

QNE

H = Horton property
obtained in 2002

To be changed to
Western Ranch Equities
in 2004...

X ^H NWNW L-4	X ^H NENW L-3	X ^H NWNW L-2	NENE L-1	NWNW	NENW	NWNE	NENE
SWNW ^H X	SENW ^H X	SWNE ^H X	SENE	SWNW	SENW	SWNE	SENE
NWSW ^H X	NESW ^H X	NWSE ^H X	NESE	NWSW	NESW	NWSE	NESE
SWSW ^H X	SESW ^H X	SWSE ^H X	SESE ^H X	SWSW	SESW	SWSE	SESE
NWNW ^H X	NENW ^H X	NWNE ^H X	NENE ^H X	NWNW ^H X	NENW	NWNE	NENE
SWNW ^H X	SENW ^H X	SWNE ^H X	SENE ^H X	SWNW	SENW	SWNE	SENE
NWSW	NESW ^H X	NWSE ^H X	NESE	NWSW	NESW	NWSE	NESE
SWSW ^H X	SESW ^H X	SWSE ^H X	SESE	SWSW	SESW	SWSE	SESE

3

2

10

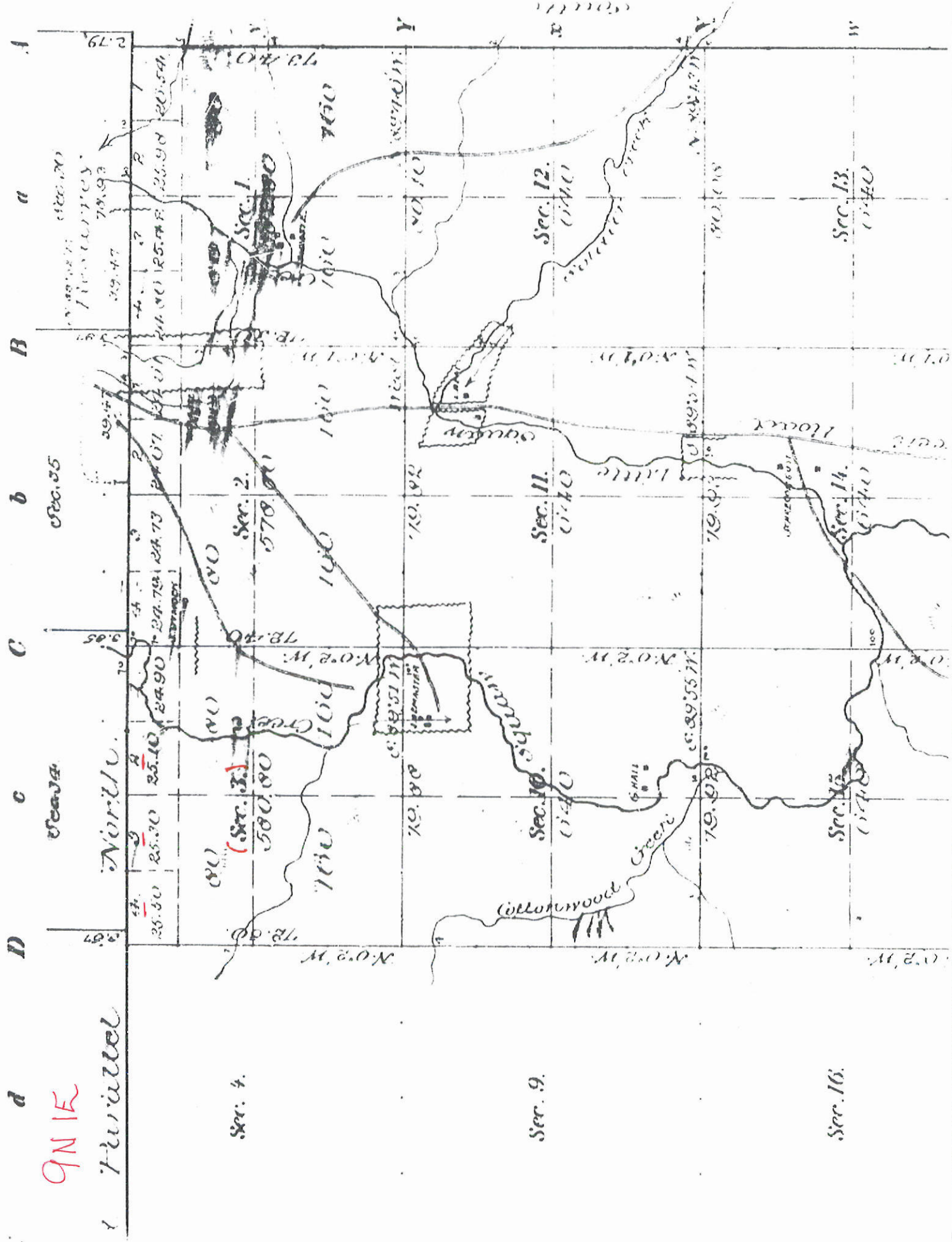
11

Should be
Schmelzer

ENGINEER'S PLAT OF THE HORSE MERIDIAN

9N1E

1. Parcel



T9N, R1E, B.M.
 U.S.
 ① = Acreage by Qtr Qtr.
 Total = 83 acres
 SCHMELZER
 A44
 100A
 P.D.
 "NOT TO SCALE"

Total = 83 acres

SCHMELZER

A44

100A

P. D.

"NOT TO SCALE"

[illegible]

Hand-drawn map on a grid background. The map shows a river or road winding through the area. Key features include:

- Handwritten Labels:**
 - 65-2897* (multiple instances)
 - 65-3099* (multiple instances)
 - SQUAW CR.* (near a small building icon)
 - VACANT* (in the bottom right corner)
 - PRBA map* (in the top right corner)
 - 9N, 01E* (in the top right corner)
- Circled Numbers:**
 - (40), (41), (42), (43), (44), (45), (46), (47), (48), (49), (50), (51), (52), (53), (54), (55), (56), (57), (58), (59), (60), (61), (62), (63), (64), (65), (66), (67), (68), (69), (70), (71), (72), (73), (74), (75), (76), (77), (78), (79), (80), (81), (82), (83), (84), (85), (86), (87), (88), (89), (90), (91), (92), (93), (94), (95), (96), (97), (98), (99), (100)
- Other Markings:**
 - A small building icon near the center.
 - A small square icon near the center.
 - A small circle icon near the center.
 - A small triangle icon near the center.
 - A small diamond icon near the center.
 - A small star icon near the center.
 - A small cross icon near the center.
 - A small plus icon near the center.
 - A small minus icon near the center.
 - A small multiply icon near the center.
 - A small divide icon near the center.
 - A small percent icon near the center.
 - A small dollar icon near the center.
 - A small pound icon near the center.
 - A small yen icon near the center.
 - A small euro icon near the center.
 - A small dollar sign icon near the center.
 - A small pound sign icon near the center.
 - A small yen sign icon near the center.
 - A small euro sign icon near the center.
 - A small dollar sign icon near the center.
 - A small pound sign icon near the center.
 - A small yen sign icon near the center.
 - A small euro sign icon near the center.

Hand-drawn map on a grid background. The map shows a river or road winding through the area. Key features include:

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- Other Markings:**
 - A small black rectangle labeled *SQUAW CR.*
 - A small black rectangle labeled *VACANT*.
 - A small black rectangle labeled *PRBA map*.
 - A small black rectangle labeled *9N, 01E*.

H05-2897
PRBA map
9N, 01E

SQUAW CR.

65-2897
(40)

65-3099

65-2897

65-2897

65-3099

VACANT

Hand-drawn map on a grid background. The map shows a river or road winding through the area. Key features include:

- Top Center:** Handwritten in blue ink: "65-2897", "PRBA map", "9N, 01E".
- Top Right:** A circled number "4".
- Center:** A label "SQUAW CR." with an arrow pointing to a specific location. Below it, the number "65-2897" is written twice, each with a circled "4" next to it. A dashed line connects these two points, with "65-3099" written along it. A circled "5" is also present near the dashed line.
- Bottom Left:** A circled area containing a scribbled-out label, possibly "65-2897".
- Bottom Center:** A label "65-2897" with a circled "4" next to it.
- Bottom Right:** A circled area containing a scribbled-out label, possibly "65-3099", with a circled "8" next to it.
- Far Right:** The word "VACANT" is printed.
- Other Markings:** Various other numbers and symbols are scattered, including "3.0", "397", and "1011".

