

POOR ORIGINAL

Form No. 42-1409

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

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF
PAYETTE RIVER
DRAINAGE BASIN.

NOTICE OF CLAIM
TO A
WATER RIGHT

G
65-4035
I.D. No. Map No.
\$ Fee Paid Receipt No.

Notice is hereby given that JOHN C. BROWN (Name of Claimant)

Route 3, Box 326, Emmett, ID 83601 (Mailing Address)

Telephone No. 365-4782

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

(1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) April 1, 1900

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Payette River tributary to

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

Quantity 3.12 cfs Use Irrigation Period of Use From Mar. 15 To Nov. 15
(CFS, GPD, AP) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AP) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AP) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AP) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

(4) 3.12 cfs 3.12 cfs TOTAL QUANTITY CLAIMED. Lot 1
(CFS, GPD, AP)

(5) A) Point of Diversion: Give location of point where water is diverted from its source SE SW NE NW
Sec. 22 Twp. 7N Rge. 1W B.M. Gen County

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. Describe any changes in the system and give the date of the change.
WID PUMPS

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

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
<u>7N</u>	<u>1W</u>	<u>33</u>																	<u>5</u>
		<u>27</u>																	<u>17</u>
		<u>26</u>																	<u>00</u>
																			<u>00</u>

Total no. of acres 121

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

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

(7) If you are claiming water as a member of an organization, list name of organization: PORT OF ENNETT IRRIGATION DISTRICT

(8) Remarks This right when combined with right #65-1401A shall provide no more than 02 cfs/acre nor 1/5 AFS/acre

(9) 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, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. 65-4035

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

(Signature of Claimant)

Organization

(Signature of Spouse)

State of ID

Organization

County of IDA

Seal

(Signature of Authorized Agent)

On this 13th day of October

, in the year 1977

before me

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.

My commission expires September 10, 1980

Notary Public residing at

Boise, Idaho

DET 2-21-78

AUG 03 1994

Identification No. 65-4035
 Claim No. 65-4035
 Map No. _____

STATE OF IDAHO
 DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT
 Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant: FRANK D. CALLENDER
 post office address: CASCADE, IDAHO 83611
2. The point of diversion is in SW 1/4 of SW 1/4 Section 27 Township 7N
 Range 1W B.M. located on PRAYETTE RIVER
(name of source)
 tributary to _____ in GEN County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

- a. Date of priority claimed: 1900 - Winston Spindler
 amount: _____ c.f.s. or 160 ACRES acre feet
 amount: _____ c.f.s. or _____ acre feet
 amount: _____ c.f.s. or _____ acre feet
 Total claimed 3.0 c.f.s. or 150 ACRES acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

- use IRRIGATION period of use from APRIL 1 to OCTOBER 31 (both dates inclusive)
 use _____ period of use from _____ to _____ (both dates inclusive)
 use _____ period of use from _____ to _____ (both dates inclusive)
 use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

- a. Surface water diversion dam and/or headgate: material is composed of _____
 width at bottom is _____ feet; with at top is _____ feet; height is _____ feet;
 since structure was first built, giving dates and estimated capacities if known ORIGINALLY
BY WATER WHEEL - LOW PRESSURE PUMPS
SINCE THE WHEEL WAS TAKEN OUT BY
FLOOD WATER

- b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
 capacity of pump is _____ g.p.m.; name and address of well driller is _____

POOR ORIGINAL

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

d. If water is stored: name of reservoir _____; total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet; year construction commenced _____; year completed _____; date first used _____; period of storage is from _____ to _____; is reservoir drained each year _____; is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built_____, if so, give dates and describe_____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated 156

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

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b. Do you get water through a ditch owned by several users? YES If yes, give the name of the ditch Black Canyon. The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____

7. Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation _____

THIS WATER HAS BEEN USED FOR (70 years)
IRRIGATION AND TO THE BEST INFORMATION
AVAILABLE HAS BEEN LIFTED BY WATER WHEEL
WHICH EVIDENCE STILL REMAINS AND HAS
HAD 3 PUMPS INSTALLED OVER
THIS PERIOD OF TIME

State of Idaho

County of Ada ss.

