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OCT 07 1998

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 4th Cheryl Colwell
10800 Smoke Ranch Rd
4. New Owner/Claimant(s) Boise, Idaho 83709
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..

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OCT 07 1998

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.



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: 65-09394
Prepared by:
RON HOWERTON
Date: 28 JULY 00

 **Place of use**

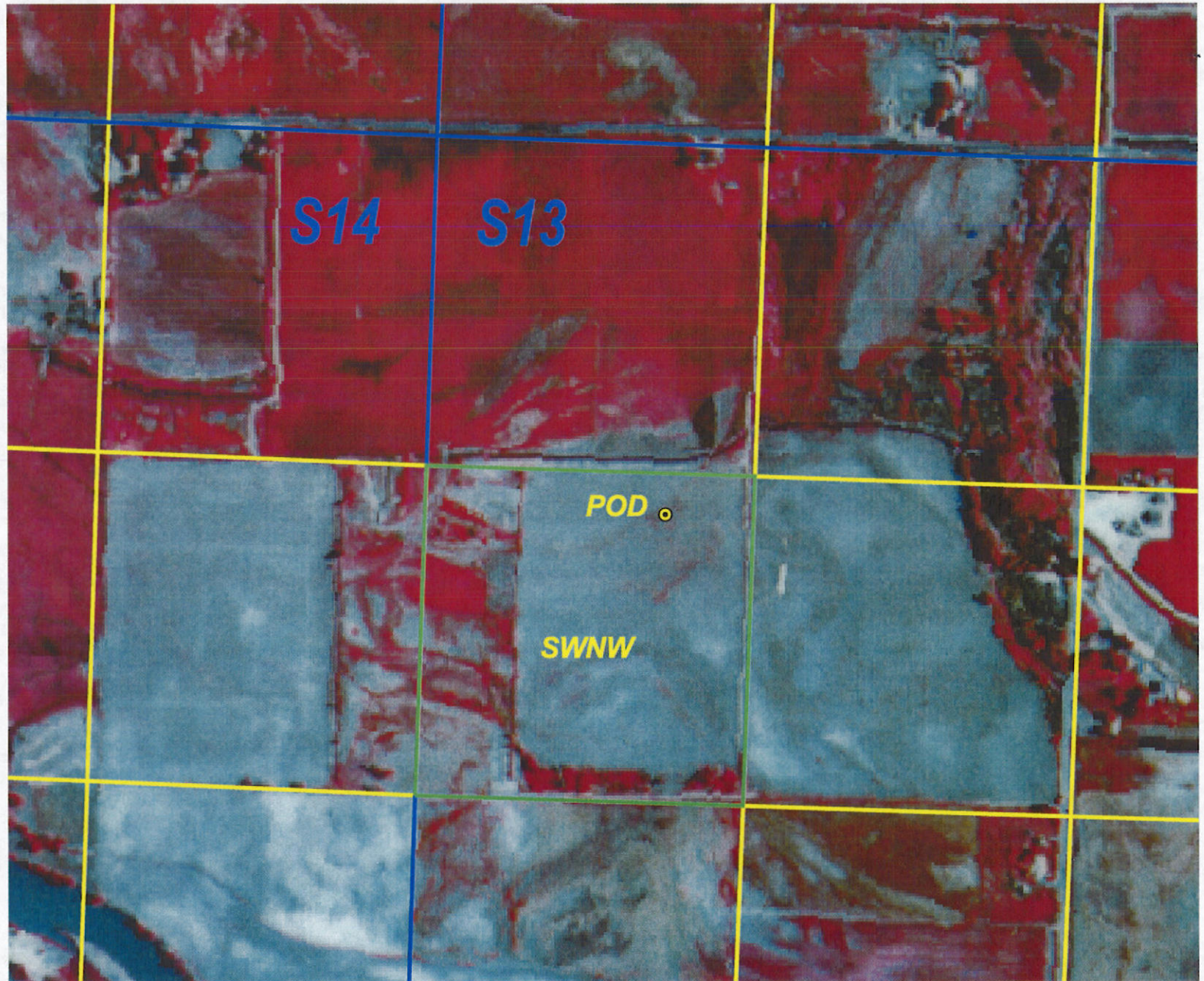
 **POD**

 **SECTION**

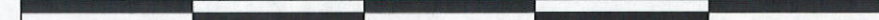
 **1/4 1/4**



1987 NAPP



0 0.1 0.2 0.3 0.4 0.5 Miles



Idaho Department of Water Resources

T08N R05W

Claims: 65-09394
Prepared by:
RON HOWERTON
Date: 28 JULY 00

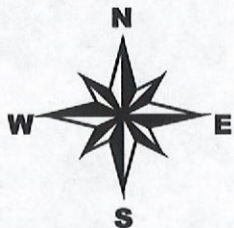
 **Place of use**

 **POD**

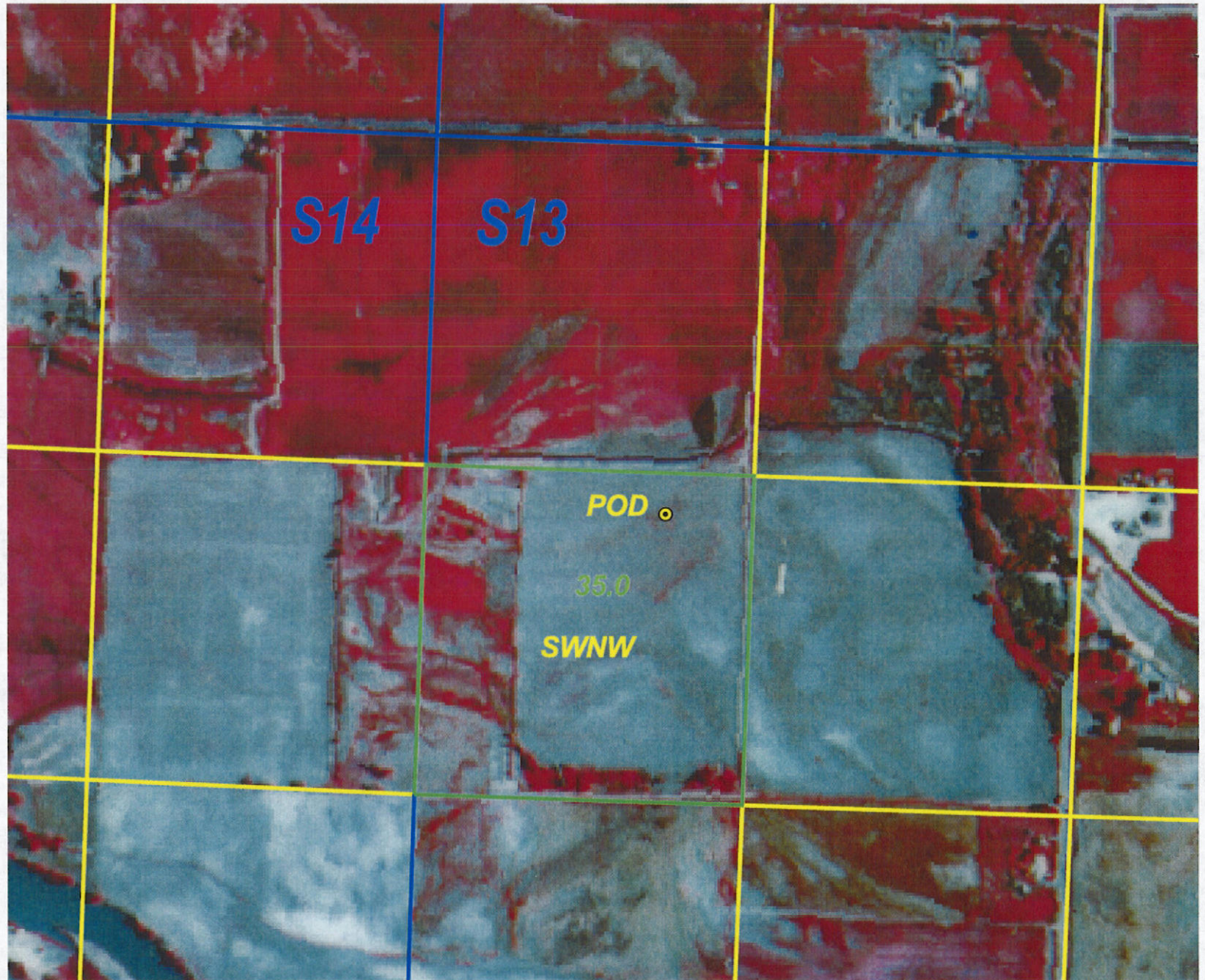
 **SECTION**

 **1/4 1/4**

35 Acres



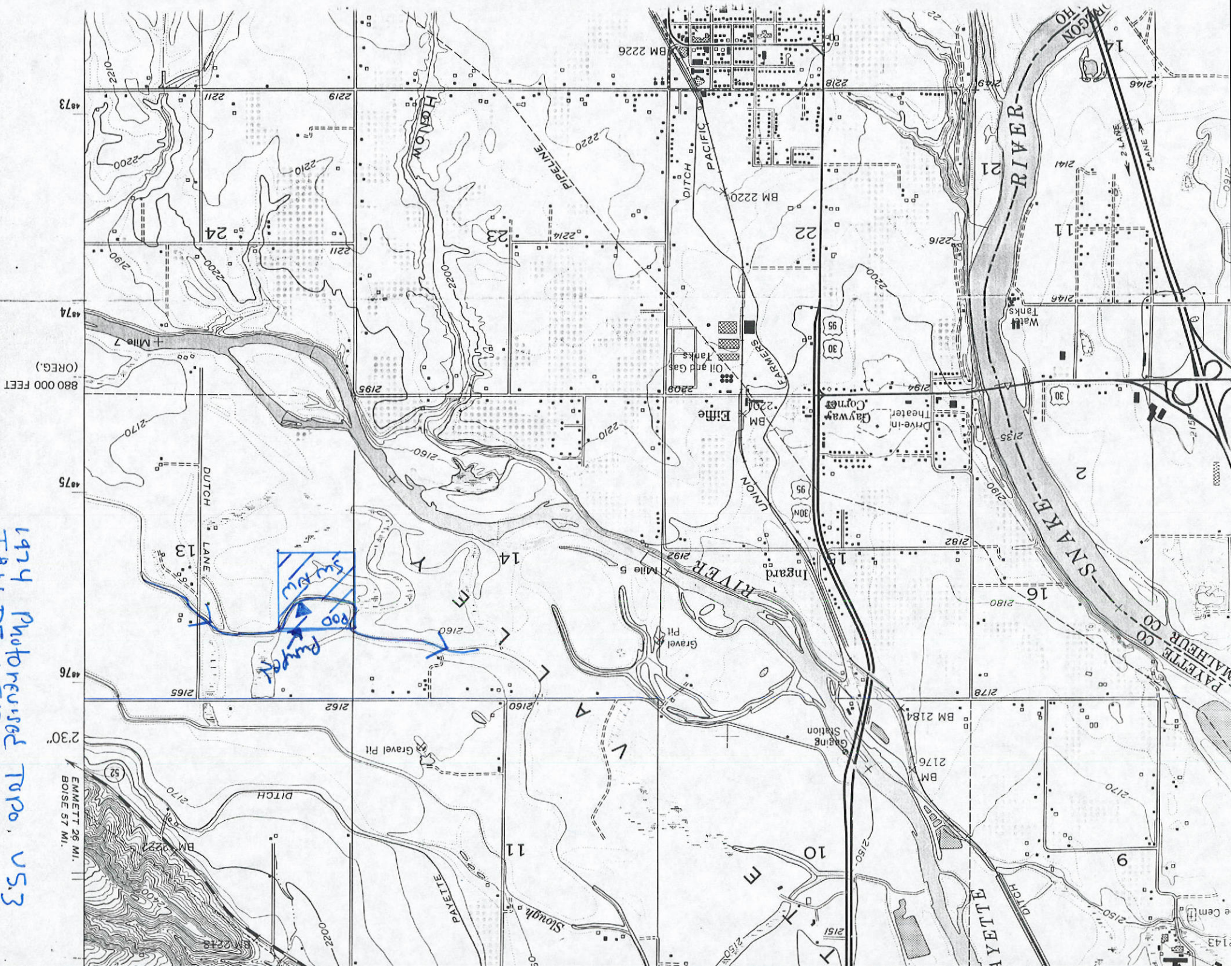
1987 NAPP



0 0.1 0.2 0.3 0.4 0.5 Miles



1974 Photorevised Topo. V.S.3
T8N R5W S13, SWNW





PRBA ASCS MAP 1961 T8N R5W S13

DH4-28B-275



IN THE DISTRICT COURT OF THE Third JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF Gem

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF

**NOTICE OF CLAIM
TO A
WATER RIGHT**

Payette River DRAINAGE BASIN.

65-9394 Amended

I.D. No.

Map No.

\$

Fee Paid

Receipt No.

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

Star Route, Payette, ID 83661

Telephone No. _____

(Mailing Address)

(Zip Code)

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) _____

waste water

tributary to Payette River

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

157
27
1603

Quantity <u>.70</u> (CFS, GPD, AF)	Use <u>Irrigation</u> (Domestic, irrigation, stock, etc.)	Period of Use From <u>3/15</u> To <u>11/15</u> (Mo., Day) (Mo., Day) (Both dates inclusive)