Hand-drawn map on a grid background. The map shows a river or road winding through the area. Key features include:

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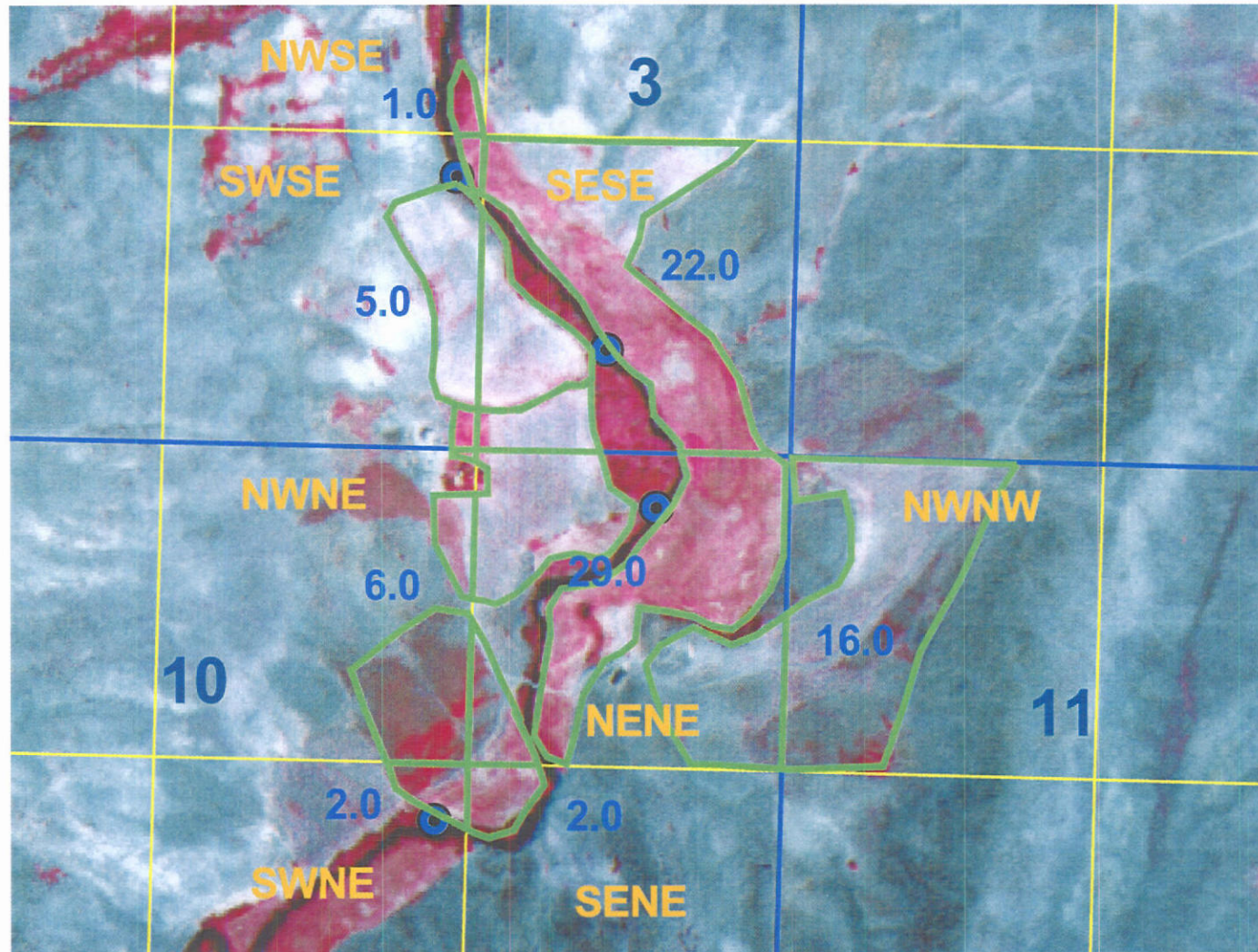
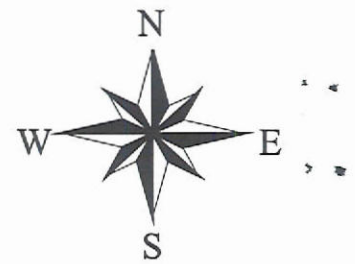
- Handwritten Labels:**
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 - 65-3099* (multiple instances)
 - SQUAW CR.* (near a small building icon)
 - VACANT* (in the bottom right corner)
 - PRBA map* (in the top right corner)
 - 9N, 01E* (in the top right corner)
- Grid and Markers:**
 - A grid of dashed lines is overlaid on the map.
 - Several points are marked with small squares or circles, some labeled with numbers like 32, 10, 11.
 - Large areas are circled and labeled with numbers in parentheses: (40), (41), (42), (43), (44), (45), (46), (47), (48), (49), (50), (51), (52), (53), (54), (55), (56), (57), (58), (59), (60), (61), (62), (63), (64), (65), (66), (67), (68), (69), (70), (71), (72), (73), (74), (75), (76), (77), (78), (79), (80), (81), (82), (83), (84), (85), (86), (87), (88), (89), (90), (91), (92), (93), (94), (95), (96), (97), (98), (99), (100).

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IDAHO DEPARTMENT OF WATER RESOURCES

T09N, R01E, S3, S10 & S11



1987 NAPP PHOTO

- POINT OF DIVERSION
- PLACE OF USE
- 1/4 1/4 LINES
- SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-02897

OWNER(S): SCHMELZER, ELVIN &
BETTY LUE

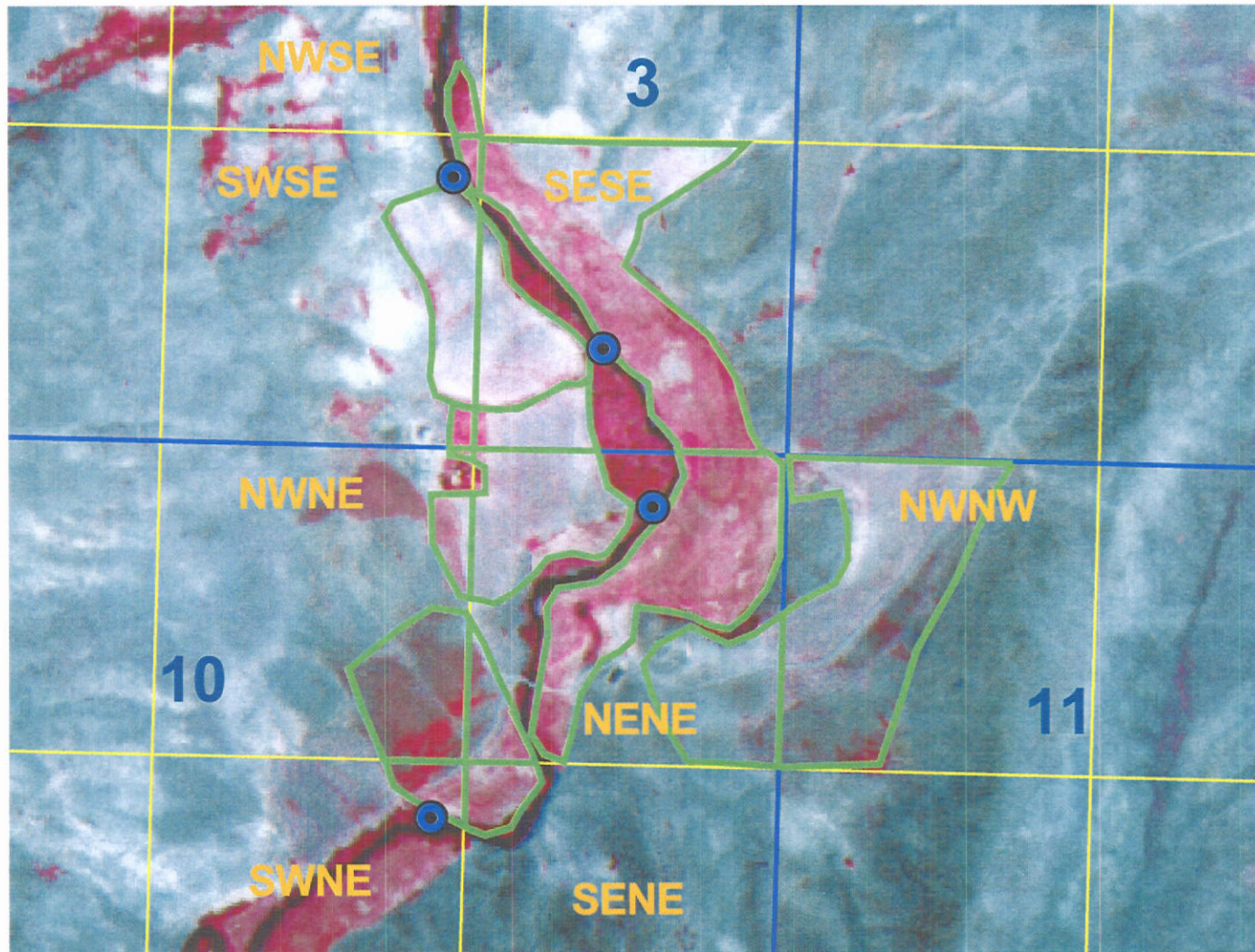
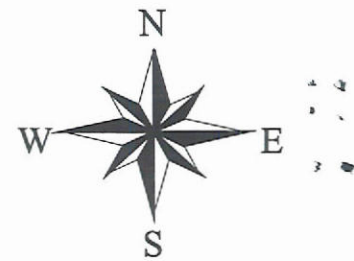
Prepared by Mel Schulte

