

RECEIVED

AUG - 7 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES Department of Water Resources
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (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
65-07462					

OWNERSHIP
 ALREADY CHANGED
 11/18/1994
 ADDRESS CHG MAY
 BE NEEDED FOR
 ALL COLWELL
 CLAIMS?

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)

CHARLES S. HIGBY
 STAR RT

4. New Owner/Claimant(s)

Payette, IDAHO 83661

New Mailing Address

Name Connector (Check one): [] and, [] or, ☒ and/or
 GEORGE E. COLWELL and/or
 CHERYL F. COLWELL

City, State and ZIP Code

3990 Hwy 52
 Payette, IDAHO 83661

New Telephone Number

(208) 278-3448

5. Date you acquired the property

1994

other phone
 number for
 Colwell -
 541-898-2863

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 65-07462

2002 MAR 28 PM 4:49
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: GEORGE E COLWELL
PO BOX 251
NORTH POWDER, OR 97867-0251

CHERYL F COLWELL
10800 SMOKE RANCH RD
BOISE, ID 83709

SOURCE: GROUND WATER

QUANTITY: 0.27 CFS
37.10 AFY

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

PRIORITY DATE: 03/25/1974

POINT OF DIVERSION: T08N R04W S17 NESE Within Payette County
LOT 01 (SWSE)
NESE
NWSE
NESE
S20 LOT 02 (SWNE)
S21 LOT 05 (SWNW)

3 POINTS OF DIVERSION LOCATED IN T08N, R04W, S17, NESE.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.27 CFS
			33.50 AFY
	Domestic	01-01 TO 12-31	0.11 CFS
			3.60 AFY

PLACE OF USE: Stockwater Within Payette County
T08N R04W S17 NESE LOT 01 (SWSE), NWSE S17
SESE
S20 LOT 02 (SWNE) S21 SWNW Lot 5
Domestic Within Payette County
T08N R04W S17 NWSE
S21 LOT 05 (SWNW)

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

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

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

RECEIVED

APR 16 2002

WATER RESOURCES
WESTERN REGION



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 29 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED

NOV 02 2001

WATER RESOURCES
WESTERN REGION

September 27, 2001

CHERYL F COLWELL
GEORGE E COLWELL
PO BOX 251
NORTH POWDER OR 97867-0251

Payette.
Cheryl F. Colwell
3990 Hwy 52
Payette, IDAHO 83661
(208) 278-3448

RE: Snake River Basin Adjudication (SRBA)
Water Rights #65-3616, 65-3617, 65-3618, 65-3619, 65-7461, 65-7462,
65-8627, 65-11211, 65-11261 and 65-21373

Dear Water Right Holders:

cc: W. A.
Records modified 10/30/01.
R=NCAP done.

Mail we sent you was returned to us by the Postal Service. The Postal Service advised us your address has changed to the above address. We have enclosed the returned mail.

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.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have, and return this letter by October 12, 2001. 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. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water rights 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.

Ms. Sherman,

AS WE MOVE FROM RANCH TO RANCH WITH DIFFERENT SEASONS, THIS MAY BE THE BEST WAY TO SHOW CHANGES IN ONE ADDRESS AND ME AT THE OTHER.

Sincerely,

Sally Sherman
Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:

Returned Mail

#####

The address is correct as shown above or as otherwise changed

Water Right Holder's Signature

Telephone No.

Rec'd 10/10/01

(541) 898-2863
(208) 278-3448

WR5809NP
No. 65-07462

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/18/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHARLES S HIGBY STAR RT PAYETTE ID 83661	03/25/1974	STOCKWATER DOMESTIC	01/01 12/31 01/01 12/31	0.270 CFS 0.110 CFS	33.50 AFA 3.60 AFA
TOTAL DIVERSION:					0.270 CFS	37.10 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 0.270 CFS

Point(s) of Diversion: T08N R04W S17 NESE ✓ NWSE ✓ Lot 01(SWSE ✓ PAYETTE County
S20 Lot 02(SWNE ✓ PAYETTE County
S21 Lot 05(SWNW ✓ PAYETTE County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
08N	04W	17	:													S	S	01-S	S
08N	04W	20	:			02-S													
08N	04W	21	:							05-S									

Place of use Legal Description for: DOMESTIC

08N	04W	17	:															D	
08N	04W	21	:							05-D									

Pou County: PAYETTE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
65-03616 65-03618 65-05773 65-13955

Other Water Rights Listing Overlapping Place(s) of use:
65-00165X 65-03617 65-03618 65-07461 65-11413

Remarks: GEN Three points of diversion are located within NESE, S17, T8N,
R4W.
Domestic use is for 3 homes.

Dates: App. Received: 01/24/1974 Priority Date: 03/25/1974 (Priority Date Advanced.)
Proof Due Date: 02/01/1979 Proof Made Date: 04/02/1979 (Proof Received Late.)
Exam Made Date: 06/19/1998 Exam Sent to S.O.: 04/27/1999
Licensed Date: 07/19/2000

Misc: Water District Number: 65 Field Exam Fee: R (Received)

T08N R04W

Idaho Department of Water Resources

Claims: 65-07462

Prepared by:

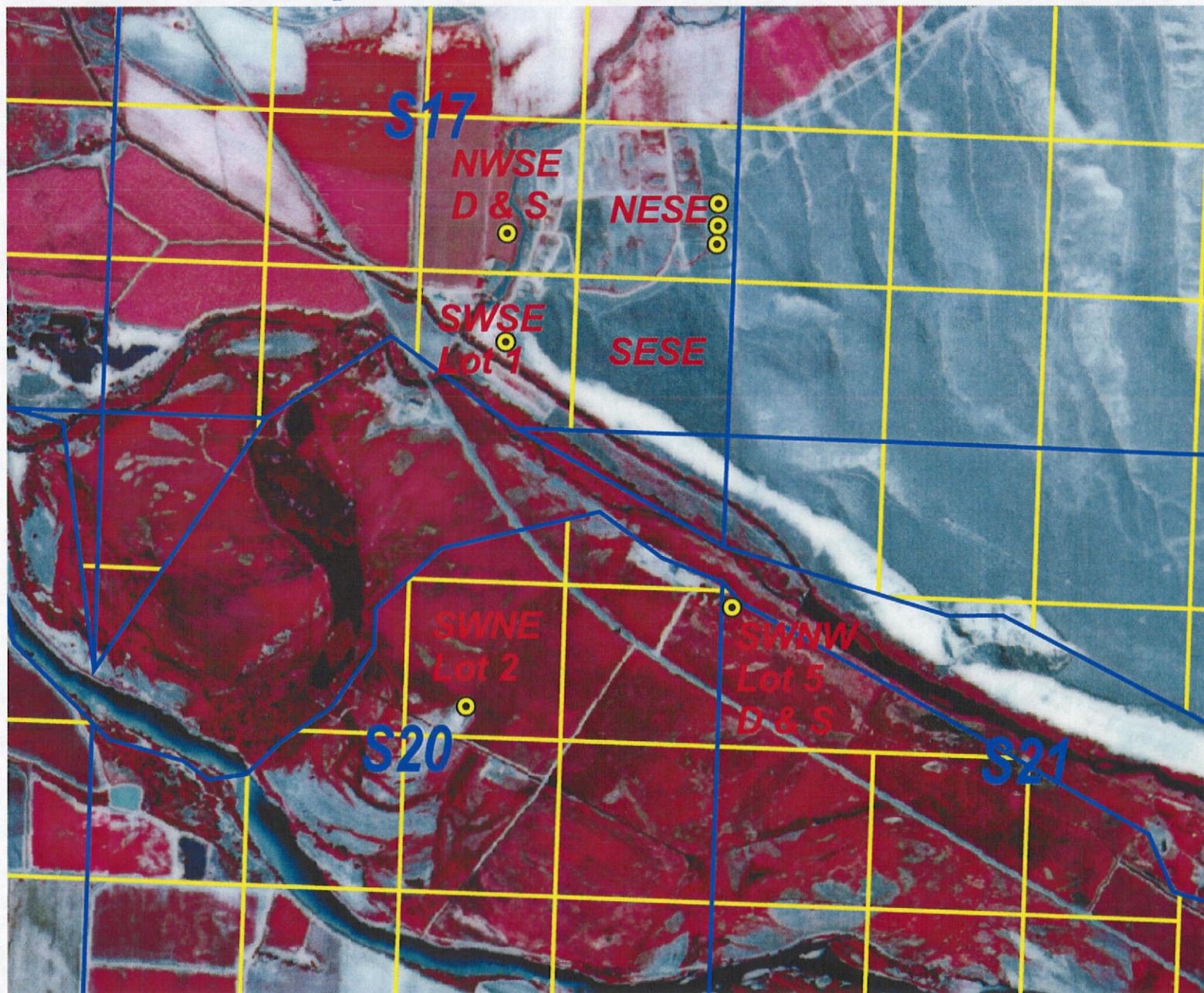
RON HOWERTON

Date: 18 OCT 00

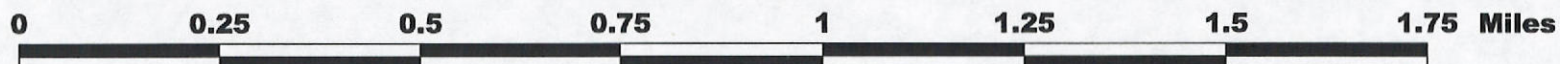
● POD

SECTION

1/4 1/4



1987 NAPP



T08N R04W

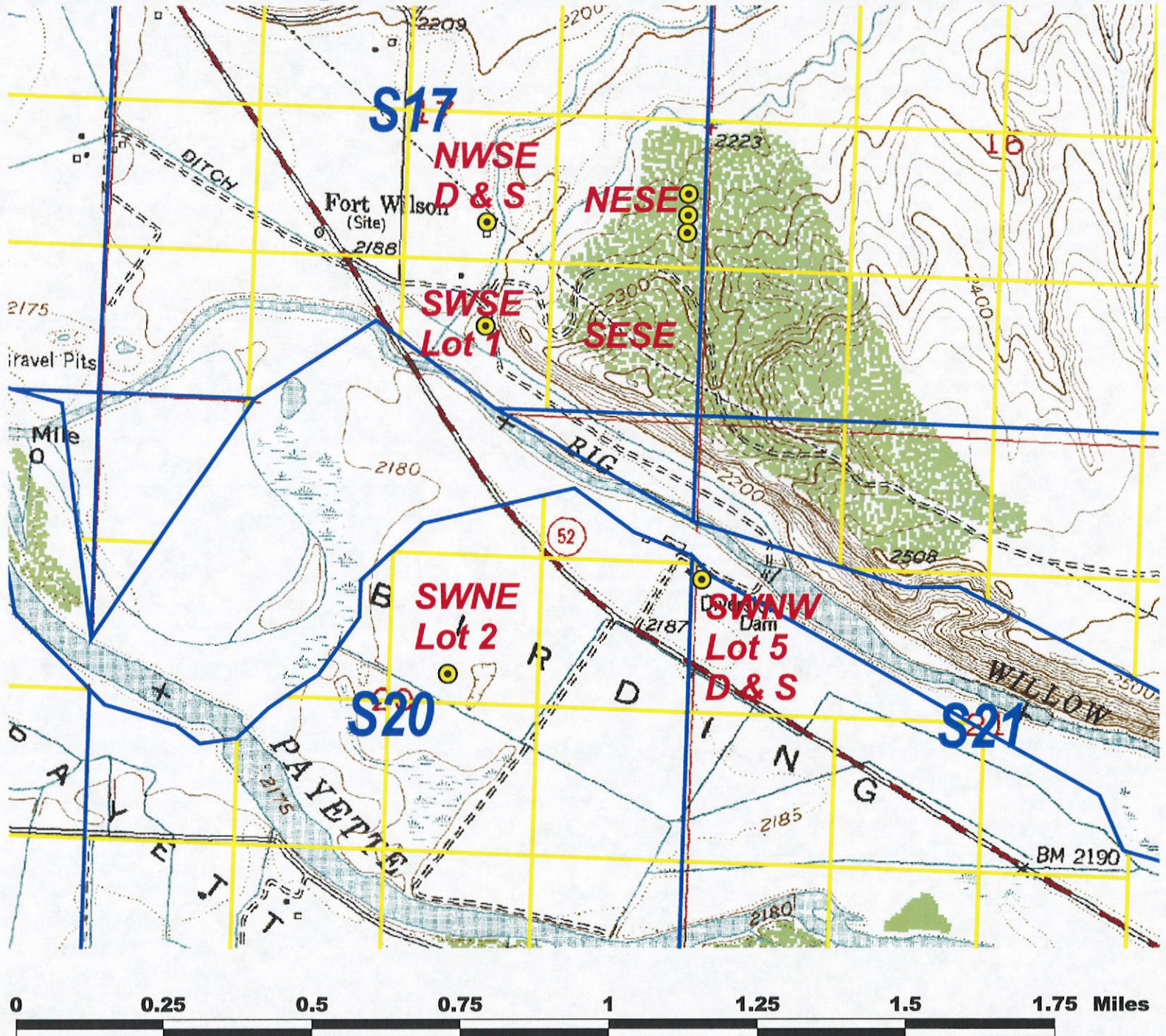
Idaho Department of Water Resources

Claims: 65-07462
Prepared by:
RON HOWERTON
Date: 18 OCT 00

● POD
SECTION
1/4 1/4



V56 Topo



T08N R04W

Date: 18 OCT 00

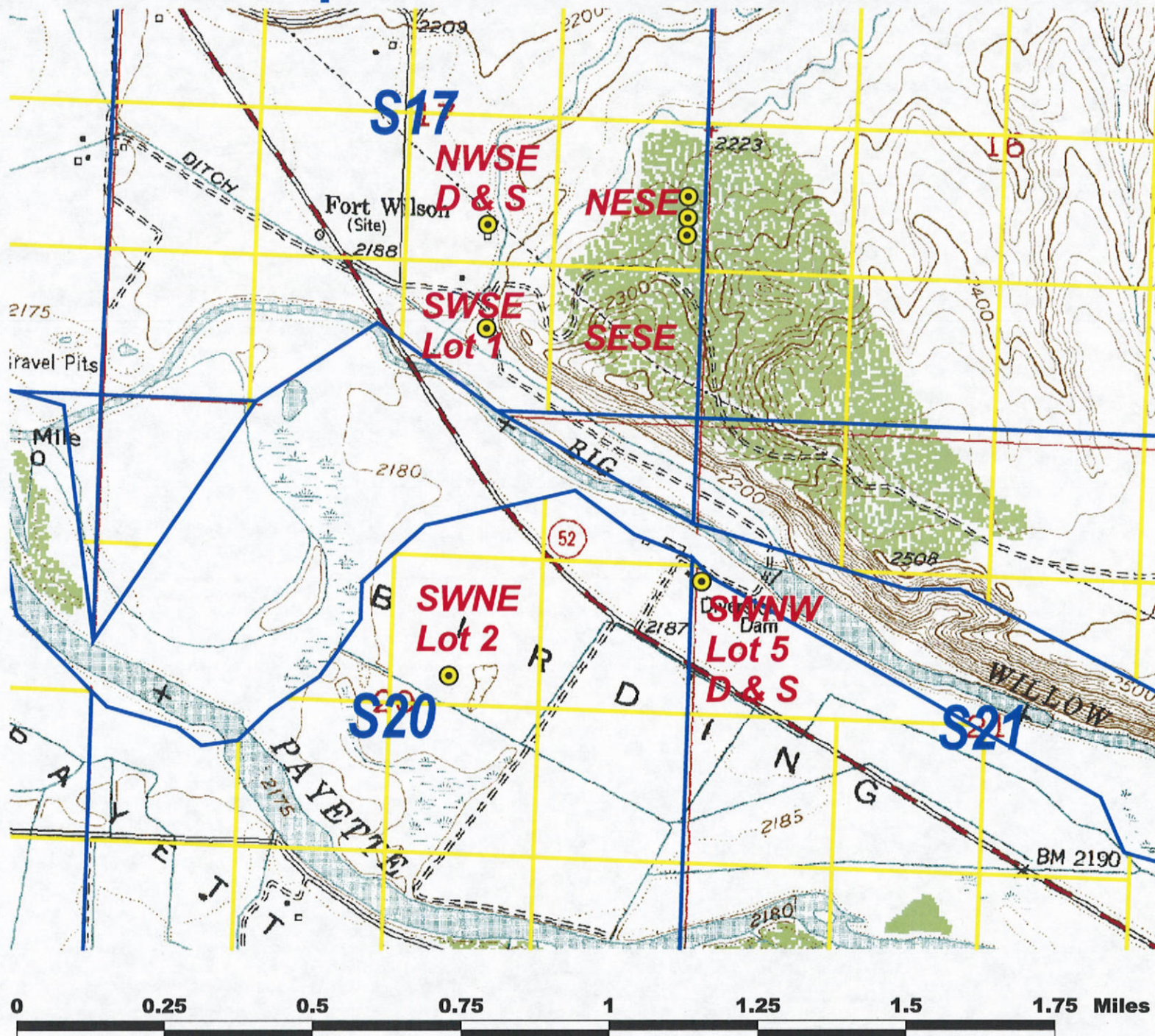
POD

SECTION

1/4 1/4



V56 Topo



T08N R04W

Idaho Department of Water Resources

Claims: 65-07462

Prepared by:

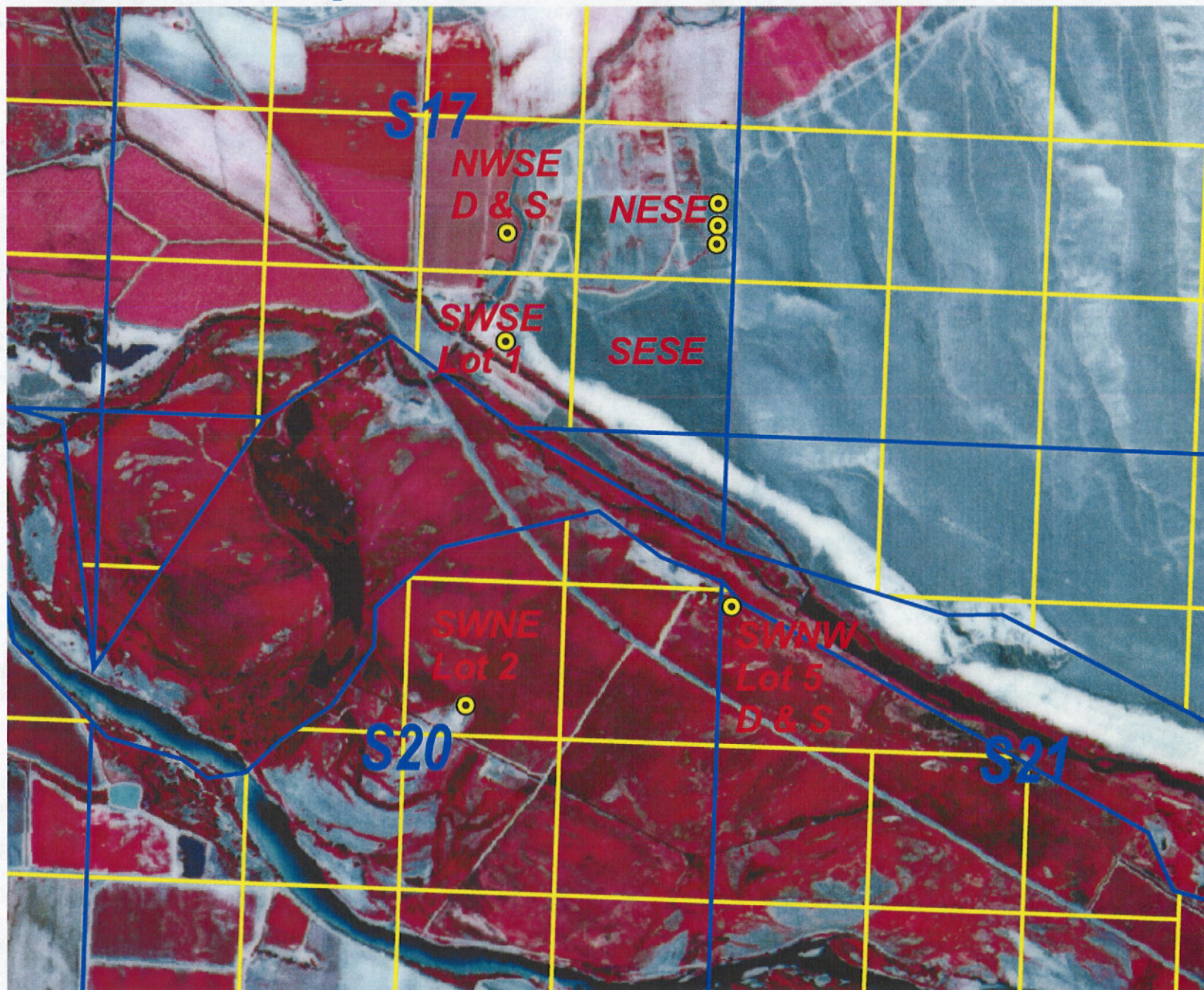
RON HOWERTON

Date: 18 OCT 00

● POD

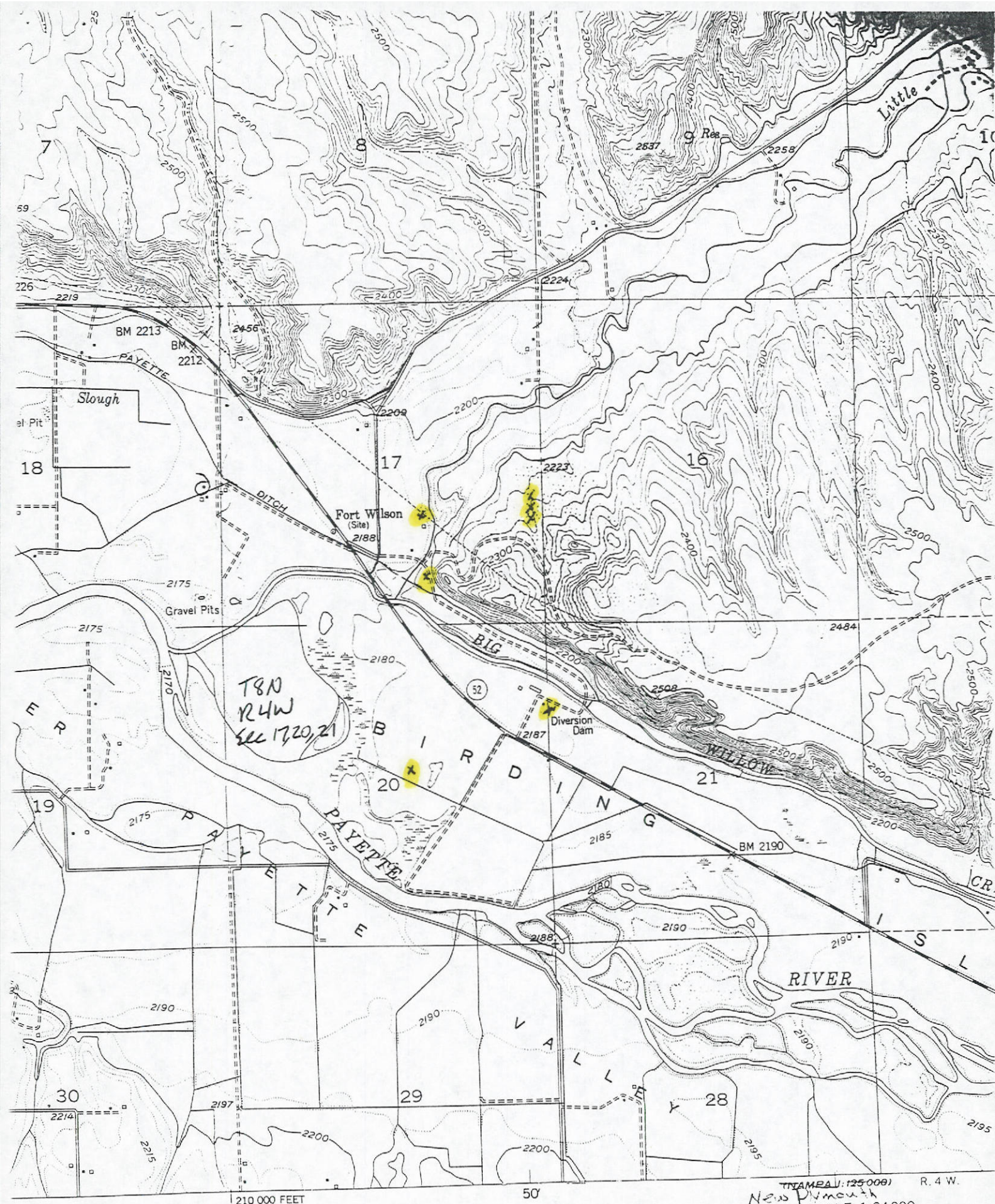
SECTION

1/4 1/4

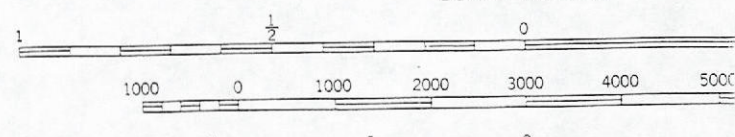


1987 NAPP





published by the Geological Survey
 JSC&GS
 photographs by multiplex methods
 eys 1952. Aerial photographs taken 1950



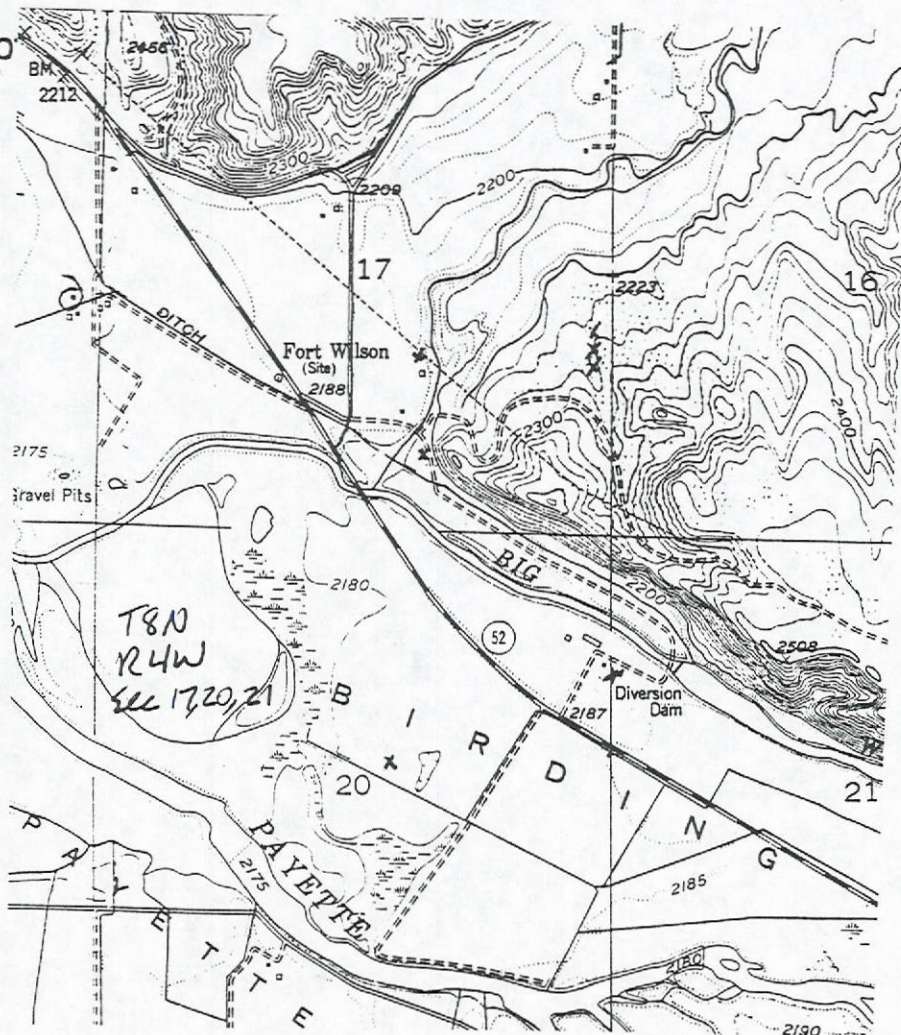
How far away from the well is this source?

9. REMARKS: 3 wells in NESE + 1 well in SWSE feed a 750' cement sistrum, 10' deep. Water from the sistrum is then delivered to ~35 stock tanks, 375 gal each. The sistrum was covered with cement. It resembled a big cement cube that was buried. Seepage or leaks did not seem a problem and were not apparent.

Signature of Dept. Representative & Title

6/19/98
Inspection Date

PHOTOS, DRAWINGS, O



7 wells

WR5809NP
No. 65-07462

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/17/99
PAGE: 54

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHARLES S HIGBY STAR ROUTE PAYETTE ID 83661	01/24/1974	STOCKWATER DOMESTIC	01/01 12/31 01/01 12/31	1.100 CFS 0.040 CFS	67.00 AFA 1.20 AFA
TOTAL DIVERSION:					1.140 CFS	68.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T08N R04W S17 NESE NWSE PAYETTE County
S20 SWNE PAYETTE County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
08N	04W	17	:													S	S		S
08N	04W	20	:				S												

Place of use location for DOMESTIC is the same location as described for: STOCKWATER

Pou County: PAYETTE

Remarks: GEN SOURCES FOR THIS RIGHT ARE 6 WELLS.
THIS PERMIT RIGHT IS NOT DECREED BY THE PRESENT ADJUDICATION
PROCEDURE, AND IS INCLUDED FOR INFORMATION PURPOSES ONLY.
NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.

