

Idaho Dept. of Water Resources

Claim No(s): 65-10858

T07N, R02E, 2

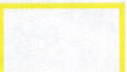
Created by: Sue Bock

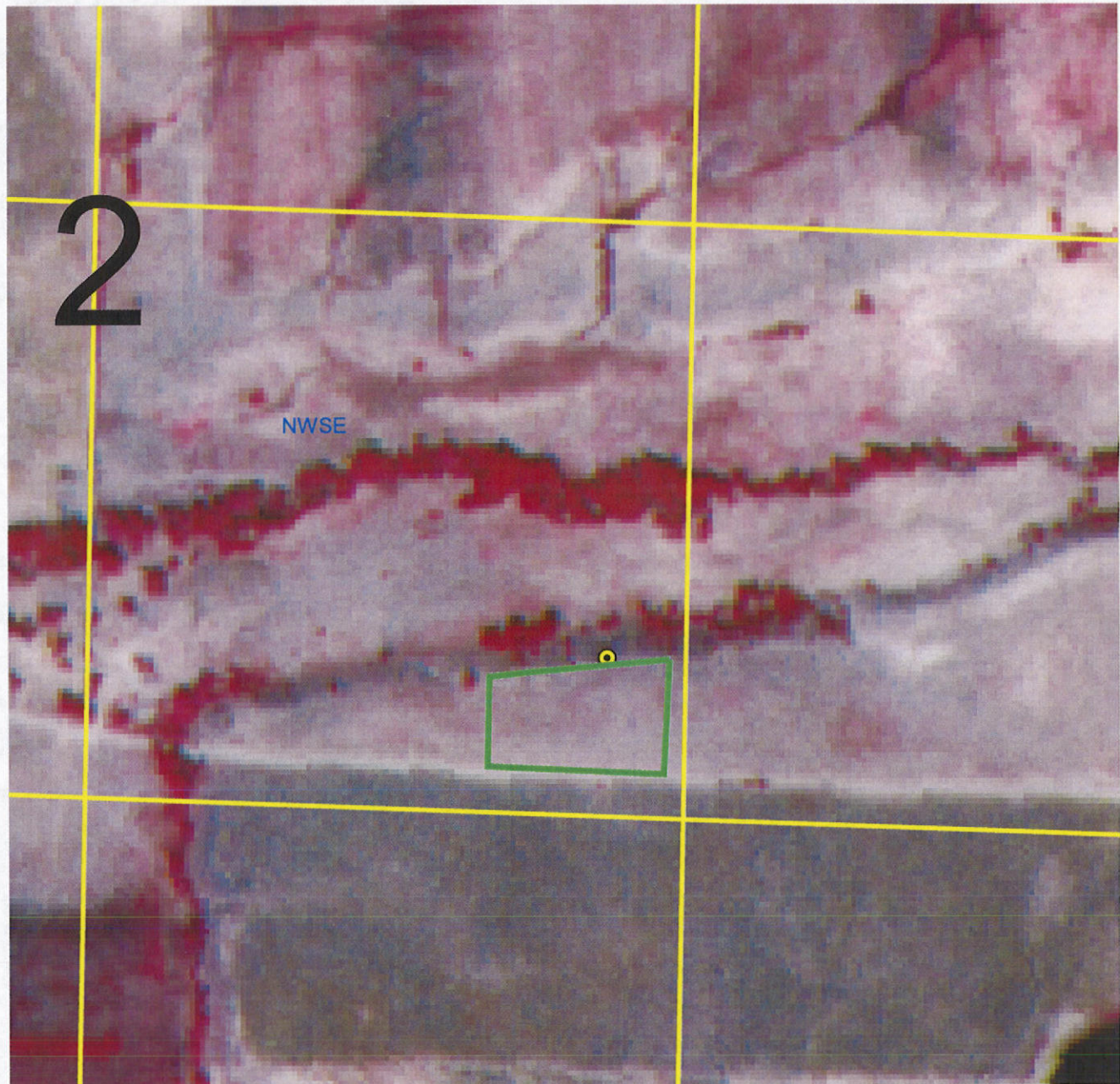
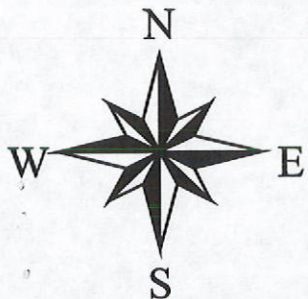
Date: 7/11/2000

 Place of Use

 Point of Diversion

 Section lines

 1/4 1/4 lines



0

1000

1987 NAPP Photo
2000

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: A65-10858
Date Received: 4/10/1989
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GORDON L. HEROLD
Address: ROUTE 1, BOX 118
HORSESHOE BEND, ID 83629

Name: BETH ANN HEROLD
Address: ROUTE 1, BOX 118
HORSESHOE BEND, ID 83629
2. Date of Priority: JUL 01, 1940
3. Source: HILL CREEK Trib. to: PAYETTE RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	02E	2	NW	SE			BOISE
5. Description of diverting works:
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.060		
7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) 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
07N	02E	2	NW	SE		IRR	3.0
Section Acres							3.0
Total Acres							3.0

11. Place of use in counties: BOISE

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: 3667

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. NUMBER: 65-10858
DATE RECEIVED: 4/10/1989
RECEIPT NO: X999999
RECEIVED BY:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: GORDON L. HEROLD
ADDRESS: ROUTE 1, BOX 118
HORSESHOE BEND, ID 83629

NAME: BETH ANN HEROLD
ADDRESS: ROUTE 1, BOX 118
HORSESHOE BEND, ID 83629

2. DATE OF PRIORITY: JUL 01, 1940

3. SOURCE: HILL CREEK TRIB. TO: PAYETTE RIVER

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
07N	02E	2	NW	SE			BOISE

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
IRRIGATION	04/01	11/01	0.060		

7. TOTAL QUANTITY APPROPRIATED IS:
0.060 C.F.S. (AND/OR) 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
07N	02E	2	NW	SE		IRR	3.0
SECTION ACRES							3.0
TOTAL ACRES							3.0

11. PLACE OF USE IN COUNTIES: BOISE, BOISE

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

13. OTHER WATER RIGHTS USED:

14. REMARKS:

15. BASIS OF CLAIM: DECREEED
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 X 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): Beth Ann Herold DATE: 4-10-89

DATE: _____

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM _____ OF _____ TITLE

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

_____, 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 ADA) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 10th DAY
OF APRIL 19 89

Donna E. Smith
NOTARY PUBLIC

SEAL

RESIDING AT BOISE, ID
MY COMMISSION EXPIRES 11/08/1994

1/23/1988

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Herold

CLAIM IDENT. NO.

A65-10858

DATE RECEIVED

4-10-89

CK #

AMOUNT \$

exempt

YES

NO

Required Info?

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

☒☐

*

2. Is a priority date entered?

☐☐

*

Is the priority date acceptable in view of mandatory filing dates?

☐☐

*

See Adjudication Memos #1 and #4 to determine if a Permit is required.

☐☐

*

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. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)

N/A

☐☐

*

17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.

☒☐

*

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

☒☐

*

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

☒☐

*

20. Is the fee enclosed correct?

Exempt

☒☐

*

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

N/A

☒☐

*

22. Should this claim be receipted and data entered?

☒☐

*

Claim checked by:

Rat

Date:

4-18-89

Claim must be returned to claimant:

(Yes) (No)

Claimant must be sent a copy of amended claim for approval:

(Yes) (No)

Receipt Prepared by:

h2

Date:

Claim data entered by:

Date:

Sent to claimant by:

Date:

Checked by:

Date:

Comments:

Payable Decreed: X99 fdate

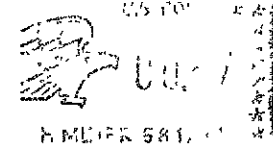
MICROFILMED

SEP 24 1994

copy sent
Rat

4

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



No address listed in Horseshoe Bend

65-10858

RECEIVED

JUL 26 2002

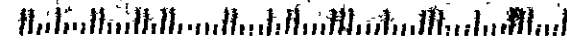
WATER RESOURCES
WESTERN REGION

NAME AND ADDRESS:

BETH ANN HEROLD
GORDON L HEROLD
RT 1 Box 2707
HORSESHOE BEND

RETURN TO SENDER
THE ROUTE/BOX NUMBER HAS
FOR MORE THAN A YEAR. FOR
HAS EXPIRED

83303-2707



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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-10858

RECEIVED
JUL 26 2002

Department of Water Resources

NAME AND ADDRESS: BETH ANN HEROLD
GORDON L HEROLD
RT 1 BOX 118
HORSESHOE BEND, ID 83629

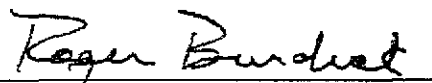
SOURCE: HILL CREEK TRIBUTARY: PAYETTE RIVER
QUANTITY: 0.06 CFS
PRIORITY DATE: 07/01/1940
POINT OF DIVERSION: T07N R02E S02 NWSE Within Boise County
PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 11-01 0.06 CFS
PLACE OF USE: Irrigation Within Boise County
T07N R02E S02 NWSE 3.0
3.0 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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

September 27, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BETH ANN HEROLD
GORDON L HEROLD
15 HILL CREEK RD
HORSESHOE BEND ID 83629

*Response
11-13-01
M*

RECEIVED

NOV 19 2001

WATER RESOURCES
WESTERN REGION

RE: Snake River Basin Adjudication (SRBA)
Water Rights #65-10857 and 65-10858 *she*

Dear Water Right Holders:

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

Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

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

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right records.

Sincerely,

Sally Sherman
Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:
Returned Mail

#####

The address is correct as shown above or as otherwise changed.

Water Right Holder's Signature

Telephone No.

ADDRESS SERVICE
REQUESTED



65-10858 REC
65-10857 WR

RECEIVED

SEP 24 2001

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES

1301 North Orchard St

P.O. Box 83720

Boise, ID 83720-0098

(208) 327-7900



REASON CHECKED

Unclaimed _____ Refused _____
Attempted-Not known _____
Insufficient Address _____
No such street _____ number _____
No such office _____
Do not return to _____

BETH ANN HEROLD

GORDON L HEROLD

RT 1 BOX 118

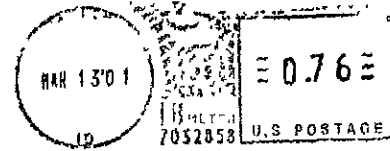
HORSESHOE BEND ID 83629

FORWARDING ORDER HAS
EXPIRED. RETURN TO SENDER.
NEW ADDRESS FURNISHED BY THE
POSTAL SERVICE.

15 Hill Creek X
HSB Id 836

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

ADDRESS SERVICE
REQUESTED



RECEIVED

MAR 15 2001

WATER RESOURCES
WESTERN REGION

65-10858

sent again

3-16-01

Boise Cty Assessor

BETH ANN HEROLD

GORDON L HEROLD

STREET AND/OR NUMBER HAS BEEN
CHANGED BY LOCAL AUTHORITIES
ONE YEAR TIME LIMIT HAS EXPIRED
RETURN TO SENDER

→ 15 Hill Creek Road
Horseshoe Bend 83629
793-2537



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user:

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

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

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

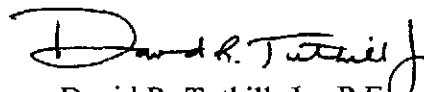
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without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

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

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

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

Sincerely,


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

10/25/2000

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

RIGHT NUMBER: 65-10858

NAME AND ADDRESS: BETH ANN HEROLD
GORDON L HEROLD
ROUTE 1 BOX 118
HORSESHOE BEND, ID 83629

SOURCE: HILL CREEK TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.06 CFS

PRIORITY DATE: 07/01/1940

POINT OF DIVERSION: T07N R02E S2 NWSE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-01 11-01	0.06 CFS

PLACE OF USE:

<u>IRRIGATION Within BOISE County</u>		
T07N R02E S2	NWSE	3
3 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

00:45:36
06/10/00
1390

CLAIM NUMBER: A65-10858

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

C18

DATE: 06/10/00
PAGE: 85

Misc: Water District Number: 65 Field Exam Fee:

Idaho Dept. of Water Resources

Claim No(s): 65-10858

T07N, R02E, 2

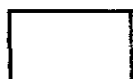
Created by: Sue Bock

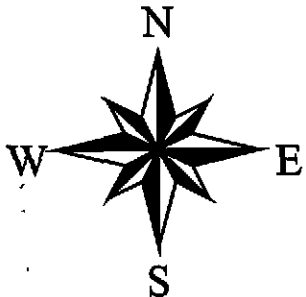
Date: 7/11/2000

 Place of Use

 Point of Diversion

 Section lines

 1/4 1/4 lines



0

1000

1987 NAPP Photo
2000