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

Sworn to before me this 27th day of March 1970.

Frank A. Callender Claimant

Frank A. Beckman Notary Public

Residing at Boise, Idaho

My commission expires 11-3-70

For Department Use Only

Received by SL Date 3-30-70

Exception filed by: _____

Forwarded to
claimant by: _____

Prelim. check by SL Date 4-6-70

Fee received by SL Date 3-30-70 Fee \$ 10.00

Approved for publication by SL Date _____

Published in Landmark Dates 4-16-70-70

W. A. ...

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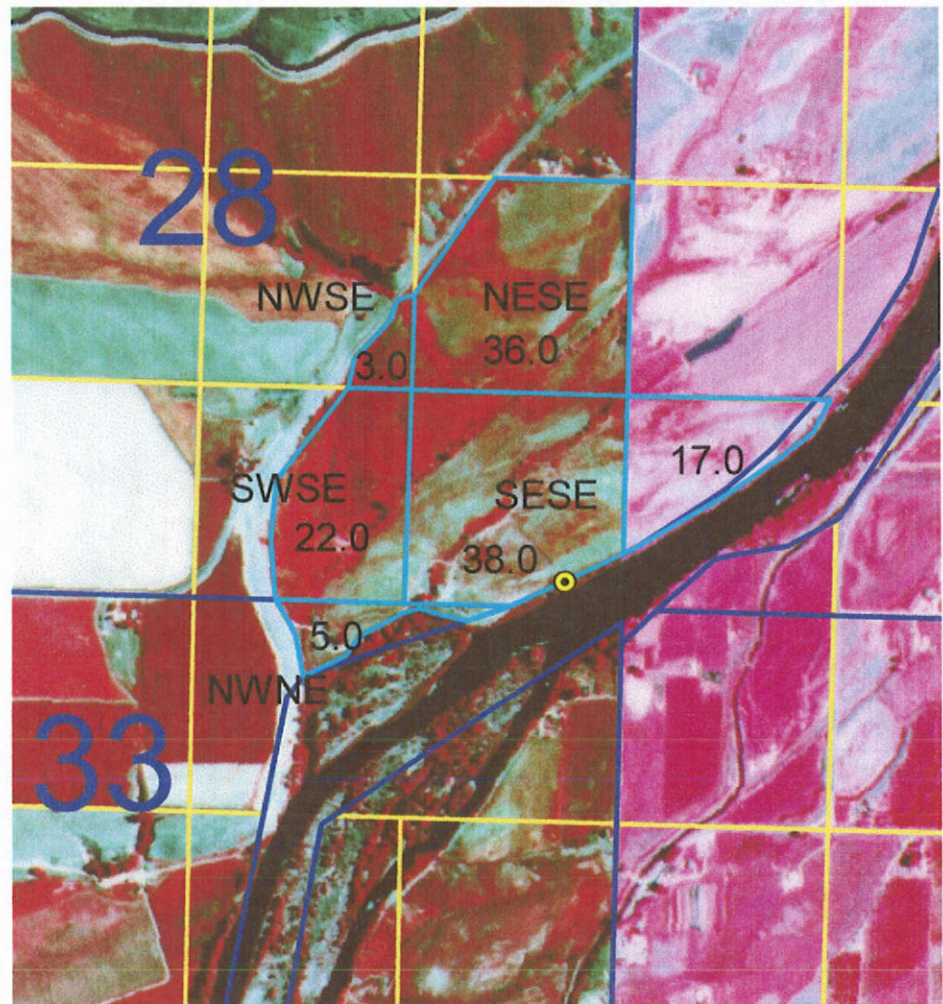
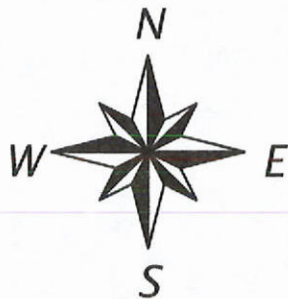
Idaho Department of Water Resources

