

August 24, 2007

District Court of the Fifth Judicial District
State of Idaho, County of Twin Falls
To Whom it may concern:

Since my husband, Blaine Overman, has been hospitalized, since July 8, 2007, due to an operation and then a stroke, I am forced to deal with this waste water problem (?) myself.

My daughter, Linda Overman, and myself met with Mr. Dennis Hays, water master at Black Canyon Irrigation District, and he suggested that I mail copies of our waste water information to you. I will also mail copies to McDevitt & Miller LLP, lawyers. I hope that this information will help to resolve this.

We are not claiming ownership of this waste water - only that we have a valid permit to use it.

Sincerely,
Suzanne Overman

DISTRICT COURT - SRBA
TWIN FALLS, CO., IDAHO
FILED
AUG 27 2007

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 26374/63-3081 Priority Dec. 23, 1956 Amount 0.8 cfs
(late proof)

THIS IS TO CERTIFY, that Blaine Overman & Suzanne Overman
of Caldwell, Idaho, has complied with the terms and conditions of Permit
No. 26374/63-3081 issued pursuant to Application for Permit dated May 31, 1956,
and has submitted proof to the Department of Water Administration on June 28, 1957,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.8 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from an unnamed stream (waste water)
tributary of _____, is hereby confirmed in the following amounts:

Amount 0.8 for irrigation from March 15 to Nov. 15 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 0.8 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 22, Twp. 5 N, Rge. 3 W, B.M.

in the county of Canyon, and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 180 acre feet per year or _____
4.5 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5N	3W	27			22										18				40

Total number of acres irrigated 40

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of

October, 19 71.


Director

693468

FILED

OCT 18 4 16 PM '72

WALTER FRY
CANYON COUNTY RECORDER

BY *Willard E. Cox*

RECORDED
AT THE REQUEST OF

CANYON ABSTRACT & TITLE CO.
IN

OF

Seeds

FEE

2.00

Cecil Montgomery et ux

to

W. Blaine Overman et ux

W.D.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Cecil Montgomery [Seal]
Cecil Montgomery
Vesta Montgomery [Seal]
Vesta Montgomery
[Seal]
[Seal]

STATE OF IDAHO

SS.

COUNTY OF CANYON

On this day of May in the year 1964, before me

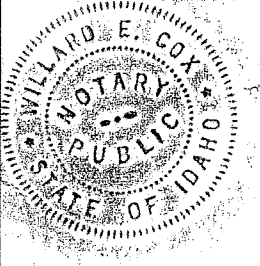
THE UNDERSIGNED, a Notary Public

in and for said State, personally appeared

CECIL MONTGOMERY and VESTA MONTGOMERY, husband and wife,

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

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



Willard E. Cox

Notary Public for the State of Idaho,
Residing at Canyon, Idaho

No. _____
WARRANTY DEED

— TO —

Dated _____, 19____

STATE OF IDAHO,

COUNTY OF _____

SS.

I hereby certify that this instrument was filed for record at request of _____

at _____ minutes past _____ o'clock _____ M., this _____ day of _____, A. D. 19____

in my office, and duly recorded in Book _____ of _____ at page _____

Ex-Officio Recorder.

By _____ Deputy.

Fees, \$ _____

Mailed to _____

CANYON PRINTERS, CALDWELL, IDAHO 83614

90944

R-3 - WARRANTY DEED - Short Form.

PRINTED AND

FILE BY GAYTON PRINTERS, CALDWELL, IDAHO 83616

INSTRUMENT NO 693469

THIS INDENTURE, Made this 15th day of May,
 in the year of our Lord one thousand nine hundred and sixty-four, between
 CECIL MONTGOMERY and VESTA MONTGOMERY, husband and wife,
 of Lyle, County of Klickitat, State of Washington,
 the parties of the first part, and
 W. BLAINE OVERMAN and SUZANNE OVERMAN, husband and wife,
 of Caldwell, County of Canyon, State of Idaho,
 the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of
 TEN and NO/100-----(\$10.00)----- DOLLARS,
 lawful money of the United States of America, and other good and valuable consideration,
 to them in hand paid by the said
 parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained
 and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties
 of the second part, and to their heirs and assigns forever, all of the following described real estate,
 situated in, County of Canyon, State of Idaho, to-wit:

The Southwest Quarter of the Northeast Quarter and the Northwest
 Quarter of the Southeast Quarter in Section 27, Township 5 North,
 Range 3 West of the Boise Meridian, Canyon County, Idaho;

Together with all water, water rights, ditches and rights of way
 for ditches appurtenant thereto or in anywise appertaining;

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto
 belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents,
 issues and profits thereof; and all estate, right, title and interest in and to the said property, as well
 in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together
 with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever,
 and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable
 possession of the said parties of the second part, their heirs and assigns, against the said parties
 of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully
 claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

A S S I G N M E N T

For value received, I hereby assign all of my right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. 26374 to Blaine Overman of R # 1 Caldwell, Idaho
* SW $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$ of Sec. 27, Twp. 5N, Rge. 3 West.
Canyon County, Idaho

Cecil Montgomery
Permit Holder

Vesta Montgomery
Wife of Permit Holder

~~WESTINGHOUSE~~
STATE OF ~~IDAHO~~ IDAHO)
CANYON : ss
County of ~~KRICHTER~~)

On this 22 day of May, 1964, before me, a Notary Public for the State of Idaho, residing at Middleton, Idaho personally appeared Cecil Montgomery and Vesta Montgomery are known to me to be the person s whose name are ~~is~~ subscribed to the within instrument and duly acknowledged to me that the y executed the same.

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

Hellard Elia
Notary Public
Residing at Middleton, Idaho

My commission expires: 3/21/67

* If fractional part of permit is to be assigned, the fractional part of the land to which the assigned fraction is appurtenant should be described by legal subdivisions

ROBERT E. SMYLLIE
Governor



CARL E. TAPPAN
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

January 14, 1966

Mrs. Blaine Overman
Route #3
Caldwell, Idaho

Dear Mrs. Overman:

In reply to our telephone conversation I submit the following information concerning an unnamed stream (drain ditch) in T 5 N., R. 3 W., B.M.

Permit No. 26374 issued to Cecil Montgomery, priority May 31, 1956, (license being held up pending receipt of evidence showing water claimed is public water). Point of Diversion, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T 5 N., R 3 W., B.M. Place of Use, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27, T 5 N., R 3 W., B.M.

Three other permits were issued but have since been cancelled. They are as follows: Permit No. 26459, Pearl F. Lynch, Point of Diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T 5 N., R 3 W., B.M. Place of Use: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22; T 5 N., R 3 W., B.M.

Permit No. 26510, William F. Harris, Point of Diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22; T 5 N., R 3 W., B.M. Place of Use: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T 5 N., R 3 W., B.M.

Permit No. 28682, G. E. Davis, Point of Diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21, T 5 N., R 3 W., B.M. Place of Use: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21, T 5 N., R 3 W., B.M.

If we can be of any further assistance feel free to call on us.

Very truly yours,

A handwritten signature in cursive script that reads "Robert W. Hamilton".

ROBERT W. HAMILTON, Supervisor
Water Distribution

RWH:ejw

Rec. No. 33179 given #.50

RECEIVED

APR 11 1966

Department of Reclamation

A S S I G N M E N T

We
For value received, ~~x~~ hereby assign all of ~~my~~ our right, title and
interest in and to Permit to appropriate the Public Waters of the State of Idaho,
No. 26374 to BLAINE OVERMAN and SUZANNE OVERMAN of
Route 3, Caldwell, Idaho.

*

Cecil Montgomery
Permit Holder
Vesta Montgomery
Wife of Permit Holder

STATE OF IDAHO)
: ss
County of)

On this 26th day of January, 19 66, before me, a Notary Public
for the State of Idaho, residing at Caldwell, Idaho,
personally appeared Cecil Montgomery and Vesta Montgomery
are
known to me to be the person s whose name s ~~xxx~~ subscribed to the within instrument
and duly acknowledged to me that t he y executed the same.

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

Wayne E. Davis
Notary Public for Idaho
Residing at Caldwell, Idaho

My commission expires: 6/1/69

* If fractional part of permit is to be assigned, the fractional part of the land to
which the assigned fraction is appurtenant should be described by legal subdivisions

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

November 15, 1971

Re: Permit No. 26374/63-3081

Blaine & Suzanne Overman
Route # 3
Caldwell, Idaho 83605

Dear Mr. & Mrs. Overman:

Enclosed herewith is your Water License issued on the above referenced permit.

Also enclosed is departmental receipt No. 8275 in the amount of \$4.00 covering the fee.

Sincerely,

Bobby D Fleenor

BOBBY D. FLEENOR
Assistant Director

BDF:DR

Enc: License
Receipt

STATE OF IDAHO

Department of Water Administration

Nº 8275

Boise, Idaho, 9-17, 1971

RECEIVED
FROM

Blaine Overman

\$ 4.00

Four & no/100

DOLLARS

FOR

Lic fee

\$ 4.00

63-308A

\$

\$

\$

TOTAL - - -

\$

4.00

E. J. Woods

BLAINE OR SUZANNE OVERMAN

No.

92-51
1241

PAY
TO THE
ORDER OF

Sept. 5 19 71
State of Idaho, Department of Water Admin.

\$ 4.⁰⁰/₁₀₀

Four & ^{no}/₁₀₀

SEP 24 1971

DOLLARS

IDAHO
FIRST



CALDWELL OFFICE

National Bank
CALDWELL, IDAHO

BANK

water permit #26374 / 63-3081

Suzanne Overman
Route 3 Caldwell
751-6016

ROCKMONT BANK NOTE CO. DPL



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse — Annex 2
Boise, Idaho 83707
(208) 384-2215

August 20, 1971

Re: Permit No. 26374/63-3081

Blaine & Suzanne Overman
Route 3
Caldwell, Idaho 83605

Dear Mr. & Mrs. Overman:

A representative from this Department has made an examination of the works covered by your Permit No. 26374/63-3081 and has found the following:

Quantity of water diverted: 0.8 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho law: 0.8 c.f.s.

The maximum quantity of water diverted shall not exceed 180 acre feet per season.

Beneficial use: Irrigation of 40 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 5N, R. 3W, B.M.

The priority date established is December 23, 1956.

A fee totaling \$4.00 must be received within 30 days from the date of this letter in order that we can issue you a Water License as set forth in this letter.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

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: A63-03081
Date Received: 2/09/1990
Receipt No: M005823
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BLAINE OVERMAN 208-459-6016
Address: 25454 FREEZE OUT RD.
CALDWELL, ID 83605

OR

Name: SUZANNE OVERMAN 208-459-6016
Address: 25454 FREEZE OUT RD.
CALDWELL, ID 83605

2. Date of Priority: DEC 23, 1956

3. Source: UNNAMED STREAM Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	03W	27	SW	NE			CANYON

5. Description of diverting works:
SEE PREVIOUS WATER RIGHT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		180.00

7. Total Quantity Appropriated is:
0.800 C.F.S. (and/or) 180.00 A.F.A.

8. Total consumptive use is 140.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	03W	27	SW	NE	IRR	22.0
			NW	SE	IRR	18.0
					Section Acres	40.0
					Total Acres	40.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
BLACK CANYON

14. Remarks:
SOURCE IS WASTE WATER.
CHANGE IN POINT OF DIVERSION. THIS DIVERSION HAS ALWAYS BEEN
IN THE SW1/4NE1/4 OF SECTION 27.

15. Basis of Claim: LICENSE
Water Right Number: 26374

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 _____

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: M005823

Date: 02/09/90
Time: 14:20:18

Received
From: OVERMAN, SUZANNE

Type of Payment	Program Acct Class	Amount
ADJUDICATION FEE	0410162 9337 6490	\$115.00
Total		\$115.00

CHECK 653

WR/NO: A63-20818 A63-03081

Idaho Department of Water Resources

Region: MOBILE I

Signature: Linda Werner



Idaho Department of Water Resources

63-3081

05N 03W S27



-  POU
-  POD
-  Sections
- Quarter/Quarter

Total Irrigated
Acres: 40.0

700 0 700 Feet



IDWR
Prepared by: Lori Graves
Date: 11-01-06
1986-87 Photography