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OCT 07 1998

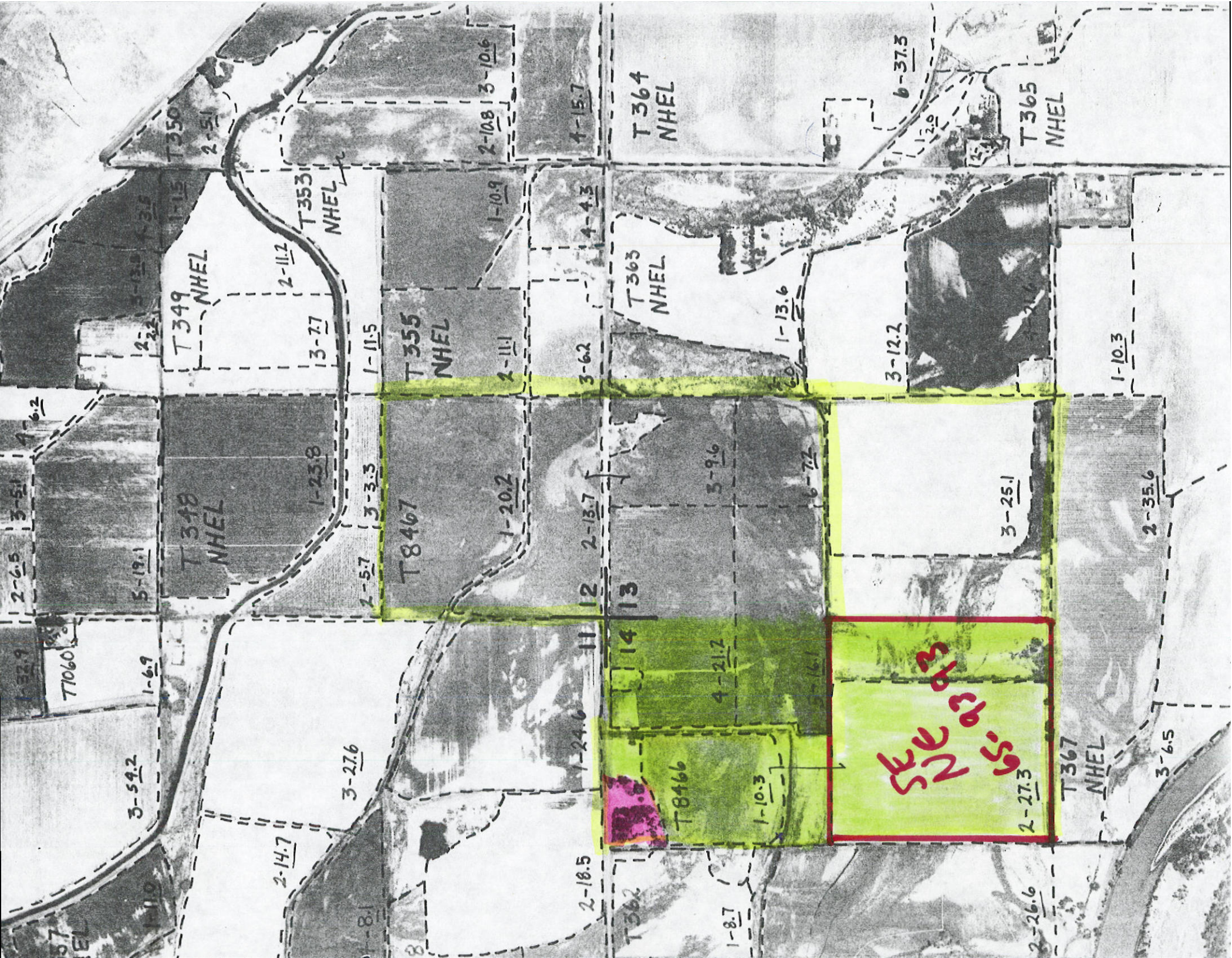
STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

WATER RESOURCES
WESTERN REGION

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: _____
Adjudication Claim No(s).: A-65-09393 and A-65-09394
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant: Georox 2nd Cheryl Colwell
10800 Smoke Ranch Rd
Boise, Idaho 83709
4. New Owner/Claimant(s) Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
New Mailing Address: Mac and Jo Ann Higby
2403 Killebrew Drive
City, State and ZIP Code: Payette, Idaho 83661
New Telephone Number: 208 642-2107
5. Date you acquired the property: May 15, 1995
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s): Jo Ann Higby Mac Higby
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..



WARRANTY DEED

Warranty deed made this 15th day of May, 1995, between HIGBY N/N RANCH, an Idaho general partnership, with its principal place of business in the City of Payette, County of Payette, State of Idaho, herein referred to as "Grantor," and LOUIS M. HIGBY and JOANN HIGBY, husband and wife, whose address is Payette, Idaho, herein referred to as "Grantees," witnesseth:

That Grantor, does, by these presents, grant bargain, sell, convey, and confirm unto Grantees and their heirs and assigns forever, all of the following described real estate situated in the County of Payette, State of Idaho:

In Twp. 8 N., R. 5W., B.M., Payette County, Idaho:

In Sec. 12: SW1/4SW1/4;

In Sec. 13: W1/2NW1/4;

In Sec. 14: SE1/4NE1/4; E1/2 NE1/4NE1/4 and the W1/2NE1/4NE1/4 SAVE AND EXCEPTING the following described tract of land:

Beginning on the West side line of said W1/2NE1/4 NE1/4 at the point where the same is intersected by the Southerly side line of the right-of-way of that certain road now bordering said W1/2NE1/4NE1/4 on the North;

thence East following said South side line of said right-of-way 206 feet, more or less, to an iron post imbedded in the ground;

thence South and parallel to the West side line of said W1/2NE1/4NE1/4 a distance of 257 feet, more or less, to another iron post imbedded in the ground;

thence West and parallel to the West side line of said W1/2NE1/4NE1/4 approximately 206 feet to the West side line of said W1/2NE1/4NE1/4;

thence North following said West side line approximately 257 feet to the point of beginning.