Quantity <u>.05</u> (CFS, GPD, AF)	Use <u>Stock</u> (Domestic, irrigation, stock, etc.)	Period of Use From <u>1/1</u> To <u>12/31</u> (Mo., Day) (Mo., Day) (Both dates inclusive)
Quantity _____ (CFS, GPD, AF)	Use _____ (Domestic, irrigation, stock, etc.)	Period of Use From _____ To _____ (Mo., Day) (Mo., Day) (Both dates inclusive)
Quantity _____ (CFS, GPD, AF)	Use _____ (Domestic, irrigation, stock, etc.)	Period of Use From _____ To _____ (Mo., Day) (Mo., Day) (Both dates inclusive)

- (4) .70 TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)

- (5) A) Point of Diversion: Give location of point where water is diverted from its source SE % NE %
Sec. 13, 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. _____

10" 3/4 hp.

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

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8N	5W	13																	35

Total no. of acres 35

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

150 head livestock

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.

State of Idaho
County of Ada

Organization _____

Seal

On this 20 day of _____

Nov

(Signature of Authorized Agent)

a notary public, personally appeared _____

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

My commission expires Sept 10, 1980

Notary Public residing at _____

DRT 12-5-78

wd 5/5/77

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 65-9394
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	13	SE 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	0.7	
STOCKWATER	1/01	12/31	0.05	2.7

7. Total Quantity Appropriated is:
0.7 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	13	SW NW		IRRIGATION	35
						Section Acres 35
						Total Acres 35

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 DITCH 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: Decreed

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

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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 4th 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..

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WATER RESOURCES
WESTERN REGION

October 5, 1998

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

AL5-09393
~~AL5-09393~~

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

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: SE1/4NE1/4;~~

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.

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. Stigile 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: **A65-09394**
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	13	SE	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	0.700		
STOCKWATER	01/01	12/31	0.050		2.70

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED
OCT 21 1996

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08N	05W	13	SW NW		IRR	35.0
Section Acres						35.0
Total Acres						35.0

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 DITCH CO.
SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.
OWNERSHIP CHANGED BY LH 11/18/94.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

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

DATE OF CLOSING: September 15, 1994

Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township 8 North Range 4 WestSection 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

☐ 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

RECEIVED

NOV 15 1994

WATER RESOURCES
WESTERN REGION

☐ New Telephone Number: (208) 376 - 6922

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X 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 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: 11-18-94 By:

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 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.

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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.

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

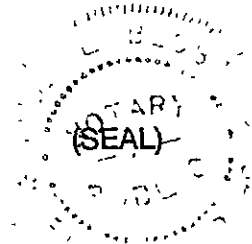
By 
General Partner

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: A65-09394
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

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	13		SE	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	0.700		
STOCKWATER	01/01	12/31	0.050		2.70

7. Total Quantity Appropriated is:
0.700 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	13	SW	NW		IRR	35.0
Section Acres							35.0
Total Acres							35.0

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 DITCH CO.
SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

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 _____

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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. A65-09394

RECEIVED
APR 11 1990

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

Department of Water Resources

Please type or print clearly:

Name of Claimant(s) Charles S. Higby or

Emma J Higby

Mailing Address
(include Zip Code)

3990 Hwy 52

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: 65-09394

DATE RECEIVED:

RECEIPT NO:

RECEIVED BY: _____

RECEIVED
APR 11 1990

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

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	13	SE	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	0.700		
STOCKWATER	01/01	12/31	0.050		2.70

7. TOTAL QUANTITY APPROPRIATED IS:
0.700 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	13	SW	NW		IRR	35.0
SECTION ACRES							35.0
TOTAL ACRES							35.0

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:

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

15. BASIS OF CLAIM: DECREE

CASE NUMBER:

COURT :

DECREE DATE: 1/21/1986

STATE OF IDAHO

DECREE PLAINTIFF

A & C CORP., ET AL.

VS

DECREE DEFENDANT

16. SIGNATURE(S)

(A.) BY SIGNING BELOW, I/WE ACKNOWLEDGE THAT I/WE HAVE RECEIVED, READ AND UNDERSTAND THE FORM ENTITLED "HOW YOU WILL RECEIVE NOTICE IN THE SNAKE RIVER BASIN ADJUDICATION." (B.) I/WE DO ____ DO NOT ____ WISH TO RECEIVE AND PAY A SMALL ANNUAL FEE FOR MONTHLY COPIES OF THE DOCKET SHEET.

NUMBER OF ATTACHMENTS: _____

FOR INDIVIDUALS:

I/WE DO SOLEMNLY SWEAR OR AFFIRM THAT THE STATEMENTS CONTAINED IN THE FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF CLAIMANT(S): Charles S. Higby DATE: 4-6-90
Emma J. Higby DATE: 4/6/90

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

Gore Lyn Smith
NOTARY PUBLIC

SEAL

RESIDING AT Fruitland

MY COMMISSION EXPIRES 6692

65-09394

PAGE

3

DATE: 01/23/90

MICROFILMED

SEP 23 1992

**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: 65-9394

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: 65-9394

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

SOURCE: WASTEWATER TRIBUTARY PAYETTE RIVER
:

QUANTITY: 0.7 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 S13 SWNW Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1-01 12-31	0.05 CFS
		2.7 AFY
IRRIGATION	3-15 11-15	0.70 CFS

PLACE OF USE:

STOCKWATER Within PAYETTE County
T08N R05W S13 SWNW
IRRIGATION Within PAYETTE County
T08N R05W S13 35
SWNW 35 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 - Decreed

USE OF THIS RIGHT IS COMBINED WITH WATER FROM LOWER
PAYETTE DITCH CO.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
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. 65-09394

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/04/00
PAGE: 46

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	0.700 CFS	
C	EMMA J. HIGBY STAR ROUTE PAYETTE ID 83661		STOCKWATER	01/01 12/31	0.050 CFS	2.70 AFA
TOTAL DIVERSION:					0.700 CFS	2.70 AFA

Water Source: WASTE WATER

Tributary to: PAYETTE RIVER

Stage: DECREED

Point(s) of Diversion: T08N R05W S13

(SENE) SW NW

PAYETTE County

Place of use Legal Description for: IRRIGATION

PER PRBA BLUELINE MAP D & PRBA ASCS MAP

DIY-288-275

NE				NW				SW				SE				
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM	
08N	05W	13	:				:			35	:				35.0	
TOTAL ACRES															35.0	

ERROR
IN
PRBA

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 DITCH 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:

NO-PID
SHOWN
FOR
SENE
ON ABOVE
MAPS

Exp Rmk Stockwater, 150 RANGE CATTLE
N05 N08

C18
C03

PID CHANGE
SEE ORIGINAL PRBA CLAIM
IT WAS AMENDED FROM THE
SENE POU TO NW SW POU
BUT LOOKS LIKE THEY FORGOT
TO CHANGE THE PID
LEGAL TOO.
PRBA BLUE LINE SHOWS
PUMP IN
RECOMMENDED SW NW
FOR PRBA,
RCH

T08N R05W

Idaho Department of Water Resources

Claims: 65-09394

Prepared by:

RON HOWERTON

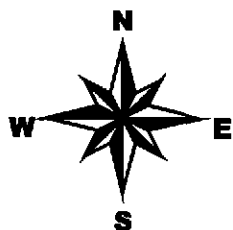
Date: 28 JULY 00

 **Place of use**

 **POD**

 **SECTION**

 **1/4 1/4**



1987 NAPP



T08N R05W

Idaho Department of Water Resources

Claims: 65-09394
Prepared by:
RON HOWERTON
Date: 28 JULY 00

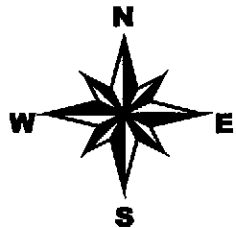
 **Place of use**

 **POD**

 **SECTION**

 **1/4 1/4**

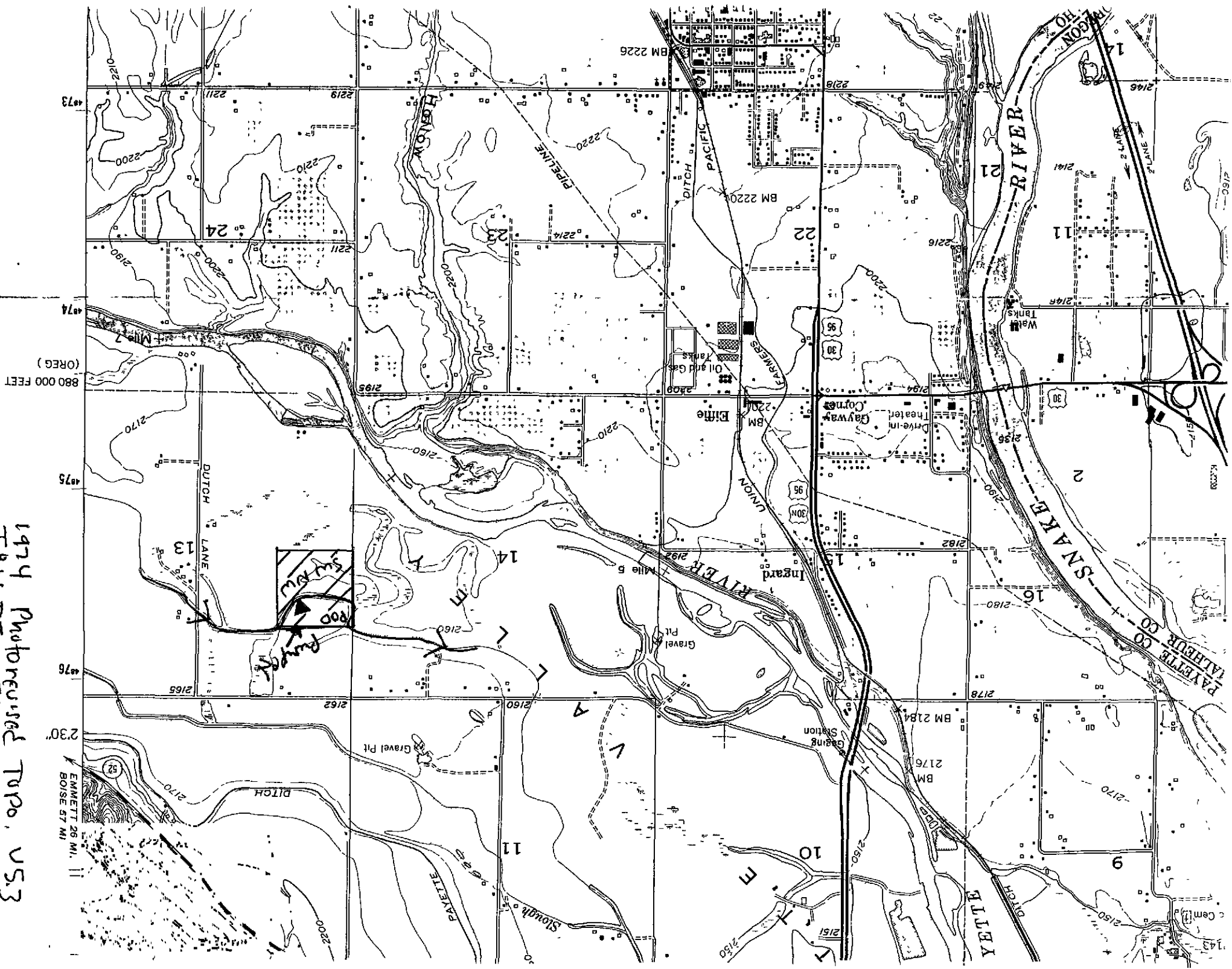
35 Acres



1987 NAPP



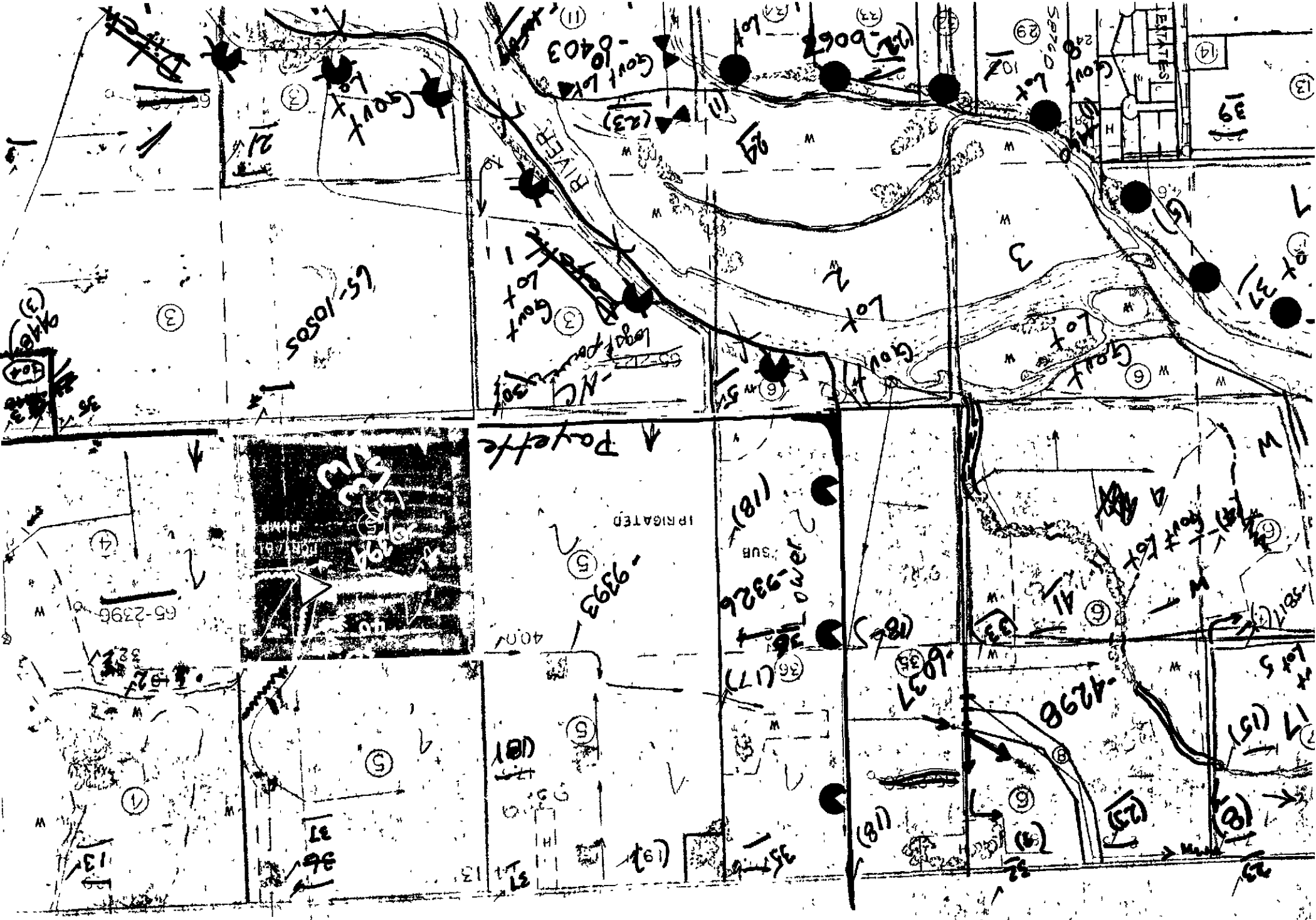
1974 Photorevised Topo, U.S.
T8N R5W S13, SWNW



65-09394

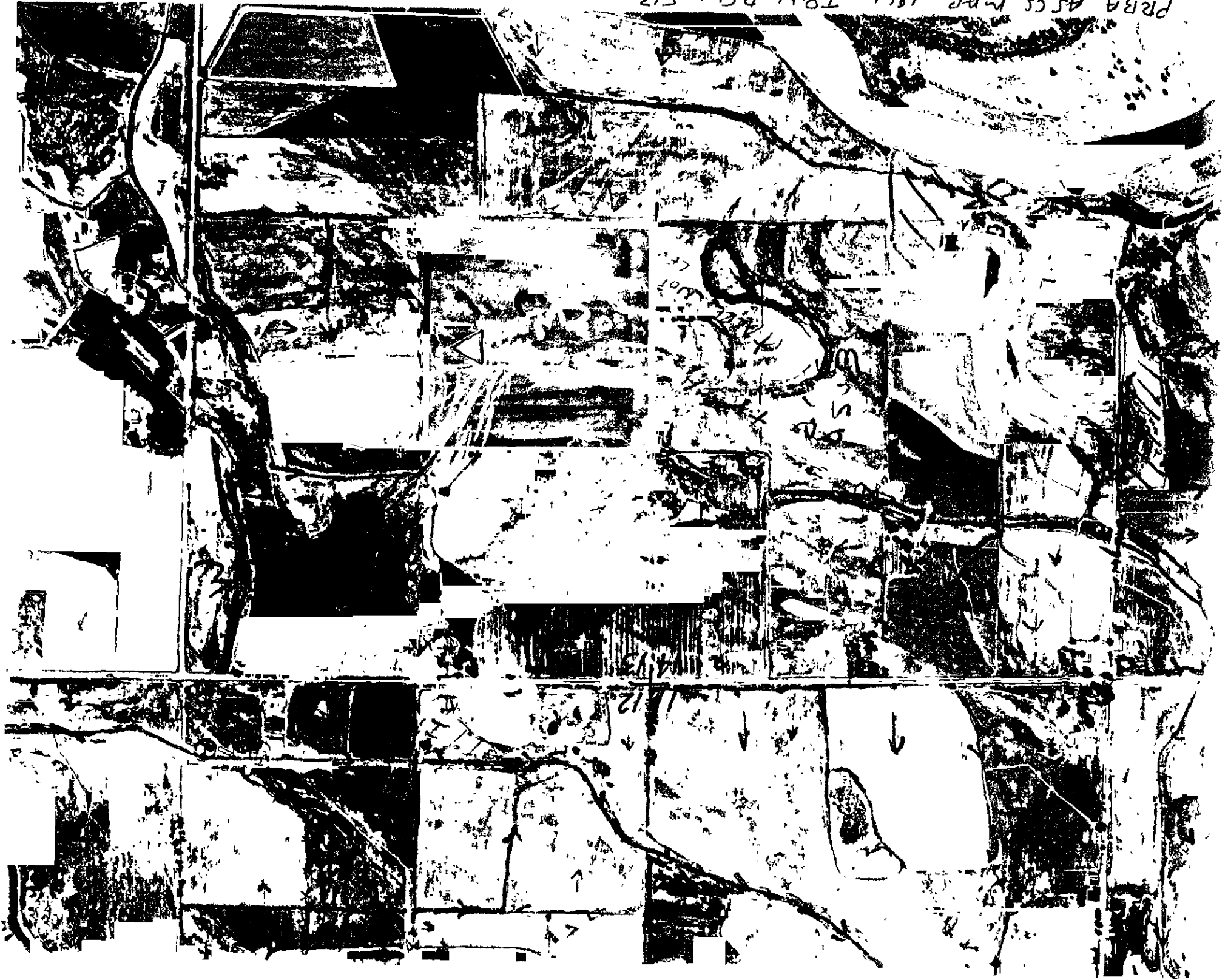
T8N R5W S13 SW NW

PRBA BLUEPRINT MAP D



DHY-288-275

PRBA ASCS MAP 1961 T8N R5W S13



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

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF

Payette River DRAINAGE BASIN

NOTICE OF CLAIM
TO A
WATER RIGHT

ID. No.	Map No.
State Fee Paid \$100.00	Receipt No.

Notice is hereby given that Charles S. & Emma J. High

Star Route, Payette, ID 83661

Telephone No.

(Mailing Address)

(Zip Code)

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)

waste water

tributary to Payette River

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

157 27 160 3

Quantity .70	Use Irrigation	Period of Use From 3/15 To 11/15
(CFS, GPD, AF)	(Domestic, irrigation, stock, etc.)	(Mo., Day) (Both dates inclusive)
Quantity .05	Use Stock	Period of Use From 1/1 To 12/31
(CFS, GPD, AF)	(Domestic, irrigation, stock, etc.)	(Mo., Day) (Both dates inclusive)
Quantity	Use	Period of Use From To
(CFS, GPD, AF)	(Domestic, irrigation, stock, etc.)	(Mo., Day) (Both dates inclusive)
Quantity	Use	Period of Use From To
(CFS, GPD, AF)	(Domestic, irrigation, stock, etc.)	(Mo., Day) (Both dates inclusive)

- (4) .70 TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)

- (5) A) Point of Diversion: Give location of point where water is diverted from its source SE 1/4 NE 1/4 Sec. 13, 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.

- (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	
3N	5W	13																	35

Total no. of acres 35

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

150 head livestock

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.
☐ 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 this, her, their knowledge.

11/10/10
(Date)
State of Idaho
County of Ada
Organization
Seal

Individual Charles S. High
(Signature of Claimant)
Organization
(Signature of Spouse)
KEYFOUNDED
(Signature of Authorized Agent)

On this 20th day of Nov, in the year 1978 before me
a notary public, personally appeared Charles S. High
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
DBS 12-5-78

IN THE MATTER OF THE GENERAL DEPT.
MINING AND RIGHTS TO LAND
TO A
WATER RIGHT

IDENT. NO.

MEMORANDUM

WATER RIGHT

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or groundwater) ~~It is in the river~~ 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.

157.5	Quantity	(CFS, GPD, AF.)	Use	Period of Use From	To
2.7	Quantity	(CFS, GPD, AF.)	Use	Period of Use From	To
60.3 AF	Quantity	(CFS, GPD, AF.)	Use	Period of Use From	To
TOTAL QUANTITY CLAIMED.					

- (5) A) Point of Diversion: Give location of point where water is diverted from its source S.F. $\frac{1}{4}$ 1.5 $\frac{1}{4}$
Sec. 12, Twp E 11, Rge. 5 11, 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.

- (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.

[illegible]

Total No. of acres

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

- (7) Effluent, sewage waste, or return water from this use is discharged into Drainage Ditch #2

- (8) If you are claiming water as a member of an organization, list name of organization, W. N. E. L. A.

- (9) Remarks *1. 4. 1*

- (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. *Individual* 5-13-

Individual

15410

(Signature of Claimant)

Organization

(Signature of Spouse)

State of Idaho

Organization

County of _____

45

Sent

On 1

day of

a notary public, personally appeared

known to me to be the per

corporation, partnership or

My commission expires _____

Notary Public residing at _____

2017

wd 9 5/5/77



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

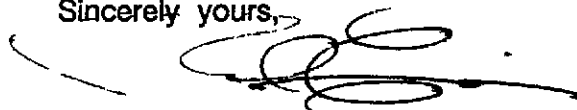
Gentlemen:

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:04:19
05/26/00

PAGE: 1
GENERAL INFORMATION

999
CLAIM NUMBER: A65-09394

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

OWNER CODE: O

LAST: HIGBY FIRST: EMMA J
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
Y

FIELD
EXAMINER
Y() N()

CLAIM 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.

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: # A65-09394 PRIORITY DATE: 04-01-1959 STAGE: D
- B. WR RECORD: # 65-09394 PRIORITY DATE: 04-01-1959 STAGE: D
- C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y() N()
- D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y() N()
- E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW) Y() N()
- F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?
- PROOF OF BENEFICIAL USE SUBMITTED N/A() Y() N()
- FIELD EXAM COMPLETED N/A() Y() N()
- FIELD EXAM SENT TO STATE OFFICE N/A() Y() N()
- LICENSE ISSUED N/A() Y() N()
- * IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.
- G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A() Y() N()
- * FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.
- H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y() N()

NOTES: _____

=====

RECOMMENDED PRIORITY DATE:

04-01-1959

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
A65-09394	08N 05W	13		SE	NE			PAYETTE		
OTHER AJ CLAIMS WITH SAME AJ POD A PREFIX R PREFIX NONE NONE							WR RECORDS IN SAME 40 ACRE TRACT 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
65-09394	08N 05W	13		SE	NE			PAYETTE		
OTHER WR RECORDS WITH SAME WR POD 65-09392							AJ CLAIMS IN SAME 40 ACRE TRACT A PREFIX R PREFIX NONE NONE			

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	13		SE	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: A65-09394

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
08N	05W	13	SW	NW		COLWELL, GEORGE E	A65-09394 / 35.0	65-09394 / 35.0	26.0		
			SW	NW		LOWER PAYETTE DITCH CO	A65-07882 / 40.0	- /			
			SW	NW		LOWER PAYETTE DITCH CO	A65-00165A / 40.0	- /			
			SW	NW		LOWER PAYETTE DITCH CO	A65-00165B / 40.0	- /			
			SW	NW		LOWER PAYETTE DITCH CO	A65-00165C / 40.0	- /			
			SW	NW		LOWER PAYETTE DITCH CO	A65-00165X / 40.0	65-00165X / 40.0			
			SW	NW		LOWER PAYETTE DITCH CO	A65-11413 / 40.0	65-11413 / 40.0			
			SW	NW		LOWER PAYETTE DITCH CO	R65-00165A / 40.0	- /			
			SW	NW		LOWER PAYETTE DITCH CO	R65-00165B / 40.0	- /			
			SW	NW		LOWER PAYETTE DITCH CO	R65-00165C / 40.0	- /			
			SW	NW		LOWER PAYETTE DITCH CO	R65-00165X / 40.0	- /			
			SW	NW		LOWER PAYETTE DITCH COMPANY	A65-02927H / 40.0	- /			

ADDITIONAL POU FOUND

TOTAL ACRES	A65-09394	35.00	35.00	26.00
-------------	-----------	-------	-------	-------

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
A65-09394	WASTE WATER	COLWELL, GEORGE E	0.700	0.020	2.70	0.07
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		
A65-00165X	PAYETTE RIVER	LOWER PAYETTE DITCH CO	122.120	0.011		
R65-00165X	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
A65-09394	IRRIGATION	FROM 03-15 TO 11-15	0.700 CFS	
A65-09394	STOCKWATER	FROM 01-01 TO 12-31	0.050 CFS	2.70 AF/A
	TOTAL DIVERSION RATE/VOLUME		0.700 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
65-09394	IRRIGATION	FROM 03-15 TO 11-15	0.700 CFS	
65-09394	STOCKWATER	FROM 01-01 TO 12-31	0.050 CFS	2.70 AF/A
	TOTAL DIVERSION RATE/VOLUME		0.700 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: 0.700 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.700 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

1010
CLAIM NUMBER: A65-09394

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 0.700	EXAMINER	DATABASE	EXAMINER	DATABASE 0.0	EXAMINER
	01-01	12-31	0.050	_____	2.70	_____	0.0	_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
TOTAL FOR THIS RIGHT			0.700	_____	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: 65-09394

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 0.700	EXAMINER _____	CFS
-----------------------------------	-------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A65-09394	0.700	-		65-09394	0.700
TOTAL CFS		0.700				0.700

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

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QUICKLOOK INFORMATION

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CLAIM NUMBER: A65-09394

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								
POINT OF DIV								
SOURCE								
PLACE OF USE	Y							
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

10:24:19
05/26/00
1015

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PROFILE REPORT

CLAIM NUMBER: A65-09394

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	0.700 CFS	
C	CHERYL F COLWELL		STOCKWATER	01-01 12-31	0.050 CFS	2.70 AFA
TOTAL DIVERSION:					0.700 CFS	2.70 AFA

Water Source: WASTE WATER

Tributary to: PAYETTE RIVER

Stage: DECREED

Point(s) of Diversion: T08N R05W S13 SENE

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	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: SUM
08N	05W 13	:				:				:				:				:
		:				:			35	:				:				:
TOTAL ACRES																	35.0	

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: