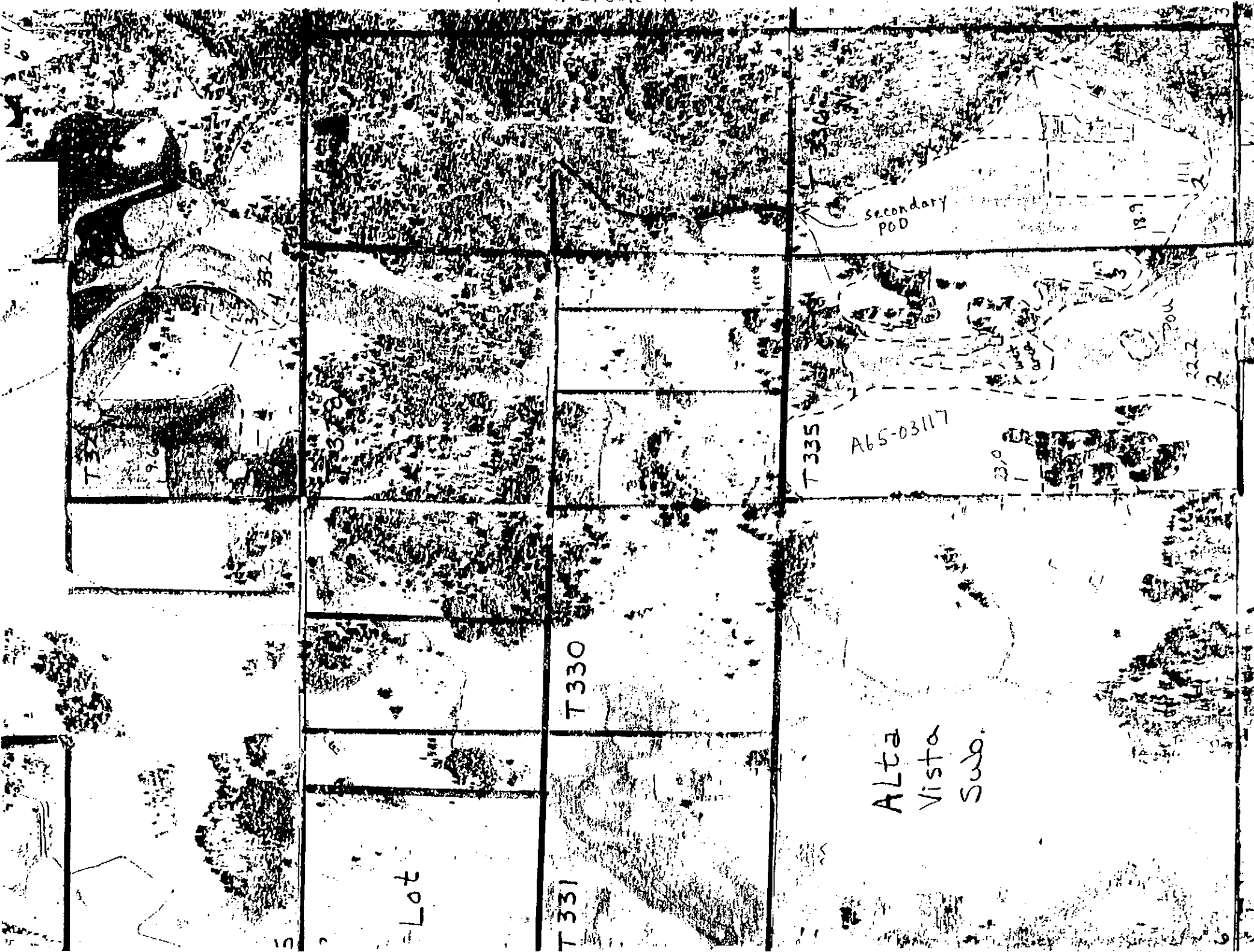
COUNTY OF VALLEY

On this ____ day of June, 1989, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared CUTLER UMBACH and NANCY UMBACH, husband and wife, known to me to be the persons executing the within instrument, and acknowledged to me that they executed the 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 Idaho
Residing at McCall, Idaho
My Commission expires: _____

Boulder Creek POD



secondary
POD

A65-03117

Alta
Vista
Sub.

T331

T330

T335

T331

Lot

JP

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: A65-03117
Date Received: 8/18/1988
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: C. RAY POTTER 208-634-7293
Address: ROUTE 1, BOX 89
MC CALL, ID 83638
OR
Name: INA C. POTTER 208-634-7293
Address: ROUTE 1, BOX 89
MC CALL, ID 83638
2. Date of Priority: MAY 07, 1891
3. Source: BOULDER CREEK Trib. to: PAYETTE RIVER, NORTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
18N	03E	25	SE	SE			VALLEY
5. Description of diverting works:
METAL PIPE WITH STEEL HEADGATE (40' PIPE)
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.200		
7. Total Quantity Appropriated is:
1.200 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 176.0 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
17N	03E	1	NE	NE	1	IRR	20.0
						Section Acres	20.0
18N	03E	36	NW	SE		IRR	34.0
			SW	SE		IRR	34.0
						Section Acres	68.0
						Total Acres	88.0

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:

IRRIGATION FROM BOULDER MEADOWS IRRIG. INC.

14. Remarks:

NONE

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

WATER RIGHTS

SEP 21 1988

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A65-03117

Date Received 9/13/88 CL

Receipt Number X 999999

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

Please type or print clearly C. RAY
RAY E. POTTER OR

1. Name of Claimant (s) INA C. POTTER Phone (208) 634-7293

Mailing Address RT. 1, BOX 89 MCCALL, ID Zip 83638

2. Date of Priority (Only one (1) per claim) 5/7/1891

3. Source of water supply (a) BOULDER CREEK
which is tributary to (b) N. FK. PAYETTE RIVER

4. a. Location of existing point of diversion is: Township 18N Range 3E Section 25,
1/4 of SE 1/4 of SE 1/4, Govt. Lot, B.M., County of VALLEY

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. METAL PIPE WITH

STEEL HEADGATE (40' PIPE)

*6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4/15 to 10/15 amount 1.2 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.2 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 176 acre feet per annum.