DATE: JULY 31, 2000



IDAHO DEPARTMENT OF WATER RESOURCES

T09N, R01E, S3, S10 & S11



1987 NAPP PHOTO

● POINT OF DIVERSION

▭ PLACE OF USE

▭ 1/4 1/4 LINES

▭ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-02897

OWNER(S): SCHMELZER, ELVIN &
BETTY LUE

Prepared by Mel Schulte

DATE: JULY 31, 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 65-22859
Date Received: 1/10/1990
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BETTY LUE SCHMELZER
5315 MONTGOUR RD
EMMETT ID USA 83617

Phone: (208)584-3569

ELVIN C SCHMELZER
HC 78 BOX 3839
OLA ID USA 83657

Phone: (208)584-3569

2. Date of Priority: 05/09/1967

3. Source: SQUAW CREEK Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
09N	01E	3	SW	SE		GEM	
09N	01E	3	SE	SE		GEM	
09N	01E	10	NE	NE		GEM	
09N	01E	10	SW	NE		GEM	

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	0.02	

7. Total Quantity Appropriated is:
0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09N	01E	10	SE	NE	IRRIGATION	2
					Section Acres	2
					Total Acres	2

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

This claim is the result of a split due to change in ownership for a portion of 65-2897. DB 1/29/2004

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-3099 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

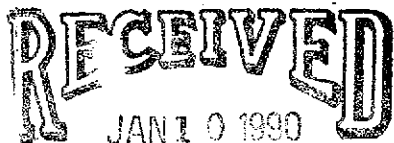
THIS RIGHT WHEN COMBINED WITH RIGHT 65-3099 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

15. Basis of Claim: Decreed

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: A65-02897
Date Received: 1/10/1990
Receipt No: X999999
Received By: LA

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

1. Name: ~~...~~ BETTY-LUE SCHMELZER

Address:

OLA, ID

83657

OR

Name: ELVIN C. SCHMELZER

208-584-3569

Address: HC 78, BOX 3839

OLA, ID

83657

2. Date of Priority: MAY 09, 1967

3. Source: SQUAW CREEK

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	01E	3		SW	SE		GEM
				SW	SE		GEM
				SE	SE		GEM
				SE	SE		GEM
		10		NE	NE		GEM
				NE	NE		GEM
				SW	NE		GEM
				SW	NE		GEM

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	0.830		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

A65-02897

Page

1

Date: 01/10/90

MICROFILMED
SEP 21 1992

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	01E	3	NW	SE		IRR	1.0
			SW	SE		IRR	5.0
			SE	SE		IRR	22.0
						Section Acres	28.0
		10	NE	NE		IRR	28.0
			NW	NE		IRR	6.0
			SE	NE		IRR	5.0
						Section Acres	39.0
		11	NW	NW		IRR	16.0
						Section Acres	16.0
						Total Acres	83.0

11. Place of use in counties: GEM

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 RIGHT 65-3099 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

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): Elvin Schmezer Date: 1-10-90

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 10 day

of Jan 19 90

Linda A. Werner
Notary Public

Seal

Linda A. Werner
Residing at Boise, Idaho
My Commission Expires December 8, 1994
My Commission Expires _____

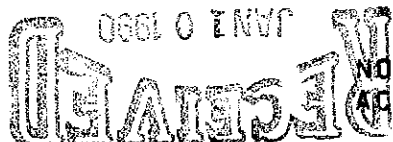
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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: 65-02897
DATE RECEIVED: 1-10-90
RECEIPT NO: X 9-11-9
RECEIVED BY: _____

Department of Water Resources



NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: ELVIN C. SCHMELZER
ADDRESS:

OLA, ID 83657

NAME: BETTY LUE SCHMELZER
ADDRESS:

OLA, ID 83657

2. DATE OF PRIORITY: MAY 09, 1967

3. SOURCE: SQUAW CREEK TRIB. TO:

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
09N	01E	3	SW	SE			GEM
			SW	SE			GEM
			SE	SE			GEM
			SE	SE			GEM
		10	NE	NE			GEM
			NE	NE			GEM
			SW	NE			GEM
			SW	NE			GEM

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	0.830		

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

8. TOTAL CONSUMPTIVE USE IS ACRE FEET PER ANNUM.

65-02897 PAGE 1 DATE: 10/28/89 4800

MICROFILMED
SEP 21 1992

9. NON-IRRIGATION USES:

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4	OF	1/4	LOT	USE	ACRES	
09N	01E	3	NW		SE		IRR	1.0	
			SW		SE		IRR	5.0	
			SE		SE		IRR	22.0	
			SECTION ACRES						28.0
		10	NE		NE		IRR	28.0	
			NW		NE		IRR	6.0	
			SE		NE		IRR	5.0	
			SECTION ACRES						39.0
		11	NW		NW		IRR	16.0	
			SECTION ACRES						16.0
			TOTAL ACRES						83.0

11. PLACE OF USE IN COUNTIES: GEM, GEM

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 RIGHT 65-3099 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): Elwin C. Schneider DATE: 1-10-90

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

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)
) SS.
COUNTY OF _____)

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS _____ DAY
OF _____ 19 _____

NOTARY PUBLIC

SEAL

RESIDING AT _____

MY COMMISSION EXPIRES _____
DATE: 10/28/89 4802

65-02897

PAGE 3

MICROFILMED

SEP 21 1992

03/24/2004

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

RIGHT NUMBER: 65-22859
NAME AND ADDRESS: BETTY LUE SCHMELZER
5315 MONTOUR RD
EMMETT ID 83617

ELVIN C SCHMELZER
HC 78 BOX 3839
OLA ID 83657

SOURCE: SQUAW CREEK TRIBUTARY: PAYETTE RIVER
QUANTITY: 0.020 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-3099 AND 65-22860 SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 05/09/1967

POINT OF DIVERSION:

T09N R01E S3 SWSE Within GEM County
T09N R01E S3 SESE Within GEM County
T09N R01E S10 NENE Within GEM County
T09N R01E S10 SWNE Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.020 CFS

PLACE OF USE: IRRIGATION Within GEM County

T09N R01E S10 SENE 2.0

2 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: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

01/29/2004

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

RIGHT NUMBER: 65-22859

NAME AND ADDRESS: BETTY LUE SCHMELZER
5315 MONTOUR RD
EMMETT ID 83617

ELVIN C SCHMELZER
HC 78 BOX 3839
OLA ID 83657

SOURCE: SQUAW CREEK

TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.020 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-3099 *+ 228608* SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 05/09/1967

POINT OF DIVERSION:

T09N R01E S3 SWSE Within GEM County
T09N R01E S3 SESE Within GEM County
T09N R01E S10 NENE Within GEM County
T09N R01E S10 SWNE Within GEM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 11/01

QUANTITY
0.020 CFS

PLACE OF USE:

IRRIGATION Within GEM County
T09N R01E S10 SENE 2.0

2 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: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

**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: 65-2897
Split into: 65-22859 & 65-22860

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

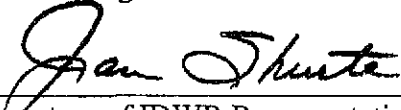
IDWR has completed the following administrative proceeding:

- ☐ 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: January 29, 2004



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on January 29, 2004, 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:

Jack Horton *(Former Owner)*
19501 Jackknife
Ola ID 83657

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

Elvin C Schmelzer *(Current Owner)*
HC 78 Box 3839
Ola ID 83657

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

Betty Lue Schmelzer *(Current Owner)*
5315 Montour Rd
Emmett ID 83617

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

Western Ranch Equities LLC (*Current Owner*)
20 Walden Ct
York PA 17404

☐ 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

JAN 28 2004

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 (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
65-2897					
65-3099					

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)

m/m SMELZER
JACK HORTON

4. New Owner/Claimant(s)

WESTERN RANCH EQUITIES, LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

20 WALDEN CT

City, State and ZIP Code

YORK, PA 17404

New Telephone Number

717 779-0804

5. Date you acquired the property

MAY 5, 2003

6. *N/A* 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.

