

T7W, R05W, S2

SE NW

NW SE

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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: A65-03551
Date Received: 4/16/1990
Receipt No: W012008
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BRIAN TSCHIRGI 208-452-4177
Address: 6105 ELMORE ROAD
FRUITLAND ID 83619

AND

Name: DEBBIE A SCHAFFER 208-452-4177
Address: 6105 ELMORE ROAD
FRUITLAND ID 83619

2. Date of Priority: JAN 1, 1920

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	05W	2	NW	SE			PAYETTE

5. Description of diverting works:
PUMP AND PUMP LINE INTO HOUSE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use
07N	05W	2	SE	SE		DOMEST

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11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

OWNERSHIP CHANGED BY LH 9/23/94.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

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: _____

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State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

RECEIVED

SEP 20 1994

WATER RESOURCES
WESTERN REGIONDATE OF CLOSING: 6-24-93

LEGAL DESCRIPTION OF PROPERTY: Township 7 N Range 5 W
 Section 2, SE 1/4 of SE 1/4 of 1/4 Govt. Lot , BM.
 Lot , Block , Subdivision/Townsite .
 If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A65-03551
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Marvin & Catherine Hensley
2257 Hurley Way
Sacramento Calif. 95825
- ☐ New Owner/Claimant (Purchaser): Brian Tschirgi & Debbie A. Schaffer
- ☐ New Mailing Address: 6105 Elmore Road
Fruitland, Id. 83619
- ☐ New Telephone Number: (208) 452-4177
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached:

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s): Brian L. Tschirgi Date 9-12-94
Debbie A. Schaffer Date 9-12-94
- ☐ Signature of Former Owner/Claimant(s): Date
 Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 9-23-94 By: JA

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 9-23-94 By: JA

Claim Numbers of Split, if any:

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OCT 18 1996

Original to be mailed to Idaho Department of Water Resources
 Copies to Former Owner and New Owner

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

LAND TITLE INSURANCE COMPANY

34 SOUTH MAIN STREET
PAYETTE, IDAHO 83661-2899
Phone # (208) 642-2821
FAX # (208) 642-2844

RECEIVED
SEP 20 1994

WATER RESOURCES
WESTERN REGION

STATEMENT OF SETTLEMENT Buyer's

Property Address: 6105 ELMORE ROAD FRUITLAND, ID 83619
Seller: JACK D. KING AND SUSAN C. KING
Purchaser: BRIAN L. TSCHIRGI AND DEBORAH A. SCHAFER
Settlement Date: 06/24/93
Date of Proration: 06/24/93

Legal Description:

LAND IN TWP. 7 N. R. 5 W., B.M., PAYETTE COUNTY, IDAHO:
IN SEC. 2; LAND IN SE1/4SE1/4.
(FOR COMPLETE LEGAL DESCRIPTION SEE TITLE COMMITMENT P-21492).

File No: P-21492

Description	Debit	Credit
Contract Sales Price	30,000.00	
WATER STOCK TRANSFER FEE	7.50	
Deposit or earnest money		100.00
CURRENT TAXES 01/01/93 to 06/24/93		127.32
Settlement Fee to LAND TITLE INSURANCE COMPANY	62.50	
TRUSTEE FEE INST. #239779		
Recording Fees	6.00	
Sub-Totals	30,076.00	227.32
Balance due from Buyer		20,848.68
TOTALS	30,076.00	20,076.00

THIS CLOSING STATEMENT WHICH I HAVE PREPARED IS A TRUE AND ACCURATE ACCOUNT OF THIS TRANSACTION. I HAVE CAUSED OR WILL CAUSE THE FUNDS TO BE DISBURSED IN ACCORDANCE WITH THIS STATEMENT.

LAND TITLE INSURANCE COMPANY

BY: Robert T. Evans

APPROVED and ACCEPTED

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OCT 18 1996

Brian L. Tschirgi
BRIAN L. TSCHIRGI

Deborah A. Schaffer
DEBORAH A. SCHAFER

RECEIVED

SEP 20 1994

WATER RESOURCES
WESTERN REGION

244303

EXHIBIT "A"

Land in Twp. 7 N. R. 5 W., B.M., Payette County, Idaho:

In Sec. 2: A parcel of land in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly described as follows:

Commencing at the Southeast corner of Sec. 2,
Twp. 7 N., R. 5 W., B.M.;

thence N. 00°05'00" W. along the East side line
754.29 feet to the TRUE POINT OF BEGINNING;

thence N. 89°47'40" W. 577.50 feet;

thence N. 00°05'00" W. parallel with the East side
line 577.05 feet to the North side line of said
SE $\frac{1}{4}$ SE $\frac{1}{4}$;

thence S. 89°47'40" E. 577.50 feet along said
North side line to the Northeast corner of said
SE $\frac{1}{4}$ SE $\frac{1}{4}$;

thence S. 00°05'00" E. along said East side line
577.05 feet to the point of beginning.

TOGETHER WITH an easement for irrigation purposes
and maintenance, along the West 10 feet of the
following described parcel of land:

A parcel of land in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly
described as follows:

Beginning at the Southeast corner of Sec. 2,

Twp. 7 N., R. 5 W., B.M.;

thence N. 89°47'40" W. along the South side line
577.50 feet;

thence N. 00°05'00" W. parallel with the East line
754.29 feet;

thence S. 89°47'40" E. 577.50 feet to a point on
said East side line;

thence S. 00°05'00" E. along said East side line
754.29 feet to the point of beginning.

TOGETHER WITH all water and water rights, ditches and ditch rights,
tenements and hereditaments, appurtenances and fixtures, and permits
and licenses belonging thereto or in anywise appertaining, including
seven (7) shares in the Farmers Co-Operative Irrigation Co., Ltd.

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OCT 18 1996

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: A65-03551
Date Received: 4/16/1990
Receipt No: W012008
Received By: _____

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

1. Name: MARVIN W HENSLEY 916-646-6442
Address: 2257 HURLEY WAY
SACRAMENTO CA 95825

AND

Name: CATHERINE A HENSLEY 916-646-6442
Address: 2257 HURLEY WAY
SACRAMENTO CA 95825

2. Date of Priority: JAN 1, 1920

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	05W	2	NW	SE			PAYETTE

5. Description of diverting works:
PUMP AND PUMP LINE INTO HOUSE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

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10. Place of Use:

AUG 03 1994

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	05W	2	SE	SE		DOMEST	

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

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: _____

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AUG 03 1994

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 _____

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AUG 03 1994

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. AG5-3551

Date Received

Receipt Number W012008**RECEIVED**

APR 16 1990

**NOTICE OF CLAIM
TO A
WATER RIGHT**

ACQUIRED UNDER STATE LAW

Department of Water Resources

Western Regional Office

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly Catherine A Hensley AND1. Name of Claimant (s) MARVIN W. Hensley Phone (916) 646-6442Mailing Address 2257 Hurley Way SAC. CA #103 Zip 958252. Date of Priority (Only one per claim) Approx Jan 1, 1920 Month/Day/Year3. Source of water supply (Check one) ☒ Groundwater or Other () (a) _____
which is tributary to (b) _____ Name or kind of source4. Location of point of diversion is: Township 7 N Range 5 W
Section 2 NE 1/4 of SE 1/4 of _____ 1/4, Govt. Lot _____, BM.,
County of Payette

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. pump and pump line into house

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from JAN 1 Month/Day to DEC 31 Month/Day amount 102 (cfs)

(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 102 (cfs)8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) _____

MICROFILMED**AUG 03 1994**

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

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

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

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

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

10. Place of use is: Township: 7 N Range 5 W
Section 2 SE 1/4 of SE 1/4, Govt. Lot _____, B.M.,
for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____

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

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.
() None or _____

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Marni W. Hensley Date 1-3-16-90
Cathy A. Hensley Date 1-3-16-90

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

of _____, Title _____, that I have signed the foregoing

document in the space below as _____ of _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

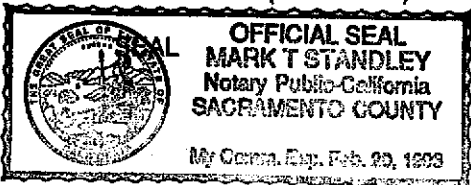
State of Idaho/or California)

County of Sacramento)

SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 16th day of March 19 90



Notary Public Mark T. Standley

Residing at 250 Florin Road, Sacramento, CA 95831

My Commission Expires February 20, 1993

Last Name Standley Ident No. Not Applicable for California Notary Publics

Copies: White State Yellow Claimant

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AUG 03 1994

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

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

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

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

PAYETTE ID

NOTICE OF CLAIM **65** IDENT. NO. **3551**
TO A
WATER RIGHT ~~XXXXXXXXXXXX~~

MAP NO.

(Name of Claimant)

(Mailing Address)

claims a right to the diversion

and beneficial use of the surface or groundwater, of or tributary to the Payette River;

The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) Approx. 1920, Jan. 1
- (2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) groundwater
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
(Both Dates Inclusive)
- | | |
|-------------------------------------|--|
| Use <u>Domestic</u> | Period of Use From <u>Jan. 1</u> To <u>Dec. 31</u> |
| (Domestic, irrigation, stock, etc.) | (Mo., Day) (Mo., Day)
(Both Dates Inclusive) |
| Use _____ | Period of Use From _____ To _____ |
| (Domestic, irrigation, stock, etc.) | (Mo., Day) (Mo., Day)
(Both Dates Inclusive) |
| Use _____ | Period of Use From _____ To _____ |
| (Domestic, irrigation, stock, etc.) | (Mo., Day) (Mo., Day)
(Both Dates Inclusive) |
- (4) Quantity of water claimed: .02 Cubic Feet Per Second, or _____ Acre Feet Per Annum,
and/or _____ Gals. Per Minute.
- (5) A) Point of Diversion: Give location of point where water is diverted from its source E 1/4 N. W. 1/4,
Sec. 2, Twp. 7 N, Rge. 5 W, B.M.; additional points:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.)
Give sizes and capacities; be as specific as possible. pump and pump line into house

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

[illegible]

Total No. of acres-

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

- (7) Effluent, sewage waste, or return water from this use is discharged into _____
- (8) If you are claiming water as a member of an organization, list name of organization. _____
- (9) Remarks _____

- (10) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case.

☐ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No.:

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

Individual

May 14, 1971

(Date)

(Signature of Claimant)

(Signature of Spouse)

Organization

(Signature of Authorized Agent)

State of Florida)
County of Dade) ss. Organization
Court of 1st) Seal

On this 24th day of May

a notary public, personally appeared _____
known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they,
corporation, partnership or _____) executed the same.

Notary Public residing at ~~Princeton, Idaho~~

My commission expires _____

8-15-74

ADJUDICATION CLAIM REVIEW CHECKLIST

4-3-91

CLAIMANT'S NAME Hensley, Marvin

CLAIM IDENT. NO. A65-03551

DATE RECEIVED 4-16-90 RECEIPT # W12008 AMOUNT \$ 25

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates?	☒	☐	*
See Adjudication Memos #1 and #4 to determine if a Permit is required.	☒	☐	
3. (a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (if required)	☒ N/A	☐	
4. Is the legal description of the p.d. sufficient?	☒	☐	*
5. Is there a description of the diverting works?	☒	☐	
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form	☒	☐	*
Is the period of use included?	☒	☐	
Is a quantity claimed for each use?	☒	☐	*
7. Is a total quantity claimed entered?	☒	☐	
8. If required is a consumptive use entered?	☒ N/A	☐	
Is the consumptive use correct?	☒ N/A	☐	
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4	☒ N/A	☐	*
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
11. Is (are) the county(ies) entered?	☒	☐	
12. Is the ownership of p.u. checked?	☒	☐	
13. Are other water rights listed or "none" indicated? (See Item No.'s 16 & 17 for checking other water rights)	☒	☐	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	☒ N/A	☐	
15. Is the basis of the claim indicated?	☒	☐	
16. If the basis of claim is shown as license, permit, or decree is the existing water rt. no. listed? (Compare claim with the existing water rt. and either attach a proof report or state in comments that the existing right was compared to the claim)	☒ N/A	☐	*
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal desc. or name on the claim? (If yes, describe the right in "Comments" and attach a proof report) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.	☒ N/A	☐	
18. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)	☒ N/A	☐	
19. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	☒	☐	*
20. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
21. Was this claim filed on time, or was an extension granted?	☒	☐	*
22. Is the fee enclosed correct?	☒ Exempt	☐	*

MICROFILMED

AUG 03 1994

23. Should this claim be data entered?

YES

NO

Claim reviewed by: ARW

Date 6-6-94

Claim data entered by: ARW

Date 6-6-94

Claim is being returned to claimant:

☐ (Yes) ☒ (No)

Claimant is being notified of modifications:

☐ (Yes) ☒ (No)

Comments:

01/02/2001

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

RIGHT NUMBER: 65-3551

NAME AND ADDRESS: DEBBIE A SCHAFFER
BRIAN TSCHIRGI
6105 ELMORE ROAD
FRUITLAND, ID 83619

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS
1.2 AFY

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

PRIORITY DATE: 01/01/1920

POINT OF DIVERSION: T07N R05W S2 SESE Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1-01 12-31	0.02 CFS