Idaho Department of Water Resources

T08N R05W

Claims: 65-09393
Prepared by:
RON HOWERTON
Date: 28 JULY 00

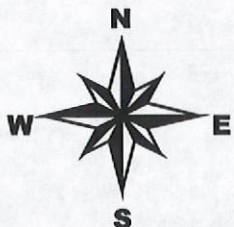
 **Place of use**

 **POD**

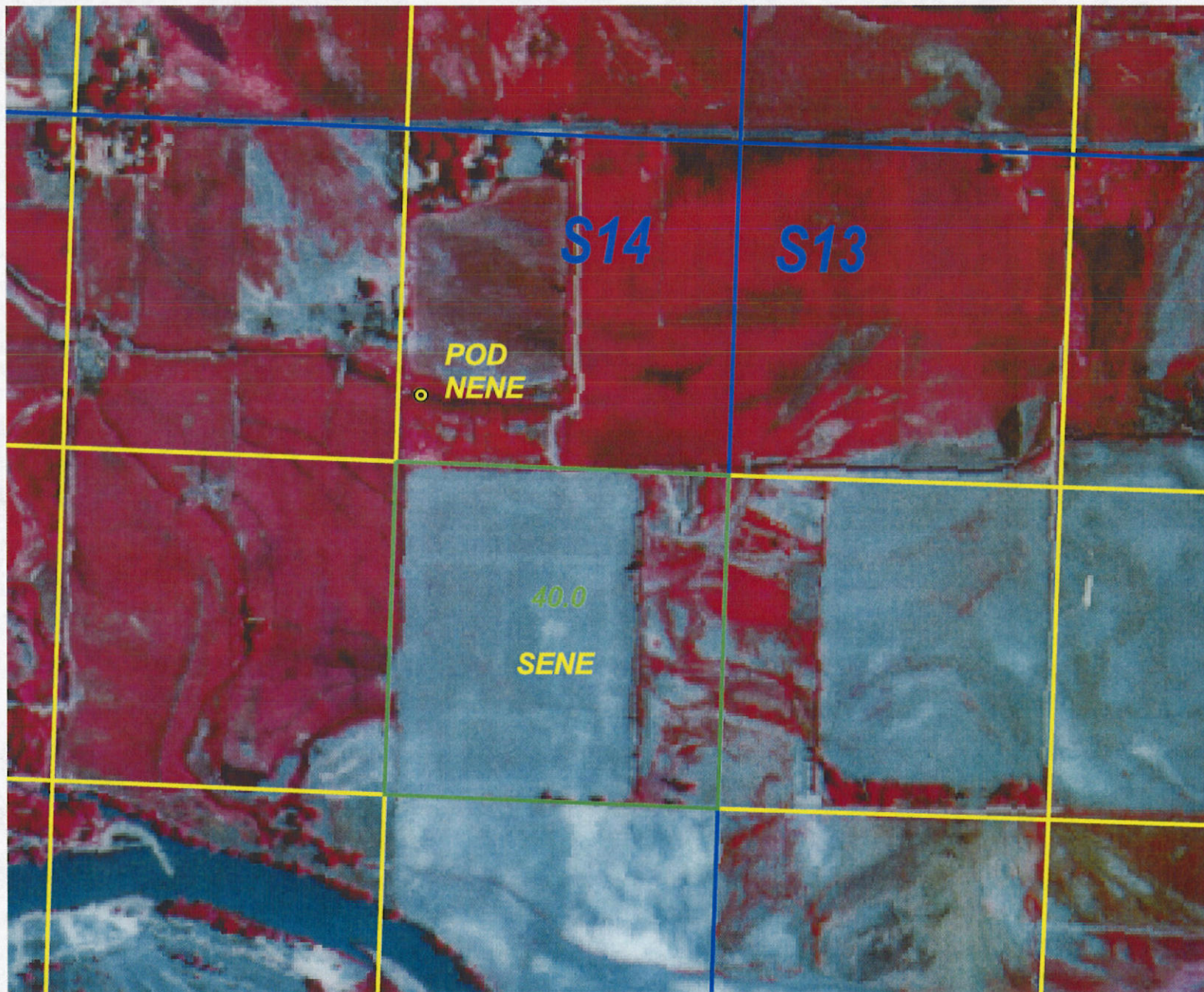
 **SECTION**

 **1/4 1/4**

40 Acres



1987 NAPP

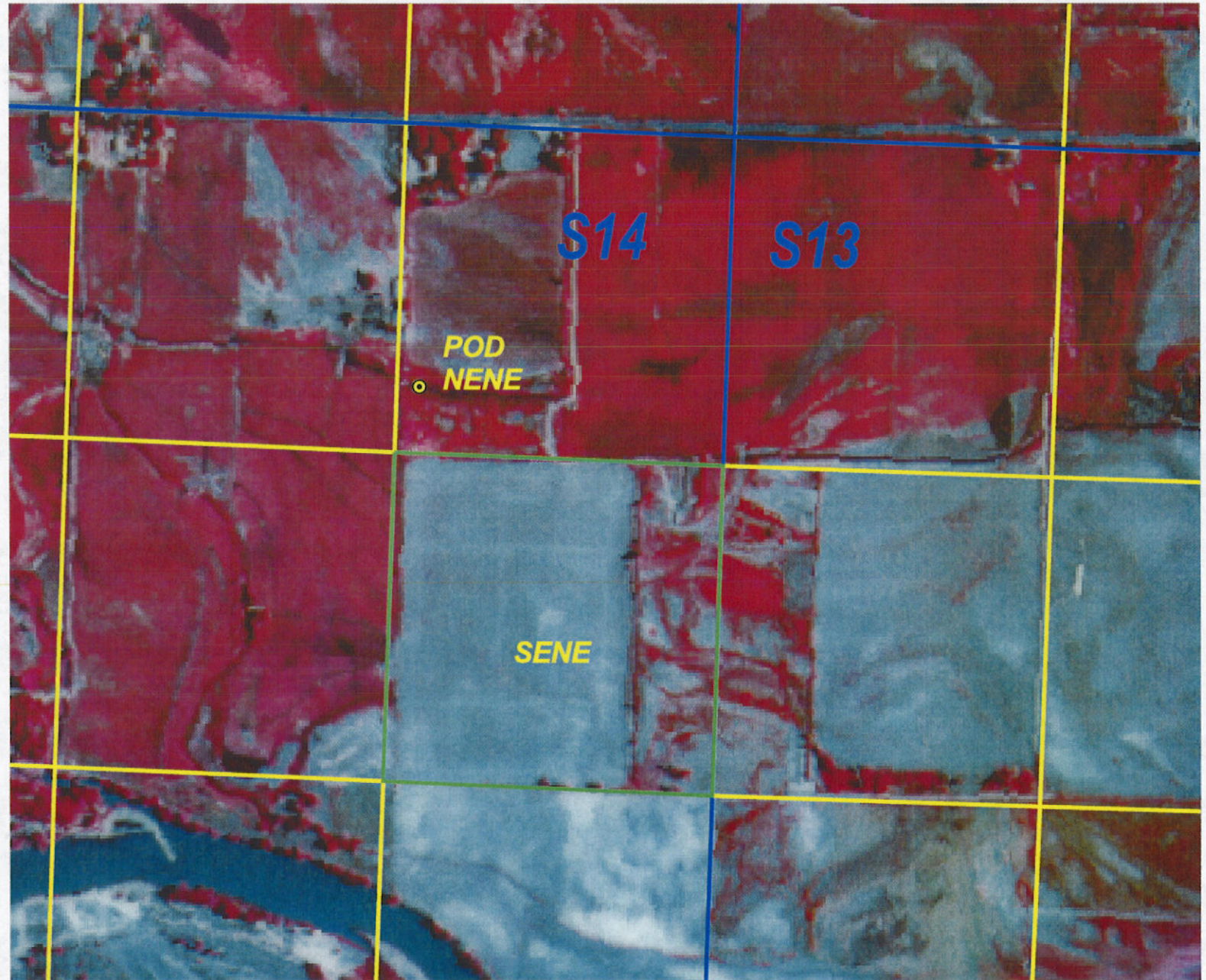


0 0.1 0.2 0.3 0.4 0.5 Miles

Idaho Department of Water Resources

T08N R05W

Claims: 65-09393
Prepared by:
RON HOWERTON
Date: 28 JULY 00



 Place of use

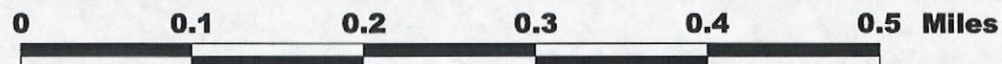
 POD

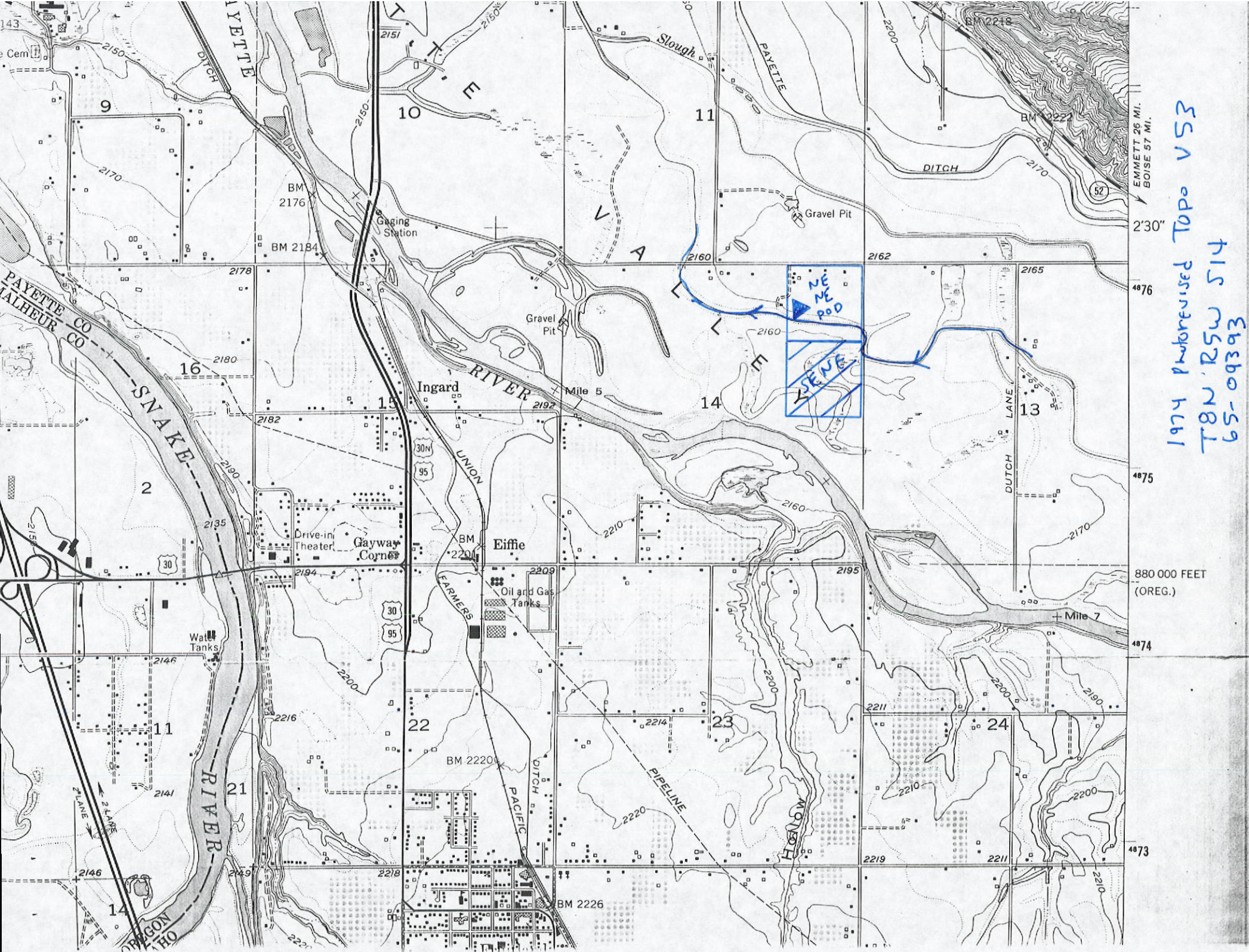
 SECTION

 1/4 1/4



1987 NAPP





1974 PRELIMINARY TOPO V53
T8N R5W S14
65-09393

EMMETT 26 MI.
BOISE 57 MI.

2'30"

4876

4875

880 000 FEET
(OREG.)

4874

4873



PRBA ASCS MAP 1961 PID T8N R5W S14 NE NE & POA SE NE
DH4-2BR-275



My commission expires 12 - 01 - 78

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 65-9393
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): MAC HIGBY Phone: (208) 642-2107
Address: 2403 KILLEBREW DR
PAYETTE ID USA 83661
- Name: JO ANN HIGBY Phone: (208) 642-2107
Address: 2403 KILLEBREW DR
PAYETTE ID USA 83661

2. Date of Priority: 04/01/1959

3. Source: WASTEWATER Trib. to: Payette River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
08N	05W	14	NE 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
IRRIGATION	3/15	11/15	0.8	
STOCKWATER	1/01	12/31	0.05	2.7

7. Total Quantity Appropriated is:
0.8 C.F.S. and/or 2.7 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08N	05W	14	SE NE		IRRIGATION	40
Section Acres						40
Total Acres						40

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:

THIS RIGHT WHEN COMBINED WITH RIGHTS OF LOWER PAYETTE DTCH CO
SHALL PROVIDE NO MORE THAN .02 CFS/ACRE
OWNERSHIP CHANGED BY LH 11/18/94
OWNERSHIP CHANGED BY DB 8/17/2000.

15. Basis of Claim: Beneficial Use

16. Signature(s) N / A

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WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: _____
Adjudication Claim No(s).: A-65-09393 and A-65-09394
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant: Georox 2nd Cheryl Colwell
10800 Smoke Ranch Rd
4. New Owner/Claimant(s): Boise, Idaho 83709
Name Connector (Check one): ☐ and, ☐ or, ☒ Mac and Jo Ann Higby
New Mailing Address: 2403 Killebrew Drive
City, State and ZIP Code: Payette, Idaho 83661
New Telephone Number: 208 642-2107
5. Date you acquired the property: May 15, 1995
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s): Jo Ann Higby Mac Higby
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at **Item 1**. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at **Item 3**.
4. The name, mailing address, and telephone number of the new owner(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at **Item 6**.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

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

IDWR Southern Region, 1341 Fillmore St. N., Twin Falls, ID 83301-3380 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

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WATER RESOURCES
WESTERN REGION

October 5, 1998

Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

AL65-09393
AL65-09394

To Whom It May Concern:

It has come to our attention that there is an error regarding the listed owner of the water rights held on our property. The property was part of a ranch that was previously owned by Charles and Emma Higby. The majority of the ranch property was sold to George and Cheryl Colwell, with the exception of the property sold to us. The water rights for the acreage on Killebrew Drive should have been transferred to Mac and/or Jo Ann Higby. We are seeking to make that correction now.

As far as we know, all information regarding the water right as stated in the attached paperwork is true and correct. I called the Secretary of Drainage Ditch #9, Mrs. Helen Bivins, and she confirmed that the source is the Payette River and it is a tributary to the Payette River. If you feel there is any error, please do not hesitate to contact us immediately.

Thank you for your assistance.

Sincerely,

Mac Higby

Jo Ann Higby

Mac and Jo Ann Higby
2403 Killebrew Drive
Payette, Idaho 83661
(208) 642-2107

Attachments: (2) copies warranty deed
(2) copies outlined aerial map
copy of current water right

3-6.5

255557

WARRANTY DEED

Warranty deed made this 15th day of May, 1995, between HIGBY N/N RANCH, an Idaho general partnership, with its principal place of business in the City of Payette, County of Payette, State of Idaho, herein referred to as "Grantor," and LOUIS M. HIGBY and JOANN HIGBY, husband and wife, whose address is Payette, Idaho, herein referred to as "Grantees," witnesseth:

That Grantor, does, by these presents, grant bargain, sell, convey, and confirm unto Grantees and their heirs and assigns forever, all of the following described real estate situated in the County of Payette, State of Idaho:

In Twp. 8 N., R. 5W., B.M., Payette County, Idaho:

In Sec. 12: SW1/4SW1/4;

In Sec. 13: W1/2NW1/4;

~~In Sec. 13: NE1/4~~ E1/2 NE1/4NE1/4 and the W1/2NE1/4NE1/4 SAVE AND ~~EXCEPTING~~ the following described tract of land:

Beginning on the West side line of said W1/2NE1/4 NE1/4 at the point where the same is intersected by the Southerly side line of the right-of-way of that certain road now bordering said W1/2NE1/4NE1/4 on the North;

thence East following said South side line of said right-of-way 206 feet, more or less, to an iron post imbedded in the ground;

thence South and parallel to the West side line of said W1/2NE1/4NE1/4 a distance of 257 feet, more or less, to another iron post imbedded in the ground;

thence West and parallel to the West side line of said W1/2NE1/4NE1/4 approximately 206 feet to the West side line of said W1/2NE1/4NE1/4;

thence North following said West side line approximately 257 feet to the point of beginning.

255557

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all estate, right, title, and interest in and to the property, as well in law as in equity.

To have and to hold, all and singular the above-described premises together with the appurtenances unto Grantees and their heirs and assigns forever.

And Grantor and his heirs shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of Grantees, their heirs, and assigns against Grantor and his heirs and against all and every person or persons whomsoever, lawfully claiming the same.

IN WITNESS WHEREOF, Grantor has hereunto set his hand on the day and year first above written.

HIGBY N/N RANCH

By Charles S. Higby
General Partner

STATE OF COLORADO)
County of DOUGLAS) ss.

On this 15th day of May, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared CHARLES S. HIGBY, known to me to be one of the partners in HIGBY N/N RANCH, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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

Margaret A. Olson
Notary Public for ~~Idaho~~ Colorado
Residing at 402 Wilcox St., Castle Rock, Co.
My Commission Expires: 5-24-96 80104

255557

State of Idaho, County of Payette

I certify that this instrument was filed for record at the request of

May 22, 1995 9:55 AM in Book 18 Deeds pg. 255557
Laura L. Stigile, Ex-Officio Recorder by Deborah J. Smith Deputy
fee \$6.00

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: A65-09393
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: APR 1, 1959

3. Source: WASTE WATER Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	05W	14	NE	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.
IRRIGATION	03/15	11/15	0.800		
STOCKWATER	01/01	12/31	0.050		2.70

7. Total Quantity Appropriated is:
0.800 C.F.S. (and/or) 2.70 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	05W	14	SE	NE		IRR	40.0
Section Acres							40.0
Total Acres							40.0

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:

THIS RIGHT WHEN COMBINED WITH RIGHTS OF LOWER PAYETTE DTCH CO.
SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.
OWNERSHIP CHANGED BY LH 11/18/94.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

RECEIVED

NOV 10 1994

DATE OF CLOSING: September 15, 1994

Department of Water Resources

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. SEE ATTACHED
 Lot _____, Block _____, Subdivision/Townsite _____.
 LEGAL DESCRIPTION
 ON "EXHIBIT A"

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

TO ATTACHED

[] 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) WARRANTY DEED

[] 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
 HC 80 Box 97, Payette, Idaho 83661

[] New Owner/Claimant (Purchaser): 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 Date 9/15/94
 Cheryl F. Colwell Date 9/15/94

[] Signature of Former Owner/Claimant(s) 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: 11-18-94 By: JN

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

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OCT 21 1994

WARRANTY DEED

fee \$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 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.

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OCT 21 1996

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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.

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OCT 21 1996

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. Bloch

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)

MICROFILMED
OCT 21 1996

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.

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 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 SE¼SE¼ and of Government Lots 1 and 2 described as follows:

Beginning at the Southeast corner of the SE¼SE¼ of said Sec. 17;

thence N. 89°19' W. 843 feet following the South line of said SE¼SE¼;

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 SE¼SE¼ to the Northeast corner of said SE¼SE¼;

thence South following the East side line of said SE¼SE¼ 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: A65-09393
Date Received: 4/11/1990
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EMMA J. HIGBY 208-278-3354
Address: 3990 HWY. 52
PAYETTE ID 83661
OR
Name: CHARLES S. HIGBY 208-278-3354
Address: 3990 HWY. 52
PAYETTE ID 83661

2. Date of Priority: APR 1, 1959

3. Source: WASTE WATER Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	05W	14		NE	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.
IRRIGATION	03/15	11/15	0.800		
STOCKWATER	01/01	12/31	0.050		2.70

7. Total Quantity Appropriated is:
0.800 C.F.S. (and/or) 2.70 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

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SEP 23 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	05W	14	SE	NE		IRR	40.0
Section Acres							40.0
Total Acres							40.0

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:

THIS RIGHT WHEN COMBINED WITH RIGHTS OF LOWER PAYETTE DTCH CO.
SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

15. Basis of Claim: BENEFICIAL USE

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: _____

MICROFILMED

SEP 23 1992

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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. No. *AL65-09393*

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 *3990 Highway 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: A65-09393
Date Received: 4/11/1990
Receipt No: X 999999
Received By: _____

RECEIVED
APR 11 1990

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources
1. Name: CHARLES S. HIGBY
Address: STAR ROUTE
PAYETTE, ID 83661

Name: EMMA J. HIGBY
Address: STAR ROUTE
PAYETTE, ID 83661

2. Date of Priority: APR 01, 1959

3. Source: WASTE WATER Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	05W	14	NE	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.
IRRIGATION	03/15	11/15	0.800		
STOCKWATER	01/01	12/31	0.050		2.70

7. Total Quantity Appropriated is:
0.800 C.F.S. (and/or) 2.70 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	05W	14	SE	NE		IRR	40.0
Section Acres							40.0
Total Acres							40.0

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:

THIS RIGHT WHEN COMBINED WITH RIGHTS OF LOWER PAYETTE DTCH CO.
SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

15. Basis of Claim: BENEFICIAL USE

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 S. Hogle Date: 4-11-90

Date: _____

State of Idaho)
County of Payette) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of April 19 90
Anna Baumhoff
Notary Public

Seal

Residing at Anna Baumhoff, Notary Public
Residing in Boise, Idaho
My Commission Expires December 7, 1994

03/08/2001

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 13, 2001

Water right number: 65-9393

MAC HIGBY
2403 KILLEBREW DR
PAYETTE ID 83661

JO ANN HIGBY
2403 KILLEBREW DR
PAYETTE ID 83661

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

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

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

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

DATE: 4-5-01

SIGNATURE: Mac Higby

Please print your name: MAC HIGBY

IDWR Regional Office, 2735 Airport Way, Boise, ID 83705, (208) 334-2190

11/15/2000

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

RIGHT NUMBER: 65-9393

NAME AND ADDRESS: JO ANN HIGBY
MAC HIGBY
2403 KILLEBREW DR
PAYETTE, ID 83661

SOURCE: WASTEWATER TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.8 CFS
2.7 AFY

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

THIS RIGHT WHEN COMBINED WITH RIGHTS OF LOWER PAYETTE
DITCH CO. SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 04/01/1959

POINT OF DIVERSION: T08N R05W S14 NENE Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3-15 11-15	0.80 CFS
STOCKWATER	1-01 12-31	0.05 CFS
		2.7 AFY

PLACE OF USE:

IRRIGATION Within PAYETTE County
T08N R05W S14 SENE 40
STOCKWATER Within PAYETTE County
T08N R05W S14
SENE 40 ACRES TOTAL

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

USE OF THIS RIGHT IS COMBINED WITH WATER FROM LOWER
PAYETTE DITCH CO.
STOCKWATER, 150 RANGE CATTLE.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 17, 2000

MAC HIGBY
JO ANN HIGBY
2403 KILLEBREW DR
PAYETTE ID 83661

Re: Notice of Claim to a Water Right No. A65-09393 & A65-09394

Dear Claimants:

Enclosed is a copy of the above referenced claim which reflects the change in ownership of the land and appurtenant water right(s) covered under the original filing.

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

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

Sincerely,

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

Denise Buffington
Office Specialist I
Adjudication Section
Western Region Office

DB:db

Enclosure

WR5809NP
No. 65-09393

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/04/00
PAGE: 45

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHARLES S. HIGBY	04/01/1959	IRRIGATION	03/15 11/15	0.800 CFS	
C	EMMA J. HIGBY		STOCKWATER	01/01 12/31	0.050 CFS	2.70 AFA
	STAR ROUTE					
	PAYETTE ID 83661					
TOTAL DIVERSION:					0.800 CFS	2.70 AFA

Water Source: WASTE WATER

Tributary to: PAYETTE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T08N R05W S14

NENE ← PER 1961 AFCS
OK

PAYETTE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
08N	05W	14	:				40	:					:					:						40.0
TOTAL ACRES																							40.0	

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

Pou County: PAYETTE

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

65-00165X 65-11413

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS OF LOWER PAYETTE DTCH CO.
SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

Dates: App. Received: Priority Date: 04/01/1959
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 65 Field Exam Fee:

N05
N08
C18

Exp Rmk
USE -
(Same Stock)

Stockwater, 150 RANGE CATTLE
(PER 9394) NO COPY OF 9393
ORIG PRBA
CLAIM

W 28
QNT
E22

T08N R05W

Idaho Department of Water Resources

Claims: 65-09393

Prepared by:

RON HOWERTON

Date: 28 JULY 00

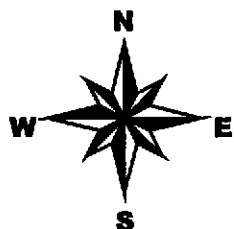
 **Place of use**

 **POD**

 **SECTION**

 **1/4 1/4**

40 Acres



1987 NAPP



T08N R05W

Idaho Department of Water Resources

Claims: 65-09393

Prepared by:

RON HOWERTON

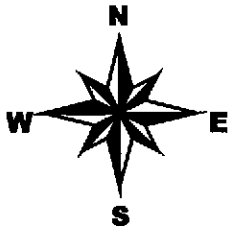
Date: 28 JULY 00

 **Place of use**

 **POD**

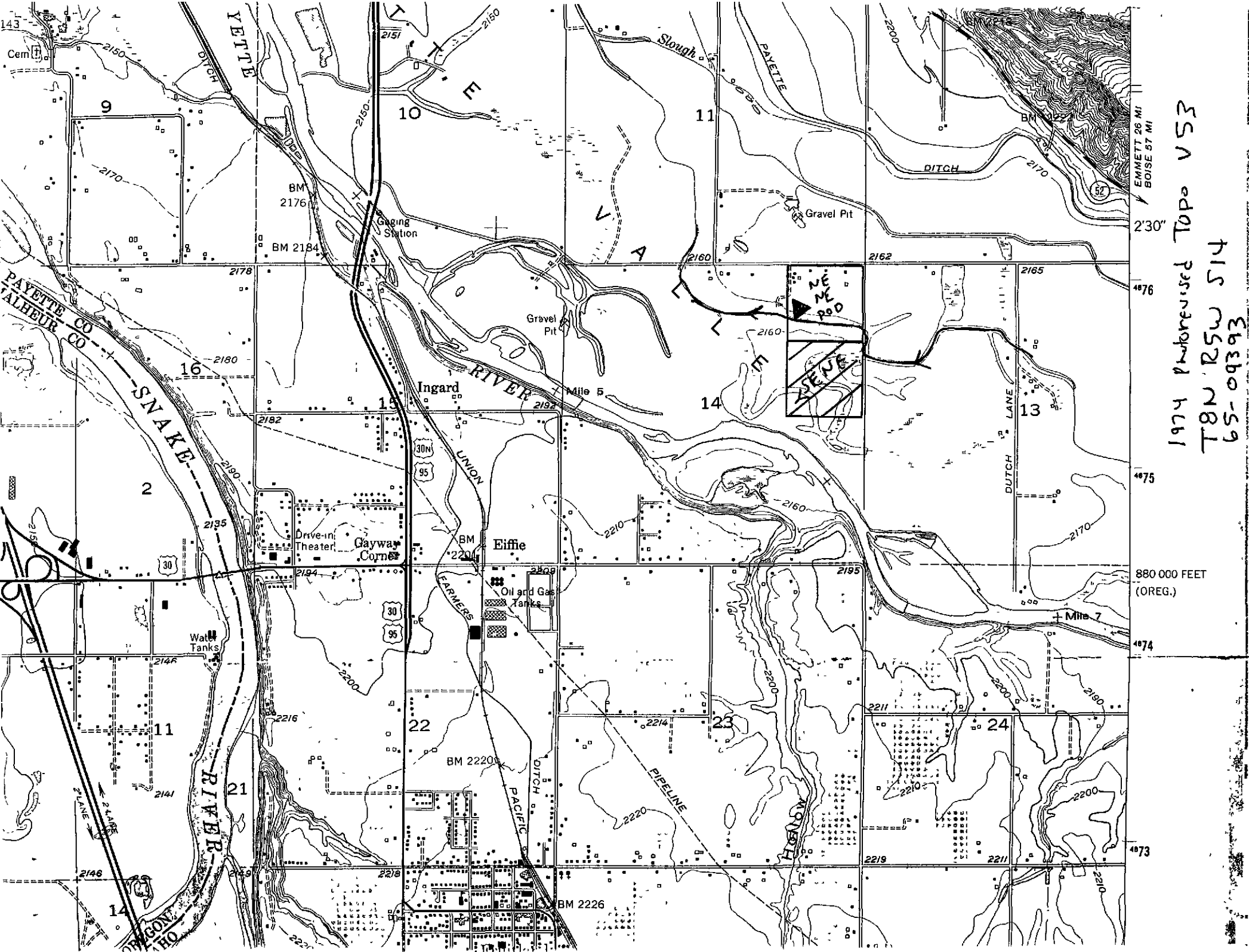
 **SECTION**

 **1/4 1/4**



1987 NAPP



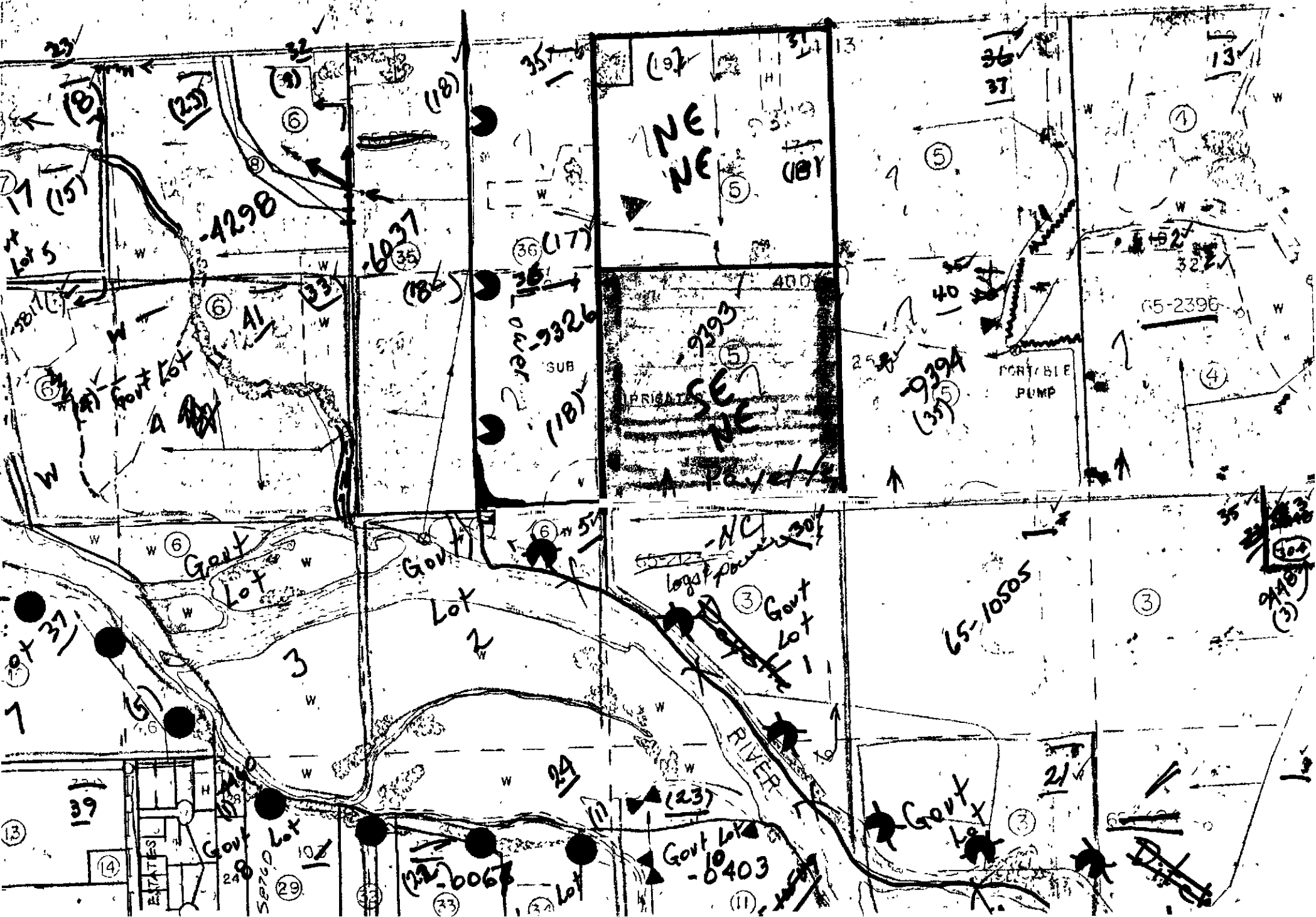


1974 Modified Tipo V53
T8N R5W 514
65-09393



PRBA ASCS MNP 1961 PID T8N R5W S14 NE NE 9 POU SE NE

DHY-288-275



65-9393

Wasn't Available For
Filming At This Time.

See Misc. Roll.

HIGBY $\frac{N}{N}$ RANCH LIMITED PARTNERSHIPHCB0 0-1-97
Star Route
Payette, Idaho 83661

State of Idaho
Department of Water Resources
State Office
450 W. State St.
Boise, Idaho

RECEIVED
MAY 9 1986

Department of Water Resources

Dear Sir:

I am sorry not to have answered sooner about water rights 65-9393, 65-3817, +
65-8627 but have been away.

In answer to your inquiring: I believe the rights are described correctly
and that a measurement is not necessary. Thanking you for your attention
in this matter. I am

sincerely,
C. Higby



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

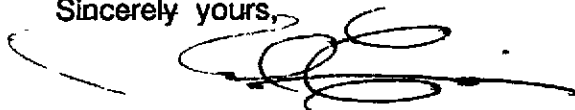
Gentlemen:

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

MICROFILMED
OCT 21 1996

PLAINT'S NAME: Higby DATE: 07/05/1994
BY: Payette
BYE: Y Miniscal

Mr. George Wendt of A.R.C. Real Estate (345-0668) called regarding the water rights of Higby Ranch in Basin 65. Three of the rights, that although they were filed on during the Payette Adjudication, have not yet been decreed. Don Shaft (Iowa) informed me that the Higby claims were caught up in objections during the PRA, but that no objections were raised by Higby or anyone else to the way IWR recommended the rights to the court. Don asserted that these claims will be recommended as decreed as recommended when the Payette decree is finalized. I relayed this information to Mr. Wendt, along with the information regarding the priority date of A65-~~21373~~ 21373. Also, 39 acres in the NW1/4 of S.21 T8N R20W, were not claimed in the SRBA, and I suggested that the Higby's file an amended claim to add those acres. Mr. Wendt, who represents the buyer, said he would get in touch with the Higby's agent.

07/06/1994 Mr. Higby called early this morning to request the amended claim form for A65-03617. I sent the amended claim form to him this morning.

The Higby claims are:

Permits	"J" STATUS	Decreed Rights
A65-07461	A65-03617	A65-03616 A65-09394
A65-07462	A65-08627	A65-03618 A65-11211
B/C CLAIM	A65-09393	A65-03619 A65-11261
A65-21373		

MICROFILMED

D/S (1990 review)

AUG 04 1994

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 651

INDICATES TOTAL

SOURCE: WASTE WATER

TRIBUTARY TO: PAYETTE RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-5251	WILLIAMSON, LOREN G. & WILLIAMSON, ILENE ROUTE 2, EMMETT, IDAHO 83617 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS OF EMMETT IRRIGATION DISTRICT SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	5/20/1954	IRRIGATION	3/15 11/15	--- AFA .54 CFS	SWSW S30 T 7N R 2W	SWSW(27) S30 T 7N R 2W *27*	BENEFICIAL USE
65-1007	HERBERT, JAMES G. & HERBERT, DORA MOUNTED ROUTE, EMMETT, IDAHO 83617 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS OF EMMETT IRRIGATION DISTRICT SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	4/ 1/1955	IRRIGATION	3/15 11/15	--- AFA .18 CFS	SESW S 4 T 6N R 1W	SESW(9) S 4 T 6N R 1W *9*	BENEFICIAL USE
65-1800	ELLIOTT, NORVIL R. & ELLIOTT, BEVERLY B. ROUTE 3, EMMETT, IDAHO 83617 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS OF EMMETT IRRIGATION DISTRICT SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	4/15/1955	IRRIGATION	3/15 11/15	--- AFA .40 CFS	LGT 4 S27 T 7N R 1W	LGT 4(20) S27 T 7N R 1W *20*	BENEFICIAL USE
65-3503	WILSON, LORENCE ROUTE 1, NEW PLYMOUTH, IDAHO 83655 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS OF BLACK CANYON IRRIGATION DISTRICT SHALL PROVIDE NO MORE THAN .02 CFS/ACRE NOR 4.5 AFA/ACRE.	4/ 1/1957	IRRIGATION FROM STOR	3/15 11/15	145.60 AFA --- CFS	SWSE S23 T 7N R 4W	SESW(39) SWSE(34) S23 T 7N R 4W *73*	BENEFICIAL USE
65-9393	HIGBY, CHARLES S. & HIGBY, EMMA J. STAR ROUTE, PAYETTE, IDAHO 83661 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS OF LOWER PAYETTE DTCE CO. SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	4/ 1/1959	IRRIGATION	3/15 11/15	--- AFA .00 CFS	NENE S14 T 8N R 5W	SENE(40) S14 T 8N R 5W *40*	BENEFICIAL USE
			STOCKWATER	1/ 1 12/31	2.70 AFA .05 CFS *---*AFA *.80*CFS		SAME AS OTHER USE	

MICROFILMED
 AUG 04 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:04:19
05/26/00

PAGE: 1
GENERAL INFORMATION

982
CLAIM NUMBER: A65-09393

LAST: HIGBY FIRST: EMMA J
ADDRESS: 3990 HWY 52
CITY: PAYETTE STATE: ID ZIP: 83661
PHONE NUMBER: 208-278-3354

OWNER CODE: O

LAST: HIGBY FIRST: CHARLES S
ADDRESS: 3990 HWY 52
CITY: PAYETTE STATE: ID ZIP: 83661
PHONE NUMBER: 208-278-3354

OWNER CODE: O

LAST: COLWELL FIRST: GEORGE E
ADDRESS: 10800 SMOKE RANCH ROAD
CITY: BOISE STATE: ID ZIP: 83709
PHONE NUMBER: 208-376-6922

OWNER CODE: C

LAST: COLWELL FIRST: CHERYL F
ADDRESS: 10800 SMOKE RANCH ROAD
CITY: BOISE STATE: ID ZIP: 83709
PHONE NUMBER: 208-376-6922

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE FIELD
Y EXAMINER
Y() N()

CLAIM REMARKS: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS OF LOWER PAYETTE DTCH CO.
SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.
OWNERSHIP CHANGED BY LH 11/18/94.

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: __/__/__

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

- A. AJ CLAIM: # A65-09393 PRIORITY DATE: 04-01-1959 STAGE: J
- B. WR RECORD: # 65-09393 PRIORITY DATE: 04-01-1959 STAGE: J
- C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y() N()
- D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y() N()
- E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW) Y() N()
- F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?
- PROOF OF BENEFICIAL USE SUBMITTED N/A() Y() N()
- FIELD EXAM COMPLETED N/A() Y() N()
- FIELD EXAM SENT TO STATE OFFICE N/A() Y() N()
- LICENSE ISSUED N/A() Y() N()
- * IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.
- G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A() Y() N()
- * FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.
- H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y() N()

NOTES: _____

=====

RECOMMENDED PRIORITY DATE:

____ - ____ - ____

REVIEWED BY _____

DATE _____

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A65-09393	08N	05W	14		NE	NE			PAYETTE		
OTHER AJ CLAIMS WITH SAME AJ POD											
A PREFIX R PREFIX											
NONE NONE											
WR RECORDS IN SAME 40 ACRE TRACT											
65-09327											
65-09329											
65-09392											

SOURCE: WASTE WATER

TRIB: PAYETTE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
65-09393	08N	05W	14		NE	NE			PAYETTE		
OTHER WR RECORDS WITH SAME WR POD											
AJ CLAIMS IN SAME 40 ACRE TRACT											
A PREFIX R PREFIX											
NONE NONE											
65-09327											
65-09329											
65-09392											

SOURCE: WASTE WATER

TRIB: PAYETTE RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y(____) N(____)

AJ FIELD EXAM (DATE OF FIELD EXAM _____ NAME OF EXAMINER _____) Y(____) N(____)

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

=====

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (____)

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
08N	05W	14		NE	NE			PAYETTE		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: WASTE WATER

TRIB: PAYETTE RIVER

REVIEWED BY: _____ DATE: _____

=====

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

A. ROOT WATER RIGHT NUMBERS: A65-09393

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
08N	05W	14	SE	NE		COLWELL, GEORGE E	A65-09393 / 40.0	65-09393 / 40.0	40.0		40.0
			SE	NE		LOWER PAYETTE DITCH CO	A65-07882 / 40.0	- /			
			SE	NE		LOWER PAYETTE DITCH CO	A65-00165A / 40.0	- /			
			SE	NE		LOWER PAYETTE DITCH CO	A65-00165B / 40.0	- /			
			SE	NE		LOWER PAYETTE DITCH CO	A65-00165C / 40.0	- /			
			SE	NE		LOWER PAYETTE DITCH CO	A65-00165X / 40.0	65-00165X / 40.0			
			SE	NE		LOWER PAYETTE DITCH CO	A65-11413 / 40.0	65-11413 / 40.0			
			SE	NE		LOWER PAYETTE DITCH CO	R65-00165A / 40.0	- /			
			SE	NE		LOWER PAYETTE DITCH CO	R65-00165B / 40.0	- /			
			SE	NE		LOWER PAYETTE DITCH CO	R65-00165X / 40.0	- /			
			SE	NE		LOWER PAYETTE DITCH COMPANY	A65-02927H / 40.0	- /			
			SE	NE		LOWER PAYETTE DITCH CO	R65-00165C / 40.0	- /			

ADDITIONAL POU FOUND

TOTAL ACRES	A65-09393	40.00	40.00	40.00
-------------	-----------	-------	-------	-------

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
A65-09393	WASTE WATER	COLWELL, GEORGE E	0.800	0.020	2.70	0.06
R65-00165A	PAYETTE RIVER	LOWER PAYETTE DITCH CO	63.320	0.005		
A65-00165A	PAYETTE RIVER	LOWER PAYETTE DITCH CO	63.320	0.005		
A65-00165B	PAYETTE RIVER	LOWER PAYETTE DITCH CO	37.630	0.003		
R65-00165B	PAYETTE RIVER	LOWER PAYETTE DITCH CO	37.630	0.003		
R65-00165C	PAYETTE RIVER	LOWER PAYETTE DITCH CO	59.230	0.005		

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A65-00165C	PAYETTE RIVER	LOWER PAYETTE DITCH CO	59.230	0.005		
R65-00165X	PAYETTE RIVER	LOWER PAYETTE DITCH CO	122.120	0.011		
A65-00165X	PAYETTE RIVER	LOWER PAYETTE DITCH CO	122.120	0.011		
A65-02927H	PAYETTE RIVER, NORTH FORK	LOWER PAYETTE DITCH COMPANY			10000.00	0.90
A65-07882	GRAVEYARD GULCH WASTEWAY	LOWER PAYETTE DITCH CO	30.000	0.002		
A65-11413	GRAVEYARD GULCH WASTEWAY	LOWER PAYETTE DITCH CO	60.000	0.005		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM:

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()

NOTES:

TOTAL ACRES: _____ N/A(____)

REVIEWED BY: _____ DATE: _____

A. AJ CLAIMED USES:

	PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-09393	IRRIGATION	FROM 03-15 TO 11-15	0.800 CFS	
A65-09393	STOCKWATER	FROM 01-01 TO 12-31	0.050 CFS	2.70 AF/A
	TOTAL DIVERSION RATE/VOLUME		0.800 CFS	2.70 AF/A

B. WR RECORDED USES:

	PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-09393	IRRIGATION	FROM 03-15 TO 11-15	0.800 CFS	
65-09393	STOCKWATER	FROM 01-01 TO 12-31	0.050 CFS	2.70 AF/A
	TOTAL DIVERSION RATE/VOLUME		0.800 CFS	2.70 AF/A

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y() N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y() N()

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y() N()

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y() N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y() N()

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y() N()

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 0.800 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.800 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y() N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS)
REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE
OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N()

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM
IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N()

E. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 2.70 AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

PAGE: 12
DIVERSION AMOUNT REVIEW SHEET CONTINUED

993
CLAIM NUMBER: A65-09393

NOTES:

WR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE CFS		VOL. AF/A		USE	
IRRIGATION STOCKWATER	03-15	11-15	DATABASE 0.800	EXAMINER	DATABASE	EXAMINER	DATABASE 0.0	EXAMINER
	01-01	12-31	0.050	_____	2.70	_____	0.0	_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
TOTAL FOR THIS RIGHT			0.800	_____	2.70	_____	0.0	_____

NON-IRRIGATION USES CLAIMED:

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

REVIEWED BY: _____ DATE: _____
=====

FLAG: _____
=====

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-09393

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 0.800	EXAMINER _____	CFS
-----------------------------------	-------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A65-09393	0.800	-		65-09393	0.800
TOTAL CFS		0.800				0.800

DIVERSION RATE REVIEW

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

DATABASE	FIELD EXAMINER
Y	Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
() NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
() OTHER _____	DATE _____	_____	_____
() OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:04:19
05/26/00

PAGE: 16
QUICKLOOK INFORMATION

997
CLAIM NUMBER: A65-09393

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y							
POINT OF DIV								
SOURCE								
PLACE OF USE								
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:24:07
05/26/00
998

PAGE: 17
PROFILE REPORT

CLAIM NUMBER: A65-09393

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GEORGE E COLWELL	04/01/1959	IRRIGATION	03-15 11-15	0.800 CFS	
C	CHERYL F COLWELL		STOCKWATER	01-01 12-31	0.050 CFS	2.70 AFA
TOTAL DIVERSION:					0.800 CFS	2.70 AFA

Water Source: WASTE WATER

Tributary to: PAYETTE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion:

T08N R05W S14

NENE

PAYETTE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
08N	05W	14	:																	:	40.0
																				TOTAL ACRES	40.0

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

POU County: PAYETTE

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS OF LOWER PAYETTE DITCH CO.
SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.
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:

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

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF _____

Payette River DRAINAGE BASIN.

NOTICE OF CLAIM
TO A
WATER RIGHT

65-9393 Amended	
I.D. No.	Map No.
\$	
Fee Paid	Receipt No.

Notice is hereby given that Charles S. & Emma J. Higby (Name of Claimant)

Star Route, Payette, ID 83661 (Mailing Address)

Telephone No. _____

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

(1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) April 1, 1959

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

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
Quantity .80 Use Irrigation Period of Use From 3/15 To 11/15
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

2.1 Quantity .05 Use Stock Period of Use From 1/1 To 12/31
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

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

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

(4) .80 TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)

(5) A) Point of Diversion: Give location of point where water is diverted from its source NE 1/4 NE Sec. 14, Twp. 8N, Rge. 5W, B.M., Payette County

Additional Points: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. pump 5 HP 10"

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

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
	8N	5W	14				40												40

Total no. of acres 40

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: 200 head stock

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

(7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks ((This right when combined with Lower Payette Ditch Co. shall provide no more than .02 CFS/A nor 4.5 AF/A year.))

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

☐ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. _____

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

Individual Charles S. Higby (Signature of Claimant)
Organization _____ (Signature of Spouse)
RP 12-7-78

Organization KEYPUNCHED (Signature of Authorized Agent)

11/20/1978 (Date)
State of Idaho ss. _____
County of Blaine Seal _____

On this 20 day of Nov, in the year 1978 before me
a notary public, personally appeared Charles S. Higby
known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or _____) executed the same.

My commission expires Sept 10, 1980 Notary Public residing at Blaine Id
12-5-78

IN THE DISTRICT OF THE STATE OF IDAHO IN THE MATTER OF THE CENTRAL PETER DIVISION OF RIGHTS TO THE USE OF PAYETTE RIVER TO A WATER RIGHT

Notice is hereby given that Tony and Rhoda Giliotti (Name of Claimant) Star Route Payette, Idaho 83661 (Mailing Address), claims a right to the diversion

and beneficial use of the surface or groundwater, of or tributary to The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) Apr 1, 1959
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or groundwater) Drain District #9 waste water
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

30 Quantity .80 (CFS. GPD. AF.) Use Irrigation stock Period of Use From 1/1 To 12-31 (Mo., Day) (Mo., Day) (Both Dates Inclusive)

2.7 Quantity .05 (CFS. GPD. AF.) Use Stock Period of Use From (Mo., Day) To (Mo., Day) (Both Dates Inclusive)

2.7 AF Quantity .80 (CFS. GPD. AF.) Use (Domestic, irrigation, stock, etc.) Period of Use From (Mo., Day) To (Mo., Day) (Both Dates Inclusive)

(4) TOTAL QUANTITY CLAIMED.

- (5) A) Point of Diversion: Give location of point where water is diverted from its source 1/4 NE 1/4 Sec. 14, Twp. 8N, Rge. 5W, B.M.; additional points:
- B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. pump 5 hp 10"

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

T	R	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	5W	14				40													40

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Stock - 200 head

- (7) Effluent, sewage waste, or return water from this use is discharged into DRAIN DIST. #9
- (8) If you are claiming water as a member of an organization, list name of organization. Lower Payette Ditch Co.
- (9) Remarks DRAIN DIST. #9 is pumped into 40 acres by 1 pump. This water combined with 40-0005 shall provide no more than .02 cfs/A max 9.5 AF/A/yr.
- (10) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use. ☐ B) Right decreed by court, cite title of case. ☐ C) Right based on application, permit, license, or claim filed with the Idaho Department of Water Administration.

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

12-1-75 (Date) Individual Tony Giliotti (Signature of Claimant) Rhoda Giliotti (Signature of Spouse) 12-7-78

State of IDAHO Organization Seal day of December 1975 before me, a notary public, personally appeared Tony and Rhoda Giliotti known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, it) executed the same. Notary Public residing at Payette, Idaho My commission expires 12-01-78

HIGBY $\frac{N}{N}$ RANCH LIMITED PARTNERSHIP

HC80 Box 97
Star Route
Payette, Idaho 83661

State of Idaho
Department of Water Resources
State Office
450 W. State St.
Boise, Idaho

RECEIVED
MAY 9 1988

Department of Water Resources

Dear Sir:

I am sorry not to have answered sooner about water rights 65-9393, 65-3817, &
65-8627 but have been away.

In answer to your inquiring: I believe the rights are described correctly
and that a measurement is not necessary. Thanking you for your attention
in this matter. I am

sincerely,
C. Higby