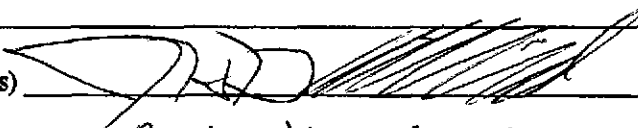
DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

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)
(include title if applicable)


MANAGING MEMBER

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 _____
Received by _____	Date _____	Receipt No. _____
Processed by _____	AJ Date _____	WR _____ Date _____

65-22859

11/05/2002

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

RIGHT NUMBER: ~~65-2897~~

NAME AND ADDRESS: JACK E HORTON
19501 JACKKNIFE
OLA ID 83657

Schmelzer

SOURCE: SQUAW CREEK

TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.830 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-3099 SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE.

PRIORITY DATE: 05/09/1967

POINT OF DIVERSION:

T09N R01E S3 SWSE Within GEM County
T09N R01E S3 SESE Within GEM County
T09N R01E S10 NENE Within GEM County
T09N R01E S10 SWNE Within GEM County

* Schmelzer should
have kept 2 Ac
in S-10 SENE upon
processing ownership
change in 11/02.

Corrected 1/29/04

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 11/01

QUANTITY
~~0.830 CFS~~
.02

PLACE OF USE:

IRRIGATION Within GEM CountyT09N R01E S03 NWSE ~~1.0~~T09N R01E S03 SWSE ~~5.0~~T09N R01E S03 SESE ~~22.0~~T09N R01E S10 NENE ~~29.0~~T09N R01E S10 NWNE ~~6.0~~T09N R01E S10 SWNE ~~2.0~~

T09N R01E S10 SENE 2.0

T09N R01E S11 NWNW ~~16.0~~

2.85 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: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

WARRANTY DEED

Order No.:405033873

FOR VALUE RECEIVED

Jack E. Horton and Cami F. Horton, husband and wife,
the grantors, do hereby grant, bargain, sell and convey unto

Western Ranch Equities, LLC,
whose current address is

20 Walden Court, York, PA, 17404,
the grantee, the following described premises, in Gem County, Idaho, TO WIT:

TRACT I

TOWNSHIP 9 north, Range 1 East, B.M., Gem County, Idaho

Section 3: The SE $\frac{1}{4}$ of the NW $\frac{1}{4}$; the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$; SW $\frac{1}{4}$; ~~the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$~~
~~the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$~~ and SW $\frac{1}{4}$ of the NW $\frac{1}{4}$; and Lots 2, 3 and 4

Section 4: Lots 1, 2 and 3 and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$; SW $\frac{1}{4}$ of the NE $\frac{1}{4}$; and SE $\frac{1}{4}$

Section 8: The SE $\frac{1}{4}$; SE $\frac{1}{4}$ of the NE $\frac{1}{4}$

Section 9: The N $\frac{1}{2}$ of the SW $\frac{1}{4}$; Lots 1, 2, 3 and 4; SE $\frac{1}{4}$ of the NW $\frac{1}{4}$; SW $\frac{1}{4}$ of the
NE $\frac{1}{4}$; NW $\frac{1}{4}$ of the SE $\frac{1}{4}$; NW $\frac{1}{4}$ of the NE $\frac{1}{4}$

Section 10: ~~the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$; the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; W $\frac{1}{2}$ of the~~
SE $\frac{1}{4}$; E $\frac{1}{2}$ of the SW $\frac{1}{4}$; SW $\frac{1}{4}$ of the SW $\frac{1}{4}$

Section 11: ~~The NW $\frac{1}{4}$ of the NW $\frac{1}{4}$; the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; W $\frac{1}{2}$ of the~~

Section 15: The NW $\frac{1}{4}$; and W $\frac{1}{2}$ of the NE $\frac{1}{4}$

Section 17: The N $\frac{1}{2}$ of the NE $\frac{1}{4}$

N/A → Section 2: A tract of land in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2, Township 9 North, Range 1 East,
B.M., Gem County, Idaho, described as follows:

BEGINNING at the Southeast corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 2; thence
North on quarter quarter line 795 feet; thence
South 32°00' West 940 feet to the South line of the said SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 2; thence
East on the Section line 500 feet to said REAL POINT OF BEGINNING.

EXCEPTING the following described tract in Sections 2 and 11, Township 9 North, Range 1 East,
B.M., Gem County, Idaho:

BEGINNING at the Southeast corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 11, T. 9 N., R. 1 E., B.M.;
thence
North on quarter quarter line 2025 feet to a point 705 feet North of the Southeast corner of the SW
 $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2, T. 9 N., R. 1 E., B.M.; thence
South 32°00' West 440 feet, to a point 231 feet West of the East line of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said
Section 2; thence
South parallel to the East line of said SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2, and the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of
said Section 11, 1645 feet, to the South line of the said NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 11; thence
East along the quarter quarter line 231 feet to said REAL POINT OF BEGINNING.

Section 2: A tract of land in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Township 9 North, Range 1 East, B.M., Gem
County, Idaho, described as follows:

BEGINNING at the Northwest corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2, T. 9 N., R. 1 E., B.M.;
thence
South on the quarter quarter line 616 feet; thence
North 66°00' East 1445 feet to the East line of the said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence

North on the quarter quarter line 25 feet to the Northeast corner of the said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence
West along the quarter quarter line 1320 feet, more or less, to the said REAL POINT OF BEGINNING.

EXCEPTING THEREFROM the following described portion thereof:

COMMENCING at the Northwest corner of the said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 2; thence
South on the quarter quarter line 554 feet; thence
North 66°00' East 1360 feet to the North line of the said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence
West on the quarter quarter line 1242 feet, more or less, to said REAL POINT OF BEGINNING.

TRACT II

TOGETHER WITH an easement from the West corner of Jacknife Road, which point is the terminus of Jacknife Road, over and across the SW $\frac{1}{4}$ of Section 2, Township 9 North, Range 1 East, B.M., Gem County, Idaho, in a Southwesterly direction terminating at approximately the mid-point of the North boundary of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 10, T. 9 N., R. 1 E., B.M., Gem County, Idaho.

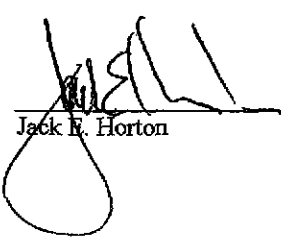
SUBJECT TO AND TOGETHER WITH an easement 20 feet in width, 10 feet on each side of the centerline of the existing lane which proceeds across the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 10, Township 9 North, Range 1 East, B.M., Gem County, Idaho. The easement commences at a point approximately midway on the North boundary of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 10 and proceeds generally Southerly and then Westerly exiting the West boundary of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 10, approximately 100 feet North of the Southwest corner of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 10, T. 9 N., R. 1 E., B.M., Gem County, Idaho.

See Exhibit "A" attached hereto and made a part hereof.

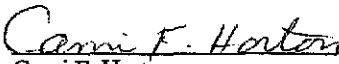
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: May 5, 2003



Jack E. Horton

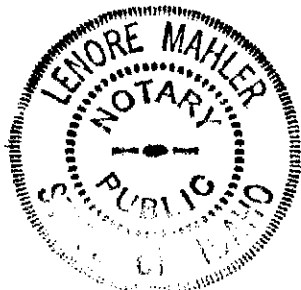


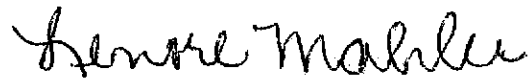
Cami F. Horton

State of Idaho }
 }ss
County of Gem }

On this 5th day of May 2003, before me, a Notary Public in and for said state, personally appeared Jack E. Horton and Cami F. Horton,

known or identified to me to be the person(s) whose name(s) are subscribed to the within Instrument and acknowledged to me that they executed 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.





Notary Public for the State of Idaho
Residing at: Emmett, Idaho
Commission Expires: 18 April 2006

EXHIBIT "A"

INSTRU. NO.	229118
PAGES	3 OF 3

II

BLM Grazing Permit Allotment #00232 – 141 AUM's and all renewals thereof.

III

State of Idaho Lease #G-6619, comprising approximately 710 acres – 65 AUM's – in Sections 4, 10, and 16 in T 9N R 1E Boise Meridian.

IV

All water rights, ditches and ditch rights, any permits, licenses, certificates or shares of stock evidencing any such water or ditch rights, and any such rights acquired in the future, which entitle the owner of the real property described above to use water upon said property, including, without limitation:

License No. A65-02897

License No. A65-03099

Instrument # 229118

EMMETT, GEM, IDAHO

2003-05-20

11:11:00 No. of Pages: 3

Recorded for : ALLIANCE TITLE & ESCROW

SUSAN K. HOWARD

Fee: 9.00

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

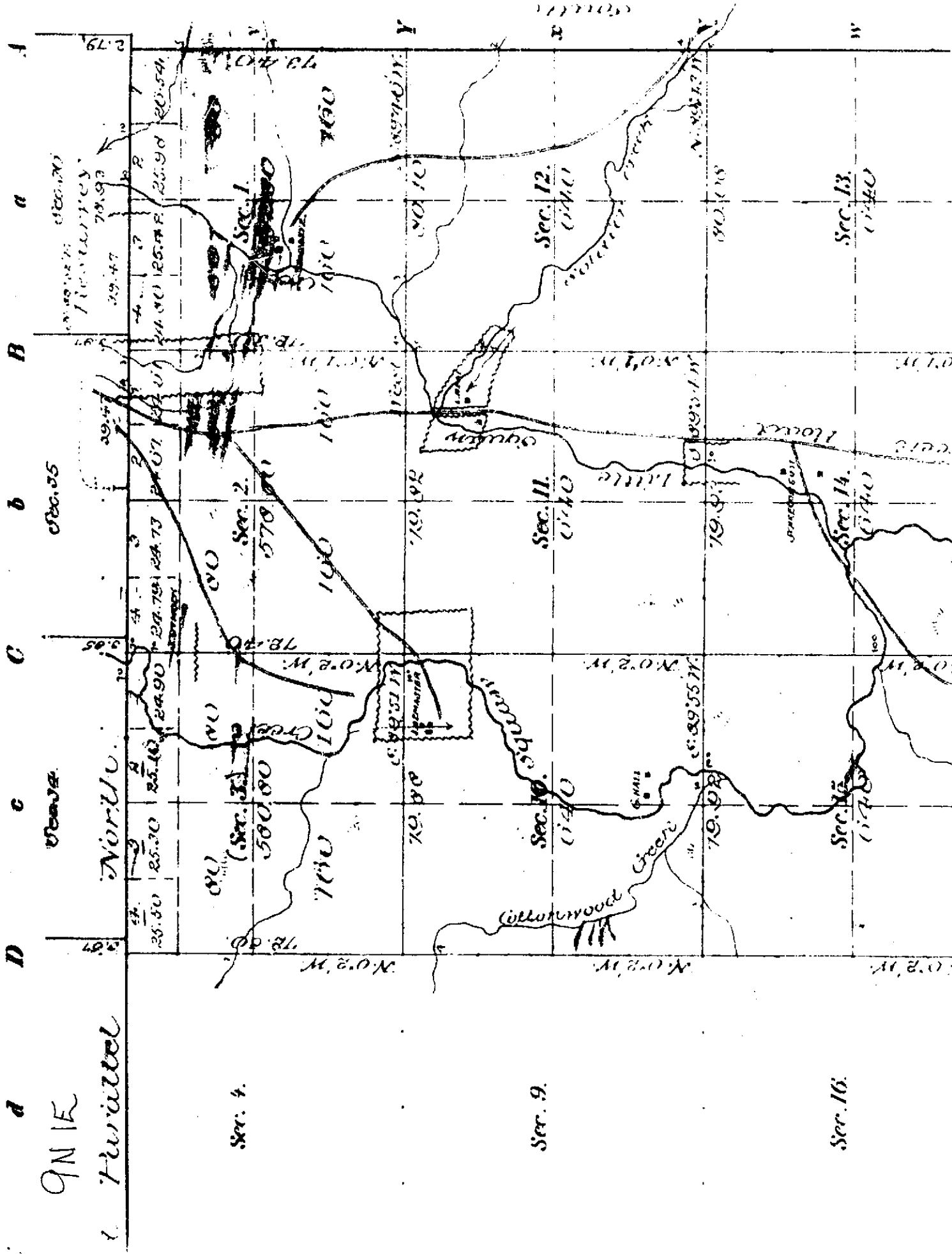
Judy Evans

QNE

H = Horton property
obtained in 2002 } To be changed to
Western Ranch Equities
in 2004...

X H NWNW L-4	X H NENW L-3	X H NWNE L-2	NENE L-1	NWNW	NENW	NWNE	NENE
H SWNW X	H SENW X	H SWNE X	SENE	SWNW	SENW	SWNE	SENE
H NWSW X	H NESW X	H NWSE X	NESE	NWSW	NESW	NWSE	NESE
H SWSW X	H SESW X	H SWSE X	H SESE X	SWSW	SESW	SWSE	SESE
NWNW H X	NENW H X	NWNE H X	NENE H X	NWNW H X	NENW	NWNE	NENE
H SWNW X	SENW H X	H SWNE X	Should be Schmelzer SENE	SWNW	SENW	SWNE	SENE
NWSW	NESW H X	NWSE H X	NESE	NWSW	NESW	NWSE	NESE
SWSW H X	SESW H X	SWSE H X	SESE	SWSW	SESW	SWSE	SESE

Page No. 1 East of the Horse Meridian



SRBA

SUBCASE SUMMARY REPORT 65-02897

[Return to SRBA Home Page](#)

SRBA
01-29-2004

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 65-02897 FILE#: 00904
CLAIMANT: HORTON, JACK E
19501 JACKKNIFE

OLA ID 83657
STATUS: GENERAL PROVISION SPECIAL MASTER: CUSHMAN, THOMAS R
WATER SOURCE: SQUAW CREEK TRIBUTARY: PAYETTE RIVER

**** PARTIES INVOLVED ****

JACK E HORTON C PRO SE
UNITED STATES OF AMERICA O ATTY: DAVID W GEHLERT

**** ROA ENTRIES ****

01-17-2002	OBJ 01 F/B UNITED STATES OF AMERICA	RB	03-22-2002 0001
02-27-2002	ORIGINAL CLAIM FILED		
11-14-2002	NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING		11-14-2002
11-14-2002	AMENDED DIRECTOR'S REPORT		
	SUBSTITUTE PARTY - SCHMELZER TO HORTON		
11-24-2003	ORDER SETTING HEARING	HS	01-28-2004 0200
	Order to Show Cause Regarding General		
01-23-2004	STANDARD FORM 5 FILED		01-23-2004
01-23-2004	ORDER VACATING EVENT ON 01282004 AT 1400		

[Return to SRBA Home Page](#)

- Should have been split in 2002

- Then change Horton's portion to Western Ranch Equities

MEMORANDUM

To: 65-22859 & 65-22860 (children #'s of 65-2897)
From: Denise Buffington
Date: January 30, 2004
Subj: Ownership Change / Split Information

An ownership change was processed for water right number 65-2897 in November, 2002; going from Schmelzer to Horton. Another ownership change was received in January 2004 for the same water right number. It was discovered during the review of the 2004 ownership change, that this water right should have been split between Schmelzer and Horton in 2002. According to the deeds in the file, Schmelzer retained 2 acres in the SENE of Section 10 on 65-2897. The rest of the property was sold to Horton. It was clearly just an oversight during review.

On January 29, 2004, the ownership change from Horton to Western Ranch Equities LLC was processed. Horton sold all of his property to Western Ranch Equities LLC. The water right was split at this time to correct the problem of Schmelzer's retaining their 2 acres.

The end result is 65-22859 being in the name of Schmelzer for 2 acres; and 65-22860 being in the name of Western Ranch Equities LLC for 81 acres (formerly Horton). An NCAP was submitted to the Court to show the split and new ownership, etc.



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

January 29, 2004

WESTERN RANCH EQUITIES LLC
20 WALDEN CT
YORK PA 17404

65-22859

RE: Water Right No. 65-3099 & 65-22860

Dear Property Owner(s):

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing. 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.

In addition, we received check number 5053 in the amount of \$50.00, and, we are returning it to you, as the ownership change fee is not required for these particular water right claims. These claims have not yet been decreed by the SRBA Court.

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

Sincerely,

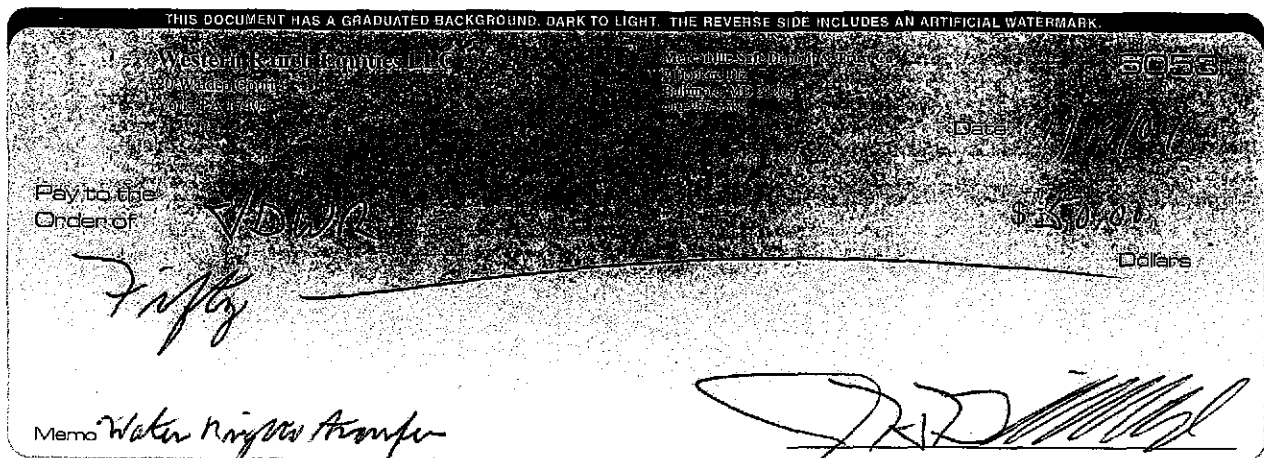
Denise Buffington

Denise Buffington
Office Specialist I
Adjudication Section
Western Region

DB: db

Enclosures

cc: Jack Horton, Betty Lue Schmelzer, Elvin C Schmelzer,



005053 052000618 0006587011

11/05/2002

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

RIGHT NUMBER: 65-2897

NAME AND ADDRESS: JACK E HORTON
19501 JACKKNIFE
OLA ID 83657

SOURCE: SQUAW CREEK

TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.830 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-3099 SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE.

PRIORITY DATE: 05/09/1967

POINT OF DIVERSION:

T09N R01E S3 SWSE Within GEM County
T09N R01E S3 SESE Within GEM County
T09N R01E S10 NENE Within GEM County
T09N R01E S10 SWNE Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.830 CFS

PLACE OF USE: IRRIGATION Within GEM County

T09N R01E S03	NWSE	1.0	T09N R01E S03	SWSE	5.0
T09N R01E S03	SESE	22.0	T09N R01E S10	NENE	29.0
T09N R01E S10	NWNE	6.0	T09N R01E S10	SWNE	2.0
T09N R01E S10	SENE	2.0	T09N R01E S11	NWNW	16.0

83 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: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

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

SUBCASE NO. 65-2897 & 65-3099

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

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 Reports* for said water rights. 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: November 5, 2002

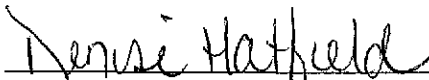


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on November 12, 2002, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Betty Lue Schmelzer
Elvin C Schmelzer
HC 78 Box 3839
Ola ID 83657
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Jack E Horton
19501 Jackknife
Ola ID 83657
4. One Copy to:
Each party in the subcase or attorney of record:
N/A
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

RECEIVED
OCT 29 2002
WATER RESOURCES
WESTERN REGION

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.

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
	<u>65-2897</u>	_____	_____	_____	_____
	<u>65-3099</u>	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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) SCHMELZER
OLA, ID 83657
4. New Owner/Claimant(s) JACK E. HORTON
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 19501 JACKNIFE
- City, State and ZIP Code OLA, ID 83657
- New Telephone Number 208 584-3232
5. Date you acquired the property 1998

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) _____
(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 DP/95 Date 10/29/02 Fee 0
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

Warranty Deed

For Value Received

LEE ELVIN SCHMELZER and KERRY LYNN SCHMELZER, husband and wife,
the grantors, do hereby grant, bargain, sell and convey unto
JACK E. HORTON, a married man as his separate property
whose current address is P.O. Box 669, Weiser, Idaho 83672

the grantee, the following described premises, in GEM County Idaho, to wit:

Legal Description Attached as "Exhibit A" and existing easements along a lane as follows:

Together with an easement from the West corner of Jacknife Road, which point is the terminus of Jacknife Road, over and across the southwest quarter of Section 2, Township 9 North, Range 1 East, B.M., Gem County, Idaho in a Southwesterly direction terminating at approximately the mid-point of the North boundary of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T. 9 N., R. 1 E., B.M., Gem County, Idaho

Subject to and together with an easement 20 feet in width, 10 feet on each side of the centerline of the existing lane which proceeds across the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T. 9 N., R. 1 E., B.M., Gem County, Idaho. The easement commences at a point approximately midway on the north boundary of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10 and proceeds generally southerly and then westerly exiting the west boundary of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, approximately 100 feet north of the Southwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T. 9 N., R. 1 E., B.M., Gem County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that he is the owner in fee simple of said premises; that they are free from all incumbrances EXCEPT: current year taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: June 1, 1998

x Lee Elvin Schmelzer
Lee Elvin Schmelzer

x Kerry Lynn Schmelzer
Kerry Lynn Schmelzer

STATE OF MONTANA COUNTY OF St. Helena
On this 5 day of June, 1998
before me, a notary public in and for said State, personally appeared
Lee Elvin Schmelzer & Kerry Lynn Schmelzer

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me that
they executed the same.

Notary Public
Residing at Columbus MT
Comm. Expires 8-23-99

Warranty Deed

For Value Received

LEE ELVIN SCHMELZER and KERRY LYNN SCHMELZER, husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto

JACK E. HORTON, a married man as his separate property

whose current address is P.O. Box 669, Weiser, Idaho 83672.

the grantee, the following described premises, in GEM County Idaho, to wit:

Legal Description Attached as "Exhibit A" and existing easements along a lane as follows:

Together with an easement from the West corner of Jacknife Road, which point is the terminus of Jacknife Road, over and across the southwest quarter of Section 2, Township 9 North, Range 1 East, B.M., Gem County, Idaho in a Southwesterly direction terminating at approximately the mid-point of the North boundary of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T. 9 N., R. 1 E., B.M., Gem County, Idaho

Subject to and together with an easement 20 feet in width, 10 feet on each side of the centerline of the existing lane which proceeds across the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T. 9 N., R. 1 E., B.M., Gem County, Idaho. The easement commences at a point approximately midway on the north boundary of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10 and proceeds generally southerly and then westerly exiting the west boundary of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, approximately 100 feet north of the Southwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T. 9 N., R. 1 E., B.M., Gem County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that he is the owner in fee simple of said premises; that they are free from all incumbrances EXCEPT: current year taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: June 1, 1998

X Lee Elvin Schmelzer
Lee Elvin Schmelzer

X Kerry Lynn Schmelzer
Kerry Lynn Schmelzer

STATE OF MONTANA, COUNTY OF St. Helens
On this 5 day of June, 1998
before me, a notary public in and for said State, personally appeared
Lee Elvin Schmelzer & Kerry Lynn Schmelzer

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me that
they executed the same.

Clay J. Chanley
Notary Public
Residing at Columbus MT
Comm. Expires 8-23-99

WARRANTY DEED

Legal Description "EXHIBIT A"

TOWNSHIP 9 North, Range 1 East, B.M., Gem County, Idaho

Section 3: The SE 1/4 of the NW 1/4, SW 1/4 of the NE 1/4, SW 1/4, NW 1/4 of the SE 1/4, S 1/2 of the SE 1/4 and SW 1/4 of the NW 1/4, and Lots 2, 3 and 4

Section 4: Lots 1, 2 and 3 and the SE 1/4 of the NW 1/4, SW 1/4 of the NE 1/4, and SE 1/4

Section 8: The SE 1/4, SE 1/4 of the NE 1/4

Section 9: The N 1/2 of the SW 1/4, Lots 1, 2, 3 and 4, SE 1/4 of the NW 1/4, SW 1/4 of the NE 1/4, NW 1/4 of the SE 1/4, NW 1/4 of the NE 1/4

Section 10: The N 1/2 of the N 1/2, S 1/2 of the NW 1/4, SW 1/4 of the NE 1/4, W 1/2 of the SE 1/4, E 1/2 of the SW 1/4, SW 1/4 of the SW 1/4

Section 11: The NW 1/4 of the NW 1/4

Section 15: The NW 1/4, and W 1/2 of the NE 1/4

Section 17: The N 1/2 of the NE 1/4

Section 2: A tract of land in the SW 1/4 of the SW 1/4 of Section 2, Township 9 North, Range 1 East, B.M., Gem County, Idaho, described as follows: BEGINNING at the Southeast corner of the SW 1/4 of the SW 1/4 of said Section 2; thence North on quarter quarter line 795 feet; thence South 32°00' West 940 feet to the South line of the said SW 1/4 of the SW 1/4 of said Section 2; thence East on the Section line 500 feet, to said REAL POINT OF BEGINNING.