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

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
17N	3E	1	LOT 1 20																20
18N	3E	36														34	34		68

Total number of acres irrigated 88

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
IRRIGATION FROM BOULDER MEADOWS IRRIG. INC. or None ()

14. Remarks:

Last Name POTTER Ident No. AGS-03117

Copies: White - State, Yellow - Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 0

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

X Signature of Claimant (s) C. Ray Potter Date 8/18/88
Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 18th day of August 19 88

SEAL

Notary Public Dana Bellin

Residing at Caldwell, Id

My Commission Expires 3/21/94

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name POTTER Ident. Number A65-03117

Copies White-State, Yellow-Claimant

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-03117B

NAME AND ADDRESS: ALAN W BUSBY
PO BOX 2021
MC CALL, ID 83638

SOURCE: BOULDER CREEK TRIBUTARY: CASCADE RESERVOIR

QUANTITY: 0.77 CFS

PRIORITY DATE: 05/07/1891

POINT OF DIVERSION: T18N R03E S25 SESE Within Valley County

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Irrigation	04-15 TO 10-15	0.77 CFS

PLACE OF USE:	Irrigation	Within Valley County
	T18N R03E S16 NWSE 34.0	SWSE 14.0
	48.0 Acres Total	

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).

RULE 54(b) CERTIFICATE

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

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

MAR 3 2 2004

SPECIAL MASTER

11/28/2000

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

RIGHT NUMBER: 65-3117B

NAME AND ADDRESS: ALAN W BUSBY
PO BOX 2021
MC CALL, ID 83638

SOURCE: BOULDER CREEK TRIBUTARY: CASCADE RESERVOIR

QUANTITY: 0.77 CFS

PRIORITY DATE: 05/07/1891

POINT OF DIVERSION: T18N R03E S25 SESE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-15 10-15	0.77 CFS

PLACE OF USE:

<u>IRRIGATION Within VALLEY County</u>			
T18N R03E S36	NWSE	34	T18N R03E S36 SWSE 14

48 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

USE OF THIS RIGHT IS COMBINED WITH WATER FROM BOULDER MEADOWS IRRIGATION INC.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 65-03117A, 65-03117C

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. 65-03117B
)
)
)
)
)

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 29, 2000



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on November 29, 2000, 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:
Cutler Umbach
Nancy Umbach
PO Box 2329
Mc Call ID 83638-2329
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Alan W Busby
PO Box 2021
Mc Call ID 83638
4. One Copy to:
Each party in the subcase or attorney of record:
Brian L Mc Mahan
Millemann, Pittenger & Mc Mahan LLP
706 N 1st
PO Box 1066
Mc Call ID 83638
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

MILLEMANN, PITTENGER & McMAHAN, LLP
ATTORNEYS AT LAW
706 NORTH FIRST
POST OFFICE BOX 1086
MCCALL, IDAHO 83638

RECEIVED

NOV 17 2000

WATER RESOURCES
WESTERN REGION

STEVEN J. MILLEMANN
GREGORY C. PITTENGER
BRIAN L. McMAHAN
AMY N. PEMBERTON

TELEPHONE (208) 634-7641
FACSIMILE (208) 634-4516
E-MAIL mpm@cyberhighway.net

November 15, 2000

State of Idaho Department of Water Resources
Western Region
Attn: Steve Lester 
2735 Airport Way
Boise, ID 83705-5082

Re: Water Right No. 65-03117B and 65-02937B

Dear Steve:

This letter will follow the various telephone conversations we have had over the past few months regarding the above-referenced water rights. Attached to this letter are the following:

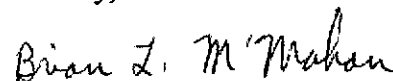
1. Notice of Change in Water Right Ownership; and
2. Cutler Umbach's letter to you.

I believe that Mr. Umbach's letter and the attached Notice of Change in Water Right Ownership are self-explanatory. If not, please give me a call. Also, please coordinate with Jan Shurte regarding the removal of the NAP for 65-03117B and 65-02937B from the SRBA.

To my knowledge, these documents and the removal of the NAP from the SRBA should clear up all of the loose ends regarding these water rights. If there is anything further, please let me know.

Thank you for your assistance.

Sincerely,



BRIAN L. McMAHAN

BLM/plp
Encs.
cc: Client

CUTLER UMBACH

P.O. Box 172
McCall, ID 83638

November 14, 2000

State of Idaho Department of Water Resources
Western Region
Attn: Steve Lester 
2735 Airport Way
Boise, ID 83705-5082

Re: Water Right No. 65-03117B and 65-02937B

Dear Mr. Lester:

This letter will follow the telephone conversations you have had with Brian L. McMahan regarding the above-referenced water rights. The purpose of this letter is two-fold. First, by this letter I withdraw the Transfer Application regarding No. 65-03117B which was receipted by your office on October 28, 1999. Please return the \$100 filing fee to me at the address listed in the letterhead.

The second purpose of this letter is to withdraw the Notice of Error Replies for Water Right No. 65-03117B and 65-02937B, both of which were received by your office on October 28, 1999, and both of which were filed in conjunction with the above-referenced Transfer Application. Please coordinate with Jan Shurte regarding the removal of the Notice of Administrative Proceeding from the SRBA regarding Water Rights Nos. 65-03117B and 65-02937B.

Thank you for your assistance in these matters.

Sincerely,


CUTLER UMBACH

Enc.

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

RECEIVED

NOV 17 2000

WATER RESOURCES
WESTERN REGION

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
65-03117B					

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) Cutler Umbach & Nancy E. Umbach
P. O. Box 172, McCall, ID 83638
4. New Owner/Claimant(s) Alan W. Busby
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P. O. Box 2021
- City, State and ZIP Code McCall, ID 83638
- New Telephone Number (208) 634-8346
5. Date you acquired the property 1989, 1990, 1996, 1998 & 2000

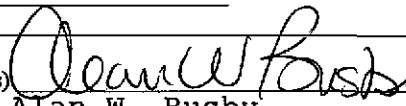
P.O. Box 2329
per profile
report of 1-6-00

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)


Alan W. Busby

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 _____

Idaho Department of Water Resources

Claim No(s): 65-03117B

Claimant(s): Umbach

T18N, R03E, S 36

Prepared by: Sue Bock

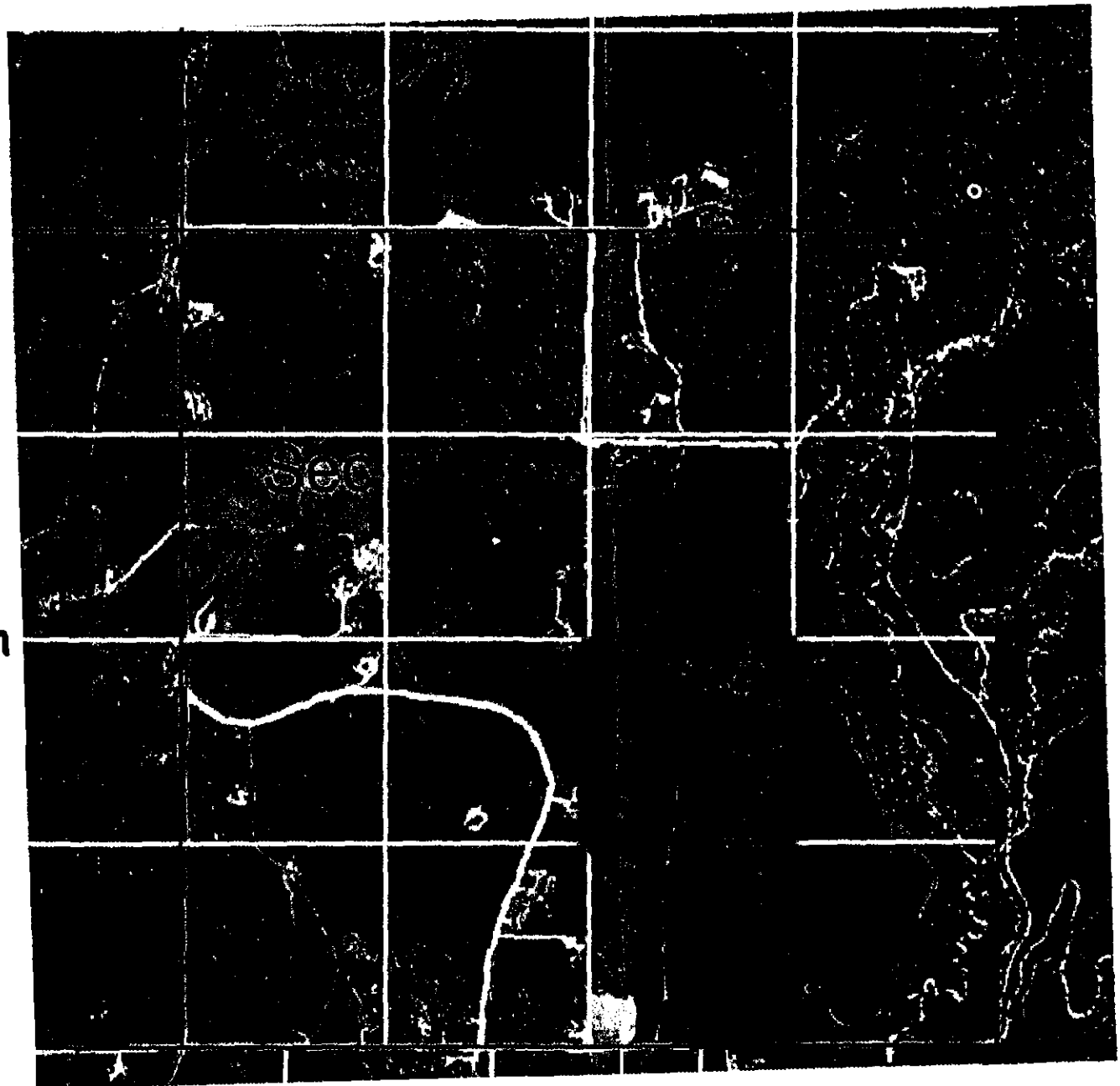
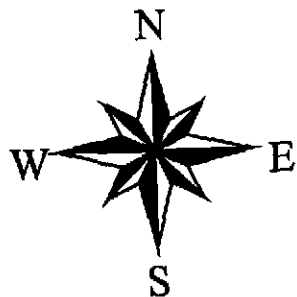
Date: 05/10/1999

 Place of Use

 Point of Diversion

 Section lines

1/4 1/4 lines



0 0.25 0.5 Miles



1987 NAPP Photo

QUITCLAIM DEED

FOR VALUE RECEIVED, CUTLER UMBACH and NANCY E. UMBACH, husband and wife, Grantors, hereby convey, release, remise and forever quitclaim unto ALAN W. BUSBY, Grantee, as his separate property, whose current address is P.O. Box 2021, McCall, Idaho 83638, all their right, title and interest, together with all right, title and interest hereinafter acquired by Grantors, in the following premises located in Valley County, Idaho, to-wit: the W1/2 of the SE1/4 of Section 36, T18N, R3E, Boise Meridian, together with all water rights, including, but not limited to, those identified in water Right No. 65-03117B.

DATED this 15th day of November, 2000.

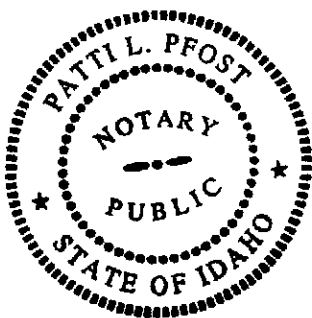
Cutler Umbach
CUTLER UMBACH


NANCY E. UMBACH

STATE OF IDAHO,)
) ss.
County of Valley.)

On this the 15 day of November, 2000, before me, Patti L. Pfost, a Notary Public in and for said State, personally appeared **CUTLER UMBACH and NANCY E. UMBACH**, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the 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 IDAHO
 Residing at: McCall, Idaho
 My Commission Expires: 2/22/2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

November 21, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

WILLIAM A NIKKEL
CRISTINA S NIKKEL
292 POTTER LN
MC CALL ID 83638

RE: Water Right No. 65-2937B

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.

This change of ownership information has also been forwarded to our State Office to process water right number 65-17854, as it has already been decreed by the SRBA Court.

In reviewing this change of ownership, it was discovered that we are unable to change water right number 65-3117B at this time. The legal description on the deed submitted does not match the Place of Use on the water right. In addition, this water right is currently in the name of Alan W Busby, per a change of ownership from Cutler and Nancy Umbach to Mr. Busby processed in November, 2000. If you have any additional information regarding this particular water right transfer, please contact this office.

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,

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region

DH: dh

Enclosures

cc: Cutler and Nancy Umbach

NOT SAME LAND
IN SALE TO NIKKENS.

W 1/2 SE 1/4, S. 36

(LOT 3+4)

SALE COVERS E 1/2 SE, S. 36 + W 1/2 SW

OK S. 31

SRBA SUBCASE SUMMARY REPORT 65-03117B

[Return to SRBA Home Page](#)

SRBA
11-20-2002

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 65-03117B FILE#: 00477
CLAIMANT: BUSBY, ALAN W
PO BOX 2021

MC CALL ID 83638
STATUS: AT ISSUE SPECIAL MASTER: CUSHMAN, THOMAS R
WATER SOURCE: BOULDER CREEK, CASCADE RESERVOIR

**** PARTIES INVOLVED ****

ALAN W BUSBY	C PRO SE
USDI BUREAU OF RECLAMATION	O ATTY: US DEPARTMENT OF JUSTICE
STATE OF IDAHO	R ATTY: NATURAL RESOURCES DIV CHIEF
NANCY E UMBACH	C PRO SE

**** ROA ENTRIES ****

01-31-2000	NOTICE OF ADMINISTRATIVE PROCEEDING	AZ	12-15-2000
06-09-2000	MOTION FOR LEAVE TO FILE LATE OBJECTIONS F/B BUREAU OF RECLAMATION	MG	07-28-2000 0001
06-09-2000	AFFIDAVIT OF RICHARD RIGBY IN SUPPORT OF MOTION FOR LEAVE TO FILE LATE OBJECTIONS		
06-09-2000	AFFIDAVIT OF KATHLEEN MARION CARR IN SUPPORT OF MOTION FOR LEAVE TO FILE LATE OBJECTIONS		
06-09-2000	AFFIDAVIT OF RICHARD F WELLS IN SUPPORT OF MOTION FOR LEAVE TO FILE LATE OBJECTIONS		
06-09-2000	LDGD: OBJ 1 TO GENERAL PROVISION 3 - SEPARATE STREAMS ADMINISTRATION - LDGD BY BUREAU OF RECLAMATION		
06-13-2000	ORDER SETTING HEARING ON MOTION FOR LEAVE TO FILE LATE OBJECTIONS	HS	07-27-2000
06-21-2000	ERRATA TO MOTION FOR LEAVE TO FILE LATE OBJECTIONS (CORRECTING EXHIBIT A: SUBCASE LIST)		
07-21-2000	AMENDED DIRECTOR'S REPORT CORRECTING ATTACHMENT "A" TO PROPOSED GENERAL PROVISIONS FOR IRRIGATION & OTHER USES, RA 15 BASIN 65 PARTS I & II		
07-27-2000	HEARING HELD ON MOTION FOR LEAVE TO FILE LATE OBJECTIONS	HH	07-27-2000 0130
07-27-2000	MINUTES		
07-28-2000	ORDER GRANTING LEAVE TO FILE LATE OBJECTIONS		
08-09-2000	AMENDED ORDER GRANTING LEAVE TO FILE LATE OBJECTIONS		
	RESPONSES DUE 8/18/00 AND 9/11/00		
08-21-2000	RESPONSE TO OBJ 0001 F/B STATE OF IDAHO		0001

10-02-2000	ORDER SETTING STATUS CONFERENCE	US	12-06-2000 0245
10-18-2000	OBJ 1 TO GENERAL PROVISION 3/F/B U.S.		
10-18-2000	RESPONSES TO LATE OBJECTION FILED BY BUREAU OF RECLAMATION DUE 11/28/2000		
10-18-2000	ORDER OF REFERENCE TO TOM CUSHMAN		
12-04-2000	NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING		12-04-2000
12-04-2000	NCAP - AMENDED DIRECTOR'S REPORT FILED APPLICATION FOR TRANSFER FILED IS WITHDRAWN;SUBSTITUTE PARTY - ALAN BUSBY FOR CUTLER UMBACH		
12-06-2000	STATUS/CONTINUED INITIAL HEARING HELD	UH	12-06-2000 0245
12-06-2000	MINUTES FILED		

[Return to SRBA Home Page](#)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

OCT 22 2002

WATER RESOURCES
WESTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 26, 2002

ALAN W AND JAN BUSBY
PO BOX 2021
MC CALL ID 83638

Re: Snake River Basin Adjudication (SRBA)
Water Rights #65-3117B and 65-3117C

Dear Water Right Holders:

We have received the Standard Form 5 you both signed from the SRBA Court. However, before we can modify our records to reflect Jan Busby on water right #65-3117B, we need the enclosed ownership change form completed and returned. This change is actually considered an ownership change as opposed to an address change by IDWR since the "owners" of the water right will change from Alan & Terri Busby Living Trust 1983 to Alan W. and Jan Busby.

On water right #65-3117B, Alan W. Busby is the sole owner. If you desire both of your names on this water right, please add this number to the ownership change form.

These water rights are still pending before the SRBA Court; as such, there is no fee to change the ownership.

Please call me toll-free at 1/800-451-4129 if you have any questions or concerns.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:
Form 42-248/42-1409(6)



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

November 29, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVE N
PO BOX 2707
TWIN FALLS ID 83303-2707

RE: Water Right No. 65-03117B

To Whom It May Concern:

Per the enclosed copy of Notice of Administrative Proceeding form, the Application for Transfer referenced has been withdrawn.

If you have any questions regarding this letter, feel free to contact this office at (208) 334-2190.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region

DB:db

Enclosures



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 28, 2000

ALAN W BUSBY
PO BOX 2021
MC CALL ID 83638

RE: Water Right No. 65-03117B

Dear Property Owner:

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 ownership 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 Buffington".

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region

DB:db

Enclosures

cc: Cutler and Nancy Umbach
Brian L McMahan, Attorney at Law



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 22, 2000

CUTLER UMBACH
PO BOX 172
MCCALL ID 83638

Re: Application for Transfer of Water Right No. 65-03117B

Dear Mr. Umbach:

I received your letter of November 14, 2000, and the accompanying letter from Mr. Brian McMahan regarding the above referenced transfer application. Your action completes withdrawal of the transfer application. A \$100 refund will be issued to Mr. McMahan's law firm because payment was made by the firm according to receipt no. W25861 issued by this office on October 28, 1999.

You also submitted a change in ownership form for water right no. 65-03117B in addition to information regarding the notice of error procedure for that right and water right no. 65-02973B. Your information for these water rights will be processed by the adjudication staff at this office per your request.

Thank you for your attention to these matters. Please contact this office if you need more information.

Sincerely,

A handwritten signature in cursive script that reads 'Steve Lester'.

Steve Lester
Water Rights Supervisor

Cc: Brian McMahan

MEMORANDUM

TO: Debbie Allen
FROM: Steve Lester 
DATE: November 22, 2000

RE : *Refund*

Steven J. Millemann paid \$100 for an application for transfer filed on October 28, 1999. The transfer was for Millemann's client, Cutler Umbach. Mr. Umbach withdrew the transfer application on November 14, 2000. The transfer was not advertised, and a refund can be issued as follows:

TO Steven J. Millemann
Millemann Pittenger & McMahan, LLP
PO Box 1066
McCall ID 83638

(Tel. 208-634-7461)

RECEIPT # W025861

Cc: A65-02937B and A65-03117B

SL
Lester, Steve

From: Lester, Steve
Sent: Wednesday, June 21, 2000 4:11 PM
To: Bock, Susan; Shurte, Jan; Spackman, Gary; Dan Nelson; Lori Graves; Steve Lester
Cc: Taylor, Sue
Subject: Umbach transfer for 65-03117

I spoke with Umbach's attorney, Brian McMahan, today. The transfer was received last fall but returned to Brian's office. Apparently, Brian had a telephone call with Western staff and learned that the transfer needed more work to avoid an expansion scenario. So it was sent back for revision.

Brian said that his client is still trying to decide what to do. We agreed that the matter will be called up on October 1 of this year if Umbach does not resubmit the transfer by then.