Dates: App. Received: Priority Date: 01/24/1974 (Priority Date Advanced.)
Proof Due Date: 02/01/1979 Proof Made Date: 04/02/1979 (Proof Received Late.)
Exam Made Date: 06/19/1998 Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 65 Field Exam Fee: R (Received)

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 65-7462
Date Received: 4/11/90
Receipt No: X999999
Received By:

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

1. Name of Claimant(s)

GEORGE E COLWELL Phone: (208)375-8158
10800 SMOKE RANCH ROAD
BOISE ID USA 83709

CHERYL F COLWELL Phone: (208)375-8158
10800 SMOKE RANCH ROAD
BOISE ID USA 83709

2. Date of Priority: 03/25/1974

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County
08N	04W	20	SW	NE	2	PAYETTE
08N	04W	21	SW	NW	5	PAYETTE
08N	04W	17	NW	SE		PAYETTE
08N	04W	17	SW	SE	1	PAYETTE
08N	04W	17	NE	SE		PAYETTE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.27	33.5
DOMESTIC	01/01	12/31	0.11	3.6

7. Total Quantity Appropriated is:
0.27 C.F.S. and/or 37.1 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:
 Number of other uses: 2500
 Number of homes: 3

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
08N	04W	17	NE	SE		STOCKWATER	
			SE	SE		STOCKWATER	
			SW	SE	1	STOCKWATER	
			NW	SE		DOMESTIC	
08N	04W	20	SW	NE	2	STOCKWATER	
08N	04W	21	SW	NW	5	DOMESTIC	

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:

THREE POINTS OF DIVERSION ARE LOCATED WITHIN NESE, S17, T8N, R4W.
 DOMESTIC USE IS FOR 3 HOMES.
 STOCKWATER USE IS FOR 2500 RANGE CATTLE.
 CLAIM AMENDED BY APPROVED LICENSE DATED 19 JULY 2000.

15. Basis of Claim: License

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
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

RECEIVED

AUG - 7 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES Department of Water Resources
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (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
65-07462					

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)

CHARLES S. HIGBY
 STAR RT

4. New Owner/Claimant(s)

PAYETTE, IDAHO 83661

New Mailing Address

Name Connector (Check one) ☐ and, ☐ or, ☒ and/or
 GEORGE E. COLWELL AND/OR
 CHERYL F. COLWELL

City, State and ZIP Code

3990 HWY 52
 PAYETTE, IDAHO 83661

New Telephone Number

(208) 278-3448

5. Date you acquired the property

1994

other phone
 number for
 Colwell -
 541-898-2863

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 <u>65-07462</u>		
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	<u>0.27 CFS</u>	<u>33.5 AC</u>
Domestic	<u>0.11 CFS</u>	<u>3.6 AF (3 HOMES)</u>
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)

George E Colwell for Cheryl Colwell

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 <u>JMAS I</u>	Date <u>12.22.00</u>	Fee <u>\$25.00</u>
Received by <u>JMAS I</u>	Date <u>12.22.00</u>	Receipt No. <u>C051616</u>
Processed by _____	AJ Date _____	WR _____ Date _____

State of Idaho, County of Payette

251995

Land Title Insurance Company

County that this instrument was filed for record of the request of

Sept. 29, 1994 4:54

Book 48 Deed pg. 251995

P-22260, 1600/113, 100 & 900/114
100/116; 200 & 900/117; 100/118;
500/120

Laura L. Gliglio, Ex-Officio Recorder by

Deputy

WARRANTY DEED

fee \$27.00

THIS WARRANTY DEED, made this 15th day of September, 1994, between HIGBY N/N RANCH, an Idaho General Partnership ("GRANTOR"), and GEORGE E. COLWELL and CHERYL F. COLWELL, husband and wife ("GRANTEES"), whose address is 10800 Smoke Ranch Dr., Boise, Idaho 83709-1258;

WITNESSETH:

The GRANTOR, for and in consideration of the sum of Ten and No/100ths Dollars, lawful money of the United States of America, and other good and valuable consideration, to it in hand paid by the GRANTEES, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the GRANTEES, and to their heirs, personal representatives, successors and assigns forever, all of the following described real property situate in the County of Payette, State of Idaho, to-wit:

REAL PROPERTY DESCRIBED ON "EXHIBIT A" ATTACHED HERETO
AND MADE A PART HEREOF

SUBJECT TO:

1. General Taxes for the year 1994.
2. Rights outstanding under Easement for telephone lines and equipment, dated May 3, 1904, recorded May 11, 1904, in Book A, Page 89, Miscellaneous Records, Payette County, Idaho.
3. Easement in favor of State of Idaho as set forth in Deed dated April 16, 1936, recorded May 6, 1936, Fee #37837, in Book 13, Page 557, Deed Records of Payette County, Idaho.
4. Conditions and restrictions set forth in Decree of District Court. Payette County Case No. 2876, entered August 28, 1951, recorded August 29, 1951, Fee #80311, in book 5, Page 528, Judgment Records of Payette County, Idaho.
5. Easement in favor of J. R. McKinney and Dorothy McKinney, husband and wife, dated October 22, 1956, recorded November 16, 1956, Fee #96015, Miscellaneous Records of Payette County, Idaho.
6. Easement in favor of Idaho Power Company, dated January 30, 1973, recorded June 8, 1973, Fee #150958, Miscellaneous Records of Payette County, Idaho.

251995

7. Right of Way (25 feet in width) for a road as shown in Deed dated June 23, 1904, recorded April 10, 1905, in Book D, Page 304, Deed Records of Payette County, Idaho.
8. Easement in favor of Idaho Power Company, as set forth in Decree of the District Court, recorded May 2, 1948, Fee #70032, in Book 5, Page 162, Judgment Records of Payette County, Idaho.
9. Rights of the Lower Payette Ditch Company, Inc., together with any rights of the public, to use road, as set forth in Deed dated and recorded May 10, 1971, Fee #142253, Deed Records of Payette County, Idaho.
10. Easement in favor of Idaho Power Company, dated November 2, 1973, recorded May 14, 1974, Fee #154650, Miscellaneous Records of Payette County, Idaho.
11. Easement for private roadway as disclosed by Deed dated September 15, 1919, recorded September 15, 1919, in Book N, Page 640, Deed Records of Payette County, Idaho.
12. Easement for relocation of drainage ditches and structures set forth in Deeds recorded May 1, 1936, in Book 13, Pages 548, 549 and 550, Fee Nos. 37789, #37790 and #37791, Deed Records of Payette County, Idaho.
13. Easement in favor of Idaho Power Company, dated February 7, 1941, recorded November 25, 1941, Fee #50873, in Book 3, Page 107, Miscellaneous Records of Payette County, Idaho.
14. Easement in favor of County of Payette, dated February 9, 1965, recorded February 11, 1965, Fee #122819, Miscellaneous Records of Payette County, Idaho.
15. Reservation of an undivided one-half (1/2) of all mineral rights in and to the land described as "Parcel C" for a period of twenty-five (25) years from November 13, 1972, as disclosed in Warranty Deed dated November 3, 1972, recorded August 27, 1975, Fee #159819, Deed Records of Payette County, Idaho.
16. Easement in favor of State of Idaho as set forth in Deed dated February 17, 1936, recorded May 1, 1936, Fee #37788, in Book 13, Page 547, Deed Records of Payette County, Idaho.
17. Affect of Mineral Deeds dated September 25, 1975, recorded September 25, 1975, Fee #160186 and Fee #160187, Deed Records of Payette County, Idaho.

251995

18. Rights-of-way for Little Willow Creek and for the canal of the Lower Payette Ditch Company.
19. Rights of the public in and to existing County Road rights of way.
20. Easement in favor of State of Idaho, Idaho Transportation Department, dated October 1, 1992, recorded December 1, 1992, Fee #241532, in Miscellaneous Records of Payette County, Idaho.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including any and all water rights, mineral rights, easements, rights-of-way, and all improvements located thereon; the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said real property, as well in law as in equity, of the said GRANTOR.

TO HAVE AND TO HOLD all and singular the above-described real property, together with the appurtenances unto the said GRANTEES, and to their heirs, personal representatives, successors and assigns forever, and the GRANTOR, does hereby covenant to and with the said GRANTEES and their heirs, personal representatives, successors and assigns, that the GRANTOR is the owner in fee simple of said real property; that said real property is free from all encumbrances except as may be otherwise expressly specified herein; and that the GRANTOR will warrant and defend said real property from all lawful claims whatsoever.

IN WITNESS WHEREOF, the GRANTOR has hereunto executed this instrument the day and year first above written.

HIGBY N/N RANCH, an Idaho General Partnership

By Charles D. Higley
General Partner

251995

STATE OF IDAHO)

County of Ada)

ss:

On this 15th day of September, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared Charles S. Higby, known to me to be a General Partner of HIGBY N/N RANCH, an Idaho General Partnership, the Partnership that executed the foregoing instrument or the person who executed the foregoing instrument on behalf of said Partnership, and acknowledged to me that such Partnership 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.



Janet L. Bloesch
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 3-17-99

WARRANTY DEED - 4

25X

251995

EXHIBIT A
(Description of Real Property)

ATTACHED
(Four (4) Pages)

251995

CONTINUATION

File No P-72260, 1600/113, et al

Policy No.

PARCEL "A":

Land in Twp. 8 N. R. 4 W., B.M., Payette County, Idaho:

A tract of land situated in Sec. 21, being more particularly described as follows:

Commencing at the Northwest corner of said Sec. 21;

thence South 71.3 feet following the West side line of said Sec. 21 to the TRUE POINT OF BEGINNING;

thence meandering Southeasterly along a certain fence line

S. 63°28' E. 1028.4 feet;

thence S. 54°38' E. 425.8 feet;

thence S. 48°41' E. 624.2 feet;

thence N. 80°52' E. 713.2 feet;

thence S. 50°18' E. 185.5 feet;

thence S. 48°29' E. 479.7 feet;

thence S. 38°26' W. 311.3 feet;

thence S. 69°39' E. 534.1 feet;

thence S. 89°01' E. 546.4 feet;

thence S. 59°33' E. 383 feet;

thence N. 38°11' E. 214.3 feet;

thence S. 72°50' E. 276.9 feet;

thence S. 51°36' E. 373.2 feet;

thence S. 27°54' E. 232.7 feet;

thence S. 57°41' E. 225.4 feet;

thence S. 63°30' E. 80 feet;

thence S. 64°41' E. 101 feet to the East side line of said Sec. 21,

at a point which bears S. 0°20' E. 173 feet from the East

quarter corner of said Sec. 21;

thence S. 0°20' E. 1115 feet following the East side line of said

Sec. 21, to the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 21;

thence S. 89°56' W. 160.3 feet following the North side line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;

thence S. 0°20' E. 1136.6 feet to a point in the centerline of State Highway No. 52;

thence S. 60°56' E. 184 feet following said highway centerline to a point on the East side line of said Sec. 21;

thence S. 0°20' E. 61.8 feet to the Southeast corner of said Sec. 21;

thence S. 89°36' W. 5292 feet following the South side line of said Sec. 21 to the Southwest corner of said Sec. 21;

thence North following the West side line of said Sec. 21 a distance of 5063.9 feet to the TRUE POINT OF BEGINNING.

251995

CONTINUATION

P's No. P-22260, 1600/113, et al

Petty No

Land in Twp. 8 N. E. 4 W., B.M., Payette County, Idaho:
A tract of land situated in a portion of the S $\frac{1}{4}$ of Sec. 17; a portion of the SE $\frac{1}{4}$ of Sec. 18; a portion of the NE $\frac{1}{4}$ of Sec. 19; the N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$; and a portion of the NW $\frac{1}{4}$ of Sec. 20, being more particularly described as follows:
Beginning at the Northeast corner of said Sec. 20;
thence N. 89°19' W. 843 feet following the North side line of said Sec. 20;
thence N. 58°44' W. 695.2 feet;
thence N. 60°46' W. 460.5 feet;
thence N. 16°56' W. 523.8 feet;
thence N. 57°28' W. 130 feet to a point on the Westerly bank of Little Willow Creek;
thence meandering in a Southwesterly direction along the fence line of said Westerly bank of Little Willow Creek S. 55°21' W. 186.0 feet;
thence S. 33°42' W. 650 feet to a point in the Easterly right of way line of State Highway No. 52;
thence N. 78°39' W. 61.7 feet to the North-South centerline of said Sec. 17, at a point which bears N. 0°4' W. 500 feet from the South quarter corner of said Sec. 17, which point coincides with the point of intersection of the centerline of said State Highway No. 52 with the North-South center line;
thence N. 35°22' W. 430 feet following the centerline of State Highway No. 52;
thence leaving said centerline run N. 77°11' W. 289.3 feet;
thence N. 83°32' W. 788.1 feet;
thence S. 84°03' W. 403.4 feet;
thence S. 44°09' W. 1059.6 feet;
thence S. 67°59' W. 239 feet to a witness corner monument on the West side line of said Sec. 17 at a point that bears N. 0°07' W. 80 feet from the Southwest corner of said Sec. 17;
thence S. 62° W. 1030 feet to a point on the Northerly bank of the Payette River;
thence meandering in a Southeasterly direction along the said Northerly bank of said Payette River S. 23° E. 680 feet;
thence S. 18°10' E. 1000 feet;
thence S. 67° E. 365.5 feet to a point on the West side line of said Sec. 20;
thence S. 0°07' E. 1740 feet following said West side line to the Southwest corner of the NW $\frac{1}{4}$ of said Sec. 20;
thence S. 89°48' E. 4007.1 feet following the South side line of the N $\frac{1}{2}$ of the S $\frac{1}{4}$ of said Sec. 20 to the Northwest corner of the SE $\frac{1}{4}$ of said Sec. 20;
thence S. 0°2' E. 1318.2 feet following the West side line of said SE $\frac{1}{4}$ to the Southwest corner of said SE $\frac{1}{4}$;
thence S. 89°46' E. 1335 feet following the South side line of said Sec. 20 to the Southeast corner of said Sec. 20;
thence N. 0° E. 5135.2 feet following the East side line of said Sec. 20 to the point of beginning.

Form 2002 (Continuation)

COPY

EXHIBIT A PAGE 2 OF 4

25x10

251995

CONTINUATION

File No P-22260, 1600/113, et al

Policy No

EXCEPTING therefrom that portion of the N½SW¼ of Sec. 20 lying South of the North bank of the present Payette River Channel. ALSO, EXCEPTING from the lands in Secs. 17, 20 and 21 that portion conveyed to the State of Idaho for highway purposes by Deed recorded May 8, 1936, Fee #37837, in Book 13, Page 557, Deed Records of Payette County, Idaho.

FURTHER EXCEPTING THEREFROM that portion conveyed to the State of Idaho by grant recorded December 1, 1992, Fee Nos. 241530 and 241531, Deed Records of Payette County, Idaho.

PARCEL "B":

Land in Twp. 8 N. R. 4 W., B.M., Payette County, Idaho:

In Sec. 17: N½SE¼; and a portion of the SE½SE¼ and of Government Lots 1 and 2 described as follows:
Beginning at the Southeast corner of the SE½SE¼ of said Sec. 17;
thence N. 89°19' W. 843 feet following the South line of said SE½SE¼;
thence N. 58°44' W. 695.2 feet;
thence N. 60°46' W. 460.5 feet;
thence N. 16°56' W. 523.8 feet;
thence N. 57°28' W. 130 feet to a point on the Westerly bank of Little Willow Creek;
thence meandering in a Southwesterly direction along the fence line of said Westerly bank of Little Willow Creek S. 55°21' W. 186.8 feet;
thence S. 33°42' W. to a point in the Northerly right of way line of the Lower Payette Ditch;
thence in a Northwesterly direction following said Northerly right of way line to the point where the same intersects the North side line of said Government Lot 2;
thence East following the North side line of said Lot 2 to the Northeast corner thereof;
thence continue East following the North side line of said Government Lot 1 and of the SE½SE¼ to the Northeast corner of said SE½SE¼;
thence South following the East side line of said SE½SE¼ to the point of beginning.
SAVE AND EXCEPTING the following portion of Government Lot 1:
Beginning at the South quarter corner of said Sec. 17;
thence N. 0°4' W. 500 feet;
thence S. 78°39' E. 61.7 feet;
thence N. 33°42' E. 650 feet;
thence meandering in a Northeasterly direction along the fence line of the Westerly bank of Little Willow Creek N. 55°21' E. 186.8 feet;
thence S. 57°28' E. 130 feet to the TRUE POINT OF BEGINNING;

251995

CONTINUATION

File No

P-22260, 1600/113, et al

Policy No

thence N. 57°28' W. 130 feet to a point on the
Westerly bank of Little Willow Creek;
thence in a Northeasterly direction along the Westerly
bank of Little Willow Creek to a point on the North
line of said Government Lot 1;
thence East following said North side line to a point
which is 489 feet West of the Northeast corner of
said Lot 1;
thence in a Southwesterly direction an unknown
distance to the point of beginning.