PLACE OF USE:

DOMESTIC Within PAYETTE County
T07N R05W S2 SESE

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

AJ0749NP
No. R65-03551

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

DATE: 04/24/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BRIAN TSCHIRGI	01/01/1920	DOMESTIC	01-01 12-31	0.020 CFS	
C	DEBBIE A SCHAFFER					
	6105 ELMORE ROAD					
	FRUITLAND ID 83619			TOTAL DIVERSION:	0.040 CFS	1.20 AFA
	(208) 452-4177					

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T07N R05W S02

NWSE SESE

PAYETTE County

Place of use Legal Description for: DOMESTIC

	NE				NW				SW				SE			
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07N 05W 2	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:

POU County: PAYETTE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- 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.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

SPE ?

C03 + C05

This right was decreed to the SENW, S2, T7N, R5W in the PRBA. It was claimed in the SRBA in S2, NWSE = POD & S2, SESE = POD. This recommendation assumes the PRBA was wrong and corrects the legal descriptions.

T7W, R05W, S2

SE NW

NW SE

SE SE

65-3551

Claim No.

COMMENDED RIGHT

E.F. OR ETHEL M. DRESSEN
Route #1
Fruitland, Idaho 83619

- (1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) Apr 1 1920
Jan 1
- (2) Describe source of water: (Name of stream, lake, spring, etc., or groundwater) Groundwater
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
Quantity 0.04 c.f.s. Use domestic Period of Use From 1/1 To 12/31
(CFS GPD AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Both Dates Inclusive)
Quantity _____ Use _____ Period of Use From _____ To _____
(CFS GPD AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Both Dates Inclusive)
Quantity 0.04 c.f.s. Use _____ Period of Use From _____ To _____
(CFS GPD AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Both Dates Inclusive)
- (4) TOTAL QUANTITY CLAIMED: 0.04 c.f.s.
- (5) A) Point of Diversion: Give location of point where water is diverted from its source SE 4 NW 4.
Sec. 2 Twp. 7N Rge. 5W B.M.; additional points: _____
B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.)
Give sizes and capacities; be as specific as possible. Well, pump
- (6) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2	7N	5W	X																

Total No. of acres _____

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____
- (7) Effluent, sewage waste, or return water from this use is discharged into: _____
- (8) If you are claiming water as a member of an organization, list name of organization: _____
- (9) Remarks: _____
- (10) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case: _____
☐ C) Right based on application, license, or claim filed with the Idaho Department of Water Administration: _____

DATE OF EXAM

2/21/74

FIELD EXAMINER

Harry L. Page

IN THE MATTER OF THE GENERAL DETERMINATION OF THE RIGHT TO THE USE OF THE SURFACE AND GROUND WATERS OF THE PAYETTE RIVER DRAINAGE BASIN .

MAP NO.

TO A
WATER RIGHT 65-3551

(Name of Claimant)

claims a right to the diversion

(Mailing Address)
and beneficial use of the surface or groundwater, of or tributary to the Payette River;

The extent and nature of said claim is as follows:

- The extent and nature of said claim is as follows:
- (1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) approx. 1920, Jan. 1
- (2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) groundwater
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
(Both Dates Inclusive)
- Use Domestic Period of Use From Jan. 1 To Dec. 31
(Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both Dates Inclusive)
- Use _____ Period of Use From _____ To _____
(Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both Dates Inclusive)
- Use _____ Period of Use From _____ To _____
(Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both Dates Inclusive)
- (4) Quantity of water claimed: 22' 04 Cubic Feet Per Second, or, 1.2 Acre Feet Per Annum,
and/or _____ Gals. Per Minute.
- (5) A) Point of Diversion: Give location of point where water is diverted from its source. SE ¼ NW ¼,
Sec. 2, Twp. 7 N, Rge. 5 W, B.M.; additional points: _____
- B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.)
Give sizes and capacities; be as specific as possible. pump and pump line into house
- (6) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for
irrigation, place an "X" in appropriate box to show location.

[illegible]

Total No. of acres

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____
- (7) Effluent, sewage waste, or return water from this use is discharged into _____
- (8) If you are claiming water as a member of an organization, list name of organization _____
- (9) Remarks _____
- (10) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case _____
☐ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No.: _____

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

Individual

May 14, 1971

(Date)

(Signature of Claimant)

Organization

(Signature of Spouse)

State of Idaho

Organization
Sail

County of—Fayette

On this 11th day of May, in the year 1971

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or _____) executed the same. *Mary D. Davis*

Notary Public residing at ~~Princeton, Idaho~~

My commission expires

WR5809NP
No. 65-03551

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/02/01
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	E. F. DRESSEN	01/01/1920	DOMESTIC	01/01 12/31	0.040 CFS	1.20 AFA
C	ETHEL M. DRESSEN ROUTE 1 FRUITLAND ID 83619					
TOTAL DIVERSION:					0.040 CFS	1.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T07N R05W S02

SENW

PAYETTE County

Place of use Legal Description for: DOMESTIC

	NE				NW				SW				SE			
T R S	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac
07N 05W 2	:		:		:		:		:		:		:		:	

Pou County: PAYETTE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
65-03940 65-06384 65-08327

Other Water Rights Listing Overlapping Place(s) of use:
65-00066

Dates:	App. Received:	Priority Date:	01/01/1920
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

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

WR0749NP
No. 65-03551

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/24/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	E. F. DRESSEN	01/01/1920	DOMESTIC	01/01 12/31	0.040 CFS	1.20 AFA
C	ETHEL M. DRESSEN					
	ROUTE 1					
	FRUITLAND ID 83619					
TOTAL DIVERSION:					0.040 CFS	1.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T07N R05W S02 SENW PAYETTE County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac
07N 05W 2 : : D :															

Pou County: PAYETTE

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

65-03940 65-06384 65-08327

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

65-00066

Dates:	App. Received:	Priority Date:	01/01/1920
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

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



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 27, 1998

ARTHUR YULE
MARGARET YULE
8984 HURD LN
PAYETTE ID 83661

RE: Snake River Basin Adjudication (SRBA)
Water Right No. 65-03551 & 65-21536

Dear Property Owner:

We have been advised you may be the new owner of the property with the water right referenced above.

Before we can modify our records to reflect your ownership of this water right, we need to have the enclosed Notice of Change of Water Right Ownership form completed. Please follow the instructions on the back of the form and return to our office with all of the required information.

If you have any questions regarding this letter, please feel free to contact our office.

Sincerely,

Denise Buffington
Records Clerk
Adjudication Section
Western Region

DB:d

Enclosures



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

February 26, 1998

MILLERD & ROSZETTA SCHAFFER
1000 W 1ST ST
FRUITLAND ID 83619

RECEIVED

MAR 30 1998

Department of Water Resources

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED

APR 01 1998

WATER RESOURCES
WESTERN REGION

Re: Snake River Basin Adjudication (SRBA)
Water Right No. A65-03551, A65-21536, A65-21540, & A65-21541
Change of Address

Dear Water Right Holder:

IDWR has been notified the address presently on our records is incorrect. Although we have reached you at the address above we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your claim or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office postmarked by March 10, 1998. Make corrections to your name and address if necessary before returning this letter. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of any of the properties connected with the water right referenced above, please call this office toll-free at 1-800-451-4129 to obtain a form to make this required change to the water right records.

This property has been sold 3 yrs ago to Art & Maggie Yale

Yours truly,
Danni M. Smith 642-4119
Danni M. Smith
SRBA Sr. Secretary

The address is correct as shown above or as otherwise changed.

Rosetta Schaffer
Signature of water right claimant



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 26, 1994

Re: Notice of Claim to a Water Right No. A65-03551

Brian Tschirgi
Debbie A. Schaffer
6105 Elmore Road
Fruitland, ID 83619

Mr. Tschirgi & Ms. Schaffer:

Enclosed is a copy of the above referenced claim which reflects the change in ownership of the land and appurtenant water rights covered under the original filing. This water right is for your domestic well, but according to your deed you have shares in the Farmers Co-Operative Irrigation Co., who you should contact to change the irrigation shares to your name.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

If you have any questions concerning the enclosed claim please feel free to contact this office.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LH:1

cc: Marvin & Catherine Hensley

MICROFILMED
OCT 18 1996

RECEIVED

SEP 20 1994

WATER RESOURCES
WESTERN REGION

Sept 12, 1993

The people we bought this place from didn't have the water rights changed into their name. Their names were Jack & Susan King - don't have any idea of what their address is.

When the Kings sold this place it was 17.65 acres. We bought 7.65 acres and the other 10 was sold to someone else. So does that mean we split our water rights with our neighbors?

The neighbors put in a well when they built their house - Jeff & Myra Atteberry

Any Questions Call

452-4177 After 3:30

Thank you

FILED
MICROFILMED
OCT 18 1996