So we did not lose the file after all! This is a good reminder to us to make sure we document steps like returning an original filing. If all else fails, we should use apps.lis to document these returns. I prefer to keep a copy of the original and show this info in apps.lis ... helps with office day etc. calls plus gives us some type of file to reference.

Sue T. will update apps.lis to note what happened. I will contact Brian in early October if the transfer is still sitting out there.

That was a close one.

-- Steve

p.s. to Jan: I just found the newer Umbach permit files so all's well that ends well.

*File
a for
your claim
file*

SD-1603-3

Idaho Department Of Water Resources
Detail Receipt Summary Screen

Date: 06/21/00
Time: 15:15:12

Rec/No - W025861 AR/No -
From: - MILLEMANN, STEVEN J

Receipt Type - CK Doc/No - 11308
Remarks -

MOST CURRENT RECEIPT

Receipt Date: 10/28/1999

Type Of Payment	Fund	FD	PCA	Obj	Subsid	Fee
APP FOR TRANSFER (UMBACH 65-03117B)	229	21	62105	1155		100.00

Total Due - 100.00

WR/No	WR Fee	WR/No	WR Fee	WR/No	WR Fee
-------	--------	-------	--------	-------	--------

(Enter=Continue)

(GOLD7=Selection Screen)

(GOLD8=Cancel)

JAN 10 2000

DATE: 01/06/00
PAGE: 1

WATER RESOURCES
WESTERN REGION

Stage: DECREED

VALLEY County

POU County: VALLEY

W38 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM
- BOULDER MEADOWS IRRIGATION INC.
C18 - THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
- NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
- ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
- DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
- ENTRY OF A FINAL UNIFIED DECREE, SECTION 42-1412(6) IDAHO CODE.

Remarks: EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 65-03117A, 65-03117C

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

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

Comments: Date: 09/24/1999 User-ID: AJU10-JS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART
OF RECORD THRU AJU10.

Date: 01/06/2000 User-ID: SSHERMAN Subject: ADDRESS CHANGE
ADDRESS CHANGE BY CLAIMANT NOTE.

Audit: 60/00/10 SSHERMAN

RECEIVED

DEC 23 1999

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

~~NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES~~

ADDRESS SERVICE
REQUESTED

POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



*records modified; KAT prepared
- so 1-6-2K*

IMPORTANT WATER RIGHT INFORMATION

+ 65-17854, -00800, -031173

65-02937B
CUTLER UMBACH
NANCY UMBACH
PO BOX 2329
MC CALL ID 83638

UMBACH 000 836382221 1699 05 12/16/99
UMBACH
PO BOX 2329
MC CALL ID 83638-2329

83638X0000000000



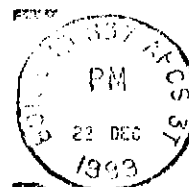
*Please change your
records of this address
as indicated*
↑

*Thank
you*

*W.A. has cy
65-00800
65-12990*

PLEASE NOTE ADDRESS CHANGE:

Cutler Umbach
P.O. Box 2329
McCall ID 83638



65-02937B

✓ -17854

✓ -00800

✓ -03117B

State of Idaho
dept. of Water Resources
1301 n. orchard
P.O. Box 83720

Boise, Id 83720-0098

83720/0098 

September 29, 1999

NOTICE OF ERROR
REPLY

RECEIVED

OCT 28 1999

WATER RESOURCES
WESTERN REGION

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: October 29, 1999

Water right number: 65-03117B

CUTLER UMBACH
NANCY E UMBACH
PO BOX 172
MC CALL ID 83638

Daytime Telephone Number: 208-634-5818

Evening Telephone Number: 208-634-5318

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

1. Place of use, and
2. Explanatory material.

2. Describe the changes you wish to make in the proposed recommendation:

See attached Application for Transfer of Water Right.

3. Give a brief explanation as to why you disagree with these portions:

1. Regarding, place of use: See attached Application for Transfer.
2. Regarding, explanatory material: I no longer own any shares of Boulder Meadows Irrigation, Inc. Therefore, that part of the explanatory material should be deleted.

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

DATE: 22 Oct. 1999 SIGNATURE: Cutler Umbach
Please print your name: Cutler Umbach

MILLEMANN, PITTENGER & McMAHAN
ATTORNEYS AT LAW

706 NORTH FIRST
POST OFFICE BOX 1066
MCCALL, IDAHO 83638

STEVEN J. MILLEMANN
GREGORY C. PITTENGER
BRIAN L. McMAHAN
AMY N. PEMBERTON

TELEPHONE (208) 634-7841
FACSIMILE (208) 634-4516
E-MAIL mpm@cyberhighway.net

October 25, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED #Z358048946

State of Idaho Department of Water Resources
SRBA Western Region
P.O. Box 83720
Boise, ID 83720-9815

Re: Application for Transfer of Water Right No. 65-03117B *Stone*
SRBA Notice of Error Reply for Water Right No. 65-03117B *adj* } *St*
SRBA Notice of Error Reply for Water Right No. 65-02937B *adj*

Dear IDWR:

This firm represents Cutler Umbach and Nancy E. Umbach, the applicants under the above-referenced Application for Transfer of Water Right, and the persons signing the two attached SRBA Notice of Error Reply forms. Attached to this cover letter is the original Application for Transfer of Water Right, as well as the two above-referenced original Notice of Error Reply forms. Also accompanying this cover letter is a \$100 check to accompany the Application for Transfer of Water Right.

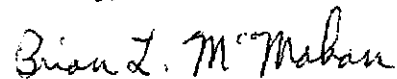
We have also enclosed an extra copy of the first page of the Application for Transfer, as well as extra copies of the two Notice of Error Reply forms. Will you please date stamp those three extra copies showing the date you receive them, then return them to us in the enclosed self-addressed stamped envelope which is provided for your convenience. Then, please process the Application and each of the Notice of Error Reply forms at your earliest convenience. Realizing that you will probably not get the Transfer Application processed prior to the Director's Report for this basin, we request that you file a Notice of Administrative Procedure (NAP) regarding Water Right No. 65-03117B. Again, assuming that the transfer will not be complete prior to the Director's Report, we also anticipate filing an objection to the Director's Report when it is issued in order to allow for the complete processing of the Transfer Application prior to the ultimate issuance of the SRBA decree regarding this water right. In that vein, we would also anticipate filing a motion with the SRBA Court to stay this subcase until complete processing of the Transfer Application. Once the Transfer Application is completely processed, we would then

State of Idaho
Department of Water Resources
Attn: Steve Lester
October 25, 1999
Page 2

anticipate your filing of a Notice of Completed Administrative Procedure (NCAP), and the mutual filing of a Standard Form 5 stipulation to resolve the objection.

We thank you in advance for giving these matters your due consideration at the earliest possible time. We realize that you are extremely busy, so we may be contacting you from time to time regarding the status of these matters. If you have any questions regarding anything at any time, please do not hesitate to call. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Brian L. McMahon".

BRIAN L. McMAHAN

BLM/plp
Encs.
cc: Client w/encs.

AJ0749NP
No. R65-03117B

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

DATE: 06/25/99
PAGE: 1

=====

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CUTLER UMBACH	05/07/1891	IRRIGATION	04-15 10-15	0.77 CFS	
C	NANCY E UMBACH					
	PO BOX 172			TOTAL DIVERSION:	0.77 CFS	
	MC CALL ID 83638					

Water Source: BOULDER CREEK

Tributary to: CASCADE RESERVOIR

Stage: DECREED

Point(s) of Diversion: T18N R03E S25 SESE

VALLEY 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
18N	03E 36	:				:				:				:		:		
		:				:				:				:		:	34 14	48.0
		:				:				:				:		:	TOTAL ACRES	48.0

POU County: VALLEY

Conditions of Approval:

W38 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM
- BOULDER MEADOWS IRRIGATION INC.

Remarks: EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 65-03117A, 65-03117C

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

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

Audit: 06/25/99 SBOCK

AJ5809NP
No. A65-03117B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/05/99
PAGE: 59

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CUTLER UMBACH	05/07/1891	IRRIGATION	04-15 10-15	0.77 CFS	
C	NANCY E UMBACH PO BOX 172 MC CALL ID 83638					
TOTAL DIVERSION:					0.77 CFS	

Water Source: BOULDER CREEK

Tributary to: ~~PAYETTE RIVER, NORTH FORK~~

Stage: DECREED

Point(s) of Diversion:

T18N R03E S25

SESE

Cascade Res

VALLEY 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
18N	03E	36	:															34	14	:	48.0
TOTAL ACRES																			:	48.0	

POU County: VALLEY

Non-Irrigation Uses: NONE

Other Rights: *Permit* IRRIGATION FROM BOULDER MEADOWS IRRIG. INC.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

65-10202 65-10205 A65-03001A A65-03117A A65-03117C A65-03118 A65-10202 A65-10205

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:

Presumption Flag:

EXP 105
W32
Condition needed.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:24:12
05/10/99
17

PAGE: 17
PROFILE REPORT

CLAIM NUMBER: A65-03117B

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME																																																																																																																																			
C	CUTLER UMBACH	05/07/1891	IRRIGATION	04-15 10-15	0.77 CFS																																																																																																																																				
C	NANCY E UMBACH																																																																																																																																								
TOTAL DIVERSION:					0.77 CFS																																																																																																																																				
Water Source: BOULDER CREEK		Tributary to: PAYETTE RIVER, NORTH FORK			Stage: DECREED																																																																																																																																				
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																				48.0																																																																																																																					

POU County: VALLEY

Non-Irrigation Uses: NONE

Other Rights: IRRIGATION FROM BOULDER MEADOWS IRRIG. INC.

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number: 65	Field Inspection Flag:	Presumption Flag:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:23:44
05/10/99

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A65-03117B

LAST: POTTER
ADDRESS: ROUTE 1 BOX 89
CITY: MC CALL
PHONE NUMBER: 208-634-7293

FIRST: C RAY
STATE: ID ZIP: 83638

OWNER CODE: O

LAST: POTTER
ADDRESS: ROUTE 1 BOX 89
CITY: MC CALL
PHONE NUMBER: 208-634-7293

FIRST: INA C
STATE: ID ZIP: 83638

OWNER CODE: O

LAST: UMBACH
ADDRESS: PO BOX 172
CITY: MC CALL
PHONE NUMBER: 208-000-0000

FIRST: CUTLER
STATE: ID ZIP: 83638

OWNER CODE: C

LAST: UMBACH
ADDRESS: PO BOX 172
CITY: MC CALL
PHONE NUMBER: 208-000-0000

FIRST: NANCY E
STATE: ID ZIP: 83638

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

See CR Feb 6 2000

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: # A65-03117B PRIORITY DATE: 05-07-1891 STAGE: D

B. WR RECORD: # 65-03117 PRIORITY DATE: 05-07-1891 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:

05-07-1891

REVIEWED BY SB

DATE 5/10/99

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
A65-03117B	18N 03E	25		SE	SE			VALLEY		

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A65-03001A	65-10202
A65-03117A	65-10205
A65-03117C	
A65-03118	
A65-10202	
A65-10205	

WR RECORDS IN SAME 40 ACRE TRACT

65-03001
65-03118
65-10202
65-10205

SOURCE: BOULDER CREEK

TRIB: PAYETTE RIVER, NORTH FORK

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
65-03117	18N 03E	25		SE	SE			VALLEY		

OTHER WR RECORDS WITH SAME WR POD

65-03001
65-03118
65-10202
65-10205

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
A65-03001A	65-10202
A65-03117A	65-10205
A65-03117C	
A65-03118	
A65-10202	
A65-10205	

SOURCE: BOULDER CREEK

TRIB: PAYETTE RIVER, NORTH FORK

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?

Described

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	DIVERSION NAME	DIVERSION NBR
18N	03E	25		SE	SE			VALLEY		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: BOULDER CREEK

TRIB: PAYETTE RIVER, NORTH FORK

REVIEWED BY:

SB

DATE:

5/10/99

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

A. ROOT WATER RIGHT NUMBERS: A65-03117A
A65-03117B
A65-03117C

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
18N	03E	36	NW	SE		UMBACH, CUTLER	A65-03117B / 34.0	- /			38.0
			NW	SE		BOULDER MEADOWS IRRIGATION	INCA65-12007 / 32.0	65-12007 / 32.0			
			NW	SE		POTTER, C. RAY		65-03117 / 34.0			
18N	03E	36	SW	SE		UMBACH, CUTLER	A65-03117B / 14.0	- /			38.0
			SW	SE		BOULDER MEADOWS IRRIGATION	INCA65-12007 / 25.0	65-12007 / 25.0			
			SW	SE		BUSBY 1983 LIVING TRUST, ALAN	A65-03117C / 20.0	- /			
			SW	SE		POTTER, C. RAY		65-03117 / 34.0			

ADDITIONAL POU FOUND

TOTAL ACRES A65-03117B 48.00 76.00

POU COUNTY: VALLEY

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
A65-03117B	BOULDER CREEK	UMBACH, CUTLER	0.770	0.016		
A65-03117C	BOULDER CREEK	BUSBY 1983 LIVING TRUST, ALAN	0.030	0.001		
A65-12007	BOULDER CREEK	BOULDER MEADOWS IRRIGATION INC			80.00	0.22

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: IRRIGATION FROM BOULDER MEADOWS IRRIG. INC.

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. _____; ~~XX~~ ASCS PHOTO; () OTHER _____

NOTES: In Sec 36, NWSE not able to discern what 34
acres are covered by this right. Outline
entire 40.

RECOMMENDATIONS:

TOTAL ACRES: 48 N/A()
REVIEWED BY: SD DATE: 5/10/99

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-03117B IRRIGATION	FROM 04-15 TO 10-15	0.770 CFS	
TOTAL DIVERSION RATE/VOLUME		0.770 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-03117 IRRIGATION	FROM 04-15 TO 10-15	1.200 CFS	
TOTAL DIVERSION RATE/VOLUME		1.200 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

10

CLAIM NUMBER: A65-03117B

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 0.770 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 1.200 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 418 x 0.02 CFS/ACRE = 0.94 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 ()

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	
IRRIGATION	04-15	10-15	DATABASE 0.770	EXAMINER _____	DATABASE	EXAMINER _____	DATABASE 0.0	EXAMINER _____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
TOTAL FOR THIS RIGHT			0.770	_____		_____	0.0	_____

NON-IRRIGATION USES CLAIMED: NONE

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

REVIEWED BY: 3B

DATE: 5/10/99

FLAG: _____

STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE):

*W consider when Don Schaff comes up
with one*

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: 65-03117

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 1.200	EXAMINER _____	CFS
-----------------------------------	-------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A65-03117	A65-03117A	0.400	-		65-03117	1.200
-	A65-03117B	0.770	-		-	
-	A65-03117C	0.030	-		-	
TOTAL CFS		1.200				1.200

DIVERSION RATE REVIEW

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

DATABASE	FIELD EXAMINER
N	Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

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 <u>7-17-61</u> <u>DH2-288-74</u>	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()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
☒ OTHER <u>GIS</u>	DATE <u>5/10/99</u>	Y(☒) 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

13:23:44
05/10/99

PAGE: 16
QUICKLOOK INFORMATION

16
CLAIM NUMBER: A65-031178

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					Done	SB 5-10-99		
POINT OF DIV								
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE								
BASIS OF CLAIM	Y							
REMARKS								

BARCODE UPDATED
WHOM/DATE

WESTERN REGION

CLAIM NUMBERS 65-0317B

AGENT SB DATE 5/10/99

TOTAL ACRES FROM RECOMMENDATION _____

GEOGRAPHIC INFO SYSTEM ACRES _____

READY FOR DECREE _____ (YES) SENT FOR DECREE _____ (YES)

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM																			
GIS																			
RECOM																			
GIS																			

POLYGON CREATED ON 80 _____

POLYGON # ()()()() _____ UPDATED BY

ATTRIBUTES OF B51-POU.SHP (34)()()()()

ATTRIBUTES OF B51-POD.SHP (32)()()()()

B51-DBPOU.DBF X UPDATED BY

B51-DBPOD.DBF X UPDATED BY

RDH GFSTABLE



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

June 24, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Cutler Umbach
Nancy E Umbach
PO Box 172
Mc Call ID 83638

Re: Original Notice of Claim to a Water Right No. A65-03117

Renumbered Notice of Claim to a Water Right No. A65-03117B

Dear Mr. & Mrs. Umbach:

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim by adding alpha suffixes to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time. You will be notified of any future action taken on this claim.

Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Records Clerk
Adjudication Section
Western Region

DB:d

Enclosure

SEE ORIGINAL CLAIM FILE DOCUMENTS IN

CLAIM NO. A65-03117

ADJUDICATION MEMORANDUM

CLAIM NO.: A65-03117

SUBJECT: more info needed

EMPLOYEE: DBuffington

DATE: 2-12-98

1-13-98 Called office of Millerman Pittenger, +
M^s Mahan to request chain of title for
this file. Patty said it would be
sent during week of 1-20-98.

D/15

Patty called us back on 2-12-98 stating
that they are working on obtaining
this info - could be mid to end March
before we receive it.

D/15

MILLEMANN, PITTENGER & McMAHAN
ATTORNEYS AT LAW
706 NORTH FIRST
POST OFFICE BOX 1066
MCCALL, IDAHO 83638

RECEIVED

JAN 13 1998

WATER RESOURCES
WESTERN REGION

STEVEN J. MILLEMANN
GREGORY C. PITTENGER
BRIAN L. McMAHAN
AMY N. PEMBERTON

TELEPHONE (208) 634-7841
FACSIMILE (208) 634-4516
E-MAIL mpm@cyberhighway.net

January 8, 1998

CERTIFIED MAIL - RETURN RECEIPT REQUESTED #P163166294

State of Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: SRBA Claim No. A65-03117

Dear IDWR:

Attached to this cover letter is an IDWR Notice of Change of Water Right Ownership form. This firm represents both the Umbachs and the Busbys and is now acting as a facilitator in transferring part of SRBA Claim No. A65-03117 from the Umbachs to the Busbys. Attached to that form is a copy of a Warranty Deed dated July 22, 1996, a marked-up copy of an aerial photo of the subject real property, and a copy of the Addendum to Memorandum of Sale/Grant of Easement. As you will note, by these documents the Umbachs are attempting to transfer 10 AFA of Claim No. A65-03117 to the Busby Trust.

If you have any questions, please give me a call. Otherwise, once the transfer on your records completed, please send me written confirmation of the transfer. Thank you.

Sincerely,

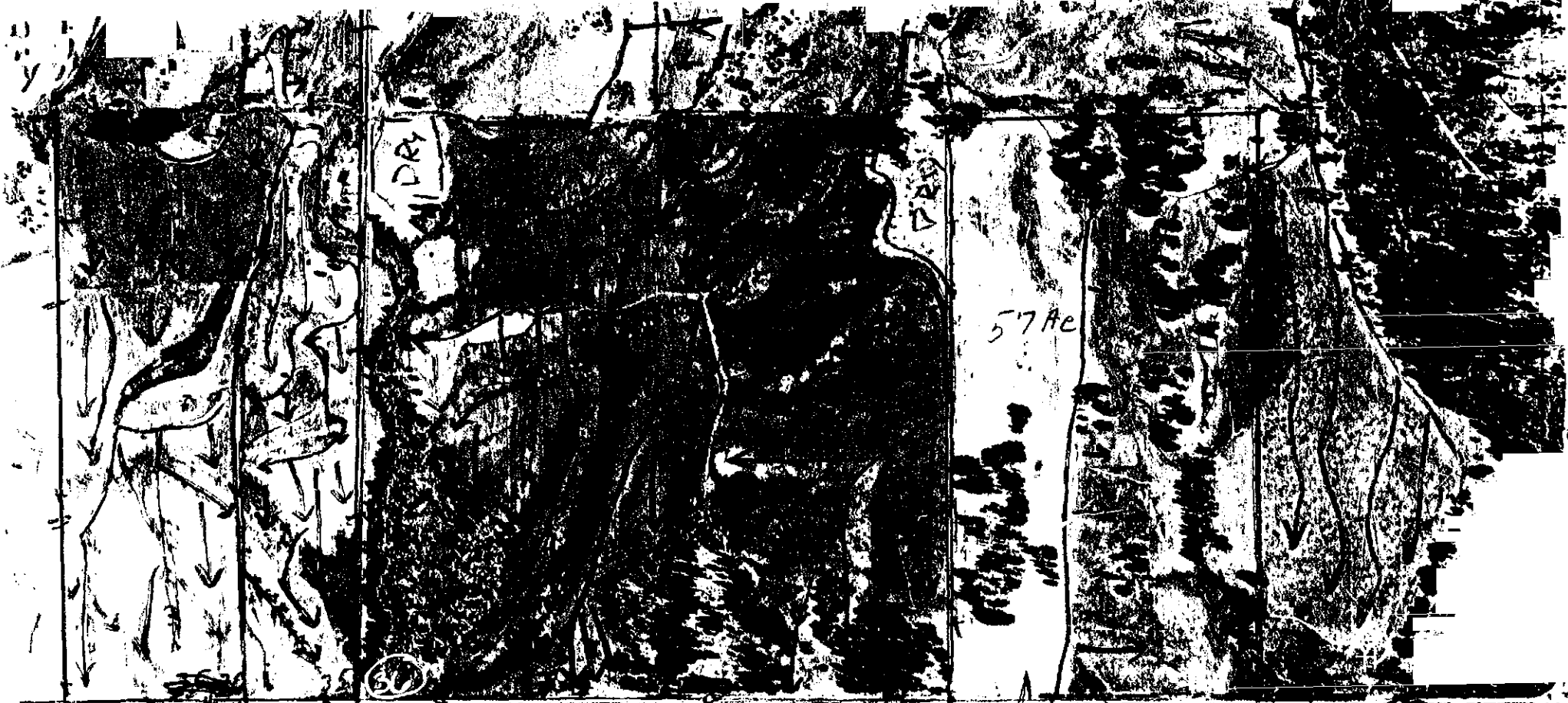
Brian L. McMahon

BRIAN L. McMAHAN

BLM/pld

Enc.

cc: Busbys wo/enc.
Umbachs wo/enc.



Idaho Department of Water Resources

Claim No(s): 65-03117B

Claimant(s): Umbach

T18N, R03E, S 36

Prepared by: Sue Bock

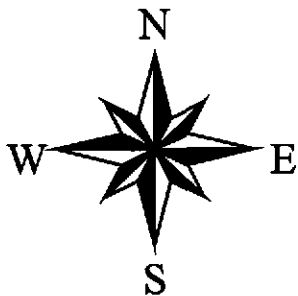
Date: 05/10/1999

 Place of Use

 Point of Diversion

 Section lines

 1/4 1/4 lines



0 0.25 0.5 Miles



1987 NAPP Photo

RECEIVED

OCT 3 1979

Filed

Sept. 22, 1979

by Thelma R. Ketcher, Clerk
by Debbie Barrow, Deputy

DAVID H. LEROY
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 384-2400

Department of Water Resources

W. HUGH O'RIORDAN
Deputy Attorney General
Chief, Natural Resources Division

JOSEPHINE P. BEEMAN
Deputy Attorney General
Natural Resources Division
Telephone: (208) 384-2215

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR
THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL)	CIVIL NO. 3667
DETERMINATION OF THE RIGHT)	
TO THE USE OF SURFACE AND)	ORDER CORRECTING CLERICAL
GROUNDWATERS OF THE PAYETTE)	OVERSIGHTS IN PROPOSED
RIVER DRAINAGE BASIN.)	FINDING OF WATER RIGHTS

The motion of the Department of Water Resources for an order correcting certain clerical oversights in the proposed finding of water rights having come before the court for hearing, and the court being fully advised in the premises,

IT IS HEREBY ORDERED that the proposed finding of water rights be amended in conformance with Exhibit A which is attached hereto and incorporated herein by reference, provided that Orville Jackson and Floy L. Jackson do not file with the court by or before October 5, 1979, a notice of hearing of the objection filed by them to Water Resources' motion. The objection filed by the Jacksons shall be withdrawn if such notice is not filed by or before October 5, 1979. If the Jacksons file a notice of hearing by or before October 5, 1979, this present order amends the proposed finding of water rights in conformance with Exhibit A except for certain material appearing at page 11 of Exhibit A where clerical amendments are listed for rights

ORDER CORRECTING CLERICAL OVERSIGHTS - 1

Attorney General
State of Idaho
Statehouse Room 210
Boise, Idaho 83720
Telephone (208) 384-2400

1 held by Orville Jackson and Floy L. Jackson.

2 DATED This 20th day of September, 1979.

3
4 1st Gilbert C. Norris
5 Gilbert C. Norris
6 District Judge
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CLAIMS SUBMITTED:
RECOMMENDED TO BE DISALLOWED

RIGHT NUMBER	NAME AND ADDRESS	REASON FOR DISALLOWAL
65-4229 VOL. 1 P. 214	PARKER, WILLIAM V. & PARKER, JEANNE RT. 1 BOX 238, FRUITLAND, IDAHO 83619	SOURCE OUTSIDE PAYETTE RIVER DRAINAGE BASIN

INDICATES TOTAL

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-4229	PARKER, WILLIAM V. & PARKER, JEANNE RT. 1 BOX 238, FRUITLAND, IDAHO 83619 REMARKS: <u>COMMERCIAL USE IS</u> <u>ORCHARD SPRAYING.</u>	6/ 1/1946	SOURCE: GROUNDWATER <u>DOMESTIC</u>	1/ 1 12/31	1.20 AFA .04 CFS	SWNE S 2 T 7N R 5W	<u>SAME AS OTHER USE</u>	<u>BENEFICIAL</u> <u>USE</u>
			<u>COMMERCIAL</u>	1/ 1 12/31	.10 AFA .04 CFS *1.30*AFA *.04*CFS		SWNE S 2 T 7N R 5W	
65-3117 VOL. II P. 75	POTTER, C. RAY & POTTER, INA C. ROUTE 1, BOX 89, MC CALL, IDAHO 83638	5/ 7/1891	SOURCE: BOULDER CREEK IRRIGATION	4/15 10/15	--- AFA 1.20 CFS	SESE S25 T18N R 3E	SWSE(34) SESE(22) NWSE(34) S36 T18N R 3E LOT 1(31)(20) S 1 T17N R 3E *87* *88*	DECREE