EXCEPTING the following described tract in Sections 2 and 11, Township 9 North, Range 1 East, B.M., Gem County, Idaho: BEGINNING at the Southeast corner of the NW 1/4 of the NW 1/4 of Section 11, T. 9 N., R. 1 E., B.M.; thence North on quarter quarter line 2025 feet to a point 705 feet North of the Southeast corner of the SW 1/4 of the SW 1/4 of Section 2, T. 9 N., R. 1 E., B.M.; thence South 32°00' West 440 feet, to a point 231 feet West of the East line of the SW 1/4 of the SW 1/4 of said Section 2; thence South parallel to the East line of said SW 1/4 of the SW 1/4 of Section 2, and NW 1/4 of the NW 1/4 of said Section 11, 1645 feet, to the South line of the said NW 1/4 of the NW 1/4 of said Section 11; thence East along the quarter quarter line 231 feet to said REAL POINT OF BEGINNING.

Section 2: A tract of land in the SE 1/4 of the SW 1/4, Township 9 North, Range 1 East, B.M., Gem County, Idaho, described as follows: BEGINNING at the Northwest corner of the SE 1/4 of the SW 1/4 of Section 2, T. 9 N., R. 1 E., B.M.; thence South on the quarter quarter line 616 feet; thence North 66°00' East 1445 feet to the East line of the said SE 1/4 of the SW 1/4; thence North on the quarter quarter line 25 feet to the Northeast corner of the said SE 1/4 of the SW 1/4; thence West along the quarter quarter line 1320 feet, more or less, to the said REAL POINT OF BEGINNING.

EXCEPTING THEREFROM the following described portion thereof: COMMENCING at the Northwest corner of the said SE 1/4 of the SW 1/4 of said Section 2; thence South on the quarter quarter line 554 feet; thence North 66°00' East 1360 feet to the North line of the said SE 1/4 of the SW 1/4; thence West on the quarter quarter line 1242 feet, more or less, to said REAL POINT OF BEGINNING.

LESS road, canal and ditch rights of way.

SRBA
SUBCASE SUMMARY REPORT 65-02897

[Return to SRBA Home Page](#)

SRBA
11-05-2002

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 65-02897 FILE#: 00904
CLAIMANT: SCHMELZER, ELVIN C
HC 78 BOX 3839

OLA ID 83657
STATUS: AT ISSUE SPECIAL MASTER: CUSHMAN, THOMAS R
WATER SOURCE: SQUAW CREEK, PAYETTE RIVER

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

ELVIN C SCHMELZER	C PRO SE
UNITED STATES OF AMERICA	O ATTY: DAVID W GEHLERT
BETTY LUE SCHMELZER	C PRO SE

**** ROA ENTRIES ****

01-17-2002	OBJ 01 F/B UNITED STATES OF AMERICA	RB	03-22-2002	0001
02-27-2002	ORIGINAL CLAIM FILED			

[Return to SRBA Home Page](#)



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

November 12, 2002

JACK E HORTON
19501 JACKNIFE
OLA ID 83657

RE: Water Right No. 65-2897 & 65-3099

Dear Property Owner(s):

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing. 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.

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

Sincerely,

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

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region

DH: dh

Enclosures

cc: Elvin C and Betty Lue Schmelzer

RECEIVED

JAN 24 2002

WATER RESOURCES
WESTERN REGION

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)

A. Subcase 65-2897

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100

Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234

Daytime Phone: (208) 678-0461 (Dala Walton)

Name & Address of Attorney, if any:
David W. Gehlert (303 312-7352)
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
999 18th Street, Suite N 945
Denver, CO 80202

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Betty Lue Schmelzer & Elvin C. Schmelzer

Address: HC 78 Box 3839
Ola, ID 83657

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

- ☒ **General Provision Basin 65 Irrigation & Other Part III (3) Separate Streams**
1. ☐ **Name and Address**
Should be:
 2. ☐ **Source**
Should be:
 3. ☐ **Quantity**
Should be:
 4. ☐ **Priority Date**
Should be:
 5. ☐ **Point(s) of Diversion**
Should be:
 6. ☐ **Instream Flow Description**
Should be:
 7. ☐ **Purpose(s) of Use**
Should be:
 8. ☐ **Period of Year**
Should be:
 9. ☐ **Place of Use**
Should be:
 11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described.

E. REASONS SUPPORTING EACH OBJECTION(S):

The Bureau of Reclamation objects to the separate stream provision of the Director's Report for Basin 65, Part III. These streams should be administered as part of the Payette River System in order to adequately protect water rights in the Payette River subbasin.

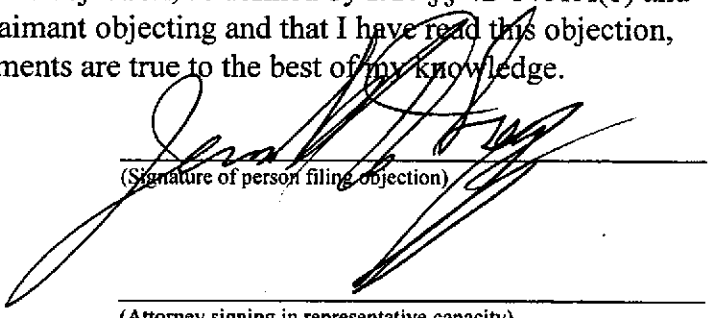
F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

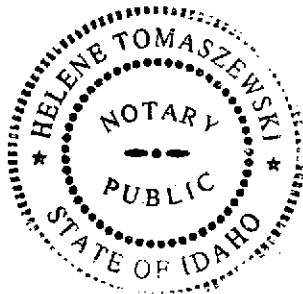
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

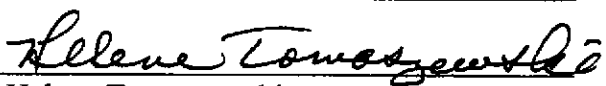

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 9, 2002




Helene Tomaszewski
Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 01-16-2002

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 17, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

Name: Betty Lue Schmelzer & Elvin C. Schmelzer

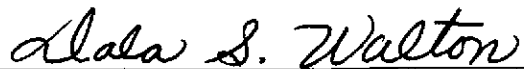
Address: HC 78 Box 3839
Ola, ID 83657

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



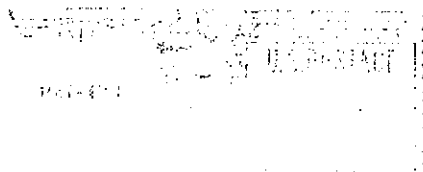
Signature of Objector or attorney mailing on Objector's behalf

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

NOT DELIVERABLE
AS ADDRESSED
UNABLE
TO FORWARD

POSTED
CLASS



RECEIVED

MAY 07 2001

WATER RESOURCES
WESTERN REGION

Me

BETTY LUE SCHMELZER

65-2897

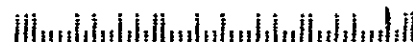
ELVIN C. SCHMELZER

HC 78 BOX 3839

OLA ID 83657

65-2897

[REDACTED] 5042





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

11/22/2000

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

RIGHT NUMBER: 65-2897

NAME AND ADDRESS: BETTY LUE SCHMELZER
ELVIN C SCHMELZER
HC 78 BOX 3839
OLA, ID 83657

SOURCE: SQUAW CREEK

TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.83 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-3099 SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 05/09/1967

POINT OF DIVERSION:	T09N R01E S3	SWSE	Within GEM County
	T09N R01E S3	SESE	Within GEM County
	T09N R01E S10	NENE	Within GEM County
	T09N R01E S10	SWNE	Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 11-01	0.83 CFS

PLACE OF USE:

<u>IRRIGATION Within GEM County</u>					
T09N R01E S10	NENE	29	T09N R01E S10	NWNE	6
T09N R01E S10	SWNE	2	T09N R01E S10	SENE	2
T09N R01E S11	NWNW	16	T09N R01E S3	NWSE	1
T09N R01E S3	SWSE	5	T09N R01E S3	SESE	22

83 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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

AJ5809NP
No. A65-02897

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/31/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BETTY LUE SCHMELZER OLA ID 83657	05/09/1967	IRRIGATION	04-01 11-01	0.830 CFS	
TOTAL DIVERSION:					0.830 CFS	
C	ELVIN C SCHMELZER HC 78 BOX 3839 OLA ID 83657 (208) 584-3569					

Water Source: SQUAW CREEK

Tributary to:

Stage: DECREED

Point(s) of Diversion:	T09N R01E S03 S10	SWSE NENE	~~SWSE~~ ~~NENE~~	SESE SWNE	~~SESE~~ ~~SWNE~~	GEM County GEM 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	
09N	01E 3	:														01	05	22	28.0
09N	01E 10	:	28	06	2	25													39.0
09N	01E 11	:	29				16												16.0
TOTAL ACRES																		83.0	

POU County: GEM

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHT 65-3099 SHALL PROVIDE NO
MORE THAN .02 CFS/ACRE.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

Audit: 01/10/90 MOBILE3 03/30/95 POST-STD

C18 + E28 + C05

WR5809NP
No. 65-02897

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/22/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ELVIN C. SCHMELZER	05/09/1967	IRRIGATION	04/01 11/01	0.830 CFS	
C	BETTY LUE SCHMELZER					
	OLA ID 83657					
TOTAL DIVERSION:					0.830 CFS	

Water Source: SQUAW CREEK

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T09N R01E S03
S10

SWSE
NENE

SESE
SWNE

GEM County
GEM 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	
09N	01E	3	:						:								01	05	22	28.0
09N	01E	10	:	28		06			05	:										39.0
09N	01E	11	:							16	:									16.0
TOTAL ACRES																			83.0	

Pou County: GEM

Other Water Rights Listing Overlapping Place(s) of use:
65-03099

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHT 65-3099 SHALL PROVIDE NO
MORE THAN .02 CFS/ACRE.

Dates: App. Received: Priority Date: 05/09/1967
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 65 Field Exam Fee:

Audit: 04/02/86 04/30/88 CONVERT

A65-2897

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 521

INDICATES TOTAL

SOURCE: SQUAW CREEK

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
65-2897	SCHMELZER, ELVIN C. & SCHMELZER, BETTY LUE OLA, IDAHO 83657 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-3099 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	5/ 9/1967	IRRIGATION	4/ 1 11/ 1	--- AFA .83 CFS	SESE S 3 T 9N R 1E SWSE S 3 T 9N R 1E NENE S10 T 9N R 1E SWNE S10 T 9N R 1E	NWSE(1) SWSE(5) SESE(22) S 3 T 9N R 1E NENE(28) NWNE(6) SENE(5) S10 T 9N R 1E NWNW(16) S11 T 9N R 1E *83*	LICENSE
65-10653	KERSTEIN, CHESTER C. & KERSTEIN, JOANN F. SWEET, IDAHO 83670 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-10652 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	8/18/1967	IRRIGATION	4/ 1 11/ 1	--- AFA .22 CFS	NWSW S 3 T 7N R 1E	SENE(9) NESE(2) S 4 T 7N R 1E *11*	BENEFICIAL USE
65-7065	GLIMP, J. C. & GLIMP, LILA H. BOX 43, SWEET, IDAHO 83670 REMARKS: THIS PERMIT RIGHT IS NOT DECKED BY THE PRESENT ADJUDICATION PROCEDURE, AND IS INCLUDED FOR INFORMATION PURPOSES ONLY. NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.	2/14/1969	IRRIGATION	4/ 1 11/ 1	--- AFA 2.00 CFS	NWSW S10 T 7N R 1E	NENW(17) NWNW(40) S15 T 7N R 1E NENE(6) SENE(30) NESE(7) S16 T 7N R 1E *100*	PERMIT
			STOCKWATER	1/ 1 12/31	2.70 AFA .05 CFS *---*AFA *2.00*CFS		SAME AS OTHER USE	
65-7236	MARSTERS, LEO 2045 DE BORD DRIVE, PAYETTE, IDAHO 83661	9/20/1971	DOMESTIC	1/ 1 12/31	4.80 AFA .08 CFS	NWSE S10 T10N R 2E	NWSE S10 T10N R 2E	LICENSE

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 DETERMINATION OF THE RIGHT TO THE USE OF THE SURFACE AND GROUND WATERS OF THE PAYETTE RIVER DRAINAGE BASIN

NOTICE OF CLAIM
TO A
WATER RIGHT

IDENT. NO.

DATE NO.

Notice is hereby given that ELVIN C. and/or BETTY LUE SCHMELZER

01a, Idaho 83657

claims a right to the diversion and beneficial use of the surface or groundwater, of or tributary to the Payette River, in extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) May 9, 1967

(2) Describe source of water: (Name of stream, lake, spring, etc. or subterranean) Squaw Creek

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

Use 4.0 2.4 Irrigation Period of Use From April 1 To October 31

Use 420 AFA (Domestic, irrigation, stock, etc.) Period of Use From April 1 To October 31

Use 420 AFA (Domestic, irrigation, stock, etc.) Period of Use From April 1 To October 31

Use 420 AFA (Domestic, irrigation, stock, etc.) Period of Use From April 1 To October 31

Use 420 AFA (Domestic, irrigation, stock, etc.) Period of Use From April 1 To October 31

Use 420 AFA (Domestic, irrigation, stock, etc.) Period of Use From April 1 To October 31

(4) Quantity of water claimed: 4.0 2.4 Cubic Feet Per Second, or 420 AFA Acre Feet Per Annum, and/or 420 AFA Gals. Per Minute.

(5) A) Point of Diversion: Give location of point where water is diverted from its source. SE 1/4, Sec. 3, Twp. 9 N, Rge. 1 E, B.M.; additional points: SW 1/4, Sec. 3, Twp. 9 N, Rge. 1 E, B.M.

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: portable pump, sprinkler system

(6) 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	
9N	1E	3																	80
		10	40	40	40														120
9N	1E	3																	57
		10	30	10	10														50
		11																	5

Total No. of acres 200 120

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

(7) Effluent, sewage waste, or return water from this use is discharged into Squaw Creek

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

(9) Remarks Proof due May 19, 1978. (This right when combined w/ 65-3099 shall provide no more than 22 AFA per 32 AFA per acre)

(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, license, or claim filed with State Reclamation Engineer, Office No. 33595 claim # 65-2897

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

May 21, 1970 (Date)

Elvin C. Schmelter (Signature of Claimant)

Betty Lue Schmelter (Signature of Spouse)

Organization KEYPUNCHED

State of Idaho ss. Organization Idaho

County of Gem On this 21st day of May, in the year 1970

before me, a notary public, personally appeared Elvin C. & Betty Lue Schmelter

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.

Notary Public residing at Boise Idaho

My commission expires May 1, 1972

12-30-76 12A-7/24/70

T. 9 N. R. 1 E. P. 1 M.

THIRTEEN

1000

3 2

100

NOT TO SCALE

465-2897
PRBA map
9N, 01E

④

SQUAW CR

65-2897

65-2897

65-3099

65-2897

132

11011

65-2897

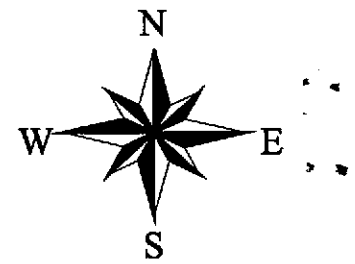
65-3099

⑧

VACANT

IDAHO DEPARTMENT OF WATER RESOURCES

T09N, R01E, S3, S10 & S11



1987 NAPP PHOTO

● POINT OF DIVERSION

▭ PLACE OF USE

▭ 1/4 1/4 LINES

▭ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-02897

OWNER(S): SCHMELZER, ELVIN &
BETTY LUE

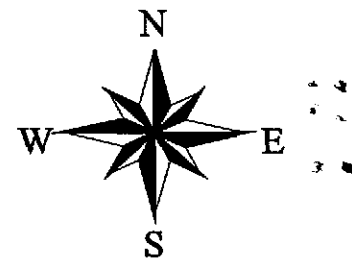
Prepared by Mel Schulte

DATE: JULY 31, 2000

0 0.25 0.5 0.75 1 Miles

IDAHO DEPARTMENT OF WATER RESOURCES

T09N, R01E, S3, S10 & S11



1987 NAPP PHOTO

● POINT OF DIVERSION

▭ PLACE OF USE

▭ 1/4 1/4 LINES

▭ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-02897

OWNER(S): SCHMELZER, ELVIN &
BETTY LUE

Prepared by Mel Schulte

DATE: JULY 31, 2000