Claim Number: 65-04035

Legal: T07N, R01W, S27, 28 & 33

Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



1987 Napp Photo

0 0.25 0.5 0.75 Miles

Identification No. _____

Claim No. 65-4035

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant FRANK D. CALLENDER
post office address CASCADE, IDAHO 83611
2. The point of diversion is in SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 27 Township 7N
Range 1W B.M. located on PAYETTE RIVER (name of source)
tributary to _____ in GEM County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed: 1900 - Nineteen Hundred

amount: _____ c.f.s. or 150 INCHES acre feet
 amount: _____ c.f.s. or _____ acre feet
 amount: _____ c.f.s. or _____ acre feet
 Total claimed 3.0 c.f.s. or 150 INCHES acre feet.
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:
 use IRRIGATION period of use from APRIL 1 to OCTOBER 31 (both dates inclusive)
 use _____ period of use from _____ to _____ (both dates inclusive)
 use _____ period of use from _____ to _____ (both dates inclusive)
 use _____ period of use from _____ to _____ (both dates inclusive).
4. Description of diverting works:
 - a. Surface water diversion dam and/or headgate: material is composed of _____
 _____; length is _____ feet; height is _____ feet;
 width at bottom is _____ feet; with at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known ORIGINALLY BY WATER WHEEL - LOW PRESSURE PUMPS SINCE THE WHEEL WAS TAKEN OUT BY FLOOD WATER
 - b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
 capacity of pump is _____ g.p.m.; name and address of well driller is _____

65-4035

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: **A65-04035**
Date Received: 1/30/1990
Receipt No: X999999
Received By: _____

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

1. Name: FRANK MC BEE 208-365-3357
Address: 2569 EAST BLACK CANYON HI-WAY
EMMETT ID 83617
OR
Name: BETTY SUE MC BEE 208-365-3357
Address: 2569 EAST BLACK CANYON HI-WAY
EMMETT ID 83617

2. Date of Priority: APR 1, 1900

3. Source: PAYETTE RIVER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	01W	28	SE	SE	SE	1	GEM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.420		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	01W	27	SW	SW	8	IRR	17.0
Section Acres							17.0
		28	NE	SE		IRR	35.0
			NW	SE		IRR	4.0
			SW	SE		IRR	23.0
			SE	SE	1	IRR	37.0
Section Acres							99.0
		33	NW	NE	5	IRR	5.0
Section Acres							5.0
Total Acres							121.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:
A65-01401

14. Remarks:

THIS RIGHT WHEN COMBINED WITH RIGHT 65-1401 & RIGHTS OF EMMETT IRRIGATION DISTRICT SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

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: _____

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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 _____

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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 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: A65-04035
Date Received: 1/30/90
Receipt No: X989999
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANK MC BEE 208-365-3357
Address: 2569 EAST BLACK CANYON HI-WAY
EMMETT, ID 83617

OR

Name: BETTY SUE MC BEE 208-365-3357
Address: 2569 EAST BLACK CANYON HI-WAY
EMMETT, ID 83617

2. Date of Priority: APR 01, 1900

3. Source: PAYETTE RIVER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	01W	28	SE	SE	SE	1	GEM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.420		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	01W	27	SW	SW	8	IRR	17.0
						Section Acres	17.0
		28	NE	SE		IRR	35.0
			NW	SE		IRR	4.0
			SW	SE		IRR	23.0
			SE	SE	1	IRR	37.0
						Section Acres	99.0
		33	NW	NE	5	IRR	5.0
						Section Acres	5.0
						Total Acres	121.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:
A65-01401

14. Remarks:
THIS RIGHT WHEN COMBINED WITH RIGHT 65-1401 & RIGHTS OF EMMETT
IRRIGATION DISTRICT SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

AUG 03 1994

IGIN

since well was first completed

feet; depth of ditch at top is _____ feet grade of ditch per 1000 _____

feet; diameter of pipe line is _____ inches; grade of pipe per 1000 feet is _____

since water was first appropriated, giving _____ date and conditions as possible _____

if water is stored in reservoir _____ acre feet; total capacity of reservoir is _____

year construction commenced _____ date first used _____

period of storage of water _____ is reservoir drained each year _____

if reservoir of each stream _____

if reservoir is of stream, describe _____

location of reservoir by 20-acre subdivisions _____

if so, give dates and _____

describe _____

Total number of acres to be irrigated 102

Explain any significant increase in area irrigated since first use/give dates and acreages if known _____

✓ MICROFILMED

AUG 03 1994

U. You are invited to a special dinner at 7:30 p.m. on Friday, August 3, 1934, at the Hotel New Yorker, New York City. The dinner will be given in honor of the officers and directors of the United States Chamber of Commerce. The cost of the dinner is \$10.00 per person. If you are unable to attend, please notify the undersigned at least one week in advance.

Very truly yours,
[Signature]

Enclosed for you are two tickets for the dinner. Please bring them with you on Friday evening. If you are unable to attend, please return the tickets to the undersigned.

Very truly yours,
[Signature]

Enclosed for you are two tickets for the dinner. Please bring them with you on Friday evening. If you are unable to attend, please return the tickets to the undersigned.

Very truly yours,
[Signature]

Enclosed for you are two tickets for the dinner. Please bring them with you on Friday evening. If you are unable to attend, please return the tickets to the undersigned.

Very truly yours,
[Signature]

Enclosed for you are two tickets for the dinner. Please bring them with you on Friday evening. If you are unable to attend, please return the tickets to the undersigned.

Very truly yours,
[Signature]

Enclosed for you are two tickets for the dinner. Please bring them with you on Friday evening. If you are unable to attend, please return the tickets to the undersigned.

Very truly yours,
[Signature]

Enclosed for you are two tickets for the dinner. Please bring them with you on Friday evening. If you are unable to attend, please return the tickets to the undersigned.

Very truly yours,
[Signature]

Enclosed for you are two tickets for the dinner. Please bring them with you on Friday evening. If you are unable to attend, please return the tickets to the undersigned.

My commission expires 11-3-34

Not received by [Signature] Date 11-3-34
Approved for publication by [Signature]
Published in [Signature]

Forwarded to [Signature] Date [Signature]

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AUG 03 1984

BILL OF SALE

For value received, The Federal Land Bank of Spokane, a corporation, hereby grants, sells and transfers to Frank McBee and Betty Sue McBee, husband and wife, Grantees, the personal property described on Exhibit A, attached hereto and incorporated herein.

DATED this 16th day of July, 1987.

THE FEDERAL LAND BANK
OF SPOKANE

By: Rod Endow
Authorized Agent

STATE OF IDAHO)
 (ss.
County of Ada)

On this 16th day of July, 1987, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Rod Endow, authorized agent of The Federal Land Bank of Spokane, a corporation, known to me to be the person whose name is subscribed to the within instrument and who acknowledged to me that he executed the same on behalf of said corporation.

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

Edmund A. Duce
Notary Public for Idaho
Residing at Caldwell, Idaho
My Commission expires: 04/15/93

NOTICE OF REAL ESTATE CONTRACT

and

REQUEST FOR NOTICE OF ISSUANCE OF TAX DEED

On this 6th day of August, 1987, The Federal Land Bank of Spokane, a corporation, with its office and principal place of business at Spokane, Washington, as Seller, did sell on unrecorded Real Estate Contract to Frank McBee and Betty Sue McBee, husband and wife, whose current address is 1566 Kathy Street, Emmett, Idaho, as Buyer, the real estate situate in Owyhee County, State of Idaho, described on Exhibit A attached hereto and incorporated herein.

If during the term of said contract, the Buyer shall fail to pay, before delinquent, any taxes and assessments as required in said Real Estate Contract, request is hereby made that notice of said delinquency, and any Notice of Pending Issue of Tax Deed, as set forth in the Idaho Code with regard to such matters, be sent to The Federal Land Bank of Spokane, c/o Farm Credit Services, P. O. Box 15367, Boise, Idaho 83715.

Seller: The Federal Land Bank of Spokane

By: [Signature]
Authorized Agent

Buyer: [Signature]
Frank McBee

[Signature]
Betty Sue McBee

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

Lucinda M. Jensen
Notary Public for Idaho
Residing at Emmett
My Commission expires: 6/30/88

STATE OF Idaho)
(ss.
County of Gem)

On this 6 day of August, 1987, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Frank McBee, 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.

WITNESS my hand and Official Seal.

Lucinda M. Jensen
Notary Public for Idaho
Residing at Emmett, Idaho
My Commission expires: 6/30/88

STATE OF IDAHO)
(ss.
County of Gem)

On this 6th day of August, 1987, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Betty Sue McBee, 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.

WITNESS my hand and Official Seal.

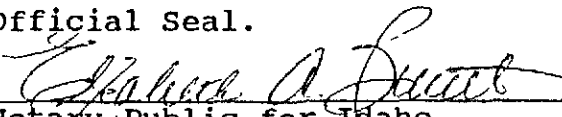
Lucinda M. Jensen
Notary Public for Idaho
Residing at Emmett, Idaho
My Commission expires: 6/30/88

POOR ORIGINAL

STATE OF IDAHO)
 (ss.
County of Ada)

On this 6th day of August, 1987, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Rod Endow, authorized agent of The Federal Land Bank of Spokane, a corporation, known to me to be the person whose name is subscribed to the within instrument and who acknowledged to me that he executed the same on behalf of said corporation.

WITNESS my hand and Official Seal.


Notary Public for Idaho
Residing at Caldwell, Idaho
My Commission expires: 04/15/93

TOWNSHIP 7 North, Range 1 West, B.M., Gem County, Idaho

POOR ORIGINAL

Section 27: Lot 8.

Section 28: Lot 1

The NE $\frac{1}{4}$ of SE $\frac{1}{4}$

LESS right of way for highway as described in Book 20 of Deeds, at Page 382, and as described in Book 7 of Deeds, at Page 449, and as described in Book 20 of Deeds, at Page 381, records of Gem County, Idaho.

Sections 28 and 33:

From the SW corner of the E $\frac{1}{4}$ of E $\frac{1}{4}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 33, Township 7 North, Range 1 West, B.M., Gem County, Idaho, run East on $\frac{1}{4}$ $\frac{1}{4}$ section line 776 feet (to the edge of the Emmett Bench), for a point of beginning of the land being described; run thence Northwesterly along said rim of bench on the following courses:

North 5°30' West 155 feet; thence

North 23°00' East 305 feet; thence

North 6°00' East 262 feet; thence

North 13°30' West 285 feet; thence

North 25°00' West 380 feet; thence

North 15°30' West 224 feet; thence

North 358 feet, to the East line of State Highway right of way; thence

Northeasterly along said East line of highway, to a point on the East line of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 28, Twp. 7 N., R. 1 W., B.M., at a point 696 feet North of the SE corner of said NW $\frac{1}{4}$ of SE $\frac{1}{4}$; run thence

South on $\frac{1}{4}$ $\frac{1}{4}$ section line to the SW corner of Lot 1 of said Section 28; thence

East on the South line of said Lot 1 to the Payette River; thence Southwesterly along the Southeasterly line of Lot 5 of Section 33, Twp. 7 N., R. 1 W., B.M., to the South line of said Lot 5; thence

West on said South line, to said point of beginning.

LESS right of way for ditch as described in Arbitration Award, recorded January 13, 1910, in Book 2 of Miscellaneous Records, at Page 146. in Lot 5, Section 33, Twp. 7 N., R. 1 W., B.M.

LESS right of way for public road as described in deed to State of Idaho, recorded in Book 19 of Deeds, at Page 593, across the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 28, Twp. 7 N., R. 1 W., B.M.

LESS right of way for highway as described in deed to State of Idaho, recorded in Book 20 of Deeds, at Page 380, over the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 28, Twp. 7 N., R. 1 W., B.M.

EXCEPT all minerals in or under said land including but not limited to metals, oil, gas, coal, stone and mineral rights, mining rights and easement rights or other matters relating thereto whether expressed or implied.

Exhibit A - Continued

TOGETHER with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereto.

AND SUBJECT TO all assessments, encumbrances, restrictions, reservations, easements, and rights-of-way of public record or apparent upon inspection of the property.

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: 10

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): Frank McBee Date: 1-19-90
Becky McBee Date: 1-19-90

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 19th day
of JAN. 1990

Donald E. Gentry
Notary Public

Seal

Residing at Boise, ID
My Commission Expires 11/08/1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Idaho Department of Water Resources
Adjudication Recommended Right Report

FAX (208) 334-2348

04/12/2001

WATER RIGHT NO 65-4035

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Owner Type **Name and Address**
Current Owner BETTY SUE MC BEE
Current Owner FRANK MC BEE
2569 E BLACK CANYON HWY
EMMETT, ID 83617
(208)365-3357

Original Owner JOHN C BROWN
1111 E IDAHO BLVD
EMMETT, ID 83617

Priority Date 04/01/1900
Basis: Decreed
Status: Active

Source **Tributary to**
PAYETTE RIVER SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	2.42 CFS		
Total Diversion			2.42 CFS		

Location of Point(s) of Diversion.

PAYETTE RIVER SESESE Lt 1 Sec 28 Township 07N Range 01W GEM County

IRRIGATION Use:
Acre Limit 121

Place(s) of use.

Place of Use Legal Description: IRRIGATION GEM County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07N	01W	27	8	SWSW	17									
		28		NWSE	4		SWSE	23		NESE	35	1	SESE	37
		33	5	NWNE	5									

Total Acres: 121

Conditions of Approval

- W16 USE OF THIS RIGHT IS COMBINED WITH WATER FROM EMMETT IRRIGATION DISTRICT
- 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:

Licensed Date:
Claim Received Date 01/30/1990
Enlargement Use Priority Date:



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

Special Master Recom Signed Date:

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Other Information:

Receipt Number(s) X999999
State or Federal: S
Owner Name Connector: OR
Water District Number: 65
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

AJ5809NP
No. A65-04035

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/14/00
PAGE: 39

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FRANK MC BEE	04/01/1900	IRRIGATION	03-15 11-15	2.420 CFS	✓
C	BETTY SUE MC BEE					
	2569 EAST BLACK CANYON HI-WAY					
	EMMETT ID 83617					
	(208) 365-3357					
				TOTAL DIVERSION:	2.420 CFS	

Water Source: PAYETTE RIVER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T07N R01W S28 Lot01(SESESE)

GEM County

Place of use Legal Description for: IRRIGATION

	NE				NW				SW				SE				
T R S	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
07N 01W 27	:		:		:		:		:		:		:		:		17.0
07N 01W 28	:		:		:		:		:		:		:	35	04	23 01-37	99.0
07N 01W 33	:	05-05	:		:		:		:		:		:				5.0
																	TOTAL ACRES 121.0

POU County: GEM

Non-Irrigation Uses: STOCKWATER INCIDENTAL TO IRRIGATION

Other Rights: A65-01401

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
65-01403 A65-01401 A65-01403

Other Water Rights Listing Overlapping Place(s) of Use:
A65-01401 A65-01401A A65-04035A

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHT 65-1401 & RIGHTS OF EMMETT
IRRIGATION DISTRICT SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

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

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

Audit: 11/23/90 MCCARTHY 12/22/92 WALKER 03/30/95 POST-STD

C18
WILE

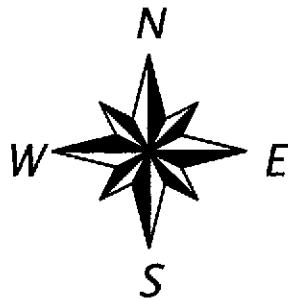
Idaho Department of Water Resources

Claim Number: 65-04035

Legal: T07N, R01W, S27, 28 & 33

Reviewed By:

- ⊙ *Point of Diversion*
-  *Place of Use*
-  *Section Lines*
-  *Quarter Quarter Lines*



Identification No. _____

Claim No. _____

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

- 1 Name of claimant FRANK D. CALLENDER
post office address CASCADE, IDAHO 83611
- 2 The point of diversion is in SW 1/4 of SW 1/4 Section 27 Township 7N
Range 1W B M located on PAYETTE RIVER
(name of source)
tributary to _____ in GEM County.
- 3 Dates of priority claimed. list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a Date of priority claimed: 1900 - Nineteen hundred
 _____ amount _____ c.f.s. or 150 INCHES acre feet
 _____ amount _____ c.f.s. or _____ acre feet
 _____ amount _____ c.f.s. or _____ acre feet
 Total claimed 3.0 c.f.s. or 150 INCHES acre feet.
 - b Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:
 use IRRIGATION period of use from APRIL 1 to OCTOBER 31 (both dates inclusive)
 use _____ period of use from _____ to _____ (both dates inclusive)
 use _____ period of use from _____ to _____ (both dates inclusive)
 use _____ period of use from _____ to _____ (both dates inclusive).
4. Description of diverting works.
 - a. Surface water diversion dam and/or headgate. material is composed of _____
 _____, length is _____ feet; height is _____ feet;
 width at bottom is _____ feet, with at top is _____ feet, explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known ORIGINALLY BY WATER WHEEL - LOW PRESSURE PUMPS SINCE THE WHEEL WAS TAKEN OUT BY FLOOD WATER
 - b. Underground water diverting works: is well flowing or pumped _____, depth of well is _____ feet, diameter of well is _____ inches; type of pump is _____
 capacity of pump is _____ g.p.m.; name and address of well driller is _____

4135

Category	18-24	25-34	35-44	45-54	55+
18-24	100%	0%	0%	0%	0%
25-34	0%	100%	0%	0%	0%
35-44	0%	0%	100%	0%	0%
45-54	0%	0%	0%	100%	0%
55+	0%	0%	0%	0%	100%

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

[illegible]

1. *Chlorophyll a* (Chl *a*) is the primary photosynthetic pigment in most plants and algae. It is a green pigment that absorbs light energy in the blue and red regions of the visible spectrum.

b. Do you get water through a ditch owned by several users? YES If yes, give the name of the ditch BLACK CANYON. The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____

7. Where water is used for domestic or municipal purposes give number of families served _____ name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities _____

9. Remarks. please explain any details of your claim which you feel need clarification or additional explanation

THIS WATER HAS BEEN USED FOR (70 years) IRRIGATION AND TO THE BEST INFORMATION AVAILABLE HAS BEEN LIFTED BY WATER WHEEL WHICH EVIDENCE STILL REMAINS AND HAS HAD 3 PUMPS INSTALLED OVER THIS PERIOD OF TIME

State of Idaho

County of ada } ss.

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

Sworn to before me this 27th day of March, 1970.

Frank S. Callender
Claimant

Ernest E. Beckman
Notary Public

Residing at Boise, Idaho

My commission expires 11-3-70

For Department Use Only

Received by <u>11</u>	Date <u>3-30-70</u>	Exception filed by.	Forwarded to claimant by:	Date
Prelim. check by <u>11</u>	Date <u>4-6-70</u>			
Fee received by <u>11</u>	Date <u>3-30-70</u> Fee \$ <u>10.00</u>			
Approved for publication by <u>11</u>				
Published in <u>Boise-Idaho</u>	Dates <u>4-16-70-70</u>			

2/035

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

- 1 Give full name and post office address of person or company making the claim.
- 2 Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
- 3 Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed.	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s.</u>	or	<u> </u>	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s.</u>	or	<u> </u>	acre feet
		Total claimed:	<u>1.2 c.f.s.</u>	or	<u> </u>	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive) If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

- 4 Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions
- 6, 7, & 8. Describe any other uses of water.
- 9 In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user:

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

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

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

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

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

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

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

Sincerely,

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