PARCEL "C":

Land in Twp. 8 N. R. 4 W., B.M., Payette County, Idaho:

- In Sec. 21: The East 100 feet of Government Lot 8 lying North of
the right of way of State Highway #52.
- In Sec. 22: Government Lot 6, **SAVE AND EXCEPTING** that portion
conveyed to the State of Idaho for Highway purposes by
Deed recorded May 1, 1936, in Book 13, Page 548, Deed
Records of Payette County, Idaho;
AND the following portion of Government Lot 7:
Beginning at the Southwest corner of said Government
Lot 7;
thence East following the South side line of said
Government Lot 7 to a point that measures 28 rods
West from the Southeast corner of said Government
Lot 7 according to the Government Plat thereof;
thence North and parallel to the West side line of
said Government Lot 7 to the Northeasterly side
line of said Government Lot 7;
thence in a Northwesterly direction following said
Northeasterly side line to the Northwest corner
of said Government Lot 7;
thence South following the West side line of said
Government Lot 7 to the point of beginning.
- In Sec. 27: NW¼NW¼; NE¼NW¼ **SAVE AND EXCEPTING** the North 858 feet
of the East 462 feet thereof;
and the SE¼NW¼ **SAVE AND EXCEPTING** the West 643.5 feet
of the East 841.5 feet of the South 495 feet thereof;
AND FURTHER EXCEPTING from said tracts of land all
that portion conveyed to the State of Idaho for
highway purposes by Deeds recorded May 1, 1936, in
Book 13, Page 549 and 550, Deed Records of Payette
County, Idaho.

PARCEL "D":

Land in Twp. 8 N. R. 4 W., B.M., Payette County, Idaho:

- In Sec. 20: That portion of the SW¼SE¼ and of the SE¼SW¼ lying
North of the present Payette River channel.



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

December 11, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GEORGE E COLWELL
CHERYL F COLWELL
3990 HWY 52
PAYETTE ID 83661

RE: Change in Ownership of Water Right 65-07462

Dear Mr. & Mrs Colwell:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership

Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

☒ **Filing Fee** of \$25 per water right

☐ **Filing Fee** of \$100 per water right for changes resulting from division of a water right

☐ **Signature**

☐ **Notarized Signature** for Assignment of Permit

☐ **Evidence of Water Right Ownership:** copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question

☐ **Evidence of Security Interest:** copy of Deed of Trust, Mortgage, Contract of Sale or other legal document indicating your interest in the property and water rights in question

☐ **Security Interest Expiration Date**

☐ **Legal Description of Property**

☐ **Plat of Property or Survey Map** usually on file with the county

_____ **USDA Farm Service Agency (formerly ASCS) Aerial Photo** with irrigated acres outlined and point(s) of diversion clearly marked

_____ **Description of Portion of Water Right** resulting from division of water right

Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is \$25 per water right, except for ownership changes resulting in the division of a water right, which is \$100 per water right. All ownership change notices received after June 30, 2000 must include the appropriate filing fees in order to be processed. We have determined that the filing fee for your notice will be \$25.00.

Because the Department cannot process the ownership change without proper fees, we will hold any action on your notice pending receipt of the necessary fees. If we do not receive the necessary fees within 30 days we will return your notice and all attachments and your notice will not be processed.

Please note that water right owners are required to report any change in water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage (<http://www.idwr.state.id.us>) on the Internet to obtain the proper forms and instructions.

Please feel free to contact the Department if you have any questions.

Sincerely,



Kari Lynn Townsend
Secretary

KLT:k

Idaho Department of Water Resources Receipt

Receipt ID C051616

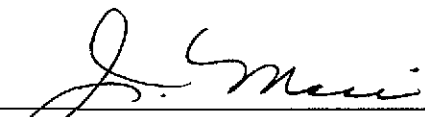
Payment Amount	\$25.00	Date Received	12/22/00 2:53:30 PM	Region	State	Status
Payment Type	Check	Check Number	4320			

Payer BIRDING ISLAND RANCH

Comment WATER RIGHT # 65-07462

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	OWNERSHIP CHANGES/SECURITY INTERESTS	0229	21	56140	1155


Signature Line (Dept. Representative)

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-07462

Priority: March 25, 1974

Maximum Diversion Rate:

0.27 CFS

Maximum Diversion Volume:

37.1 AF

This is to certify, that CHARLES S HIGBY

STAR RT

PAYETTE ID 83661

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 24, 1974; and has submitted Proof of Beneficial Use on April 2, 1979. An examination indicates that the works have a diversion capacity of 0.270 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.27 CFS	33.5 AF
DOMESTIC	01/01 to 12/31	0.11 CFS	3.6 AF
	Totals	0.27 CFS	37.1 AF

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 17, Township 08N, Range 04W
NWSE , Sec. 17, Township 08N, Range 04W
Lot 1 (SWSE), Sec. 17, Township 08N, Range 04W
Lot 2 (SWNE), Sec. 20, Township 08N, Range 04W
Lot 5 (SWNW), Sec. 21, Township 08N, Range 04W
PAYETTE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

08N 04W 17	NESE	NWSE	Lot 1 (SWSE)
	SESE		
20	Lot 2 (SWNE)		
21	Lot 5 (SWNW)		

PLACE OF USE: DOMESTIC

TWN RGE SEC

08N 04W 17	NWSE
21	Lot 5 (SWNW)

CONDITIONS OF APPROVAL AND REMARKS

1. Three points of diversion are located within NESE, S17, T8N, R4W.
2. Domestic use is for 3 homes.

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 65-07462

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 19th day of July, 2000.


Acting for KARL J. DREHER, Director

11/99

For Office Use Only
\$25 filing fee 25.00
Receipt # CD49935
Date 7-27-00

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUL 27 2000

ASSIGNMENT OF PERMIT

Department of Water Resources

To change the ownership of a permit

I, Charles S. Higby, hereby assign to GEORGE E. OR CHERYL C. WEIL
of, 10800 SMOKE RANCH RD. BOISE, IDAHO 83709 (208) 375-8158 OR
(Full Address) (Phone) (541) 898-2863

All my right, title, and interest in and to Permit No. 65-07462 to
appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to for
Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

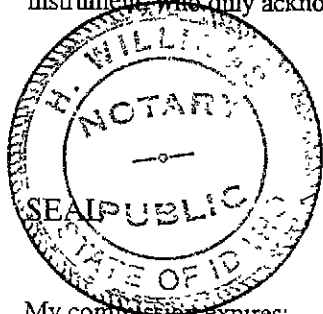
Made this 24th day of July, 2000.

X Charles S. Higby
Permit Holder(s)

State of Idaho)

County of Canyon)ss

On this 25th day of July, 2000, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same.



H. Williams
Notary Public residing at

Nampa

RECEIVED

JUL 28 2000

WATER RESOURCES
WESTERN REGION

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A65-07462
Date Received: 4/11/1990
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GEORGE E COLWELL 208-376-6922
Address: 10800 SMOKE RANCH ROAD
BOISE ID 83709

AND

Name: CHERYL F COLWELL 208-376-6922
Address: 10800 SMOKE RANCH ROAD
BOISE ID 83709

2. Date of Priority: JAN 24, 1974

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	04W	17		NE	SE		PAYETTE
				NW	SE		PAYETTE
		20		SW	NE		PAYETTE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	1.100		67.00
DOMESTIC	01/01	12/31	0.040		1.20

7. Total Quantity Appropriated is:
1.140 C.F.S. (and/or) 68.20 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	04W	17	NE	SE		STOCK	
			NW	SE		STOCK	
			SE	SE		STOCK	
		20	SW	NE		STOCK	

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:

SOURCES FOR THIS RIGHT ARE 6 WELLS.
THIS PERMIT RIGHT IS NOT DECREED BY THE PRESENT ADJUDICATION
PROCEDURE, AND IS INCLUDED FOR INFORMATION PURPOSES ONLY.
NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.
OWNERSHIP CHANGED BY LH 11/18/94.

15. Basis of Claim: PERMIT

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)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

RECEIVED

NOV 10 1994

Department of Water Resources

DATE OF CLOSING: September 15, 1994

LEGAL DESCRIPTION OF PROPERTY: Township 8 North Range 4 West

Section 17-22, 27 1/4 of 1/4 of 1/4, Govt. Lot _____, BM.

Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

SEE ATTACHED
LEGAL DESCRIPTION
ON "EXHIBIT A"TO ATTACHED
WARRANTY DEED

☐ 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) A65-03617, A65-03618, A65-07461, A65-07462, A65-08627
Assigned by IDWR: A65-09393, A65-09394, A65-11211 and A65-11261

☐ Name and Address of Former Owner/Claimant(s)(Seller): Charles S. Higby, Emma J. Higby (Higby N/N Ranch)
Higby N/N Ranch

☐ New Owner/Claimant (Purchaser): HC 80 Box 97, Payette, Idaho 83661
George E. Colwell and Cheryl F. Colwell

☐ New Mailing Address: 10800 Smoke Ranch Road
Boise, Idaho 83709

☐ New Telephone Number: (208) 376-6922

☐ 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: Copy of recorded Warranty Deed

(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): George E. Colwell George E. Colwell Date 9/15/94
Cheryl F. Colwell Cheryl F. Colwell Date 9/15/94

☐ Signature of Former Owner/Claimant(s): Charles S. Higby Charles S. Higby Date 9/15/94
for Higby N/N Ranch 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: 11-8-94 By: JAL

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

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

MICROFILMED

OCT 21 1996

WARRANTY DEED

per \$2700

THIS WARRANTY DEED, made this 15th day of September, 1994, between HIGBY N/N RANCH, an Idaho General Partnership ("GRANTOR"), and GEORGE E. COLWELL and CHERYL F. COLWELL, husband and wife ("GRANTEES"), whose address is 10800 Smoke Ranch Dr., Boise, Idaho 83709-1258;

WITNESSETH:

The GRANTOR, for and in consideration of the sum of Ten and No/100ths Dollars, lawful money of the United States of America, and other good and valuable consideration, to it in hand paid by the GRANTEEES, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the GRANTEEES, and to their heirs, personal representatives, successors and assigns forever, all of the following described real property situate in the County of Payette, State of Idaho, to-wit:

REAL PROPERTY DESCRIBED ON "EXHIBIT A" ATTACHED HERETO AND MADE A PART HEREOF

SUBJECT TO:

1. General Taxes for the year 1994.
2. Rights outstanding under Easement for telephone lines and equipment, dated May 3, 1904, recorded May 11, 1904, in Book A, Page 89, Miscellaneous Records, Payette County, Idaho.
3. Easement in favor of State of Idaho as set forth in Deed dated April 16, 1936, recorded May 6, 1936, Fee #37837, in Book 13, Page 557, Deed Records of Payette County, Idaho.
4. Conditions and restrictions set forth in Decree of District Court, Payette County Case No. 2876, entered August 28, 1951, recorded August 29, 1951, Fee #80311, in book 5, Page 528, Judgment Records of Payette County, Idaho.
5. Easement in favor of J. R. McKinney and Dorothy McKinney, husband and wife, dated October 22, 1956, recorded November 16, 1956, Fee #96015, Miscellaneous Records of Payette County, Idaho.
6. Easement in favor of Idaho Power Company, dated January 30, 1973, recorded June 8, 1973, Fee #150958, Miscellaneous Records of Payette County, Idaho.

MICROFILMED

OCT 21 1996

251995

7. Right of Way (25 feet in width) for a road as shown in Deed dated June 23, 1904, recorded April 10, 1905, in Book D, Page 304, Deed Records of Payette County, Idaho.
8. Easement in favor of Idaho Power Company, as set forth in Decree of the District Court, recorded May 2, 1948, Fee #70032, in Book 5, Page 162, Judgment Records of Payette County, Idaho.
9. Rights of the Lower Payette Ditch Company, Inc., together with any rights of the public, to use road, as set forth in Deed dated and recorded May 10, 1971, Fee #142253, Deed Records of Payette County, Idaho.
10. Easement in favor of Idaho Power Company, dated November 2, 1973, recorded May 14, 1974, Fee #154650, Miscellaneous Records of Payette County, Idaho.
11. Easement for private roadway as disclosed by Deed dated September 15, 1919, recorded September 15, 1919, in Book N, Page 640, Deed Records of Payette County, Idaho.
12. Easement for relocation of drainage ditches and structures set forth in Deeds recorded May 1, 1936, in Book 13, Pages 548, 549 and 550, Fee Nos. 37789, #37790 and #37791, Deed Records of Payette County, Idaho.
13. Easement in favor of Idaho Power Company, dated February 7, 1941, recorded November 25, 1941, Fee #50873, in Book 3, Page 107, Miscellaneous Records of Payette County, Idaho.
14. Easement in favor of County of Payette, dated February 9, 1965, recorded February 11, 1965, Fee #122819, Miscellaneous Records of Payette County, Idaho.
15. Reservation of an undivided one-half (½) of all mineral rights in and to the land described as "Parcel C" for a period of twenty-five (25) years from November 13, 1972, as disclosed in Warranty Deed dated November 3, 1972, recorded August 27, 1975, Fee #159819, Deed Records of Payette County, Idaho.
16. Easement in favor of State of Idaho as set forth in Deed dated February 17, 1936, recorded May 1, 1936, Fee #37788, in Book 13, Page 547, Deed Records of Payette County, Idaho.
17. Affect of Mineral Deeds dated September 25, 1975, recorded September 25, 1975, Fee #160186 and Fee #160187, Deed Records of Payette County, Idaho.

18. Rights-of-way for Little Willow Creek and for the canal of the Lower Payette Ditch Company.
19. Rights of the public in and to existing County Road rights of way.
20. Easement in favor of State of Idaho, Idaho Transportation Department, dated October 1, 1992, recorded December 1, 1992, Fee #241532, in Miscellaneous Records of Payette County, Idaho.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including any and all water rights, mineral rights, easements, rights-of-way, and all improvements located thereon; the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said real property, as well in law as in equity, of the said GRANTOR.

TO HAVE AND TO HOLD all and singular the above-described real property, together with the appurtenances unto the said GRANTEES, and to their heirs, personal representatives, successors and assigns forever, and the GRANTOR, does hereby covenant to and with the said GRANTEES and their heirs, personal representatives, successors and assigns, that the GRANTOR is the owner in fee simple of said real property; that said real property is free from all encumbrances except as may be otherwise expressly specified herein; and that the GRANTOR will warrant and defend said real property from all lawful claims whatsoever.

