

The H.F.B. Ranch Limited Liability Partnership
1079 Helman Drive
Gardnerville, NV 89410
Tel: 775-782-3119

RECEIVED

AUG 23 2004

WATER RESOURCES
WESTERN REGION

August 16, 2004

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082

To Whom It May Concern:

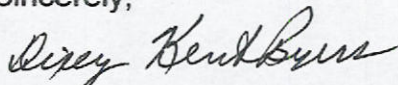
I hope that the enclosed information and filing fee remittance is adequate for you to change the water right ownership records.

My father (Henry F. Byers) bought the small ranch just south of Cascade, Idaho in 1963 including all the water rights. He placed the ranch and all his other real and personal property into the Henry F. Byers Trust, dated August 30th, 1991. He died in December of 1991. I (D. Kent Byers, his oldest son) was the successor trustee named in his Trust. This ranch property along with the water rights is all that remains to be distributed to the beneficiaries of the trust. In order to close out the trust, the beneficiaries have formed a limited liability partnership to own and operate the ranch. As one of the beneficiaries, I was elected to be the managing partner and to continue operating the ranch business. The name of this new partnership is The H.F.B. Ranch Limited Liability Partnership (LLP) whose address is 1079 Helman Drive, Gardnerville, NV 89410. On July 15th, 2004 the deed for the property was transferred from the Henry F. Byers Trust to The H.F.B. Ranch LLP (see the enclosed documents).

I met with Cynthia Bridge Clark, an IDWR associate engineer, earlier this year in Boise to find out what claims had been filed for water rights by my father or the previous owners. It was not clear to me if the enclosed information is complete.

If you have any questions or more information is required to update the records, please don't hesitate to contact me.

Sincerely,



Kent Byers, Managing Partner
The H.F.B. Ranch LLP

Note: Originals sent to
S.O. to process.

Decreed 10/2000

SCANNED

AUG 23 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

RECEIVED
 AUG 23 2004
 WATER RESOURCES
 WESTERN REGION

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
65-2255	65-2255	___	_____	_____	___
65-8134	_____	___	_____	_____	___
65-09763	SRBA PARTIAL DECREE	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) HENRY F. BYERS
P.O. BOX 151
4. New Owner/Claimant(s) GARDNERVILLE, NV 89410
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
THE H.F.B. RANCH LIMITED LIABILITY PARTNERSHIP (LLP)
 New Mailing Address 1079 HELMAN DRIVE
 City, State and ZIP Code GARDNERVILLE, NV 89410
 New Telephone Number (775) 782-3119
5. Date you acquired the property 15 JULY 2004

SCANNED
 AUG 23 2004

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

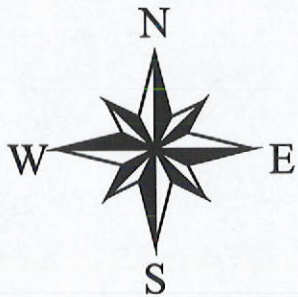
T13N R04E

WATER RIGHT(S): 65-09763

OWNER(S): HENRY BYERS

PREPARED BY SCOTT VAN HOFF
13 SEPT. 1999

-  POINT OF DIVERSION
-  PLACE OF USE
-  SECTION LINES
-  QUARTER SECTION LINES



NAPP 1987



0 0.25 0.5 Miles



STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

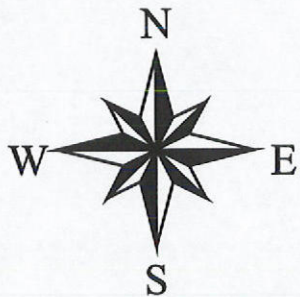
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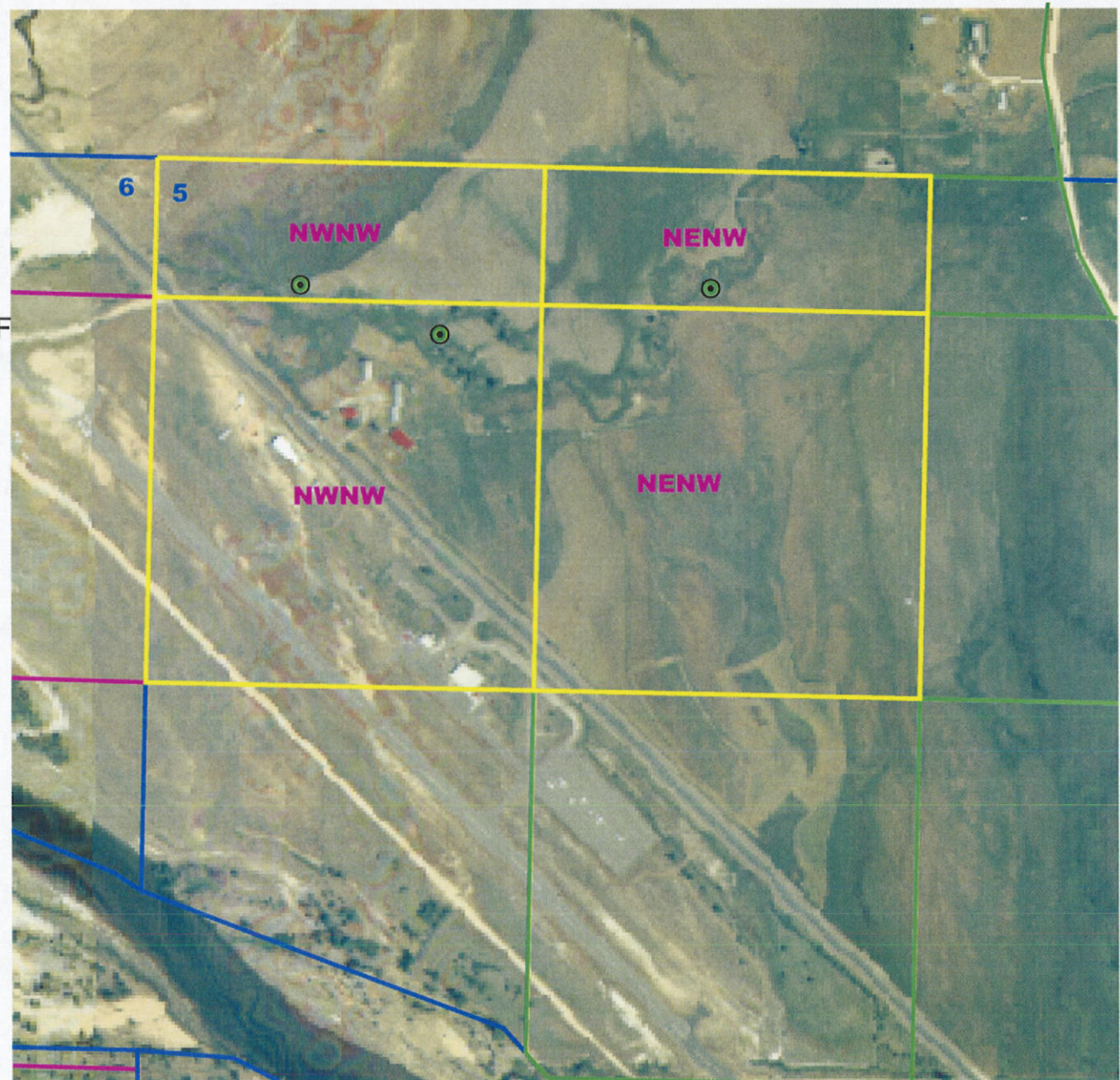
OWNER(S): HENRY BYERS

