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EXPLANATORY MATERIAL: License

**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

Water Rights: 65-7580

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party
- ☐ IC § 42-222 transfer
 - ☐ Point of diversion ☐ Place of use
 - ☐ Period of use ☐ Nature of use
 - ☒ Split of water right ☐ Change in ownership
 - ☐ Other
- ☐ IC § 42-219 license

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

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

DATED: September 24, 2001



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on September 24, 2001, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

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

2. Copies to:

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

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

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

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

3. Copies to all parties to the subcase:

Fred T Charters (*Former Owner*)
Mary Gene Charters
9825 Hwy 52
Horseshoe Bend ID 83629

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

Michael W Baker (*Current Owner*)
Patricia A Baker
3275 Edson St
Boise ID 83705

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

Jack D Harney (*Current Owner*)
9825 Hwy 52
Horseshoe Bend ID 83629

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


Signature of person mailing this document

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

RECEIVED
JUN 29 2001

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

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, 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
	A65-18365	NO			
65-7580	A65-7580	Yes			

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) are 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)

Fred + Mary Charters
9825 Hwy 52 Horseshoe Bend

4. New Owner/Claimant(s)

Jack D. Harney
 Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

9825 Hwy 52 HSB,

City, State and ZIP Code

HSB, Id, 83629

New Telephone Number

() 365-1734

5. Date you acquired the property

Nov, 5, 1999

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>A65-7580</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.08 cfs/14 afa</u>	<u>4 acres, SWSE</u>
Stock		<u>T7N 1E S15</u>
Domestic		
Other		
Total	<u>.08 cfs/14 afa</u>	

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

7.

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Jack D. Harney

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 _____	Date _____	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

65-7500



Baker

65-22607

Hansen

65-22608

600000

400000

.1283 21AFN

.0883 14AFN

stock .02 .20AFN

=====

.1783 21AFN

Total

stock 5-10

mixed stock

copy

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made by DONNA THORNTON, as personal representative of the estate of FRED T. CHARTERS, deceased, Grantor, to JACK D. HARNEY, a single person, as Grantee, whose address is 9825 Highway 52, Horseshoe Bend, Idaho 83629

WHEREAS, Grantor is the qualified personal representative of said estate, filed as Probate Number SP99-214 in Gem County, Idaho;

THEREFORE, for valuable consideration received, Grantor sells and conveys to Grantee all of Grantor's interest in the following described real property in Gem County, Idaho:

See Exhibit A which is attached hereto and incorporated herein by reference as if set out in full.

together with all appurtenances.

EXECUTED this 5th day of November, 1999.

Donna Thornton Pers. Rep.
DONNA THORNTON,
Personal Representative of the Estate
of FRED T. CHARTERS, deceased

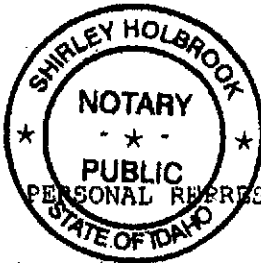
STATE OF IDAHO

ss.

County of Gem

On this 5th day of November, 1999, before me, the undersigned, a Notary for said State, personally appeared DONNA THORNTON, known to me to be the personal representative of the estate of FRED T. CHARTERS, deceased, and acknowledged to me that she executed the foregoing document as such personal representative.

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



Shirley Holbrook
Notary Public for Idaho
Residing at Emmett
My Commission Expires 4-19-2000

copy

That portion of Government Lots 1 and 2 of Section 15, Township 7 North, Range 1 East, B.M., Gem County, Idaho, described as follows:

COMMENCING at the Northeast corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 15, T. 7 N., R. 1 E., B.M., Gem County, Idaho; thence
South $00^{\circ}10'58''$ West, 1397.47 feet, along the East line of said NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the East line of Government Lot 1 of Section 15, T. 7 N., R. 1 E., B.M., to a point on the South right-of-way line of State Highway 52 marked by a found $\frac{5}{8}$ " iron pin; thence
South $89^{\circ}39'20''$ West, 1278.99 feet, along said South right-of-way line to the REAL POINT OF BEGINNING marked by a set $\frac{1}{2}$ " iron pin with plastic cap PLS 6552; thence
South $00^{\circ}10'23''$ East, 773.10 feet to a point on the North line of the Montour Valley Acquisition; thence
North $89^{\circ}32'23''$ West, 19.84 feet to a found 2" iron pipe with brass capped stamped "AP2" on the North line of the Montour Valley Acquisition; thence
South $79^{\circ}28'38''$ West, 258.67 feet, along said North line; thence
North $00^{\circ}10'23''$ West, 818.53 feet to a point on said South right-of-way line marked by a set $\frac{1}{2}$ " iron pin with plastic cap PLS 6552; thence
North $89^{\circ}39'20''$ East, 274.30 feet, along said South right-of-way line to the REAL POINT OF BEGINNING.

Jack Harney
4825 Hwy 52
HSB, Id.

Fred T Charters

AJ0749NP
No. R65-07580

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

DATE: 12/27/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FRED T CHARTERS	09/09/1975	IRRIGATION	04-01 11-01	0.200 CFS	35.00 AFA
C	MARY GENE CHARTERS		STOCKWATER	01-01 12-31	0.020 CFS	0.20 AFA
	9825 HWY 52					
	HORSESHOE BEND ID 83629					
	(208) 584-3498					
				TOTAL DIVERSION:	0.200 CFS	35.20 AFA

Water Source: PAYETTE RIVER

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion: T07N R01E S15 SWSE

GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
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
07N	01E	15	:					:					:					:					:	10.0
								:					:					:	TOTAL ACRES				:	10.0

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

POU County: GEM

Other Rights: NONE

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.

Remarks: EXP STOCKWATER, 4 HORSES.

Dates: **Exam Made Date:**

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

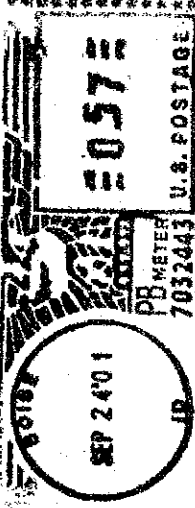
Audit: 12/27/99 SBOCK

Copy of recommendation.

65-22627

-226278 Honey

Tail



RECEIVED

SEP 27 2001

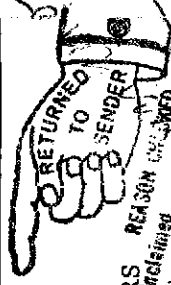
WATER RESOURCES
WESTERN REGION

IDAHO DEPARTMENT OF WATER RESOURCES

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

TO

FRED T CHARTERS
MARY GENE CHARTERS
9825 HWY 52
HORSESHOE BEND
UNCLAIMED
ADDRESSEE
No such street
No such office in state
No such person in this country



65-22627-226278 Honey



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

September 24, 2001

JACK D HARNEY
9825 HWY 52
HORSESHOE BEND ID 83629

Re: Original Notice of Claim to a Water Right No. 65-7580

Renumbered Notice of Claim to a Water Right No. 65-22628

Dear Claimant:

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim with a new water right number to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time. You will be notified of any future action taken on this claim.

Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

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

Denise Buffington
Office Specialist I
Adjudication Section
Western Region

DB:db

Enclosure

cc: Fred T and Mary Gene Charters