IN WITNESS WHEREOF, the GRANTOR has hereunto executed this instrument the day and year first above written.

HIGBY N/N RANCH, an Idaho General Partnership

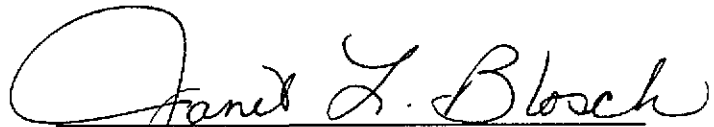
By Charles D. Higley
General Partner

251995

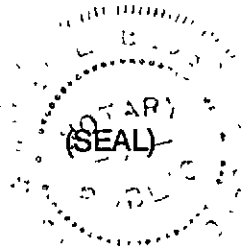
STATE OF IDAHO)
County of Ada) ss:

On this 15th day of September, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared Charles S. Higby, known to me to be a General Partner of HIGBY N/N RANCH, an Idaho General Partnership, the Partnership that executed the foregoing instrument or the person who executed the foregoing instrument on behalf of said Partnership, and acknowledged to me that such Partnership 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 Boise, Idaho
My Commission Expires: 3-17-99



251995

EXHIBIT A

(Description of Real Property)

**ATTACHED
(Four (4) Pages)**

CONTINUATION

File No. P-22260, 1600/113, et al

Policy No.

PARCEL "A":

Land in Twp. 8 N. R. 4 W., B.M., Payette County, Idaho:

A tract of land situated in Sec. 21, being more particularly described as follows:

Commencing at the Northwest corner of said Sec. 21;

thence South 71.3 feet following the West side line of said Sec. 21 to the TRUE POINT OF BEGINNING;

thence meandering Southeasterly along a certain fence line

S. 63°28' E. 1028.4 feet;

thence S. 54°38' E. 425.8 feet;

thence S. 48°41' E. 624.2 feet;

thence N. 80°52' E. 713.2 feet;

thence S. 50°18' E. 185.5 feet;

thence S. 48°29' E. 479.7 feet;

thence S. 38°26' W. 311.3 feet;

thence S. 69°39' E. 534.2 feet;

thence S. 89°01' E. 546.4 feet;

thence S. 59°33' E. 383 feet;

thence N. 38°11' E. 214.3 feet;

thence S. 72°50' E. 276.9 feet;

thence S. 51°36' E. 373.2 feet;

thence S. 27°54' E. 232.7 feet;

thence S. 57°41' E. 225.4 feet;

thence S. 63°30' E. 80 feet;

thence S. 64°41' E. 101 feet to the East side line of said Sec. 21, at a point which bears S. 0°20' E. 173 feet from the East quarter corner of said Sec. 21;

thence S. 0°20' E. 1115 feet following the East side line of said Sec. 21, to the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 21;

thence S. 89°56' W. 160.3 feet following the North side line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;

thence S. 0°20' E. 1136.6 feet to a point in the centerline of State Highway No. 52;

thence S. 60°56' E. 184 feet following said highway centerline to a point on the East side line of said Sec. 21;

thence S. 0°20' E. 61.8 feet to the Southeast corner of said Sec. 21;

thence S. 89°36' W. 5292 feet following the South side line of said Sec. 21 to the Southwest corner of said Sec. 21;

thence North following the West side line of said Sec. 21 a distance of 5063.9 feet to the TRUE POINT OF BEGINNING.

251995
CONTINUATION

File No. P-22260, 1600/113, et al

Policy No.

Land in Twp. 8 N. R. 4 W., B.M., Payette County, Idaho:

A tract of land situated in a portion of the S $\frac{1}{2}$ of Sec. 17; a portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 18; a portion of the NE $\frac{1}{4}$ of Sec. 19; the N $\frac{1}{2}$; N $\frac{1}{2}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$; and a portion of the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 20, being more particularly described as follows:

Beginning at the Northeast corner of said Sec. 20;

thence N. 89°19' W. 843 feet following the North side line of said Sec. 20;

thence N. 58°44' W. 695.2 feet;

thence N. 60°46' W. 460.5 feet;

thence N. 16°56' W. 523.8 feet;

thence N. 57°28' W. 130 feet to a point on the Westerly bank of Little Willow Creek;

thence meandering in a Southwesterly direction along the fence line of said Westerly bank of Little Willow Creek S. 55°21' W. 186.8 feet;

thence S. 33°42' W. 650 feet to a point in the Easterly right of way line of State Highway No. 52;

thence N. 78°39' W. 61.7 feet to the North-South centerline of said Sec. 17, at a point which bears N. 0°4' W. 500 feet from the South quarter corner of said Sec. 17, which point coincides with the point of intersection of the centerline of said State Highway No. 52 with the North-South center line;

thence N. 35°22' W. 430 feet following the centerline of State Highway No. 52;

thence leaving said centerline run N. 77°11' W. 289.3 feet;

thence N. 83°32' W. 788.1 feet;

thence S. 84°03' W. 403.4 feet;

thence S. 44°09' W. 1059.6 feet;

thence S. 67°59' W. 239 feet to a witness corner monument on the West side line of said Sec. 17 at a point that bears N. 0°07' W. 80 feet from the Southwest corner of said Sec. 17;

thence S. 62° W. 1030 feet to a point on the Northerly bank of the Payette River;

thence meandering in a Southeasterly direction along the said Northerly bank of said Payette River S. 23° E. 680 feet;

thence S. 18°10' E. 1000 feet;

thence S. 67° E. 365.5 feet to a point on the West side line of said Sec. 20;

thence S. 0°07' E. 1740 feet following said West side line to the Southwest corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 20;

thence S. 89°48' E. 4007.1 feet following the South side line of the N $\frac{1}{2}$ of the S $\frac{1}{2}$ of said Sec. 20 to the Northwest corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 20;

thence S. 0°2' E. 1318.2 feet following the West side line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ to the Southwest corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;

thence S. 89°46' E. 1335 feet following the South side line of said Sec. 20 to the Southeast corner of said Sec. 20;

thence N. 0° E. 5135.2 feet following the East side line of said Sec. 20 to the point of beginning.

CONTINUATION

File No. P-22260, 1600/113, et al

Policy No.

EXCEPTING therefrom that portion of the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 20 lying South of the North bank of the present Payette River Channel. ALSO, EXCEPTING from the lands in Secs. 17, 20 and 21 that portion conveyed to the State of Idaho for highway purposes by Deed recorded May 8, 1936, Fee #37837, in Book 13, Page 557, Deed Records of Payette County, Idaho.

FURTHER EXCEPTING THEREFROM that portion conveyed to the State of Idaho by grant recorded December 1, 1992, Fee Nos. 241530 and 241531, Deed Records of Payette County, Idaho.

PARCEL "B":

Land in Twp. 8 N. R. 4 W., B.M., Payette County, Idaho:

In Sec. 17: N $\frac{1}{2}$ SE $\frac{1}{4}$; and a portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and of Government Lots 1 and 2 described as follows:

Beginning at the Southeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 17;

thence N. 89°19' W. 843 feet following the South line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;

thence N. 58°44' W. 695.2 feet;

thence N. 60°46' W. 460.5 feet;

thence N. 16°56' W. 523.8 feet;

thence N. 57°28' W. 130 feet to a point on the Westerly bank of Little Willow Creek;

thence meandering in a Southwesterly direction along the fence line of said Westerly bank of Little Willow Creek S. 55°21' W. 186.8 feet;

thence S. 33°42' W. to a point in the Northerly right of way line of the Lower Payette Ditch;

thence in a Northwesterly direction following said Northerly right of way line to the point where the same intersects the North side line of said Government Lot 2;

thence East following the North side line of said Lot 2 to the Northeast corner thereof;

thence continue East following the North side line of said Government Lot 1 and of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ to the Northeast corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;

thence South following the East side line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ to the point of beginning.

SAVE AND EXCEPTING the following portion of Government Lot 1:

Beginning at the South quarter corner of said Sec. 17;

thence N. 0°4' W. 500 feet;

thence S. 78°39' E. 61.7 feet;

thence N. 33°42' E. 650 feet;

thence meandering in a Northeasterly direction along the fence line of the Westerly bank of Little Willow Creek N. 55°21' E. 186.8 feet;

thence S. 57°28' E. 130 feet to the TRUE POINT OF BEGINNING;

CONTINUATION

File No.

P-22260, 1600/113, et al

Policy No.

thence N. 57°28' W. 130 feet to a point on the
 Westerly bank of Little Willow Creek;
 thence in a Northeasterly direction along the Westerly
 bank of Little Willow Creek to a point on the North
 line of said Government Lot 1;
 thence East following said North side line to a point
 which is 489 feet West of the Northeast corner of
 said Lot 1;
 thence in a Southwesterly direction an unknown
 distance to the point of beginning.

PARCEL "C":

Land in Twp. 8 N. R. 4 W., B.M., Payette County, Idaho:

In Sec. 21: The East 100 feet of Government Lot 8 lying North of
 the right of way of State Highway #52.

In Sec. 22: Government Lot 6, SAVE AND EXCEPTING that portion
 conveyed to the State of Idaho for Highway purposes by
 Deed recorded May 1, 1936, in Book 13, Page 548, Deed
 Records of Payette County, Idaho;
 AND the following portion of Government Lot 7:
 Beginning at the Southwest corner of said Government
 Lot 7;

thence East following the South side line of said
 Government Lot 7 to a point that measures 28 rods
 West from the Southeast corner of said Government
 Lot 7 according to the Government Plat thereof;

thence North and parallel to the West side line of
 said Government Lot 7 to the Northeasterly side
 line of said Government Lot 7;

thence in a Northwesterly direction following said
 Northeasterly side line to the Northwest corner
 of said Government Lot 7;

thence South following the West side line of said
 Government Lot 7 to the point of beginning.

In Sec. 27: NW¼NW¼; NE¼NW¼ SAVE AND EXCEPTING the North 858 feet
 of the East 462 feet thereof;
 and the SE¼NW¼ SAVE AND EXCEPTING the West 643.5 feet
 of the East 841.5 feet of the South 495 feet thereof;
 AND FURTHER EXCEPTING from said tracts of land all
 that portion conveyed to the State of Idaho for
 highway purposes by Deeds recorded May 1, 1936, in
 Book 13, Page 549 and 550, Deed Records of Payette
 County, Idaho.

PARCEL "D":

Land in Twp. 8 N. R. 4 W., B.M., Payette County, Idaho:

In Sec. 20: That portion of the SW¼SE¼ and of the SE¼SW¼ lying
 North of the present Payette River channel.

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: **A65-07462**
Date Received: 4/11/1990
Receipt No: X999999
Received By: _____

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

1. Name: CHARLES S. HIGBY 208-278-3354
Address: 3990 HIGHWAY 52
PAYETTE ID 83661

2. Date of Priority: JAN 24, 1974

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	04W	17		NE	SE		PAYETTE
				NW	SE		PAYETTE
		20		SW	NE		PAYETTE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	1.100		67.00
DOMESTIC	01/01	12/31	0.040		1.20

7. Total Quantity Appropriated is:
1.140 C.F.S. (and/or) 68.20 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	04W	17	NE	SE		STOCK	
			NW	SE		STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	04W	17	SE	SE		STOCK	
		20	SW	NE		STOCK	

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:

SOURCES FOR THIS RIGHT ARE 6 WELLS.

THIS PERMIT RIGHT IS NOT DECREED BY THE PRESENT ADJUDICATION PROCEDURE, AND IS INCLUDED FOR INFORMATION PURPOSES ONLY.

NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.

15. Basis of Claim: PERMIT

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)
) SS.
County of _____)

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. No. A65-07462

RECEIVED
APR 11 1990

ATTACHMENT TO
NOTICE OF CLAIM TO A WATER RIGHT
Department of Water Resources ACQUIRED UNDER STATE LAW

Please type or print clearly:

Name of Claimant(s) Charles S. Higby

Mailing Address 3996 Hwy 52
(include Zip Code) Payette ID 83661

Phone Number (208) 278-3354

MICROFILMED
SEP 23 1992

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

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

CIVIL CASE NUMBER: 39576

IDENT. NUMBER: 65-07462

DATE RECEIVED:

RECEIPT NO:

RECEIVED BY: _____

RECEIVED
APR 11 1990

Department of Water Resources
NOTICE OF CLAIM TO A WATER RIGHT
REQUIRED UNDER STATE LAW

1. NAME: CHARLES S. HIGBY
ADDRESS: STAR ROUTE
PAYETTE, ID

83661

2. DATE OF PRIORITY: JAN 24, 1974

3. SOURCE: GROUNDWATER

TRIB. TO:

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
08N	04W	17		NE	SE		PAYETTE
				NW	SE		PAYETTE
		20		SW	NE		PAYETTE

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
STOCKWATER	01/01	12/31	1.100		67.00
DOMESTIC	01/01	12/31	0.040		1.20

7. TOTAL QUANTITY APPROPRIATED IS:

1.140 C.F.S. (AND/OR) 68.20 A.F.A.

8. TOTAL CONSUMPTIVE USE IS

ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
08N	04W	17	NE	SE		STOCK	

65-07462

PAGE 1

DATE: 02/20/90

44

MICROFILMED
SEP 23 1992

10. PLACE OF USE: CONTINUED

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
08N	04W	17	NW	SE		STOCK	
			SE	SE		STOCK	
		20	SW	NE		STOCK	

11. PLACE OF USE IN COUNTIES: PAYETTE, PAYETTE

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

14. REMARKS:

SOURCES FOR THIS RIGHT ARE 6 WELLS.

THIS PERMIT RIGHT IS NOT DECREED BY THE PRESENT ADJUDICATION
PROCEDURE, AND IS INCLUDED FOR INFORMATION PURPOSES ONLY.

NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.

15. BASIS OF CLAIM: PERMIT

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): Charles M. Hogley DATE: 4-6-90

DATE: _____

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM _____ OF

TITLE
_____, THAT I HAVE SIGNED THE FOREGOING
ORGANIZATION
DOCUMENT IN THE SPACE BELOW AS _____ OF

TITLE
_____ AND THAT THE STATEMENTS CONTAINED IN THE
ORGANIZATION
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF AUTHORIZED AGENT

TITLE AND ORGANIZATION

DATE

STATE OF IDAHO)
COUNTY OF Payette) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 6th DAY
OF April 19 90

Cori Lynn Smith
NOTARY PUBLIC

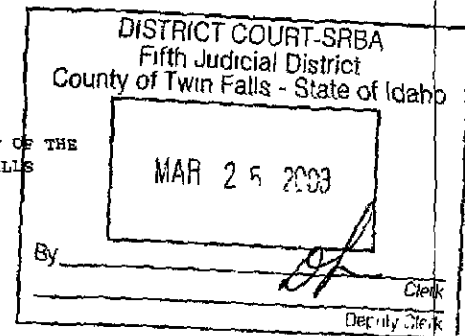
SEAL

RESIDING AT Fruitland

MY COMMISSION EXPIRES 6-6-92
DATE: 02/20/90

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 65-07462



NAME AND ADDRESS: GEORGE E COLWELL
PO BOX 251
NORTH POWDER, OR 97867-0251

CHERYL F COLWELL
3990 HWY 52
PAYETTE, ID 83661

SOURCE: GROUND WATER

QUANTITY: 0.27 CFS
37.10 APY

PRIORITY DATE 03/25/1974

POINT OF DIVERSION: T08N R04W S17 NESE Within Payette County
LOT 1 (SWSE)
NESE
NWSE
NESE
S20 LOT 2 (SWNE)
S21 LOT 5 (SWNW)

3 POINTS OF DIVERSION LOCATED IN T08N, R04W, S17, NESE.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.27 CFS
			33.50 APY
	Domestic	01-01 TO 12-31	0.11 CFS
			3.60 APY

PLACE OF USE	Stockwater	Within Payette County
	T08N R04W S17 NESE	NWSE
	LOT 1 (SWSE)	SESE
	S20 LOT 2 (SWNE)	
	S21 LOT 5 (SWNW)	
	Domestic	Within Payette County
	T08N R04W S17 NWSE	
	S21 LOT 5 (SWNW)	

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

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-7462

WATER RIGHT NUMBER: 65-7462

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHERYL F COLWELL 3990 HWY 52 PAYETTE, ID 83661 (208)278-3448
Original Owner	CHARLES S HIGBY 3990 HWY 52 PAYETTE, ID 83661 (208)278-3354
Current Owner	GEORGE E COLWELL PO BOX 251 NORTH POWDER, OR 97867-0251 (541)898-2863

Priority Date: 03/25/1974

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.270 CFS	33.50 AF
DOMESTIC	01/01 to 12/31	0.110 CFS	3.60 AF
	<u>Total Diversion:</u>	0.270 CFS	37.10 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4	Sec. 17, Twp 08N, Rge 04W, B.M.
PAYETTE County		
GROUND WATER	L2 (SW1/4NE1/4)	Sec. 20, Twp 08N, Rge 04W, B.M.
PAYETTE County		
GROUND WATER	NE1/4SE1/4	Sec. 17, Twp 08N, Rge 04W, B.M.
PAYETTE County		
GROUND WATER	L5 (SW1/4NW1/4)	Sec. 21, Twp 08N, Rge 04W, B.M.
PAYETTE County		
GROUND WATER	L1 (SW1/4SE1/4)	Sec. 17, Twp 08N, Rge 04W, B.M.
PAYETTE County		
GROUND WATER	NE1/4SE1/4	Sec. 17, Twp 08N, Rge 04W, B.M.
PAYETTE County		
GROUND WATER	NE1/4SE1/4	Sec. 17, Twp 08N, Rge 04W, B.M.
PAYETTE County		

Place of Use

STOCKWATER

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-7462

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	04W	17													X	X	X	X	
																	L 1		
08N	04W	20			X														
					L 2														
08N	04W	21						X											
								L 5											

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	04W	17														X			
08N	04W	21						X											
								L 5											

Conditions of Approval:

1. 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:

1. Explanatory STOCKWATER, 2500 RANGE CATTLE
2. Point of Diversion 3 POINTS OF DIVERSION LOCATED IN T08N, R04W, S17, NESE.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 65-7462

Dates and Other Information:

Licensed Date:
 Decreed Date: 3/28/2002
 Water Supply Bank Enrollment Accepted.
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number: 65
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates.

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			08/27/2002	rbrown	Closed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	8/27/2002 3:14:53 PM	rbrown	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?

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 65-07462

2002 MAR 28 PM 4:49

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: GEORGE E COLWELL
PO BOX 251
NORTH POWDER, OR 97867-0251

CHERYL F COLWELL
10800 SMOKE RANCH RD
BOISE, ID 83709

SOURCE: GROUND WATER

QUANTITY: 0.27 CFS
37.10 AFY

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

PRIORITY DATE: 03/25/1974

POINT OF DIVERSION: T08N R04W S17 NESE Within Payette County
LOT 01 (SWSE)
NESE
NWSE
NESE
S20 LOT 02 (SWNE)
S21 LOT 05 (SWNW)

3 POINTS OF DIVERSION LOCATED IN T08N, R04W, S17, NESE.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.27 CFS
			33.50 AFY
	Domestic	01-01 TO 12-31	0.11 CFS
			3.60 AFY

PLACE OF USE:	Stockwater	Within Payette County
	T08N R04W S17 NESE	LOT 01 (SWSE), NWSE S17
	SESE	
	S20 LOT 02 (SWNE)	S21 SWNW Lot 5
	Domestic	Within Payette County
	T08N R04W S17 NWSE	
	S21 LOT 05 (SWNW)	

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

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

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

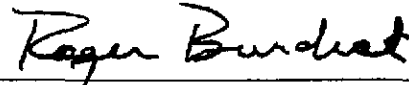
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APR 16 2002

WATER RESOURCES
WESTERN REGION

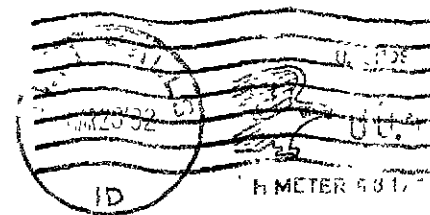
RULE 54(b) CERTIFICATE

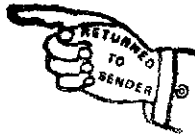
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

STATE OF IDAHO
District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707



 RETURNED TO SENDER
UNDELIVERABLE
AS ADDRESSED
INABLE TO
FORWARD

COLW800 03/04/2007 IN 03 03/30/02
RETURN TO SENDER

NO FORWARD ORDER ON FILE
UNABLE TO FORWARD
RETURN TO SENDER

83303-2707

|||||

Ron

RECEIVED

NOV 02 2001

WATER RESOURCES
WESTERN REGION

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

In Re SRBA

Water Rights: 65-3617, 65-3618,
65-7461, 65-7462, 65-8627,
65-11211 and 65-11261

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

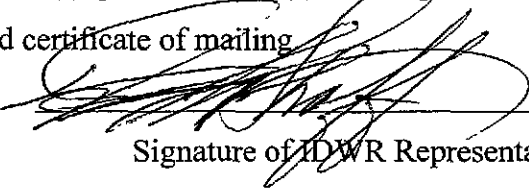
- ☒ Address change
☐ Substitution of Party
☐ IC § 42-222 transfer

- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |
| ☐ Other | |

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

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

DATED: 10-30-01


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on October 31, 2001, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

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

2. Copies to:

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

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

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

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

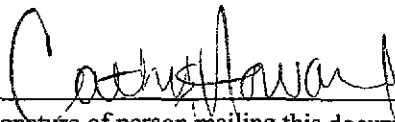
3. Copies to all parties to the subcase:

George E. Colwell
P.O. Box 251
North Powder, OR 97867-0251

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

Cheryl F. Colwell
3990 Hwy. 52
Payette, ID 83661

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



Signature of person mailing this document

10/30/2001

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

RIGHT NUMBER: 65-7462

NAME AND ADDRESS: GEORGE E COLWELL
PO BOX 251
NORTH POWDER OR 978670251

CHERYL F COLWELL
3990 HWY 52
PAYETTE ID 83661

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.270 CFS
37.10 AFY

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

PRIORITY DATE: 03/25/1974

POINT OF
DIVERSION:

T08N R04W S17 NESE Within PAYETTE County
T08N R04W S17 NESE Within PAYETTE County
T08N R04W S17 NESE Within PAYETTE County
T08N R04W S17 NWSE Within PAYETTE County
T08N R04W S17 SWSE Lot 1 Within PAYETTE County
T08N R04W S20 SWNE Lot 2 Within PAYETTE County
T08N R04W S21 SWNW Lot 5 Within PAYETTE County
3 POINTS OF DIVERSION LOCATED IN T08N, R04W, S17, NESE.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.270 CFS 33.50 AFY
DOMESTIC	01/01 12/31	0.110 CFS 3.60 AFY

PLACE OF USE: STOCKWATER Within PAYETTE County

T08N R04W S17	NESE	T08N R04W S17 Lot 1 SWSE
T08N R04W S17	SESE	T08N R04W S20 Lot 2 SWNE

DOMESTIC Within PAYETTE County

T08N R04W S17	NWSE	T08N R04W S21 Lot 5 SWNW
---------------	------	--------------------------

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License
STOCKWATER, 2500 RANGE CATTLE



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 29 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED

NOV 02 2001

WATER RESOURCES
WESTERN REGION

September 27, 2001

CHERYL F. COLWELL
GEORGE E. COLWELL
PO BOX 251
NORTH POWDER OR 97867-0251

Payette.
CHERYL F. Colwell
3990 Hwy 52
Payette, IDAHO 83661
(208) 278-3448

correct. cc: W. A.

RE: Snake River Basin Adjudication (SRBA)
Water Rights #65-3616, 65-3617, 65-3618, 65-3619, 65-7461, 65-7462,
65-8627, 65-11211, 65-11261 and 65-21373

*Records modified 10/30/01.
R=NCAP done.*

Dear Water Right Holders:

Mail we sent you was returned to us by the Postal Service. The Postal Service advised us your address has changed to the above address. We have enclosed the returned mail.

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.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have, and return this letter by October 12, 2001. 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. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water rights 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.

Sincerely,

Sally Sherman

Technical Records Specialist

Adjudication Bureau

SS:region

Enclosure:

Returned Mail

#####

The address is correct as shown above or as otherwise changed

Water Right Holder's Signature

Telephone No.

Ms. SHERMAN,

AS WE MOVE FROM RANCH TO RANCH WITH DIFFERENT SEASONS, THIS MAY BE THE BEST WAY TO SHOW CHANGES AT ONE ADDRESS AND ME AT THE OTHER.

THANK YOU FOR YOUR HELP.

—Kugle

*Rec'd P. 2.
10/10/01*

(541) 898-2863

(208) 278-3448

ADDRESS SERVICE
REQUESTED



RECEIVED

SEP 24 2001

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES

1301 North Orchard St

P.O. Box 83720

Boise, ID 83720-0098

(208) 327-7900

TO

COLW800 837092226 1500 04 09/21/01
FORWARD TIME EXP RTN TO SEND
COLWELL
PO BOX 251
NORTH POWDER OR 97867-0251

RETURN TO SENDER

65-112161' rec
65-3611' v
65-3618
65-7461
65-7462
65-8621
65-11211
65-#2 to 1 dupel
65-3616 w12
65-3619
65-21373.1

01/08/2001

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

RIGHT NUMBER: 65-7462

NAME AND ADDRESS: CHERYL F COLWELL
GEORGE E COLWELL
10800 SMOKE RANCH ROAD
BOISE, ID 83709

SOURCE: GROUND WATER

QUANTITY: 0.27 CFS
37.1 AFY

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

PRIORITY DATE: 03/25/1974

POINT OF DIVERSION:	T08N R04W S17	NESE	Within PAYETTE County
	T08N R04W S17	NESE	Within PAYETTE County
	T08N R04W S17	NESE	Within PAYETTE County
	T08N R04W S17	NWSE	Within PAYETTE County
	T08N R04W S17 LOT 1	SWSE	Within PAYETTE County
	T08N R04W S20 LOT 2	SWNE	Within PAYETTE County
	T08N R04W S21 LOT 5	SWNW	Within PAYETTE County

3 POINTS OF DIVERSION LOCATED IN T08N, R04W, S17, NESE.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01-01 12-31	0.27 CFS
		33.50 AFY
DOMESTIC 3 HOMES	01-01 12-31	0.11 CFS
		3.60 AFY

PLACE OF USE:

<u>STOCKWATER Within PAYETTE County</u>			
T08N R04W S17	NESE	T08N R04W S17	LOT 1 SWSE
T08N R04W S17	SESE	T08N R04W S20	LOT 2 SWNE
<u>DOMESTIC Within PAYETTE County</u>			
T08N R04W S17	NWSE	T08N R04W S21	LOT 5 SWNW

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

STOCKWATER, 2500 RANGE CATTLE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:58:43
05/10/00
17

PAGE: 17
PROFILE REPORT

CLAIM NUMBER: A65-07462

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHERYL E. COLWELL	01/24/1974	STOCKWATER	01-01 12-31	1.100 CFS	67.00 AFA
C	GEORGE E. COLWELL		DOMESTIC	01-01 12-31	0.040 CFS	1.20 AFA

OK

03/25/1974

TOTAL DIVERSION:

1.140 CFS

68.20 AFA

Stage: PERMIT

LIC

Water Source: GROUNDWATER

Tributary to:

Point(s) of Diversion:

T08N R04W S17

NESE

NWSE

L41 SWSE

PAYETTE County

PAYETTE County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE			
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		
08N	04W	17																	
08N	04W	20																	

Place of use location for DOMESTIC is the same location as described for: STOCKWATER

POU County: PAYETTE

Remarks: GEN SOURCES FOR THIS RIGHT ARE 6 WELLS.
THIS PERMIT RIGHT IS NOT DECREED BY THE PRESENT ADJUDICATION
PROCEDURE, AND IS INCLUDED FOR INFORMATION PURPOSES ONLY.
NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.
OWNERSHIP CHANGED BY LH 11/18/94.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:

Presumption Flag:

N09
N12
N13

- DOMESTIC, 3 HOMES
- Three points of diversion are (FOR POOL RANK)
located within NESE, S17, T8N, R4W
- STOCKWATER, 2500 RANGE CATTLE

CLAIM AMENDED BY LIC.

C18

WR5809NP
No. 65-07462

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/18/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHARLES S HIGBY STAR RT PAYETTE ID 83661	03/25/1974	STOCKWATER DOMESTIC	01/01 12/31 01/01 12/31	0.270 CFS 0.110 CFS	33.50 AFA 3.60 AFA
TOTAL DIVERSION:					0.270 CFS	37.10 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 0.270 CFS

Point(s) of Diversion: T08N R04W S17 NESE ✓ NWSE ✓ Lot 01(SWSE ✓ PAYETTE County
S20 Lot 02(SWNE ✓ PAYETTE County
S21 Lot 05(SWNW ✓ PAYETTE County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
08N	04W	17	:													S	\$	01-S	S
08N	04W	20	:			02-S	:												
08N	04W	21	:				:			05-S	:								

Place of use Legal Description for: DOMESTIC

08N	04W	17	:				:				:								
08N	04W	21	:				:			05-D	:								

Pou County: PAYETTE

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

65-03616 65-03618 65-05773 65-13955

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

65-00165X 65-03617 65-03618 65-07461 65-11413

Remarks: GEN Three points of diversion are located within NESE, S17, T8N,
R4W.
Domestic use is for 3 homes.

Dates: App. Received: 01/24/1974 Priority Date: 03/25/1974 (Priority Date Advanced.)
Proof Due Date: 02/01/1979 Proof Made Date: 04/02/1979 (Proof Received Late.)
Exam Made Date: 06/19/1998 Exam Sent to S.O.: 04/27/1999
Licensed Date: 07/19/2000

Misc: Water District Number: 65 Field Exam Fee: R (Received)

WR5809NP
No. 65-07462

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/18/00
PAGE: 2

=====

Comments: Date: 05/11/1999 User-ID: SCURTIS Subject: STOCKWATER USE
Stockwater use is for a 2500 head feedlot.

Audit: 09/03/87 04/30/88 CONVERT 05/31/94 ANDREGG 06/26/98 JYARBROU
07/09/98 JYARBROU 08/12/98 KGALE 05/11/99 SCURTIS 05/13/99 SCURTIS

T08N R04W

Idaho Department of Water Resources

Claims: 65-07462

Prepared by:

RON HOWERTON

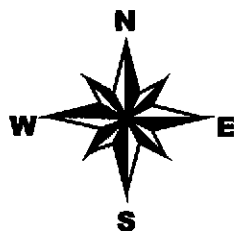
Date: 18 OCT 00



● **POD**

∩ **SECTION**

□ **1/4 1/4**



1987 NAPP



0 0.25 0.5 0.75 1 1.25 1.5 1.75 Miles

Idaho Department of Water Resources

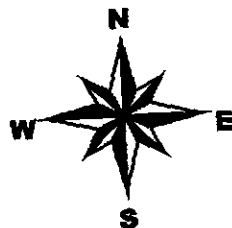
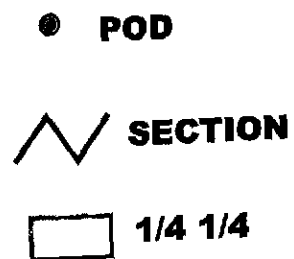
T08N R04W

Claims: 65-07462

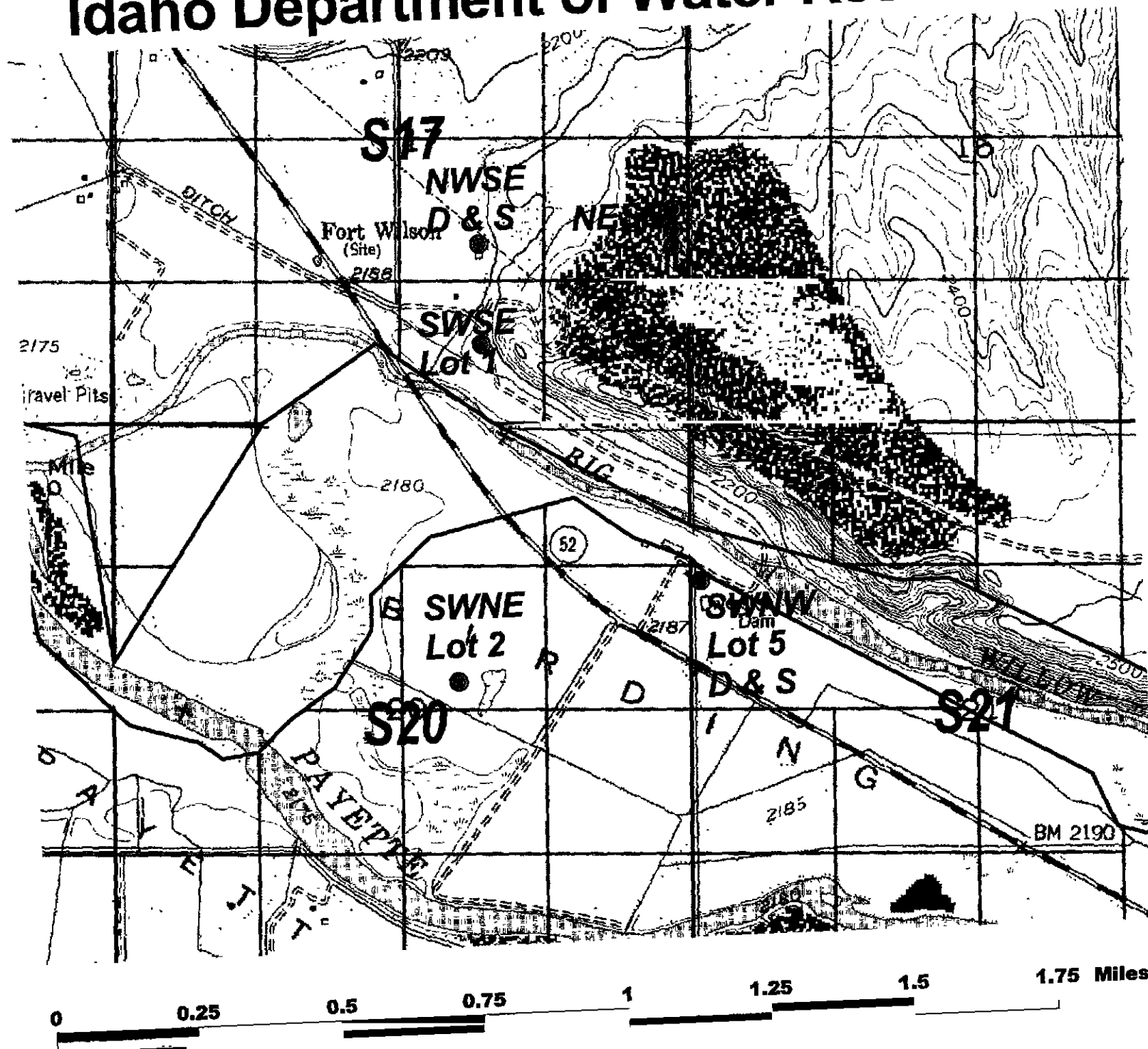
Prepared by:

RON HOWERTON

Date: 18 OCT 00



V56 Topo



T08N R04W

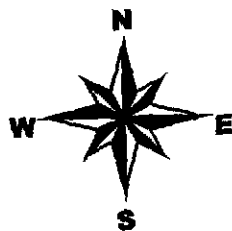
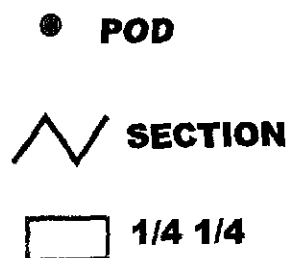
Idaho Department of Water Resources

Claims: 65-07462

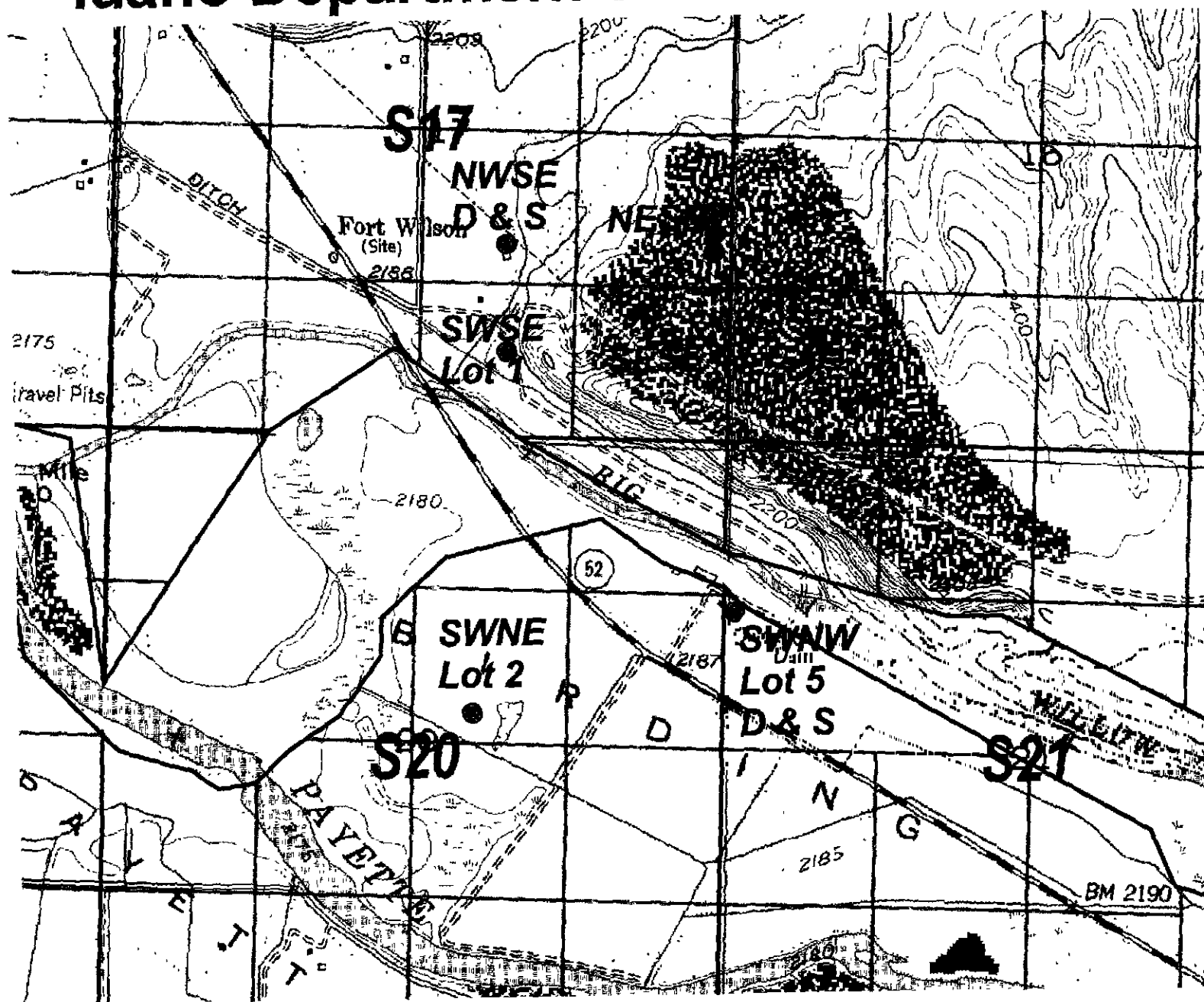
Prepared by:

RON HOWERTON

Date: 18 OCT 00



V56 Topo



T08N R04W

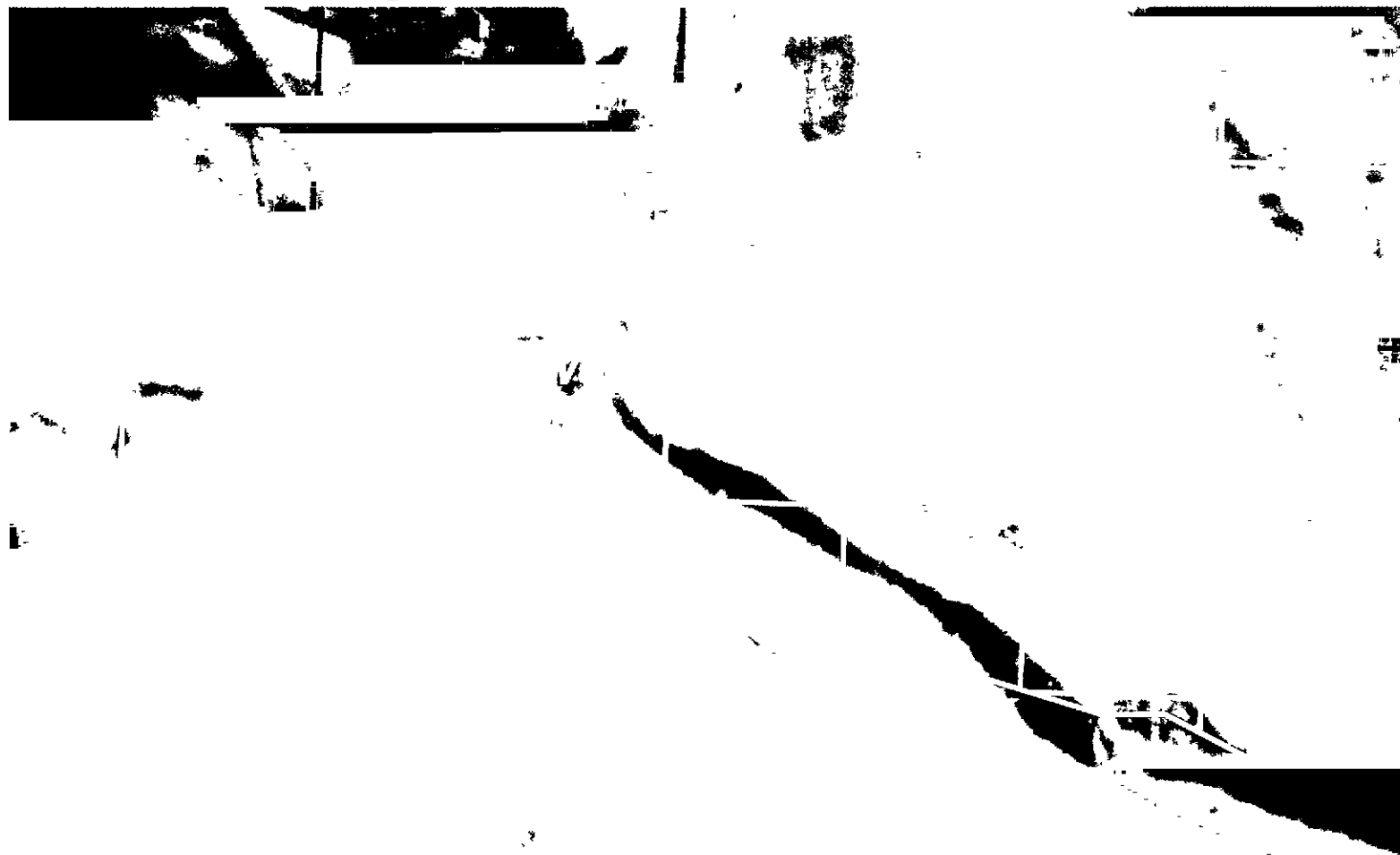
Idaho Department of Water Resources

Claims: 65-07462

Prepared by:

RON HOWERTON

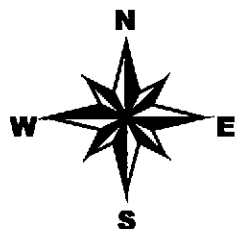
Date: 18 OCT 00



● **POD**

∩ **SECTION**

□ **1/4 1/4**



1987 NAPP



3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.

SEE ATTACHED PHOTOS

Y Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

Y Aerial Photo Attached (required for irrigation of 10+ acres).

Y Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Sec 17: NESE (3 wells), SWSE (1 well), Sec 20: SWNE (1 well)		1 hp each		Submersible	
Sec 17: NWSE		3/4		Sta-Rite	C48KZP100
Sec 21: SWNW		1		Jacuzzi	C55CXHAB-3901

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: Theoretical

E. NARRATIVE/REMARKS/COMMENTS

Seven wells supply water to a feedlot consisting of 2 homes, 1 trailer, and up to 2500 beef stock. The primary feedlot wells are 3 located in the NESE and one in the SWSE, Sec 17. All four feed a 50'x15'x10' buried cement vault or sistern through 1" lines. From the sistern, water is delivered to 35 stock tanks, 375 gallons each, located throughout the feedlot area in the SE, Sec 17. The other three wells supply water to the three homes with incidental stock watering. No other water rights are used.

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS

_____ Additional Computation Sheets

Attached

Measured Method:

$$\frac{1 \text{ hp} \times 8.8 \times .7}{100 + 20 \text{ psi} \times 2.31} = .04 \text{ cfs} \times 6 \text{ wells} = .24 \text{ cfs}$$

$$\frac{.75 \times 8.8 \times .7}{100 + 20 \text{ psi} \times 2.31} = .03 \text{ cfs}$$

*Lift and psi per owner and surrounding well logs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

$$2500 \times .0134 = 33.5 \text{ afa}$$

$$3 \text{ homes} \times 1.2 = 3.6 \text{ afa}$$

H. RECOMMENDATIONS

1. Recommended Amounts

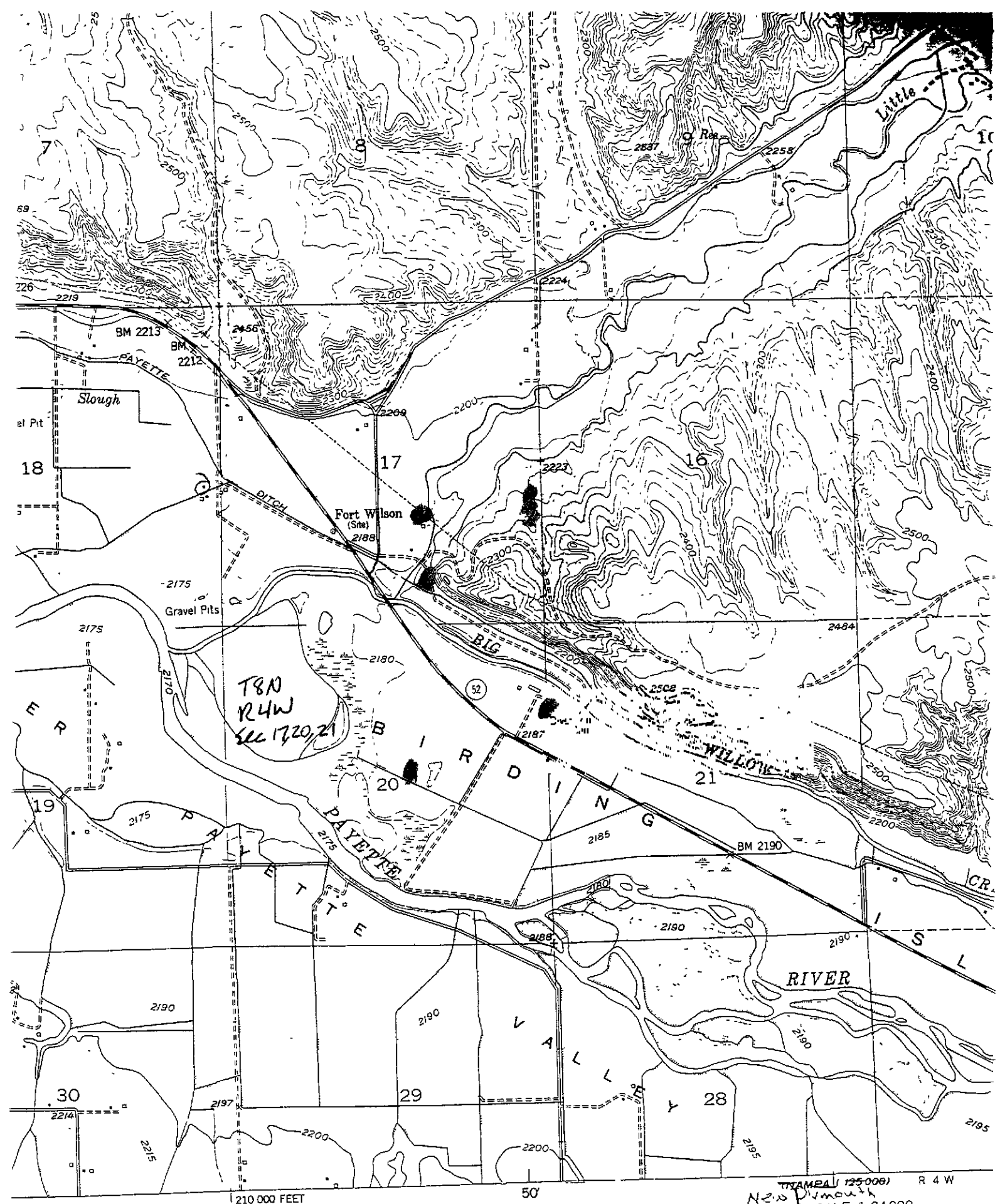
Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Domestic</u>	<u>1/1</u>	<u>12/31</u>	<u>.04</u>	<u>3.6</u>
<u>Stockwater</u>	<u>1/1</u>	<u>12/31</u>	<u>.27</u>	<u>33.5</u>
Totals:			<u>.27</u>	<u>37.1</u>

2. Recommended Amendments

☒ Change P.D. as reflected above☒ Add P.D. as reflected above☐ None☒ Change P.U. as reflected above☒ Add P.U. as reflected above☐ Other**I. AUTHENTICATION**Field Examiner's Name W. G. Gower Date 4/19/99

Reviewer _____ Date _____

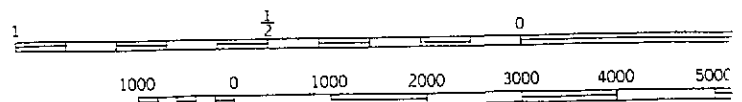
SEAL



published by the Geological Survey
JSC&GS

photographs by multiplex methods
eys 1952 Aerial photographs taken 1950

19%



IDAHO DEPARTMENT OF WATER RESOURCES

WELL INSPECTION FORM

1. DRILLING PERMIT NO: _____ OTHER APPLICABLE NO: 65-07462
2. OWNER: Colewell Phone: 376-6922
Address: 11193 Emerald see back
3. WELL LOCATION: Twp 8N, Rge. 4W, Sec. 17, 20, 21, 1/4 1/4
County Payette (Provide sketch map and photo on reverse.)
4. DRILLER: W/K Lic. No. _____
When Drilled? 1970s
5. WELL CONSTRUCTION: see attached description from original owner
Casing Diameter _____ inches Water tight cap? ☐ Yes ☐ No Access Port: ☐ Yes ☐ No
Casing $\geq$ 12 inches above ground? ☐ Yes ☐ No - Describe _____
Depth of Casing _____ ft. Method Drilled _____
Condition of Well Casing: ☐ Good ☒ Fair ☐ Poor Describe _____
Control Valve? ☐ Yes ☐ No Pressure Gauge: ☐ Yes ☐ No
Condition of Piping and Valving OK
Auger to a depth of _____ ft. Evidence of Annular Seal ☐ Yes ☐ No
Are there obvious construction problems that may be a source for contamination or waste of water?
☐ Yes ☒ No (Describe in Remarks and Attach Photo - On Reverse)
6. HYDROLOGIC INFORMATION:
Depth to Static Water 100 ft. Water Temperature cold °F
Flowing Artesian ☐ Yes ☒ No Pressure: _____ (psi)
Water Sample Taken? ☐ Yes ☒ No If yes, describe purpose _____
Water Quality Measurements/Observations (Describe) _____
7. WELL USE:
☒ Domestic ☐ Irrigation ☒ Stock
☐ Test ☐ Municipal ☐ Industrial
☐ Abandoned ☐ Waste Disposal/Injection ☐ Not Used
☐ Other: _____

8. POSSIBLE CONTAMINATION SOURCES:

Is there evidence of Chemigation? ☐ Yes ☒ No

If yes, is there a check-valve present? ☐ Yes ☐ No

Is there a possible source of contamination nearby? ☐ Yes ☒ No

If yes, what Type? _____

How far away from the well is this source? _____

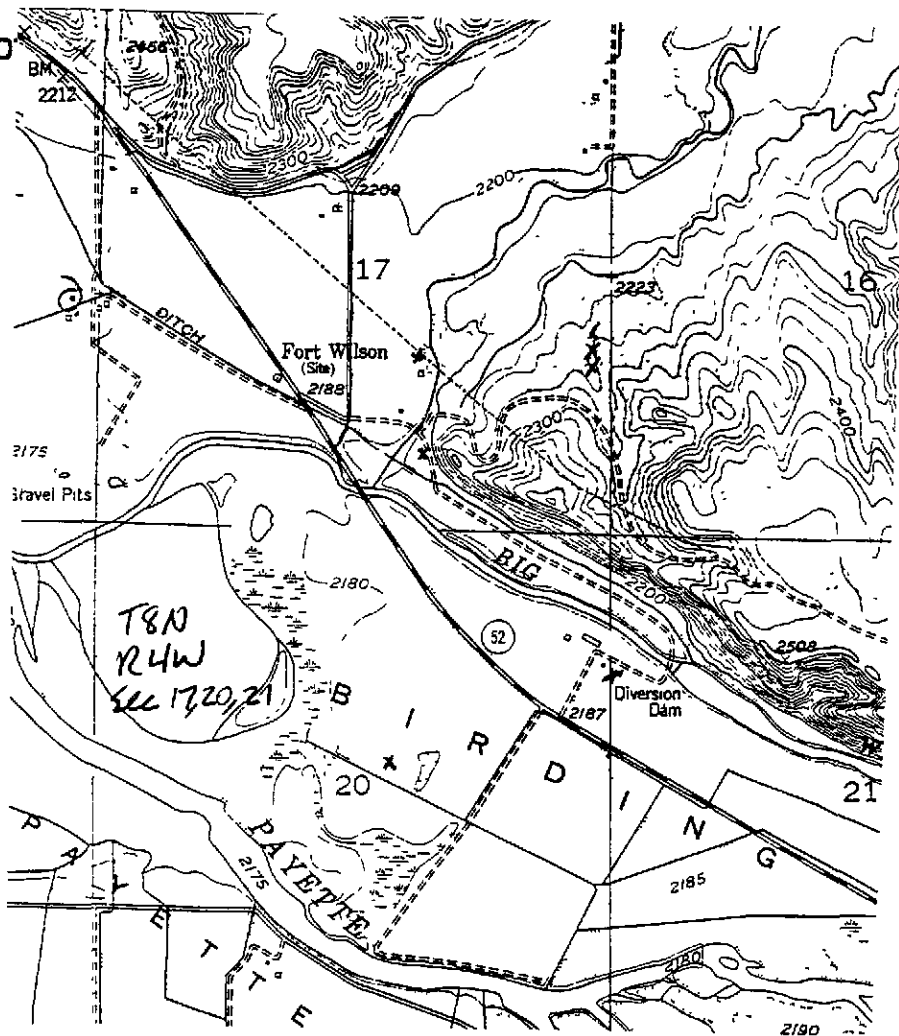
9. REMARKS: 3 wells in NESE + 1 well in SWSE feed a 750' cement sinter, 10' deep. Water from the sinter is then delivered to ~35 stock tanks, 375 gal each. The sinter was covered with cement. It resembled a big cement cube that was buried. Seepage or leaks did not seem a problem and were not apparent.

Signature of Dept. Representative & Title

6/19/98

Inspection Date

PHOTOS, DRAWINGS, O



7 wells

WR5809NP
No. 65-07462

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/17/99
PAGE: 54

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHARLES S HIGBY STAR ROUTE PAYETTE ID 83661	01/24/1974	STOCKWATER DOMESTIC	01/01 12/31 01/01 12/31	1.100 CFS 0.040 CFS	67.00 AFA 1.20 AFA
TOTAL DIVERSION:					1.140 CFS	68.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT *

Point(s) of Diversion: T08N R04W S17 NESE NWSE PAYETTE County
S20 SWNE PAYETTE County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
08N	04W	17	:																	:
08N	04W	20	:			S												S		:

Place of use location for DOMESTIC is the same location as described for: STOCKWATER

Pou County: PAYETTE

Remarks: GEN SOURCES FOR THIS RIGHT ARE 6 WELLS.
THIS PERMIT RIGHT IS NOT DECREED BY THE PRESENT ADJUDICATION
PROCEDURE, AND IS INCLUDED FOR INFORMATION PURPOSES ONLY.
NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.

Dates: App. Received: Priority Date: 01/24/1974 (Priority Date Advanced.)
Proof Due Date: 02/01/1979 Proof Made Date: 04/02/1979 (Proof Received Late.)
Exam Made Date: 06/19/1998 Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 65 Field Exam Fee: R (Received)

A. ROOT WATER RIGHT NUMBERS: A65-07462

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
08N	04W	17	NE	SE		COLWELL, CHERYL F	A65-07462 /	65-07462 /	34.0		
			NE	SE		HIGBY, CHARLES S		L65-07462 /			
08N	04W	17	NW	SE		COLWELL, CHERYL F	A65-07462 /	65-07462 /	35.0		
			NW	SE		COLWELL, GEORGE E	A65-03618 / 25.0	65-03618 / 25.0			
			NW	SE		HIGBY, CHARLES S		L65-07462 /			
08N	04W	17	SE	SE		COLWELL, CHERYL F	A65-07462 /	65-07462 /	3.0		
			SE	SE		HIGBY, CHARLES S		L65-07462 /			
08N	04W	20	SW	NE		COLWELL, CHERYL F	A65-07462 /	65-07462 /			
			SW	NE	2	COLWELL, GEORGE E	A65-03617 / 71.0	65-03617 / 71.0			
			SW	NE	2	COLWELL, GEORGE E	R65-03617 / 71.0	- /			
			SW	NE	2	HIGBY, CHARLES S		L65-07462 /			

ADDITIONAL POU FOUND

TOTAL ACRES A65-07462

72.00

POU COUNTY: PAYETTE

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
A65-03617	PAYETTE RIVER	COLWELL, GEORGE E	10.630	0.025		
R65-03617	PAYETTE RIVER	COLWELL, GEORGE E	10.630	0.025		
A65-03618	LITTLE WILLOW CREEK	COLWELL, GEORGE E	0.640	0.020		



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

November 21, 1994

Re: Notices of Claim to a Water Right Nos. A65-03616, A65-03617,
A65-03618, A65-03619, A65-07461, A65-07462, A65-08627, A65-09393,
A65-09394, A65-11211, A65-11261

George E. Colwell
Cheryl F. Colwell
10800 Smoke Ranch Road
Boise, ID 83709

Mr. & Mrs. Colwell:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

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

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

Sincerely,

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

LH:1

MICROFILMED
OCT 21 1996

POST OFFICE BOX 9442
BOISE, IDAHO 83707-3442

ROBERT J. ENNIS
ATTORNEY AT LAW
4477 EMERALD STREET
SUITE C250
BOISE, IDAHO 83706-2044

RECEIVED
NOV 15 1994
WATER RESOURCES
WESTERN REGION

AREA CODE 208
TELEPHONE 343-9966
FACSIMILE 336-9222

November 9, 1994

CERTIFIED/RETURN RECEIPT

Idaho Department of
Water Resources
Statehouse Mail
Boise, Idaho 83720-9000

Attention: Adjudication Bureau

RE: Higby/Colwell - Change of Water Right Ownership

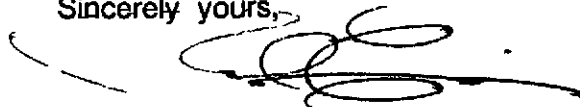
Gentlemen:

Delivered herewith are two (2) New Property Owner Notices of Change of Water Right Ownership, both dated September 15, 1994, and both of which have been signed by the new and former owners.

Attached to each of the enclosed original Notices is a copy of the Warranty Deed evidencing the conveyance of the real property relating to the water rights covered by the enclosed Notices. As noted, the legal description of the real property is attached as "Exhibit A" to the Warranty Deed.

Please contact me if you need anything further to effect the change of ownership of the described water rights and/or your records with respect thereto.

Sincerely yours,



ROBERT J. ENNIS

RJE:hs
Enclosures
cc: George E. Colwell

RECEIVED
NOV 10 1994
Department of Water Resources

MICROFILMED
OCT 21 1996