PREPARED BY SCOTT VAN HOFF
13 SEPT. 1999

-  POINT OF DIVERSION
-  PLACE OF USE
-  SECTION LINES
-  QUARTER SECTION LINES



NAPP 1987



0 0.25 0.5 Miles



MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

SOURCE: PEARSON CREEK

TRIBUTARY TO: NORTH FORK, PAYETTE RIVER

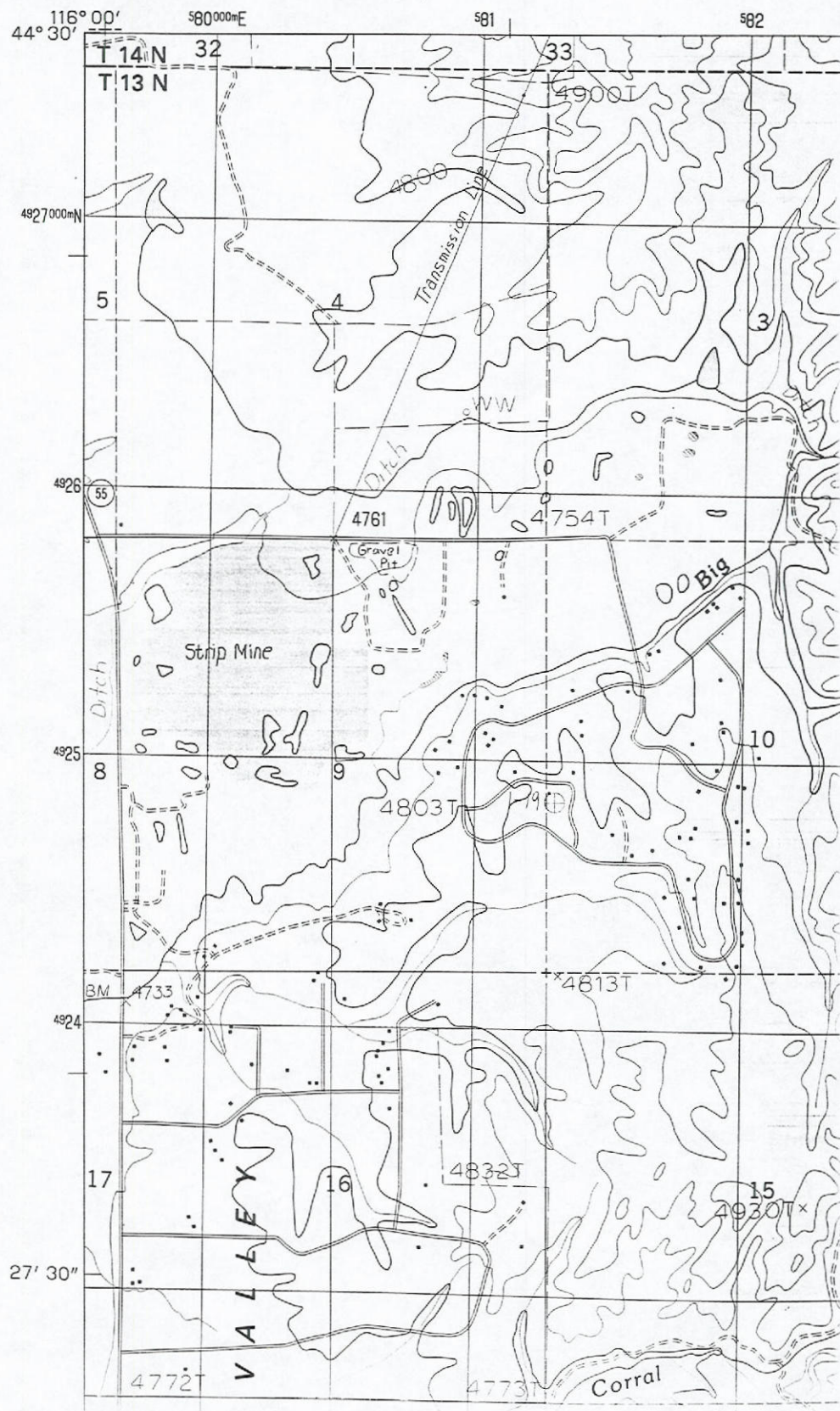
INDICATES TOTAL

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
65-2213	D.L. FEEDER CO., INC. C/O DAVID LITTLE, PRES., EMMETT, IDAHO 83617 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-2236 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	9/24/1917	IRRIGATION	4/15 10/15	--- AFA .20 CFS	NWSE S28 T14N R 4E	NENE(11) S33 T14N R 4E *11*	LICENSE
65-2236	D. L. FEEDER COMPANY, INC. C/O DAVID LITTLE, PRES., EMMETT, IDAHO 83617 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-2213 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	12/20/1918	IRRIGATION	4/15 10/15	--- AFA 1.06 CFS	SWSE S27 T14N R 4E NWSE S28 T14N R 4E	SESE(9) S28 T14N R 4E NENE(11) NWNE(11) SWNE(6) S33 T14N R 4E NENW(5) NWNW(10) S34 T14N R 4E *52*	LICENSE
65-9763	BYERS, HENRY F. BOX 151, GARDNERVILLE, NEVADA 89410	4/ 1/1925	IRRIGATION	4/15 10/15	--- AFA .50 CFS	LOT 5 S 4 T13N R 4E LOT 3 S 5 T13N R 4E LOT 4 S 5 T13N R 4E	LCT 4(4) LCT 5(12) LCT 3(6) LCT 6(3) S 5 T13N R 4E *25*	BENEFICIAL USE
			STOCKWATER	1/ 1 12/31	1.40 AFA .03 CFS *---*AFA *.53*CFS		SAME AS OTHER USE	
65-3582	DAVIS, THOMAS J. CASCADE, IDAHO 83611 REMARKS: 1260 ACRE FL. RESERVOIR FOR STORAGE--OCT. 1 THROUGH JUNE 10. SOURCES FOR THIS RIGHT ARE PEARSON CREEK TRIBUTARY TO NORTH FORK, PAYETTE RIVER & UNNAMED STREAM TRIBUTARY TO BEAVER CREEK.	4/ 1/1931	IRRIGATION	4/15 10/15	--- AFA 11.92 CFS	NWNE S28 T14N R 4E NWNW S28 T14N R 4E	SWNE(9) NENW(21) NWNW(36) SWNW(39) SENW(34) NESW(40) NWSW(40) SWSW(40) SESW(36) NESE(5) NWSE(37) SWSE(17) S29 T14N R 4E NENE(36) NWNE(27) SWNE(18) SENE(37) NESE(40) NWSE(8) SWSE(36) SESE(39) S30 T14N R 4E *595*	BENEFICIAL USE
			IRRIGATION FROM STCR	10/ 1 6/16	1200.00 AFA --- CFS *---*AFA *11.92*CFS		SAME AS OTHER USE	

NOTICE OF CLAIM TO A WATER RIGHT

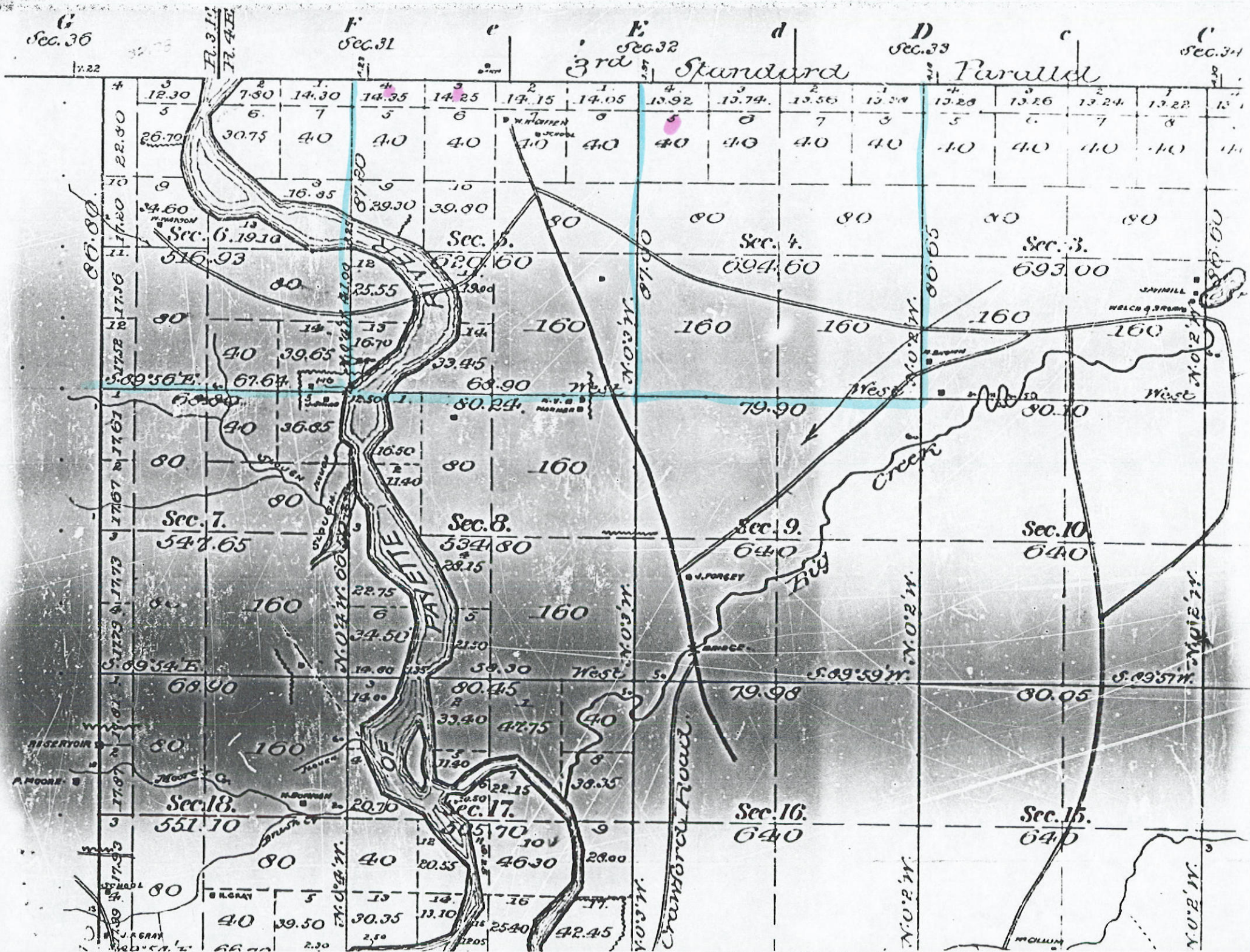
2000

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



Topographic map of the Long River area. The map shows the North Fork Payette River, Cascade Airport, and various elevation points. The map includes a grid with coordinates and labels for 'MILE 37 CORP BDY' and 'MILE 35'. The river is labeled 'LONG RIVER' and 'BIG'. Other features include 'Creek', 'Pearsol', and 'Belvidere'.

Creek



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: A65-09763

Date Received:

Receipt No: _____

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HENRY F. BYERS
Address: BOX 151
GARDNERVILLE, NE 89410
2. Date of Priority: APR 01, 1925
3. Source: PEARSOL CREEK Trib. to: PAYETTE RIVER, NORTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
13N	04E	4		5	VALLEY
		5		3	VALLEY
				4	VALLEY

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.500		
STOCKWATER	01/01	12/31	0.030		1.40

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

1.40 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
13N	04E	5	NE NW	3	IRR	6.0

A65-09763

Page 1

Date: 03/20/89

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SEP 24 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	04E	5	NE	NW	6	IRR	3.0
			NW	NW	4	IRR	4.0
			NW	NW	5	IRR	12.0

Section Acres 25.0

Total Acres 25.0

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

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)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576
Ident. No. 65-89763

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

Please type or print clearly:

Name of Claimant(s) Henry F. Byers

Valley County - Cascade Idaho 83611

Mailing Address
(include Zip Code) Henry F. Byers

PO Box 151

Gardnerville NV. 89410

Phone Number (702) 782-5933

MICROFILMED

SEP 24 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 ADJUCICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

RECEIVED

DEC 05 1988

CIVIL CASE NUMBER: 39576

IDENT. NUMBER: 65-09763
DATE RECEIVED:
RECEIPT NO:
RECEIVED BY: -----

Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: HENRY F. BYERS
ADDRESS: BOX 151
GARDNERVILLE, NE

89410

2. DATE OF PRIORITY: APR 01, 1925

3. SOURCE: PEARSON CREEK

TRIB. TC: PAYETTE RIVER, NORTH FORK

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF 1/4 OF 1/4	LCT	COUNTY
13N	04E	4		5	VALLEY
		5		3	VALLEY
				4	VALLEY

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
IRRIGATION	04/15	10/15	0.500		
STOCKWATER	01/01	12/31	0.030		1.40

7. TOTAL QUANTITY APPROPRIATED IS:
0.530 C.F.S. (AND/OR)

1.40 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
13N	04E	5	NE	3	IRR	6.0

65-09763

PAGE

1

DATE: 09/30/88

554

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SEP 24 1992

page 3

10. PLACE OF USE: CONTINUED

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
13N	04E	5	NE	NW	6	IRR	3.0
			NW	NW	4	IRR	4.0
			NW	NW	5	IRR	12.0
SECTION ACRES							25.0
TOTAL ACRES							25.0

11. PLACE OF USE IN COUNTIES: VALLEY, VALLEY

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

13. OTHER WATER RIGHTS USED:

14. REMARKS:

15. BASIS OF CLAIM: DECREED
CASE NUMBER:
COURT :
DECREE DATE: 1/21/1986

STATE OF IDAHO
DECREE PLAINTIFF

A & C CORP., ET AL.
VS
DECREE DEFENDANT

MICROFILMED

SEP 24 1992

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Byers

CLAIM IDENT. NO.

A65-09763

DATE RECEIVED

12-05-88

CK #

AMOUNT \$

YES

NO

1. Is the name and address complete with zip code?

2. Is a priority date entered?

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered?

(b) Is a tributary to entered? (if required)

N/A

4. Is the legal description of the p.d. sufficient?

5. Is there a description of the diverting works?

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.

Is the period of use included?

Is a quantity claimed for each use?

7. Is a total quantity claimed entered?

8. If required is a consumptive use entered?

N/A

Is the consumptive use correct?

N/A

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.

N/A

10. Is (are) the place(s) of use and purpose(s) indicated?

11. Is (are) the county(ies) entered?

12. Is the ownership of p.u. checked?

13. Are other water rights listed or "none" indicated?

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)

N/A

15. Is the basis of the claim indicated?

16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)

Has the claim been signed, sealed, and dated by a notary?

Was this claim filed on time, or was an extension granted?

Is the fee enclosed correct?

Exempt

If this claim is based on an existing water right, has the identification number been entered?

N/A

Should this claim be receipted and data entered?

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SEP 24 1992

Claim checked by:

Comments: Extension of \$50 Deadline (postmark) 11/23

30 days or claim return



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 26, 1989

Mr. Henry F. Byers
Box 151
Gardnerville, Nevada 89410

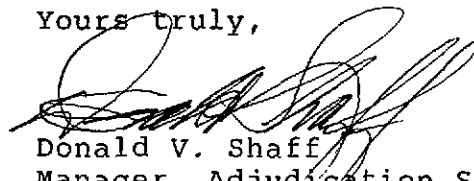
Re: Snake River Basin Adjudication SRBA
Claims #A65-08134/#A65-09763 - Valley County

Dear Mr. Byers:

Your note of April 13, 1989, at the bottom of my letter of March 22, 1989, (copy enclosed) indicates you may have a justifiable reason for an extension to file the claims after the November 23, 1988, Valley County deadline. Please complete and return the form for requesting an extension that is enclosed.

To obtain a refund of your late filing fees, which is recorded by Receipt #C006390, and dependent upon the approval of the extension request, you must request a refund. Please sign the Request For Refund and return it to the address indicated at the bottom of the form. Please do not hesitate to contact any office of the Department, if you have any questions or concerns.

Yours truly,



Donald V. Shaff
Manager, Adjudication Section

DVS:mcc:state

Enclosures:

Request For Refund

Request For Extension of Time

MICROFILMED

SEP 24 1992

**The H.F.B. Ranch Limited Liability Partnership
1079 Helman Drive
Gardnerville, NV 89410
Tel: 775-782-3119**

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AUG 23 2004

WATER RESOURCES
WESTERN REGION

August 16, 2004

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082

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If you have any questions or more information is required to update the records, please don't hesitate to contact me.

Sincerely,


Kent Byers, Managing Partner
The H.F.B. Ranch LLP

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S.O. to process.

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AUG 23 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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WESTERN REGION

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Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>65-2255</u>	<u>65-2255</u>	☐			☐
<u>65-8134</u>		☐			☐
<u>[REDACTED]</u>	<u>SRBA</u>	☐			☐
	<u>PARTIAL DECREE</u>	☐			☐
		☐			☐
		☐			☐

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- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) HENRY F. BYERS
P.O. BOX 151
4. New Owner/Claimant(s) GARDNERVILLE, NV 89410
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
THE H.F.B. RANCH LIMITED LIABILITY PARTNERSHIP (LLP)
 New Mailing Address 1079 HELMAN DRIVE
 City, State and ZIP Code GARDNERVILLE, NV 89410
 New Telephone Number (775) 782-3119
5. Date you acquired the property 15 JULY 2004

SCANNED
AUG 23 2004

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) *Dicky Kent Byers* MANAGING PARTNER
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only
 Received by DB Date 8-23-04 Fee \$25 - Ea.
 Received by DB Date 8-23-04 Receipt No. W032146
 Processed by _____ AJ Date _____ WR _____ Date _____

Only rec'd \$25⁰⁰. Need add'l \$25-

SCANNED
AUG 23 2004



Instrument # 285199
VALLEY COUNTY, CASCADE, IDAHO
2004-07-15 11:39:17 No. of Pages: 2
Recorded for : KENT BYERS
LELAND G. HEINRICH
Ex-Officio Recorder Deputy J. Novak Fee: \$0.00
Index to: DEEDS

WARRANTY DEED

For Value Received, **D. Kent Byers as Trustee to The Henry F. Byers Trust, dated August 30th, 1991**, the Grantors,
do hereby grant, bargain, sell and convey unto

The H.F.B. Ranch Limited-Liability Partnership
whose address is **1079 Helman Drive Gardnerville, NV 89410**,
the Grantee, the following described premises, to-wit:

See "Exhibit A"

TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the 2004 taxes and assessments and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 07/15/04

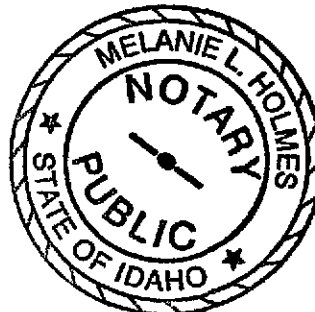
The Henry F. Byers Trust, dated August 30th, 1991

By: D. Kent Byers Trustee
D. Kent Byers, Trustee

State of Idaho)
 ss
County of Valley)

On this 15th day of July, 2004 before me Melanie L. Holmes, a notary public in and for said State, personally appeared **D. Kent Byers** being duly sworn, declared that they are trustee of **The Henry F. Byers Trust, dated August 30th, 1991** and that he signed the foregoing document as the Trustee and that statements therein contained are true.

Melanie L. Holmes
Notary Public
Residing at: Donnelly, ID
Commission Expires: 2-25-08



SCANNED
AUG 23 2004

All that part of the following described land lying and being westerly from that certain county road which travels northerly from the old town of Thunder City and intersects the Cascade-Knox Road;

Lots 2 thru 8 inclusive and SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 13 N. Range 4, E. B. M.;

Less all that part of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, and Lots 5 and 6, Section 5, Township 13 N. R., 4 E. B. M.; lying south and west of the Payette Highway heretofore deeded to Jane Hoover in Book 17 of Deeds, page 78, records of Valley County, Idaho; and excepting all rights of way for roads, etc.;

Also all that part of Lot 10, Section 5; and Lots 1 and 7, Section 6, Township 13 N. Range 4 E. B. M., lying northerly and easterly of the Highway right of way.

PARCEL NUMBER: RP 13 N04 E 052406A

PARCEL NUMBER: RP 13 N04 E 060005A

Idaho Department of Water Resources Receipt

Receipt ID W032146

Payment Amount \$25.00 Date Received 8/23/2004 1:49:51 PM Region Western Status
Payment Type Check Check Number 1005

Payer THE HFB RANCH LLP
Comment CHANGE OF OWNERSHIP: 65-8134

Need add'l \$25- for 65-9163

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	OWNERSHIP CHANGES/SECURITY INTERESTS	0229	21	62140	1155

D. Buffington
Signature Line (Dept. Representative)

SCANNED
AUG 23 2004

SRBA

SUBCASE SUMMARY REPORT 65-09763

[Return to SRBA Home Page](#)

SRBA
08-23-2004

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 65-09763 FILE#: 00000
CLAIMANT: BYERS, HENRY F
PO BOX 151

GARDNERVILLE NV 89410
STATUS: PD UNDELIVERED SPECIAL MASTER:
WATER SOURCE: PEARSOL CREEK TRIBUTARY: PAYETTE RIVER, NORTH FORK

****** PARTIES INVOLVED ******

HENRY F BYERS C PRO SE

****** ROA ENTRIES ******

10-31-2000	PARTIAL DECREE FILED	10-31-2000
11-09-2000	PARTIAL DECREE RETURNED UNDELIVERABLE	11-09-2000

[Return to SRBA Home Page](#)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

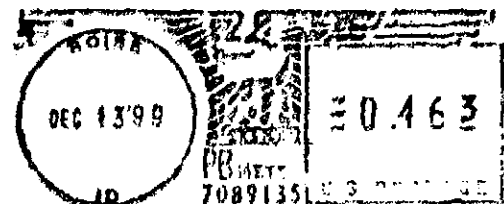
RETURN SERVICE
REQUESTED

REGISTERED
FIRST CLASS

IMPORTANT WATER RIGHT INFORMATION

65-09763
HENRY F BYERS
PO BOX 151
GARDNERVILLE NV 89410

89410-8915
AUTO 89410



RECEIVED
DEC 30 1999

RECEIVED

WATER RESOURCES
WESTERN REGION

DEC 28 1999

Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

December 8, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

65-09763

HENRY F BYERS

PO BOX 151

GARDNERVILLE NV 89410

RE: Water Rights in Reporting Area 15, Basin 65
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your water right(s) in part 1 of basin 65 (the North Fork of the Payette River drainage area). We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended right(s) in your area. Water rights for nearly all domestic and/or stockwater rights were recommended separately in an earlier report, and most of those now have been decreed by the SRBA Court.

Note you have 120 days in which to review the water rights of other claimants and to file any objection to our recommendations. Information on the other water rights can be found at the county courthouses in Cascade, Idaho City, Emmett, Payette, and Weiser, and at all of the Idaho Department of Water Resources offices (see addresses in enclosure).

If the SRBA Court does not receive an objection to our recommendation from you and no other party objects to your water right, your water right will be decreed early next year as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions you have about your water right(s) or this adjudication process.

Sincerely,

Karl J. Dreher

Director

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: December 8, 1999

PAGE: 1

RIGHT NUMBER: 65-09763

NAME AND ADDRESS: HENRY F BYERS
PO BOX 151
GARDNERVILLE NV 89410

SOURCE: PEARSOL CREEK TRIBUTARY: PAYETTE RIVER, NORTH FORK

QUANTITY: 0.53 CFS
1.4 AFYTHE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY-DATE: 04/01/1925

POINT OF DIVERSION T13N R04E S04 LOT 5 (NWNW) Within VALLEY County
S05 LOT 3 (NENW)
LOT 4 (NWNW)

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-15 10-15	0.5 CFS
	STOCKWATER	01-01 12-31	0.03 CFS
			1.4 AFY

PLACE OF USE: IRRIGATION Within VALLEY County
T13N R04E S05 LOT 3 (NENW) 6 LOT 6 (NENW) 3 LOT 4 (NWNW) 4 LOT 5 (NWNW) 12
25 ACRES TOTAL

Place of use for STOCKWATER is same as IRRIGATION

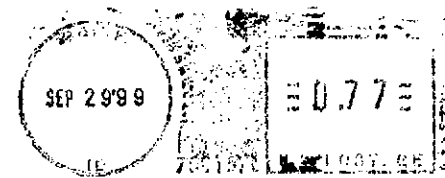
OTHER MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE, SECTION 42-1412(6) IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED



RETURNED
TO SENDER
NOT DELIVERABLE
AS ADDRESSEE
UNABLE TO FORWARD
LP

65-09763

HENRY F BYERS
PO BOX 151

GARDNERVILLE NV 89410

1551 No?

RECEIVED

OCT 06 1999

WATER RESOURCES
WESTERN REGION



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 29, 1999

Dear Water Right Claimant(s):

The Idaho Department of Water Resources (IDWR) has completed its initial investigation of your water right claim(s) in the Snake River Basin Adjudication (SRBA). We have enclosed a print-out showing our preliminary recommendation regarding how your water right should be reported to the SRBA District Court.

Please review the preliminary recommendation carefully. If there is any information on the print-out you believe is inaccurate, please fill out the enclosed reply indicating what changes you believe should be made. Further instructions to assist you with the review are enclosed. For water rights with an irrigation water use, a Geographic Information System (GIS) computerized image of the place of use for your water right is also enclosed.

You may return this reply in person to us at a public meeting IDWR will be conducting in your area. **The meeting will be held on Wednesday, October 13, 1999, at 7:00 p.m. in the Senior Citizen Center, 409 School Road, Cascade.** Please come to the public meeting, where you will have an opportunity to find out more about the SRBA process and speak with a department staff member should you have questions regarding your water right. Please bring any and all information you have which will help the Department understand your water rights and describe them accurately.

This process is intended to ensure IDWR recommends your water right accurately to the SRBA District Court. This is the easiest and least costly means for you to identify corrections you believe should be made to our recommendation. Completion of this process is an important step toward the overall success of the adjudication in Idaho. Your participation is necessary so that accurate information is provided to the SRBA District Court.

We look forward to hearing from you.

Sincerely,

Karl J. Dreher
Director

Enclosures

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



(208) 736-3011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

Dear Water Right Claimant:

To help you with your water right claim(s) in the Snake River Basin Adjudication, this letter of explanation is being sent to you along with information sent by the Idaho Department of Water Resources (IDWR). Included are the following important documents which I ask you to please read carefully because they give you the opportunity to save a great deal of time and money:

1. **Preliminary Recommendation.** This is IDWR's *initial* finding and conclusion about your water right and how it should be reported to the SRBA Court. This preliminary recommendation is not filed with the court, but is provided to you to help correct errors or resolve any disagreement you may have over its content. This document has been prepared following IDWR's investigation and may be different than the claim(s) you actually filed.

Therefore, please review this preliminary recommendation carefully to find any errors or disagreements you have with IDWR's findings.

2. **Error Correction/Settlement Process.** This preliminary recommendation is a special service provided to you by IDWR to help you correct errors and resolve any other disagreement you have before the actual recommendations are ultimately filed with the court.

A description of how to work with IDWR is included. Our experience in the SRBA shows that by working in cooperation with IDWR most errors and differences can be addressed before coming into court. It's well worth your time to take full advantage of IDWR's helpful service. If your disagreement cannot be resolved, you will be able to file an objection to IDWR's actual recommendation when it is filed in court and have the final decision made by the Presiding Judge.

This error correction service is an important opportunity for you to work together with IDWR to make sure your water right claim(s) are decreed accurately. There is no cost to you other than your time reviewing the preliminary recommendation and talking to IDWR about any problem you see. Of course, you may always employ the services of an attorney if you wish.

The goal of the SRBA is to see that your water right(s) are decreed by the court as accurately and fairly as possible. It is important to me that this is done efficiently in order to reduce your costs and present you with your decree.

I strongly encourage you to take full advantage of this opportunity to use the fine and courteous service provided by IDWR.

Sincerely yours,

Barry Wood
Administrative District Judge and
Presiding Judge of the
Snake River Basin Adjudication

RIGHT NUMBER: 65-09763

NAME AND ADDRESS: HENRY F BYERS
PO BOX 151
GARDNERVILLE NV 89410

SOURCE: PEARSOL CREEK TRIBUTARY: PAYETTE RIVER, NORTH FORK

QUANTITY: 0.53 CFS
1.4 AFY

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

PRIORITY-DATE: 04/01/1925

POINT OF DIVERSION T13N R04E S04 LOT 5 (NWNW) Within VALLEY County
S05 LOT 3 (NENW)
LOT 4 (NWNW)

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-15 10-15	0.5 CFS
	STOCKWATER	01-01 12-31	0.03 CFS
			1.4 AFY

PLACE OF USE: IRRIGATION Within VALLEY County
T13N R04E S05 LOT 3 (NENW) 6 LOT 6 (NENW) 3 LOT 4 (NWNW) 4 LOT 5 (NWNW) 12
25 ACRES TOTAL

Place of use for STOCKWATER is same as IRRIGATION

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

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

T13N R04E

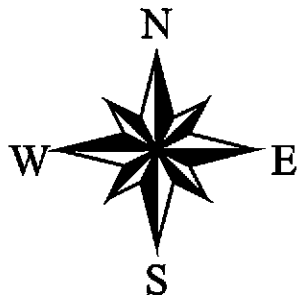
WATER RIGHT(S): 65-09763

OWNER(S): HENRY BYERS

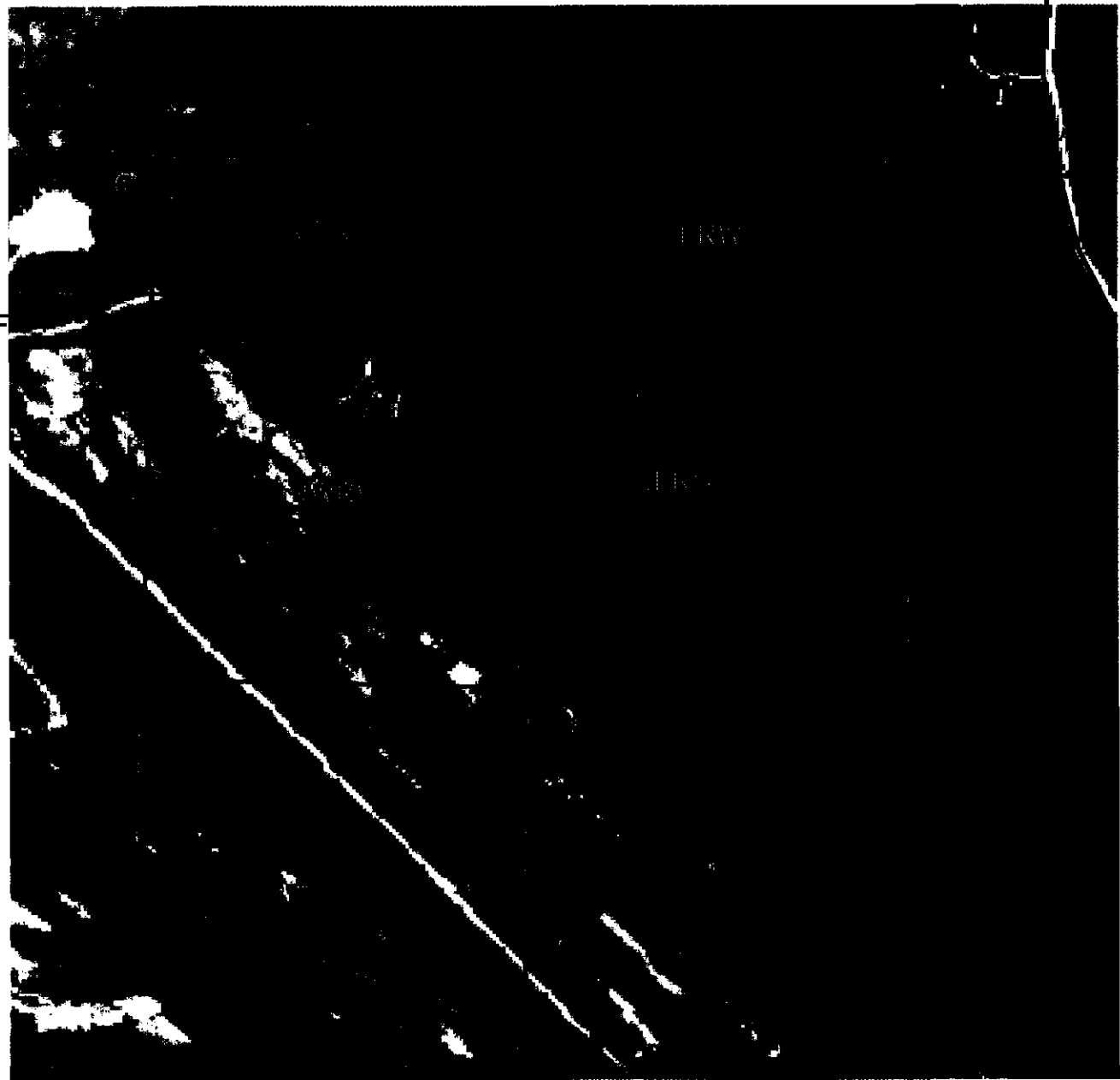
PREPARED BY SCOTT VAN HOFF

13 SEPT. 1999

- POINT OF DIVERSION
- PLACE OF USE
- SECTION LINES
- QUARTER SECTION LINES



NAPP 1987



0 0.25 0.5 Miles

AJ0749NP
No. R65-09763

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

DATE: 09/16/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HENRY F BYERS PO BOX 151 GARDNERVILLE NV 89410 (702) 782-5933	04/01/1925	IRRIGATION STOCKWATER	04-15 10-15 01-01 12-31	0.500 CFS 0.030 CFS	1.40 AFA
TOTAL DIVERSION:					0.530 CFS	1.40 AFA

Water Source: PEARSOL CREEK

Tributary to: PAYETTE RIVER, NORTH FORK

Stage: DECREED

Point(s) of Diversion:

T13N R04E S04 Lot05(NWNW)
S05 Lot03(NENW) Lot04(NWNW)

VALLEY County
VALLEY 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		
13N	04E	5	:					:	03-06	04-04			:					:					:	25.0
13N	04E	5	:					:	06-03	05-12			:					:					:	
TOTAL ACRES																							25.0	

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

POU County: VALLEY

Conditions of Approval:

- N05 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
- SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- N08 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
- STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
- USE.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

OWNER (S): Henry BYERS

AGENT: Scott Van Hoff DATE 6-9-99

P.O.D.	TOWNSHIP	RANGE	SEC.	SOURCE
	<u>13N</u>	<u>4E</u>	<u>4 lot 5</u>	<u>Pearson creek</u>
	<u>13N</u>	<u>4E</u>	<u>5 lot 3 & 4</u>	<u>Pearson creek</u>

ATTRIBUTES OF B65-POD.SHP (219) (220) (221) () ()

B65-DBPOD.DBF UPDATED BY sdvh

[illegible]

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

T13N R04E

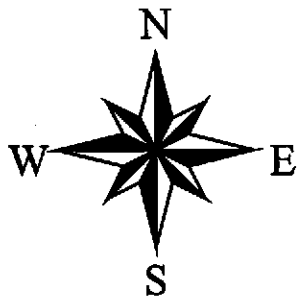
WATER RIGHT(S): 65-09763

OWNER(S): HENRY BYERS

PREPARED BY SCOTT VAN HOFF

13 SEPT. 1999

- POINT OF DIVERSION
- PLACE OF USE
- SECTION LINES
- QUARTER SECTION LINES



NAPP 1987



0 0.25 0.5 Miles

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 294

INDICATES TOTAL

SOURCE: PEARSON CREEK

TRIBUTARY TO: NORTH FORK, 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
65-2213	D.L. FEEDER CO., INC. C/O DAVID LITTLE, PRES., EMMETT, IDAHO 83617 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-2236 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	9/24/1917	IRRIGATION	4/15 10/15	--- AFA .20 CFS	NWSE S28 T14N R 4E	NENE(11) S33 T14N R 4E *11*	LICENSE
65-2236	D. L. FEEDER COMPANY, INC. C/O DAVID LITTLE, PRES., EMMETT, IDAHO 83617 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-2213 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	12/20/1910	IRRIGATION	4/15 10/15	--- AFA 1.06 CFS	SWSE S27 T14N R 4E NWSE S28 T14N R 4E	SESE(9) S28 T14N R 4E NENE(11) NWNE(11) SWNE(6) S33 T14N R 4E NENW(5) NWNW(10) S34 T14N R 4E *52*	LICENSE
65-9763	BYERS, HENRY F. BOX 151, GARDNERVILLE, NEVADA 89410	4/ 1/1925	IRRIGATION	4/15 10/15	--- AFA .50 CFS	LOT 5 S 4 T13N R 4E LOT 3 S 5 T13N R 4E LOT 4 S 5 T13N R 4E	LOT 4(4) LOT 5(12) LOT 3(6) LOT 6(3) S 5 T13N R 4E *25*	BENEFICIAL USE
			STOCKWATER	1/ 1 12/31	1.40 AFA .03 CFS *---*AFA *.53*CFS		SAME AS OTHER USE	
65-3582	DAVIS, THOMAS J. CASCADE, IDAHO 83611 REMARKS: 1200 ACRE FT. RESERVOIR FOR STORAGE--OCT. 1 THROUGH JUNE 10. SOURCES FOR THIS RIGHT ARE PEARSON CREEK TRIBUTARY TO NORTH FORK, PAYETTE RIVER & UNNAMED STREAM TRIBUTARY TO HEAVY CREEK.	4/ 1/1931	IRRIGATION	4/15 10/15	--- AFA 11.92 CFS	NWNE S28 T14N R 4E NWNW S28 T14N R 4E	SWNE(9) NENW(12) NWNW(36) SWNW(39) SENE(34) NENW(40) NWNW(40) SWSE(40) SESW(36) NESE(5) NWSE(37) SWSE(17) S29 T14N R 4E NESE(36) NWNE(27) SWNE(18) SESE(37) NESE(40) NWSE(8) SWSE(36) SESE(39) S30 T14N R 4E *595*	BENEFICIAL USE
			IRRIGATION FROM STOR	10/ 1 6/10	1200.00 AFA --- CFS *---*AFA *11.92*CFS		SAME AS OTHER USE	

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT, THE STATE OF IDAHO, Valley
IN AND FOR THE COUNTY OF GEM IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS
TO THE USE OF PAYETTE RIVER DRAINAGE BASIN

NOTICE OF CLAIM TO A WATER RIGHT

IDENT. NO. MAP NO.
65-9763 13-4-B

Name of Claimant: Henry Myers
Address: Warner, Idaho 83416
I claim a right to the diversion

From: Payette River

1. Date of claim: 11-28-78
2. Description of right: (Name of stream, lake, spring, etc., or groundwater) Warner Ditch

3. Description of use: (Name of stream, lake, spring, etc., or groundwater) Warner Ditch

4. Description of use: (Name of stream, lake, spring, etc., or groundwater) Warner Ditch

Quantity: 75.4 cfs
Period of Use From 4-15 To 10-15

Quantity: 76.4 cfs
Period of Use From 1-1 To 12-31

Quantity: 76.4 cfs
Period of Use From 1-1 To 12-31

TOTAL QUANTITY CLAIMED: 76.4 cfs

5. Location of point where water is diverted from its source: Warner Ditch

6. Description of diversion: Warner Ditch

7. Description of diversion: Warner Ditch

8. Description of diversion: Warner Ditch

9. Description of diversion: Warner Ditch

10. Description of diversion: Warner Ditch

11. Description of diversion: Warner Ditch

12. Description of diversion: Warner Ditch

13. Description of diversion: Warner Ditch

14. Description of diversion: Warner Ditch

15. Description of diversion: Warner Ditch

16. Description of diversion: Warner Ditch

17. Description of diversion: Warner Ditch

18. Description of diversion: Warner Ditch

19. Description of diversion: Warner Ditch

20. Description of diversion: Warner Ditch

21. Description of diversion: Warner Ditch

22. Description of diversion: Warner Ditch

23. Description of diversion: Warner Ditch

24. Description of diversion: Warner Ditch

25. Description of diversion: Warner Ditch

26. Description of diversion: Warner Ditch

27. Description of diversion: Warner Ditch

28. Description of diversion: Warner Ditch

29. Description of diversion: Warner Ditch

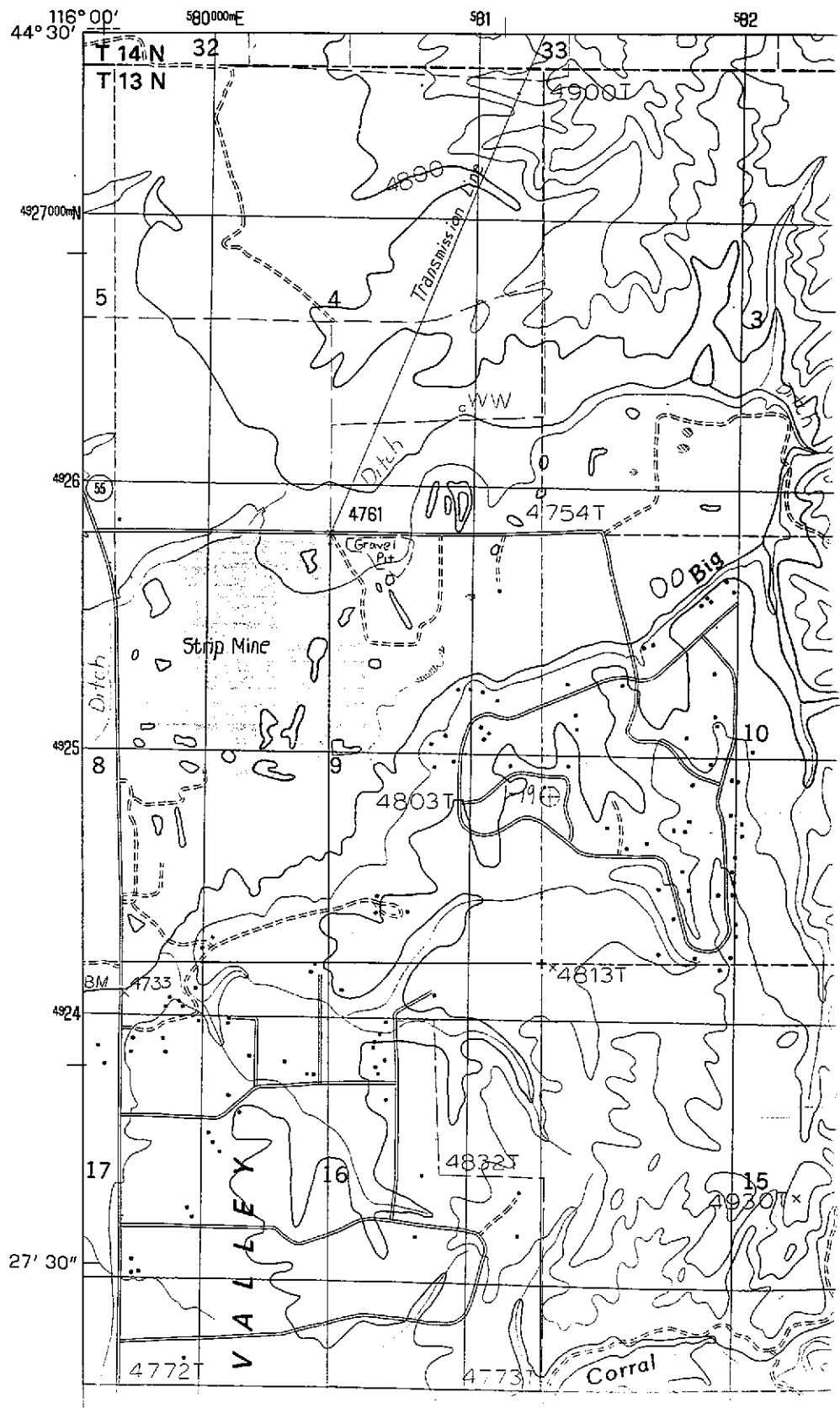
30. Description of diversion: Warner Ditch

31. Description of diversion: Warner Ditch

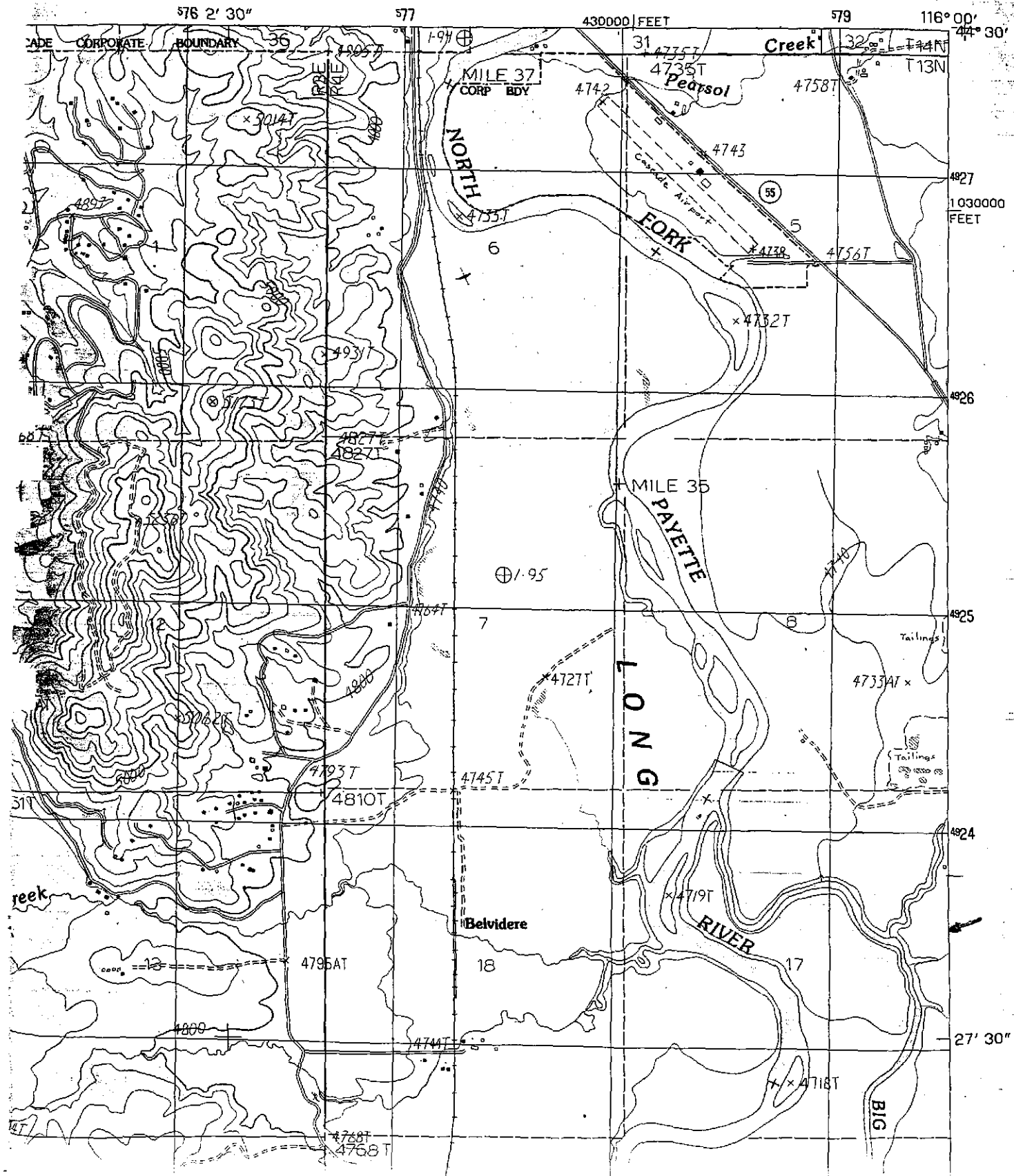
32. Description of diversion: Warner Ditch

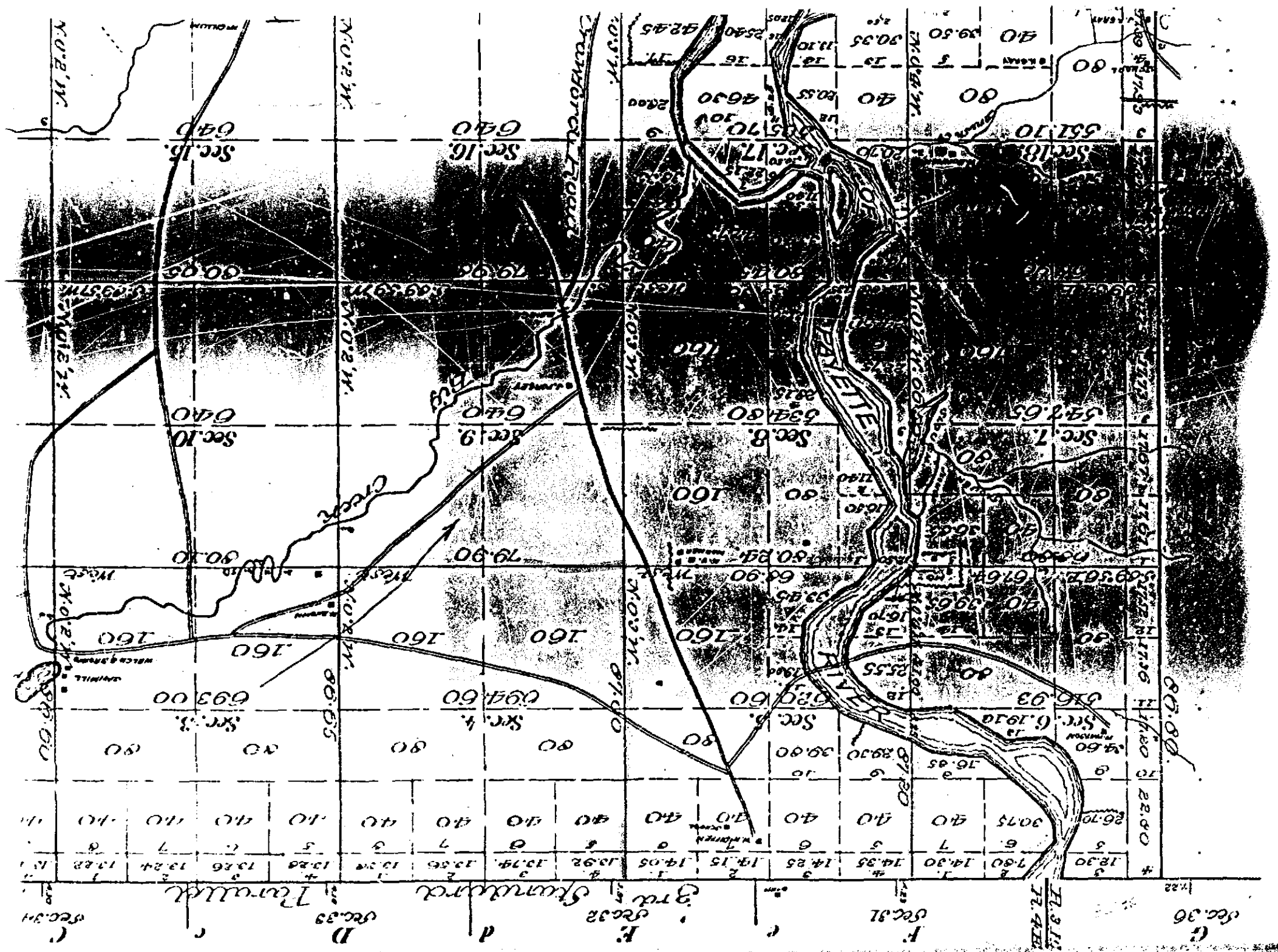
33. Description of diversion: Warner Ditch

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



ALPHA QUADRANGLE
IDAHO-VALLEY CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)





STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:02:25
05/12/99

PAGE: 1
GENERAL INFORMATION

732
CLAIM NUMBER: A65-09763

LAST: BYERS
ADDRESS: BOX 151
CITY: GARDNERVILLE
PHONE NUMBER: 208-000-0000

FIRST: HENRY F
STATE: NE ZIP: 89410

OWNER CODE: O

LAST: BYERS
ADDRESS: PO BOX 151
CITY: GARDNERVILLE
PHONE NUMBER: 702-782-5933

FIRST: HENRY F
STATE: NV ZIP: 89410

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

FIELD EXAMINATION INFORMATION

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: # A65-09763 PRIORITY DATE: 04-01-1925 STAGE: D

B. WR RECORD: # 65-09763 PRIORITY DATE: 04-01-1925 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: _____

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RECOMMENDED PRIORITY DATE:

04-01-1925

REVIEWED BY

DATE 6-8-99

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
A65-09763	13N	04E	4				5		VALLEY		
A65-09763	13N	04E	5				3		VALLEY		
A65-09763	13N	04E	5				4		VALLEY		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A65-08134 NONE

WR RECORDS IN SAME 40 ACRE TRACT
65-08134

SOURCE: PEARSOL CREEK

TRIB: PAYETTE RIVER, NORTH FORK

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
65-09763	13N	04E	4				5		VALLEY		
65-09763	13N	04E	5				3		VALLEY		
65-09763	13N	04E	5				4		VALLEY		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

65-08134

A65-08134 NONE

SOURCE: PEARSOL CREEK

TRIB: PAYETTE RIVER, NORTH FORK

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
13N	04E	4				5		VALLEY		
13N	04E	5				3		VALLEY		
13N	04E	5				4		VALLEY		
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—

SOURCE: PEARSOL CREEK

TRIB: PAYETTE RIVER, NORTH FORK

REVIEWED BY: SWH

DATE: 6-8-99

=====

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

A. ROOT WATER RIGHT NUMBERS: A65-09763

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
13N	04E	5	NE	NW	3	BYERS, HENRY F	A65-09763 / 6.0	65-09763 / 6.0	11.0		6
			NE	NW	3	WARNER DITCH CO	A65-02255 / 14.0	65-02255 / 14.0			
			NE	NW	3	WARNER DITCH CO	R65-02255 / 14.0	- /			
13N	04E	5	NE	NW	6	BYERS, HENRY F	A65-09763 / 3.0	65-09763 / 3.0	30.0		3
			NE	NW	3	WARNER DITCH CO	A65-02255 / 14.0	65-02255 / 14.0			
			NE	NW	3	WARNER DITCH CO	R65-02255 / 14.0	- /			
13N	04E	5	NW	NW	4	BYERS, HENRY F	A65-09763 / 4.0	65-09763 / 4.0	11.0		4
			NW	NW	4	WARNER DITCH CO	A65-02255 / 3.0	65-02255 / 3.0			
			NW	NW	4	WARNER DITCH CO	R65-02255 / 3.0	- /			
			NW	NW	5	BYERS, HENRY F	65-08134 /	- /			
			NW	NW	5	RUSSI, RALPH F		65-13386 / 2.0			
13N	04E	5	NW	NW	5	BYERS, HENRY F	A65-09763 / 12.0	65-09763 / 12.0	16.0		12
			NW	NW	4	WARNER DITCH CO	A65-02255 / 3.0	65-02255 / 3.0			
			NW	NW	4	WARNER DITCH CO	R65-02255 / 3.0	- /			
			NW	NW	5	BYERS, HENRY F	65-08134 /	- /			
			NW	NW	5	RUSSI, RALPH F		65-13386 / 2.0			

ADDITIONAL POU FOUND

TOTAL ACRES A65-09763 25.00 25.00 68.00

POU COUNTY: VALLEY

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
A65-09763	PEARSOL CREEK	BYERS, HENRY F	0.530	0.021	1.40	0.05
A65-02255	BIG CREEK	WARNER DITCH CO	18.000	0.022		
R65-02255	BIG CREEK	WARNER DITCH CO	18.000	0.022		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A65-09763	STOCKWATER	BYERS, HENRY F	FROM 01-01 TO 12-31	0.030 CFS	
65-08134	DOMESTIC	BYERS, HENRY F	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A

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
A65-09763	IRRIGATION	FROM 04-15 TO 10-15	0.500 CFS	
A65-09763	STOCKWATER	FROM 01-01 TO 12-31	0.030 CFS	1.40 AF/A
	TOTAL DIVERSION RATE/VOLUME		0.530 CFS	1.40 AF/A

B. WR RECORDED USES:

	PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-09763	IRRIGATION	FROM 04-15 TO 10-15	0.500 CFS	
65-09763	STOCKWATER	FROM 01-01 TO 12-31	0.030 CFS	1.40 AF/A
	TOTAL DIVERSION RATE/VOLUME		0.530 CFS	1.40 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()

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PURPOSE OF USE, PERIOD OF USE, DIVERSION RATE AND DIVERSION VOLUME REVIEW SHEET CONTINUED

740

CLAIM NUMBER: A65-09763

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 0.530 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.530 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 = 1.40 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 ()

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	04-15	10-15	DATABASE 0.500	EXAMINER _____	1.40	DATABASE	0.0	EXAMINER _____
	01-01	12-31	0.030	_____			0.0	_____
_____	_____	_____		_____				_____
_____	_____	_____		_____				_____
_____	_____	_____		_____				_____
_____	_____	_____		_____				_____
TOTAL FOR THIS RIGHT			0.530	_____	1.40		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: 65-09763

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 0.530	EXAMINER _____	CFS
-----------------------------------	-------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A65-09763	0.530	-		65-09763	0.530
TOTAL CFS		0.530				0.530

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

00:02:25
05/12/99

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QUICKLOOK INFORMATION

746
CLAIM NUMBER: A65-09763

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								

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:32:43
05/12/99
747

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PROFILE REPORT

CLAIM NUMBER: A65-09763

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HENRY F BYERS	04/01/1925	IRRIGATION STOCKWATER	04-15 10-15 01-01 12-31	0.50 CFS 0.03 CFS	1.40 AFA
TOTAL DIVERSION:					0.53 CFS	1.40 AFA

Water Source: PEARSOL CREEK

Tributary to: PAYETTE RIVER, NORTH FORK

Stage: DECREED

Point(s) of Diversion: T13N R04E S04 Lot05()
S05 Lot03() Lot04()

VALLEY County
VALLEY 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
13N	04E	5	:					03-06				04-04								:	25.0
13N	04E	5	:					06-03				05-12								:	
TOTAL ACRES																				25.0	

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

POU County: VALLEY

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number: 65	Field Inspection Flag:	Presumption Flag: