

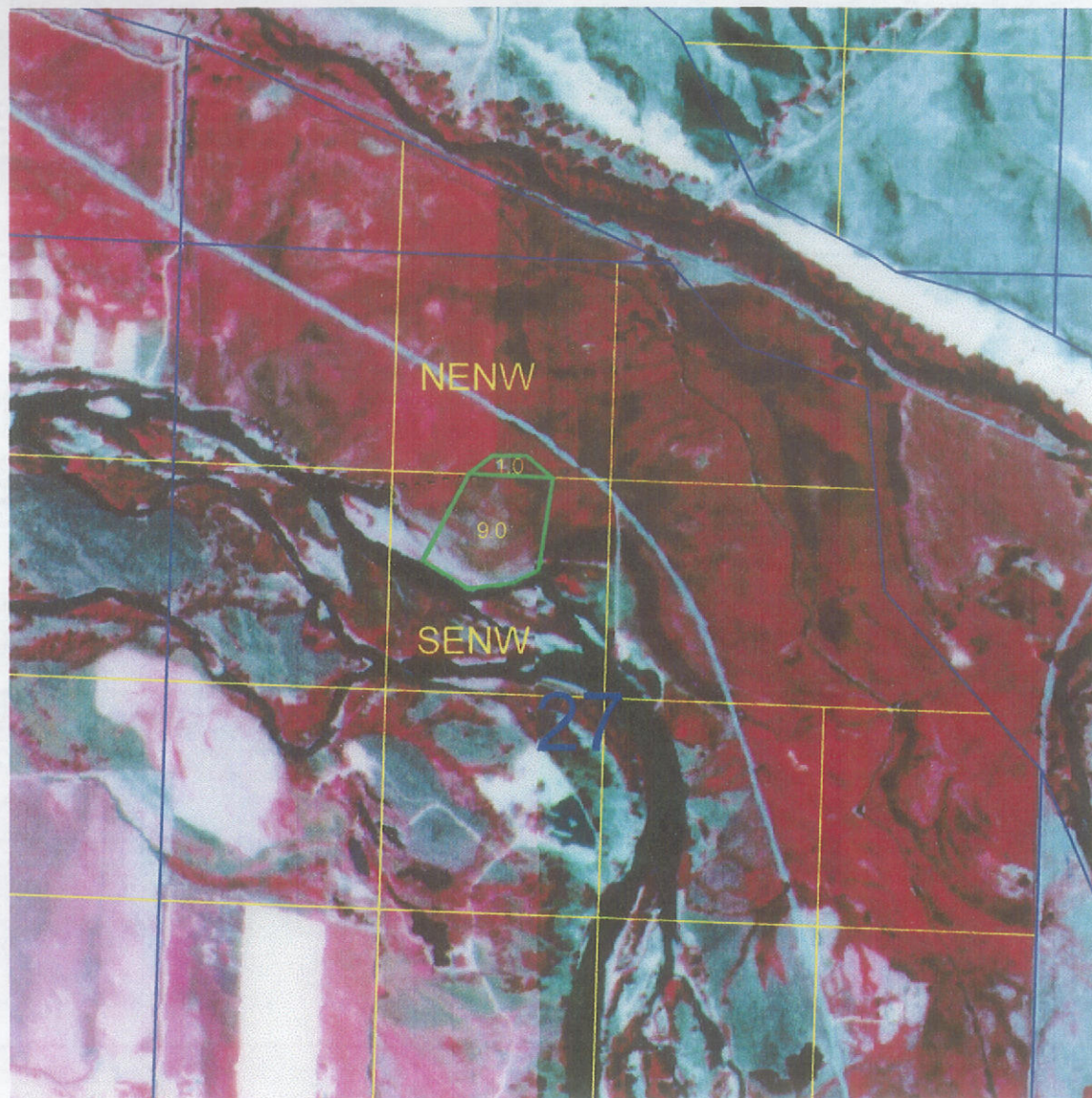
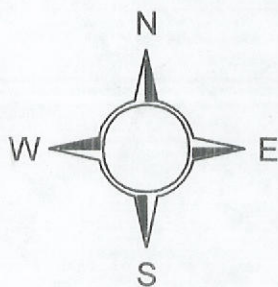
Idaho Department of Water Resources

Claim Number: 65-11261

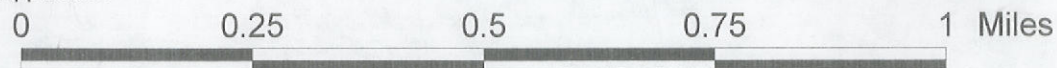
Claimant: Colwell

Legal: T08N, R04W, S27

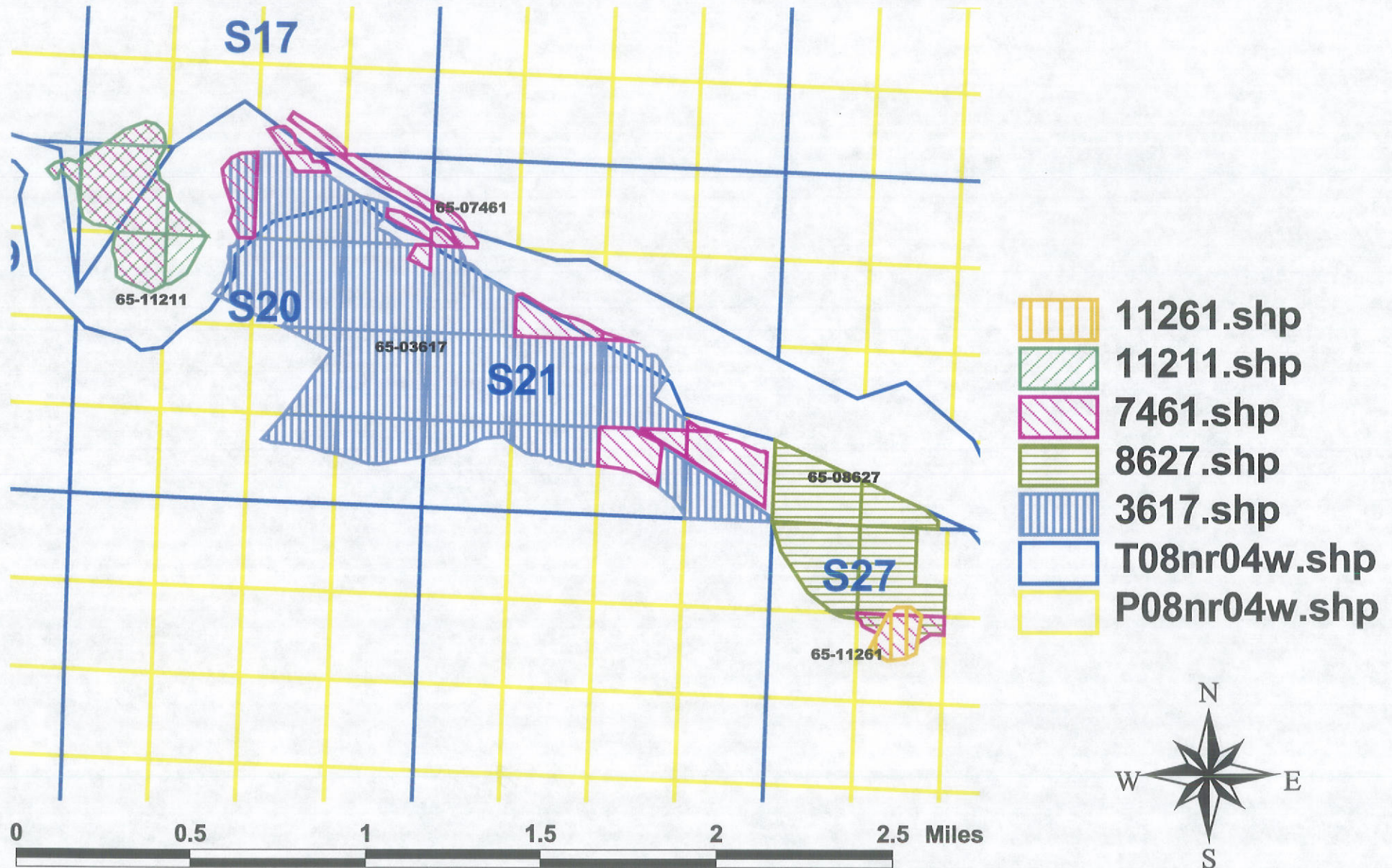
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



1987 Napp Photo



COLWELL OVERLAP MAP



OVERLAP REVIEW SHEET FOR THE FOLLOWING WR #'s:

65 - 03617

65 - 07461

AGENT RON H.

DATE 5-17-00

65 - 11211

65 - 08627

① ^{Govt}
L+H

65 - 11261

← OVERLAP
COMPARED with

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
PAYETTE R.	3617	8N	4W	20	① 10	② 34	② 30	① 38	12			③ 9.7					40	14	11	19		
	3617	8N	4W	21							⑤ 31		⑥ 40	40	11	15	⑦ 28	6.3	⑧ 14			411

PAYETTE R. 7461	8N	4W	17																			

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
	7461	8N	4W	19	① 3																	
	7461	8N	4W	20	⑦ 8	⑦ 3		① 2	15	⑥ 36	⑥ 14											
	7461	8N	4W	21			② 1			④ 6		⑤ 12					① 1			⑧ 17		
	7461	8N	4W	27																		159

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
SLOUGH	11211	8N	4W	17																		
		8N	4W	19	② 3																	
		8N	4W	20					③ 4	⑥ 36	⑥ 12	⑥ 7										67

PAYETTE R. 11261	8N	4W	27					① 1				⑨ 9										10
------------------	----	----	----	--	--	--	--	--------	--	--	--	--------	--	--	--	--	--	--	--	--	--	----

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
PAYETTE R. 8627	8N	4W	22													⑥ 29	⑦ 12					
			27																			105

(SEPARATE ACRES)

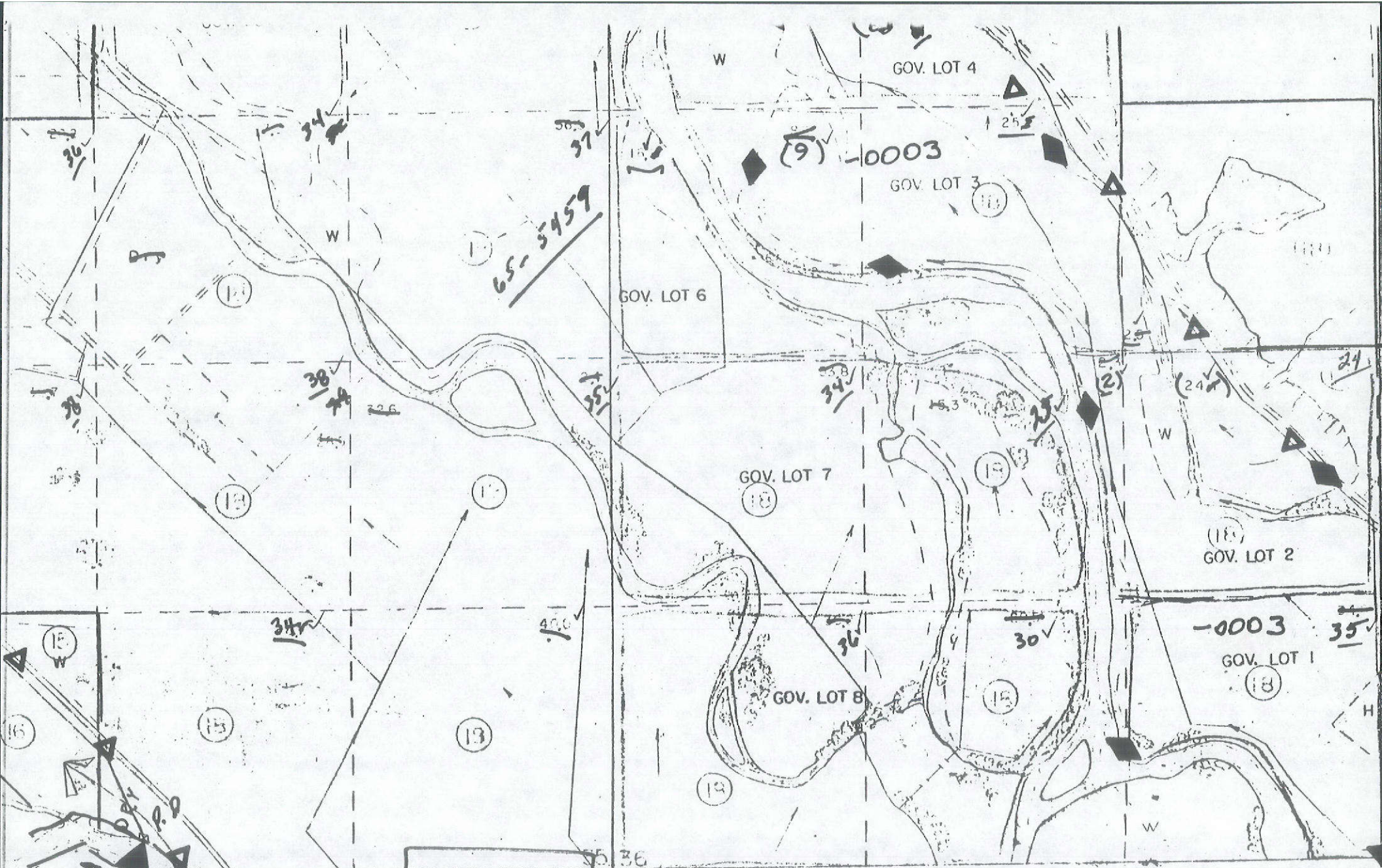
11261 (10 ACRE)
+ 8627 (105 Ae)
= 115 TOTAL

NOT OVERLAP
LARGE
PLOT
RMK

7461 (159)
+ 11261 1

160 TOTAL

PAGE 1 OF 2



MAP "E"

P/D
SW SE
S35
T8N R4W
Arid 1-18-18

APPEARS TO
BE IRRIGATED

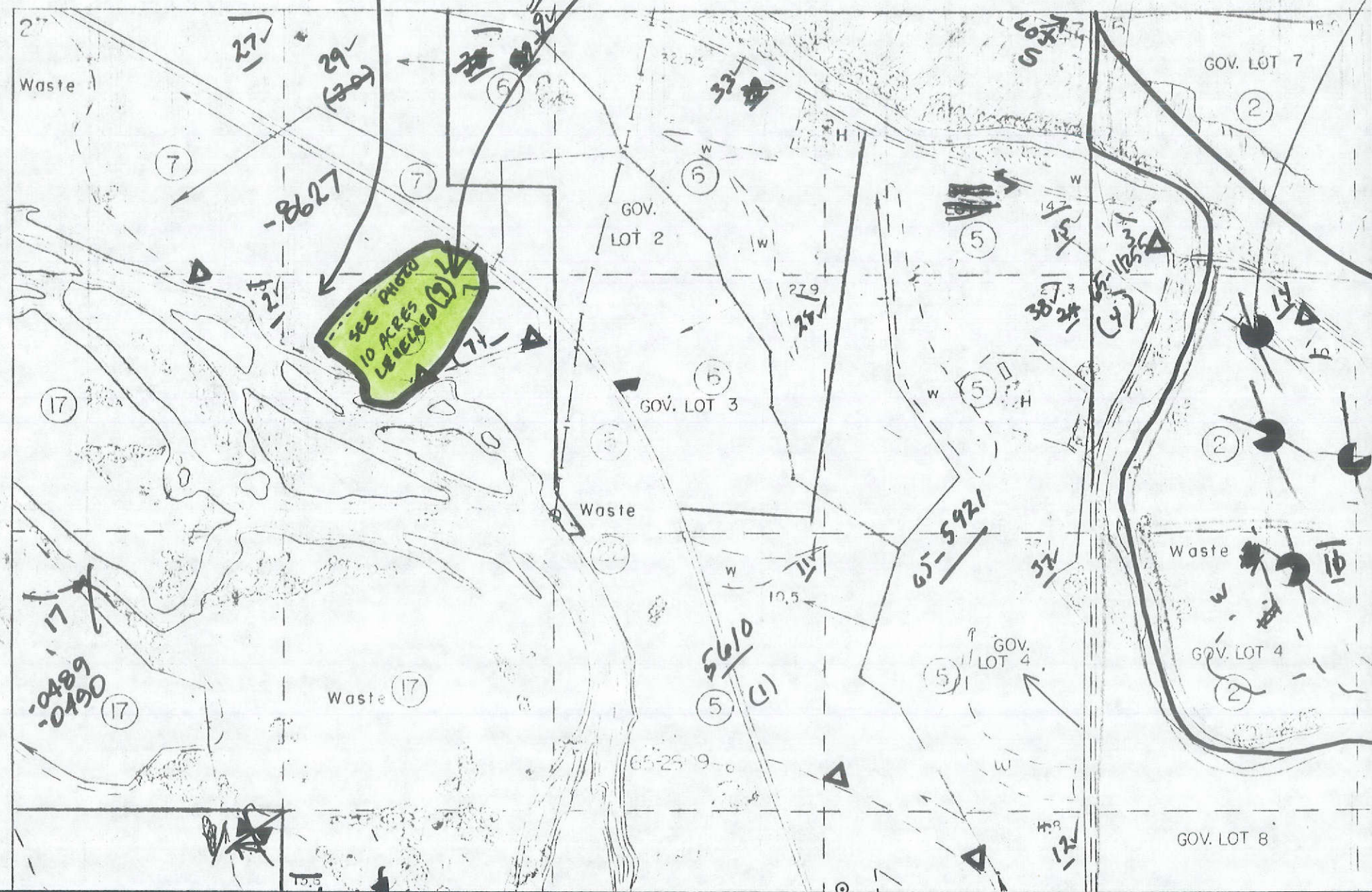
24. Dwaine Samson
25. D.F. Burgess

SAME PID FOR RIGHTS:
 65-3617 -8627
 -5921 -11255
 -7461 -11261

NOTE: THIS
4% HAS 7 ACRES
OF 1882 WATER AN
9 ACRES OF MUD

65-11261

T8N R4W MAP "E"



IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF _____
DRAINAGE BASIN.

**NOTICE OF CLAIM
TO A
WATER RIGHT**

15-11261	
I.D. No.	Map No.
\$	Fee Paid
	Receipt No.

Notice is hereby given that Charles S. and/or Dora J. Highby
(Name of Claimant)

Star House, Pocatello, Idaho 83251
(Mailing Address)

(Zip Code)

Telephone No. _____

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) _____

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) _____
tributary to _____

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

Quantity _____ Use _____ Period of Use From Mar. 15 To Nov. 15
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

(4) 120 TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)

(5) A) Point of Diversion: Give location of point where water is diverted from its source SW 1/4 SE 1/4
Sec. _____, Twp. _____, Rge. _____, B.M., _____, County _____
Additional Points: _____

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. Describe any changes in the system and give the date of the change.
Water diverted from a ditch as described in 87-0727

(6) A) 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	
																			10

Total no. of acres 10

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

NOTE: Include here the type and number of stock watered: _____

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

(8) Remarks SEE MEMO

(9) 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, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. _____

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

(Date)

(Signature of Claimant)

State of _____ Organization _____

(Signature of Spouse)

County of _____ Seal _____

(Signature of Authorized Agent)

On this _____ day of _____, in the year _____, before me
a notary public, personally appeared _____

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.

My commission expires _____

Notary Public residing at _____

DAT 6-28-78

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: **A65-11261**
Date Received: 4/11/1990
Receipt No: X999999
Received By: _____

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

1. Name: GEORGE E COLWELL 208-376-6922
Address: 10800 SMOKE RANCH ROAD
BOISE ID 83709

AND

Name: CHERYL F COLWELL 208-376-6922
Address: 10800 SMOKE RANCH ROAD
BOISE ID 83709

2. Date of Priority: OCT 24, 1882

3. Source: PAYETTE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	04W	35	SW	SE			PAYETTE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.130		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	04W	27	NE	NW		IRR	1.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08N	04W	27	SE NW		IRR	9.0
Section Acres						10.0
Total Acres						10.0

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

OWNERSHIP CHANGED BY LH 11/18/94.

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): _____ Date: _____
_____ 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 _____

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: A65-11261
Date Received: 4/11/1990
Receipt No: X999999
Received By: DE JEN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHARLES S. HIGBY 208-278-3354
Address: 3990 HWY. 52
PAYETTE ID 83661
OR
Name: EMMA J. HIGBY 208-278-3354
Address: 3990 HWY. 52
PAYETTE ID 83661

2. Date of Priority: OCT 24, 1882

3. Source: PAYETTE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	04W	35	SW	SE			PAYETTE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.130		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	04W	27	NE	NW		IRR	1.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	04W	27	SE	NW		IRR	9.0
Section Acres							10.0
Total Acres							10.0

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs

Decree Defendant

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: _____

MICROFILMED
SEP 24 1992

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 _____

MICROFILMED
SEP 24 1992

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

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

CIVIL CASE NUMBER: 39576
Ident. No. ABS-11261

RECEIVED
APR 11 1990

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

Department of Water Resources

Please type or print clearly:

Name of Claimant(s) Charles S Higby or
Emma J Higby

Mailing Address 3990 Hwy 52
(include Zip Code) Payette ID 83661

Phone Number (208) 278-3354

MICROFILMED

SEP 24 1992

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

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

CIVIL CASE NUMBER: 39576

IDENT. NUMBER: 65-11261

DATE RECEIVED: 4-11-90

RECEIPT NO: X999999

RECEIVED BY: _____

RECEIVED
APR 11 1990

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

1. NAME: CHARLES S. HIGBY
ADDRESS: STAR ROUTE
PAYETTE, ID

83661

NAME: EMMA J. HIGBY
ADDRESS: STAR ROUTE
PAYETTE, ID

83661

2. DATE OF PRIORITY: OCT 24, 1882

3. SOURCE: PAYETTE RIVER TRIB. TO: SNAKE RIVER

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
08N	04W	35	SW	SE			PAYETTE

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
IRRIGATION	03/15	11/15	0.130		

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

A.F.A.

8. TOTAL CONSUMPTIVE USE IS ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
08N	04W	27	NE	NW		IRR	1.0
			SE	NW		IRR	9.0

SECTION ACRES 10.0

TOTAL ACRES 10.0

11. PLACE OF USE IN COUNTIES: PAYETTE, PAYETTE

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

13. OTHER WATER RIGHTS USED:

14. REMARKS:

15. BASIS OF CLAIM: DECREE

CASE NUMBER:

COURT :

DECREE DATE: 1/21/1986

STATE OF IDAHO
DECREE PLAINTIFF

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

MICROFILMED

SEP 24 1992

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): Charles D. Hegley DATE: 4-6-96
Emma J. Hegley DATE: 4/6/96

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)
COUNTY OF Payette) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 6th DAY

OF April 19 90

Cori Lynn Smith
NOTARY PUBLIC

SEAL

RESIDING AT Fruitland

MY COMMISSION EXPIRES 6-6-92

MICROFILMED

SEP 24 1992



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

RECEIVED
NOV 10 1994

DATE OF CLOSING: September 15, 1994

Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township 8 North Range 4 West

Section 17-22, 27 1/4 of 1/4 of 1/4, Govt. Lot _____, BM.

Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

SEE ATTACHED
LEGAL DESCRIPTION
ON "EXHIBIT A"

TO ATTACHED
WARRANTY DEED

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s) A65-03617, A65-03618, A65-07461, A65-07462, A65-08627
Assigned by IDWR: A65-09393, A65-09394, A65-11211 and A65-11261

[] Name and Address of Former Owner/Claimant(s)(Seller): Charles S. Higby, Emma J. Higby (Higby N/N Ranch)

Higby N/N Ranch

HC 80 Box 97, Payette, Idaho 83661

[] New Owner/Claimant (Purchaser):

George E. Colwell and Cheryl F. Colwell

[] New Mailing Address:

10800 Smoke Ranch Road

Boise, Idaho 83709

RECEIVED

NOV 15 1994

WATER RESOURCES
WESTERN REGION

[] New Telephone Number: (208) 376 - 6922

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Attach proof of ownership, describe proof attached: Copy of recorded Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New Owner/Claimant(s) George E. Colwell Date 9/15/94

Cheryl F. Colwell Cheryl F. Colwell Date 9/15/94

[] Signature of Former Owner/Claimant(s): Charles S. Higby Charles S. Higby Date 9/15/94
for Higby N/N Ranch Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 11-18-94 By: JEL

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED

OCT 21 1996

WARRANTY DEED

fee \$27.00

THIS WARRANTY DEED, made this 15th day of September, 1994, between HIGBY N/N RANCH, an Idaho General Partnership ("GRANTOR"), and GEORGE E. COLWELL and CHERYL F. COLWELL, husband and wife ("GRANTEES"), whose address is 10800 Smoke Ranch Dr., Boise, Idaho 83709-1258;

WITNESSETH:

The GRANTOR, for and in consideration of the sum of Ten and No/100ths Dollars, lawful money of the United States of America, and other good and valuable consideration, to it in hand paid by the GRANTEES, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the GRANTEES, and to their heirs, personal representatives, successors and assigns forever, all of the following described real property situate in the County of Payette, State of Idaho, to-wit:

**REAL PROPERTY DESCRIBED ON "EXHIBIT A" ATTACHED HERETO
AND MADE A PART HEREOF**

SUBJECT TO:

1. General Taxes for the year 1994.
2. Rights outstanding under Easement for telephone lines and equipment, dated May 3, 1904, recorded May 11, 1904, in Book A, Page 89, Miscellaneous Records, Payette County, Idaho.
3. Easement in favor of State of Idaho as set forth in Deed dated April 16, 1936, recorded May 6, 1936, Fee #37837, in Book 13, Page 557, Deed Records of Payette County, Idaho.
4. Conditions and restrictions set forth in Decree of District Court, Payette County Case No. 2876, entered August 28, 1951, recorded August 29, 1951, Fee #80311, in book 5, Page 528, Judgment Records of Payette County, Idaho.
5. Easement in favor of J. R. McKinney and Dorothy McKinney, husband and wife, dated October 22, 1956, recorded November 16, 1956, Fee #96015, Miscellaneous Records of Payette County, Idaho.
6. Easement in favor of Idaho Power Company, dated January 30, 1973, recorded June 8, 1973, Fee #150958, Miscellaneous Records of Payette County, Idaho.

MICROFILMED

OCT 21 1996

251995

7. Right of Way (25 feet in width) for a road as shown in Deed dated June 23, 1904, recorded April 10, 1905, in Book D, Page 304, Deed Records of Payette County, Idaho.
8. Easement in favor of Idaho Power Company, as set forth in Decree of the District Court, recorded May 2, 1948, Fee #70032, in Book 5, Page 162, Judgment Records of Payette County, Idaho.
9. Rights of the Lower Payette Ditch Company, Inc., together with any rights of the public, to use road, as set forth in Deed dated and recorded May 10, 1971, Fee #142253, Deed Records of Payette County, Idaho.
10. Easement in favor of Idaho Power Company, dated November 2, 1973, recorded May 14, 1974, Fee #154650, Miscellaneous Records of Payette County, Idaho.
11. Easement for private roadway as disclosed by Deed dated September 15, 1919, recorded September 15, 1919, in Book N, Page 640, Deed Records of Payette County, Idaho.
12. Easement for relocation of drainage ditches and structures set forth in Deeds recorded May 1, 1936, in Book 13, Pages 548, 549 and 550, Fee Nos. 37789, #37790 and #37791, Deed Records of Payette County, Idaho.
13. Easement in favor of Idaho Power Company, dated February 7, 1941, recorded November 25, 1941, Fee #50873, in Book 3, Page 107, Miscellaneous Records of Payette County, Idaho.
14. Easement in favor of County of Payette, dated February 9, 1965, recorded February 11, 1965, Fee #122819, Miscellaneous Records of Payette County, Idaho.
15. Reservation of an undivided one-half (½) of all mineral rights in and to the land described as "Parcel C" for a period of twenty-five (25) years from November 13, 1972, as disclosed in Warranty Deed dated November 3, 1972, recorded August 27, 1975, Fee #159819, Deed Records of Payette County, Idaho.
16. Easement in favor of State of Idaho as set forth in Deed dated February 17, 1936, recorded May 1, 1936, Fee #37788, in Book 13, Page 547, Deed Records of Payette County, Idaho.
17. Affect of Mineral Deeds dated September 25, 1975, recorded September 25, 1975, Fee #160186 and Fee #160187, Deed Records of Payette County, Idaho.

18. Rights-of-way for Little Willow Creek and for the canal of the Lower Payette Ditch Company.
19. Rights of the public in and to existing County Road rights of way.
20. Easement in favor of State of Idaho, Idaho Transportation Department, dated October 1, 1992, recorded December 1, 1992, Fee #241532, in Miscellaneous Records of Payette County, Idaho.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including any and all water rights, mineral rights, easements, rights-of-way, and all improvements located thereon; the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said real property, as well in law as in equity, of the said GRANTOR.

TO HAVE AND TO HOLD all and singular the above-described real property, together with the appurtenances unto the said GRANTEEES, and to their heirs, personal representatives, successors and assigns forever, and the GRANTOR, does hereby covenant to and with the said GRANTEEES and their heirs, personal representatives, successors and assigns, that the GRANTOR is the owner in fee simple of said real property; that said real property is free from all encumbrances except as may be otherwise expressly specified herein; and that the GRANTOR will warrant and defend said real property from all lawful claims whatsoever.

IN WITNESS WHEREOF, the GRANTOR has hereunto executed this instrument the day and year first above written.

HIGBY N/N RANCH, an Idaho General Partnership

By Charles D. Higley
General Partner

251995

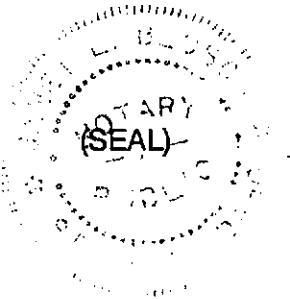
STATE OF IDAHO)

County of Ada)

ss:

On this 15th day of September, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared Charles S. Higby, known to me to be a General Partner of HIGBY N/N RANCH, an Idaho General Partnership, the Partnership that executed the foregoing instrument or the person who executed the foregoing instrument on behalf of said Partnership, and acknowledged to me that such Partnership 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.



Janet L. Bloch
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 3-17-99

251995

EXHIBIT A

(Description of Real Property)

ATTACHED

(Four (4) Pages)

CONTINUATION

POOR ORIGINAL

File No. P-22260, 1600/113, et al

Policy No.

PARCEL "A":

Land in Twp. 8 N. R. 4 W., B.M., Payette County, Idaho:

A tract of land situated in Sec. 21, being more particularly described as follows:

Commencing at the Northwest corner of said Sec. 21;

thence South 71.3 feet following the West side line of said Sec. 21 to the TRUE POINT OF BEGINNING;

thence meandering Southeasterly along a certain fence line

S. 63°28' E. 1028.4 feet;

thence S. 54°38' E. 425.8 feet;

thence S. 48°41' E. 624.2 feet;

thence N. 80°52' E. 713.2 feet;

thence S. 50°18' E. 185.5 feet;

thence S. 48°29' E. 479.7 feet;

thence S. 38°26' W. 311.3 feet;

thence S. 69°39' E. 534.2 feet;

thence S. 89°01' E. 546.4 feet;

thence S. 59°33' E. 383 feet;

thence N. 38°11' E. 214.3 feet;

thence S. 72°50' E. 276.9 feet;

thence S. 51°36' E. 373.2 feet;

thence S. 27°54' E. 232.7 feet;

thence S. 57°41' E. 225.4 feet;

thence S. 63°30' E. 80 feet;

thence S. 64°41' E. 101 feet to the East side line of said Sec. 21, at a point which bears S. 0°20' E. 173 feet from the East quarter corner of said Sec. 21;

thence S. 0°20' E. 1115 feet following the East side line of said Sec. 21, to the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 21;

thence S. 89°56' W. 160.3 feet following the North side line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;

thence S. 0°20' E. 1136.6 feet to a point in the centerline of State Highway No. 52;

thence S. 60°56' E. 184 feet following said highway centerline to a point on the East side line of said Sec. 21;

thence S. 0°20' E. 61.8 feet to the Southeast corner of said Sec. 21;

thence S. 89°36' W. 5292 feet following the South side line of said Sec. 21 to the Southwest corner of said Sec. 21;

thence North following the West side line of said Sec. 21 a distance of 5063.9 feet to the TRUE POINT OF BEGINNING.

251995

CONTINUATION

POOR ORIGINAL

File No. P-22260, 1600/113, et al

Policy No.

Land in Twp. 8 N. R. 4 W., B.M., Payette County, Idaho:

A tract of land situated in a portion of the S $\frac{1}{2}$ of Sec. 17; a portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 18; a portion of the NE $\frac{1}{4}$ of Sec. 19; the N $\frac{1}{2}$; N $\frac{1}{2}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$; and a portion of the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 20, being more particularly described as follows:

Beginning at the Northeast corner of said Sec. 20;

thence N. 89°19' W. 843 feet following the North side line of said Sec. 20;

thence N. 58°44' W. 695.2 feet;

thence N. 60°46' W. 460.5 feet;

thence N. 16°56' W. 523.8 feet;

thence N. 57°28' W. 130 feet to a point on the Westerly bank of Little Willow Creek;

thence meandering in a Southwesterly direction along the fence line of said Westerly bank of Little Willow Creek S. 55°21' W. 186.8 feet;

thence S. 33°42' W. 650 feet to a point in the Easterly right of way line of State Highway No. 52;

thence N. 78°39' W. 61.7 feet to the North-South centerline of said Sec. 17, at a point which bears N. 0°4' W. 500 feet from the South quarter corner of said Sec. 17, which point coincides with the point of intersection of the centerline of said State Highway No. 52 with the North-South center line;

thence N. 35°22' W. 430 feet following the centerline of State Highway No. 52;

thence leaving said centerline run N. 77°11' W. 289.3 feet;

thence N. 83°32' W. 788.1 feet;

thence S. 84°03' W. 403.4 feet;

thence S. 44°09' W. 1059.6 feet;

thence S. 67°59' W. 239 feet to a witness corner monument on the West side line of said Sec. 17 at a point that bears N. 0°07' W. 80 feet from the Southwest corner of said Sec. 17;

thence S. 62° W. 1030 feet to a point on the Northerly bank of the Payette River;

thence meandering in a Southeasterly direction along the said Northerly bank of said Payette River S. 23° E. 680 feet;

thence S. 18°10' E. 1000 feet;

thence S. 67° E. 365.5 feet to a point on the West side line of said Sec. 20;

thence S. 0°07' E. 1740 feet following said West side line to the Southwest corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 20;

thence S. 89°48' E. 4007.1 feet following the South side line of the N $\frac{1}{2}$ of the S $\frac{1}{2}$ of said Sec. 20 to the Northwest corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 20;

thence S. 0°2' E. 1318.2 feet following the West side line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ to the Southwest corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;

thence S. 89°46' E. 1335 feet following the South side line of said Sec. 20 to the Southeast corner of said Sec. 20;

thence N. 0° E. 5135.2 feet following the East side line of said Sec. 20 to the point of beginning.

File No. P-22260, 1600/113, et al

Policy No.

EXCEPTING therefrom that portion of the N½SW¼ of Sec. 20 lying South of the North bank of the present Payette River Channel. ALSO, EXCEPTING from the lands in Secs. 17, 20 and 21 that portion conveyed to the State of Idaho for highway purposes by Deed recorded May 8, 1936, Fee #37837, in Book 13, Page 557, Deed Records of Payette County, Idaho.

FURTHER EXCEPTING THEREFROM that portion conveyed to the State of Idaho by grant recorded December 1, 1992, Fee Nos. 241530 and 241531, Deed Records of Payette County, Idaho.

PARCEL "B":

Land in Twp. 8 N. R. 4 W., B.M., Payette County, Idaho:

In Sec. 17: N½SE¼; and a portion of the SE¼SE¼ and of Government Lots 1 and 2 described as follows:

Beginning at the Southeast corner of the SE¼SE¼ of said Sec. 17;

thence N. 89°19' W. 843 feet following the South line of said SE¼SE¼;

thence N. 58°44' W. 695.2 feet;

thence N. 60°46' W. 460.5 feet;

thence N. 16°56' W. 523.8 feet;

thence N. 57°28' W. 130 feet to a point on the Westerly bank of Little Willow Creek;

thence meandering in a Southwesterly direction along the fence line of said Westerly bank of Little Willow Creek S. 55°21' W. 186.8 feet;

thence S. 33°42' W. to a point in the Northerly right of way line of the Lower Payette Ditch;

thence in a Northwesterly direction following said Northerly right of way line to the point where the same intersects the North side line of said Government Lot 2;

thence East following the North side line of said Lot 2 to the Northeast corner thereof;

thence continue East following the North side line of said Government Lot 1 and of the SE¼SE¼ to the Northeast corner of said SE¼SE¼;

thence South following the East side line of said SE¼SE¼ to the point of beginning.

SAVE AND EXCEPTING the following portion of Government Lot 1:

Beginning at the South quarter corner of said Sec. 17;

thence N. 0°4' W. 500 feet;

thence S. 78°39' E. 61.7 feet;

thence N. 33°42' E. 650 feet;

thence meandering in a Northeasterly direction along the fence line of the Westerly bank of Little Willow Creek N. 55°21' E. 186.8 feet;

thence S. 57°28' E. 130 feet to the TRUE POINT OF BEGINNING;

CONTINUATION

POOR ORIGINAL

File No.

P-22260, 1600/113, et al

Policy No.

thence N. 57°28' W. 130 feet to a point on the
Westerly bank of Little Willow Creek;
thence in a Northeasterly direction along the Westerly
bank of Little Willow Creek to a point on the North
line of said Government Lot 1;
thence East following said North side line to a point
which is 489 feet West of the Northeast corner of
said Lot 1;
thence in a Southwesterly direction an unknown
distance to the point of beginning.

PARCEL "C":

Land in Twp. 8 N. R. 4 W., B.M., Payette County, Idaho:

In Sec. 21: The East 100 feet of Government Lot 8 lying North of
the right of way of State Highway #52.

In Sec. 22: Government Lot 6, SAVE AND EXCEPTING that portion
conveyed to the State of Idaho for Highway purposes by
Deed recorded May 1, 1936, in Book 13, Page 548, Deed
Records of Payette County, Idaho;
AND the following portion of Government Lot 7:
Beginning at the Southwest corner of said Government
Lot 7;

thence East following the South side line of said
Government Lot 7 to a point that measures 28 rods
West from the Southeast corner of said Government
Lot 7 according to the Government Plat thereof;

thence North and parallel to the West side line of
said Government Lot 7 to the Northeasterly side
line of said Government Lot 7;

thence in a Northwesterly direction following said
Northeasterly side line to the Northwest corner
of said Government Lot 7;

thence South following the West side line of said
Government Lot 7 to the point of beginning.

In Sec. 27: NW¼NW¼; NE¼NW¼ SAVE AND EXCEPTING the North 858 feet
of the East 462 feet thereof;
and the SE¼NW¼ SAVE AND EXCEPTING the West 643.5 feet
of the East 841.5 feet of the South 495 feet thereof;
AND FURTHER EXCEPTING from said tracts of land all
that portion conveyed to the State of Idaho for
highway purposes by Deeds recorded May 1, 1936, in
Book 13, Page 549 and 550, Deed Records of Payette
County, Idaho.

PARCEL "D":

Land in Twp. 8 N. R. 4 W., B.M., Payette County, Idaho:

In Sec. 20: That portion of the SW¼SE¼ and of the SE¼SW¼ lying
North of the present Payette River channel.

WATER RESOURCES
WESTERN REGION

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

1. ☒ **Name and Address**
Should be: Address should be 3990 Highway 52, Pavette, Idaho 83661
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: No combined acreage limitation.

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): No combined acreage limitation in the
License for 65-07461.

F.

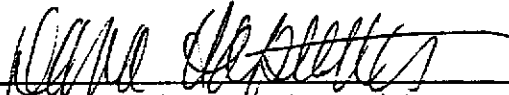
VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

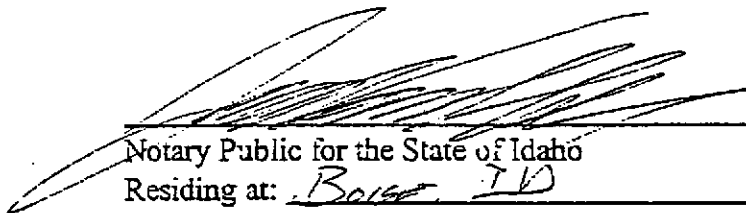
Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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 18, 2002


Notary Public for the State of Idaho

Residing at: Boise, ID

My Commission Expires: 2-13-03

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 18, 2002, I filed the original with the SRBA Court and mailed copies of this Objection, including all attachments, to the following:

1. Original to:

Clerk of the District Court (*via Hand Delivery*)
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:

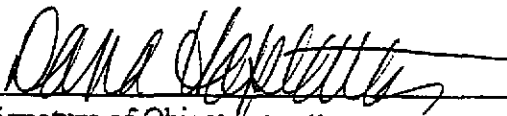
Not Applicable.

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

10/30/2001

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

RIGHT NUMBER: 65-11261
NAME AND ADDRESS: CHERYL F COLWELL
3990 HWY 52
PAYETTE ID 83661

GEORGE E COLWELL
PO BOX 251
NORTH POWDER OR 978670251

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.130 CFS

PRIORITY DATE: 10/24/1882

POINT OF
DIVERSION: T08N R04W S35 SWSWSE Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.130 CFS

PLACE OF USE: IRRIGATION Within PAYETTE County

T08N R04W S27	NENW	1.0	T08N R04W S27	SENE	9.0
---------------	------	-----	---------------	------	-----

10 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 65-07461 IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 160.0 ACRES IN A SINGLE IRRIGATION SEASON.

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

Ron

RECEIVED

NOV 02 2001

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

Water Rights: 65-3617, 65-3618,
65-7461, 65-7462, 65-8627,
65-11211 and 65-11261

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

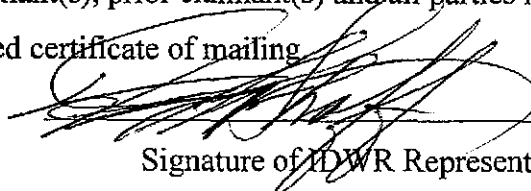
- ☒ Address change
☐ Substitution of Party
☐ IC § 42-222 transfer

- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |
| ☐ Other | |

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: 10-30-01


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on October 31, 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
Off ice 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

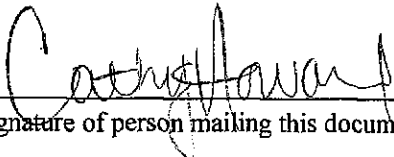
3. Copies to all parties to the subcase:

George E. Colwell
P.O. Box 251
North Powder, OR 97867-0251

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

Cheryl F. Colwell
3990 Hwy. 52
Payette, ID 83661

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


Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

RECEIVED

OCT 29 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CHERYL F. COLWELL
GEORGE E. COLWELL
PO BOX 251
NORTH POWDER OR 97867-0251

September 27, 2001

CHERYL F. Colwell
3990 Hwy 52
PAYETTE, IDAHO 83661
(208) 278-3448

RECEIVED

NOV 02 2001

WATER RESOURCES
WESTERN REGION

RE: Snake River Basin Adjudication (SRBA)
Water Rights #65-3616, 65-3617, 65-3618, 65-3619, 65-7461, 65-7462,
65-8627, 65-11211, 65-11261 and 65-21373

Dear Water Right Holders:

Records modified 10/30/01.
R=NCAP done.

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

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

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

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

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

Ms. SHERMAN,

AS WE MOVE FROM RANCH TO RANCH WITH DIFFERENT SEASONS, THIS MAY BE THE BEST WAY TO SHOW CHANGES AT ONE ADDRESS AND ME AT THE OTHER.

Sincerely,

Sally Sherman

Technical Records Specialist

Adjudication Bureau

SS:region

Enclosure:

Returned Mail

#####

The address is correct as shown above or as otherwise changed

Water Right Holder's Signature

Telephone No.

Rev'd. 2.
10/10/01

(541) 878-2863
(208) 278-3448

ADDRESS SERVICE
REQUESTED



RECEIVED

SEP 24 2001

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES

1301 North Orchard St

PO Box 83720

Boise, ID 83720-0098

(208) 327-7900

TO

COLW800 837092226 1500 04 09/21/01
FORWARD TIME EXP RTN TO SEND
COLWELL
PO BOX 251
NORTH POWDER OR 97867-0251

RETURN TO SENDER

65-11261' rec
65-3617
65-3618
65-7461
65-7462
65-8627
65-11211
~~65-11261' dupl~~
65-3611' WR
65-3619
65-21373.1



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.

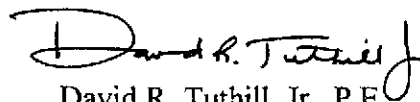
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without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

AJ0749NP
No. R65-11261

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

DATE: 05/22/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GEORGE E COLWELL	10/24/1882	IRRIGATION	03-15 11-15	0.130 CFS	
C	CHERYL F COLWELL					
	10800 SMOKE RANCH ROAD					
	BOISE ID 83709					
	(208) 376-6922					
				TOTAL DIVERSION:	0.130 CFS	

Water Source: PAYETTE RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T08N R04W S35

SWSWSE

PAYETTE 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
08N	04W	27	:							01				09						:	10.0
																			TOTAL ACRES	10.0	

POU County: PAYETTE

Remarks: POU1 USE OF THIS RIGHT WITH RIGHT NO. 65-07461 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 160.0 ACRES IN A SINGLE
IRRIGATION SEASON.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 65-03617, 65-05921, 65-07461,
65-08627 & 65-11255.

Dates: Exam Made Date: Verified Date: 05/22/2000 Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

Audit: 05/22/00 RHOWERTO

218

WR5809NP
No. 65-11261

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/17/99
PAGE: 75

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
P	CHARLES S. HIGBY 3990 HWY. 52 PAYETTE ID 83661 (208) 278-3354	10/24/1882	IRRIGATION	03/15 11/15	0.130 CFS	
TOTAL DIVERSION:					0.130 CFS	
C	CHARLES S. HIGBY					
C	EMMA J. HIGBY STAR ROUTE PAYETTE ID 83661					

Water Source: PAYETTE RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T08N R04W S35 SWSE

PAYETTE 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
08N	04W	27	:						01											:	10.0
TOTAL ACRES																				10.0	

Pou County: PAYETTE

Dates:	App. Received:	Priority Date:	10/24/1882
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

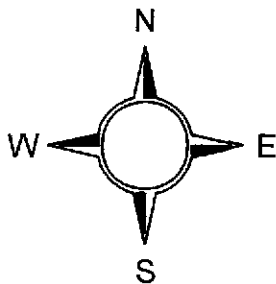
Idaho Department of Water Resources

Claim Number: 65-11261

Claimant: Colwell

Legal: T08N, R04W, S27

-  Place of Use
-  Section Lines
- Quarter Quarter Lines

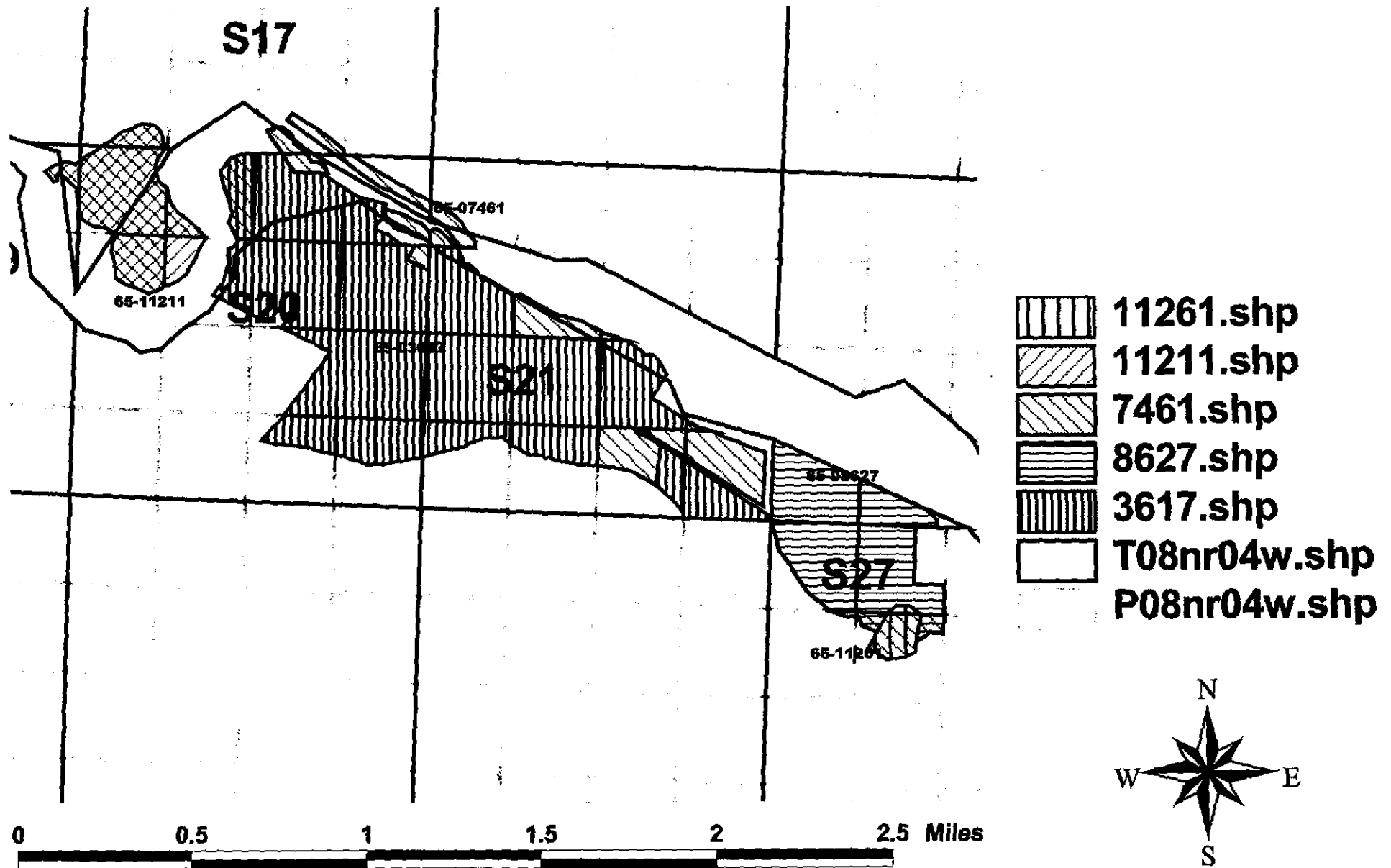


1987 Napp Photo

0 0.25 0.5 0.75 1 Miles



COLWELL OVERLAP MAP



IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM #: 65-11261

CLAIMANT: Colwell

Overlap Claim Numbers: _____

Date: 11-8-99

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	8N	4W	27					1			9									10
GIS								1			9									10
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

POU_ID #(s): 48 4262 & 2903

POD_ID #(s): 19

Total Claimed Acres: 10

Total GIS Acres: 10

SEE FILE
7461

COMMENTS:

OVERLAP REVIEW SHEET FOR THE FOLLOWING WR #'s: 65-03617 65-07401

AGENT RON H. DATE 5-17-00 65-11211 65-08627

① ^{Cont}
Lt &

← OVERLAP
COMPARED with

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

PAYETTE R.	3617	8N	4W	20	① 10	② 34	② 38	① 38	12			③ 9.7					40	14	11	19		
	3617	8N	4W	21							⑤ 31		⑥ 40	40	11	15	⑦ 28	6.3	⑧ 14			411

PAYETTE R.	11261	8N	4W	17																		
------------	-------	----	----	----	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

	7461	8N	4W	19	① 3																	
	7461	8N	4W	20	④ 8	⑦ 3		① 2	15	⑥ 36	⑥ 14											
	7461	8N	4W	21			② 1			④ 6		⑤ 12					① 1		⑧ 17	⑧ 17		
	7461	8N	4W	27																		

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

SLOUGH	11211	8N	4W	17																		
		8N	4W	19	② 3																	
		8N	4W	20					③ 4	⑥ 36	⑥ 12	⑥ 7										67

PAYETTE R.	8627	8N	4W	27																		
------------	------	----	----	----	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

2.915 with 13 (same acres)

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

PAYETTE R.	8627	8N	4W	22												⑥ 29	⑦ 12					
				27																		105

(SEPARATE ACRES)

11261 (10 ACRE)
+ 8627 (105 Acre)
= 115 TOTAL

NOT
OVER-
LAP
BUT
Rmk

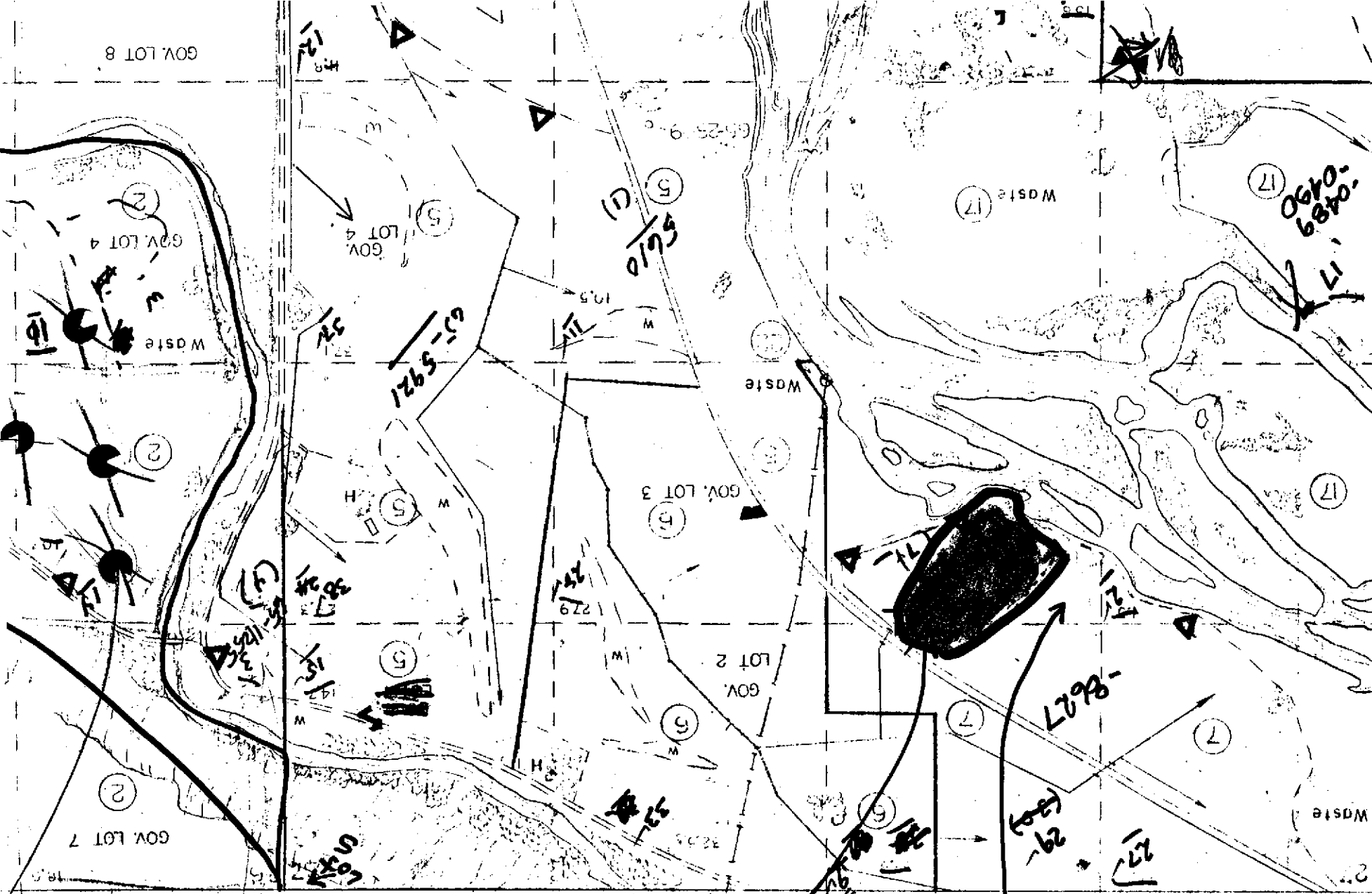
7461 (159)
+ 11261
1
160 TOTAL

OVERLAP TOTALS

65-03617, 65-07461, 65-08627, 65-11211 & 65-11261

NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
			17										5				6			11	
			19	3																3	
			20	18	37	38	40	16	36	14	16 ¹					40	14	11	19	299.7	
			21			1			6	31	12	40	40	11	15	1	28	23 ³	31	239.3	
			22											29	12					39	
			27					31	29.5	13 ⁵										74	668



T 8N R 14W M 16E

65-11261

NOTE: THIS
44.4 ACRES
OF 1302 ACRES
RESERVED FOR
FEDERAL GOV.

65-8627

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:58:15
05/10/00

PAGE: 16
QUICKLOOK INFORMATION

50
CLAIM NUMBER: A65-11261

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV			Rch 5-19-00					5-19-00
SOURCE								
PLACE OF USE	Y		IN OFFICE					
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS	Y							

VERIFIED RDR

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:58:15
05/10/00

PAGE: 1
GENERAL INFORMATION

35
CLAIM NUMBER: A65-11261

LAST: HIGBY
ADDRESS: 3990 HWY 52
CITY: PAYETTE
PHONE NUMBER: 208-278-3354

FIRST: CHARLES S
STATE: ID ZIP: 83661

OWNER CODE: O

LAST: HIGBY
ADDRESS: 3990 HWY 52
CITY: PAYETTE
PHONE NUMBER: 208-278-3354

FIRST: EMMA J
STATE: ID ZIP: 83661

OWNER CODE: O

LAST: COLWELL
ADDRESS: 10800 SMOKE RANCH ROAD
CITY: BOISE
PHONE NUMBER: 208-376-6922

FIRST: CHERYL F
STATE: ID ZIP: 83709

OWNER CODE: C

LAST: COLWELL
ADDRESS: 10800 SMOKE RANCH ROAD
CITY: BOISE
PHONE NUMBER: 208-376-6922

FIRST: GEORGE E
STATE: ID ZIP: 83709

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: GEN OWNERSHIP CHANGED BY LH 11/18/94.

CONTACT PERSON: NA

PHONE NUMBER: () -

DATE OF FIELD EXAM: 5/19/00

APPOINTMENT MADE: Y() N(☒)

TIME: : A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

SEE MAPS IN FILE

A. AJ CLAIM: # A65-11261 PRIORITY DATE: 10-24-1882 STAGE: D

B. WR RECORD: # 65-11261 PRIORITY DATE: 10-24-1882 STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y(☒) N(☐)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y(☐) N(☒)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW) Y(☐) N(☒)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED N/A(☒) Y(☐) N(☐)

FIELD EXAM COMPLETED N/A(☒) Y(☐) N(☐)

FIELD EXAM SENT TO STATE OFFICE N/A(☒) Y(☐) N(☐)

LICENSE ISSUED N/A(☒) Y(☐) N(☐)

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A(☒) Y(☐) N(☐)

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y(☒) N(☐)

NOTES: _____

=====

RECOMMENDED PRIORITY DATE:

10-24-1882

REVIEWED BY Reh

DATE 5-19-00

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A65-11261	08N	04W	35		SW	SE			PAYETTE		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A65-03617 R65-03617
A65-05921 R65-05921
A65-07461 R65-07461
A65-08627 R65-11255
A65-11255

WR RECORDS IN SAME 40 ACRE TRACT
65-03617
65-05921
65-07461
65-08627
65-11255

SOURCE: PAYETTE RIVER

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
65-11261	08N	04W	35		SW	SE			PAYETTE		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
A65-03617 R65-03617
A65-05921 R65-05921
A65-07461 R65-07461
A65-08627 R65-11255
A65-11255

SOURCE: PAYETTE RIVER

TRIB: SNAKE RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y(☒) N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N(☒)

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y(☒) N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N(☒)

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM _____) NAME OF EXAMINER _____ Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: VERIFIED BY PRBA, SEE PRBA MAP "E"

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ()

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
08N	04W	35	SW	SW	SE			PAYETTE		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: PAYETTE RIVER

TRIB: SNAKE RIVER

REVIEWED BY: RLH

DATE: 5/19/00

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

A. ROOT WATER RIGHT NUMBERS: A65-11261

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
08N	04W	27	NE	NW		COLWELL, CHERYL F	A65-11261 / 1.0	65-11261 / 1.0			
			NE	NW		JOHNSON, V F	A65-05921 / 9.0	65-05921 / 9.0			
			NE	NW		COLWELL, GEORGE E	A65-08627 / 29.0	65-08627 / 29.0			
			NE	NW		JOHNSON, V F	R65-05921 / 9.0	- /			
08N	04W	27	SE	NW		COLWELL, CHERYL F	A65-11261 / 9.0	65-11261 / 9.0	28.0		
			SE	NW		COLWELL, GEORGE E	A65-08627 / 7.0	65-08627 / 7.0			
			SE	NW		COLWELL, GEORGE		65-07461 / 8.0			

ADDITIONAL POU FOUND

TOTAL ACRES A65-11261 10.00 10.00 28.00 10

POU COUNTY: PAYETTE

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N(✓)

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A65-11261	PAYETTE RIVER	COLWELL, CHERYL F	0.130	0.013		
A65-05921	PAYETTE RIVER	JOHNSON, V F	5.040	0.025		
R65-05921	PAYETTE RIVER	JOHNSON, V F	5.040	0.025		
A65-08627	PAYETTE RIVER	COLWELL, GEORGE E	2.720	0.025		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y(✓)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM:

* SEE OVERLAP REVIEW

NO OVERLAP
SEPARATE
ACRES
with
8627
OVERLAP
with
7461

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y(☒) N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N(☒)

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N(☒)

CHECK DOCUMENTS USED TO VERIFY POU: () ORTHOPHOTOQUAD, IDWR NO. _____; () TOPOGRAPHIC QUAD, IDWR NO. _____;

~~()~~ NAPP, IDWR NO. 1987; () ASCS PHOTO; ~~()~~ OTHER MAP "E"

NOTES: SEE PRDA MAP "E"

RECOMMENDATIONS:

TOTAL ACRES: 10 N/A()

REVIEWED BY: Rdh DATE: 5-19-00

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-11261 IRRIGATION	FROM 03-15 TO 11-15	0.130 CFS	
TOTAL DIVERSION RATE/VOLUME		0.130 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-11261 IRRIGATION	FROM 03-15 TO 11-15	0.130 CFS	
TOTAL DIVERSION RATE/VOLUME		0.130 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(☒) N(☐)

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y(☐) N(☒)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y(☒) N(☐)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(☒) N(☐)

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☐) N(☒)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☒) Y(☐) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☒) Y(☐) N(☐)

NOTES: _____

AJ CLAIM TOTAL DIVERSION RATE: 0.130 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.130 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y(☒) N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N(☒)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N(☒)

E. FLOW MEASUREMENT

MEASUREMENT METHOD NA, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 10 x 0.02 CFS/ACRE = .2 CFS
(Taken from pou review)

1b. CALCULATIONS
RECOMMEND .13 CFS AS DECREED

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N(☒)

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

NOTES:

WR RECORD CONDITIONS/REMARKS:

NONE

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE CFS		VOL. AF/A		USE	
IRRIGATION	03-15	11-15	DATABASE 0.130	EXAMINER _____	DATABASE	EXAMINER _____	DATABASE 0.0	EXAMINER _____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
TOTAL FOR THIS RIGHT			0.130	_____		_____	0.0	_____

NON-IRRIGATION USES CLAIMED:

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REVIEWED BY: Reh

DATE: 5-19-00

FLAG: _____

STANDARD CONDITIONS (CODE):

Pou I - Ell Unit to 160 ACRES with 7461

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

EXP - PID OVERLAP REMARK
FOG

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-11261

	DATABASE	EXAMINER	CFS
TOTAL DIVERSION RATE OF WR SPLITS	0.130		

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A65-11261	0.130	-		65-11261	0.130
TOTAL CFS		0.130				0.130

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE	FIELD EXAMINER
Y	Y() N() NO SPLITS

NOTES:

AUTHENTICATION:

SIGNATURE:

Ron Howerton

DATE:

4-19-00

NAME OF FIELD EXAMINER:

Ron Howerton

TITLE:

Sr Water Agent

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
☒ NAPP	DATE OF PHOTO <u>1987</u> IDWR ID NO. _____	Y(☒) N()
() ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
☒ OTHER <u>MAP "E"</u>	DATE <u>PRBA POD MAP (SEPARATE)</u>	Y(☒) N()
☒ OTHER <u>MAP "E"</u>	DATE <u>PRBA POW MAP (MAPS)</u>	Y(☒) N()
☒ OTHER <u>OVERLAP MAP</u>	DATE <u>GCD B & SHARPS</u>	Y(☒) N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
☒ OTHER <u>OVERLAP REVIEW</u>	DATE <u>5-17-00</u>	<u>2</u>	_____
☒ OTHER <u>PROFILE</u>	DATE _____	<u>1</u>	<u>WR RECORD</u>

14:00:00
05/10/00
51

CLAIM NUMBER: A65-11261

TOTAL DIVERSION: 0.130 CFS

Stage: DECREED

PAYETTE County

NW				SW				SE											
E	: NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:				
c	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
-	-----				:	-----				:	-----				:	-----			
-	: 01				:	: 09				:	:				:	10.0			
													:	TOTAL ACRES					
													:	10.0					

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 21, 1994

Re: Notices of Claim to a Water Right Nos. A65-03616, A65-03617,
A65-03618, A65-03619, A65-07461, A65-07462, A65-08627, A65-09393,
A65-09394, A65-11211, A65-11261

George E. Colwell
Cheryl F. Colwell
10800 Smoke Ranch Road
Boise, ID 83709

Mr. & Mrs. Colwell:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

If you have any questions concerning the enclosed claims please feel free to contact this office.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LH:1

MICROFILMED
OCT 21 1996

POST OFFICE BOX 9442
BOISE, IDAHO 83707-3442

ROBERT J. ENNIS
ATTORNEY AT LAW
4477 EMERALD STREET
SUITE C250
BOISE, IDAHO 83706-2044

RECEIVED
NOV 15 1994
WATER RESOURCES
WESTERN REGION

AREA CODE 208
TELEPHONE 343-9966
FACSIMILE 336-9222

November 9, 1994

CERTIFIED/RETURN RECEIPT

Idaho Department of
Water Resources
Statehouse Mail
Boise, Idaho 83720-9000

Attention: Adjudication Bureau

RE: Higby/Colwell - Change of Water Right Ownership

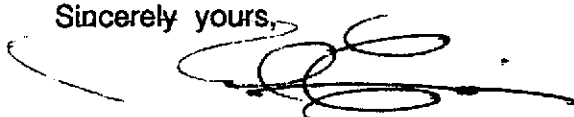
Gentlemen:

Delivered herewith are two (2) New Property Owner Notices of Change of Water Right Ownership, both dated September 15, 1994, and both of which have been signed by the new and former owners.

Attached to each of the enclosed original Notices is a copy of the Warranty Deed evidencing the conveyance of the real property relating to the water rights covered by the enclosed Notices. As noted, the legal description of the real property is attached as "Exhibit A" to the Warranty Deed.

Please contact me if you need anything further to effect the change of ownership of the described water rights and/or your records with respect thereto.

Sincerely yours,



ROBERT J. ENNIS

RJE:hs
Enclosures
cc: George E. Colwell

RECEIVED
NOV 10 1994
Department of Water Resources

MICROFILMED
OCT 21 1996

Puygette River Divisions were mapped for the Water District in winter 1992-1993.* For pld locations, photos, map copies, and data pages, see the water district pld notebook assembled by Tim Luke at S.O.

I mapped the following rights. Information about these is available on master maps (SL) or in notebook (Tim Luke):

65-02847

- 05755 through 05759

- 00003

- 04982

- 04615

- 11269

- 11212

- 02019

- 00165 A

- " B

- " C

- " X

- 07425

- 07428

- 07848

- 12756

- 05459

- 11258

- 05921

- 08627

- 11261

- 11255

65-03617

- 07461

- 02809

- 00486

- 10505

- 06037

- 04298

- 05817

- 06591

- 12623

- 00072

- 11061

MICROFILMED

AUG 04 1994

— Steve Lester

1/21/93

* From about Gardiner to
Frontland stretch of river.

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

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 65-11261

2004 MAY 14 PM 12:25
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: GEORGE E COLWELL
PO BOX 251
NORTH POWDER, OR 97867-0251

CHERYL F COLWELL
3990 HWY 25
PAYETTE, ID 83661

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.33 CFS

PRIORITY DATE: 10/24/1982

POINT OF DIVERSION: T08N R04W S35 SWSWSE Within Payette County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.33 CFS

PLACE OF USE:	Irrigation	Within Payette County
	T08N R04W S27 NENW 1.0 10.0 Acres Total	SENW 9.0

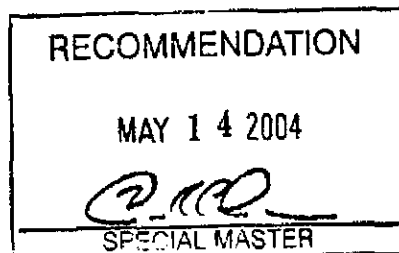
USE OF THIS RIGHT WITH RIGHT NO. 65-07461 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 152.3 ACRES IN A SINGLE
IRRIGATION SEASON.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

APR 14 1964 12:25

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

SPECIAL MASTER'S REPORT

FINDINGS OF FACT AND CONCLUSIONS OF LAW

FOR WATER RIGHTS 65- 03617, 65-08627, 65-11261, 65-11211.

I. FINDINGS OF FACT

A notice of claim was filed for the above water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right. A *Notice of Completed Administrative Proceeding, Address Change*, was filed on November 2, 2001.

An *Objection* was filed to the water rights on January 18, 2002, by the Claimants regarding the address, the quantity and the place of use. On May 11 2004, *Standard Form 5/ Stipulated Elements of a Water Right* forms signed by the claimant/objector were filed. I.D.W.R. concurred on the *Standard Form 5*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that the above water right be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED: May 14, 2004.

2.100

THOMAS R CUSHMAN
Special Master
Snake River Basin Adjudication

2004 MAY 14 PM 12:26

FILED
TWIN FALLS CO., IDAHO

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)
_____)

CERTIFICATE OF MAILING

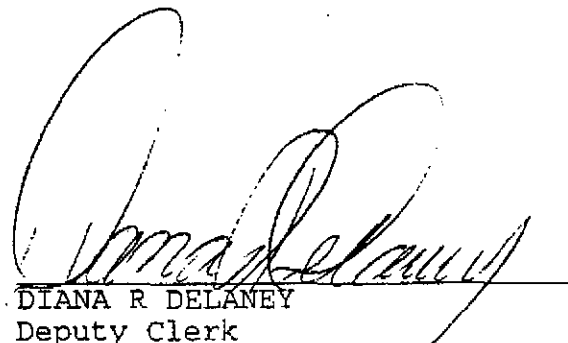
Water Right(s): 65-03617
65-08627 65-11211 65-11261

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on May 14, 2004, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CHERYL F COLWELL
GEORGE & CHERYL COLWELL
GEORGE E COLWELL
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
05/14/04

27 MAY 14 PM 12:26

FILED
TWIN FALLS CO., IDAHO
FILED

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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

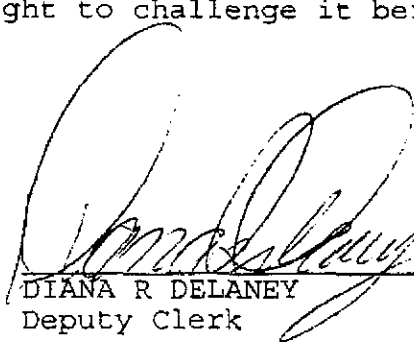
Water Right(s): 65-03617
65-08627 65-11211 65-11261

On May 14, 2004, Special Master THOMAS R CUSHMAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED May 14, 2004.



DIANA R DELANEY
Deputy Clerk

~~Director's Report~~
Right No. 65-11261

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

RIGHT NUMBER: 65-11261
NAME AND ADDRESS: CHERYL F COLWELL
3990 HWY 52
PAYETTE ID 83661

GEORGE E COLWELL
PO BOX 251
NORTH POWDER OR 97867-0251

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: ~~0.130~~ 0.33 CFS
PRIORITY DATE: 10/24/1882
POINT OF DIVERSION:

T08N R04W S35 SWSWSE Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	~~0.130~~ CFS 0.33

PLACE OF USE: IRRIGATION Within PAYETTE County

T08N R04W S27	NENW	1.0	T08N R04W S27	SENE	9.0
---------------	------	-----	---------------	------	-----

10 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 65-07461 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF ~~160.0~~ 152.0 ACRES IN A SINGLE
IRRIGATION SEASON.

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

~~Director's Report~~
Right No. 65-11261

Settlement ideas for Colwell Rights – 5-11-04

65-7461 – Leave cfs alone and remove the .03 cfs at the field headgate remark. *OK 5.9 cfs*
With place of use change this would ~~only~~ overlap with 65-11211. *65-11261*

65-11211 – Remove condition that when combined with 65-7461 cannot exceed *OK - 1.34 cfs*
.03 cfs per acre. *REMOVE AFF CONDITION 67 ACRES*

65-11261 – Correct clerical error with quantity. The quantity recommended in the *.33 cfs* Payette was based on the Moritz ditch loss formula of .13 cfs. It was to be recommended also for .20 cfs for 10 acres. The .20 cfs amount was inadvertently left off. We would add that back in to total .33 cfs for this right. This right has been decreed and the changes made would only be as a clerical error which is shown by documents in the file. *NOTE: 65-7461 WILL OVERLAP - 10 ACRES*

65-8627 – Originally recommended for 2.72 cfs and 105 acres using Dave Tuthill's 29.3% ditch loss calculation. Acres recommended at 1" per acre per *OK* by Mr. Higby. Not decreed in PRBA due to delays. If we use Scott King's revisions of Harley Noe's Hubble analysis dated 3-26-03 then we would use .031 cfs per acre X 105 Ac = 3.26 cfs plus the 29.3% Tuthill ditch loss calculation equalling a total of 4.2 cfs for 105 acres or approx. 2" per acre for 105 acres.

If we use the most recent Hubble analysis completed by Harley Noe and not reviewed by Scott King dated 7-6-2003, then we would use .043 cfs X 105 acres = 4.5 cfs plus the 29.3% Tuthill ditch loss calculation equalling a total of 5.82 cfs or approx. 2.7" per acre for 105 acres. *5.9 cfs NOT ROUNDED*

OK We would also remove the .02 at the field headgate remark. If 65-7461 is licensed as now proposed there would be no overlap with this right on the place of use.

65-3617 – Originally recommended for 10.63 cfs and 411 acres using Tuthill's 29.3% ditch loss calculation. Acres recommended at 1" per acre per *OK* by Mr. Higby. Not decreed in PRBA due to delays. If we use Scott King's revisions of Harley Noe's Hubble analysis dated 3-26-03 then we would use .038 cfs per acres X 411 acres = 15.6 cfs plus the 29.3% Tuthill ditch loss calculation equalling a total of 20.17 cfs for 411 acres or 2.45" per acre.

If we use Harley Noe's most recent revised Hubble analysis completed on 7-6-2003 which was reviewed by Scott King, then we would use .05 cfs X 411 acres = 20.55 cfs plus the 29.3 % Tuthill ditch loss calculation equalling a total of 26.6 cfs or 3.2" per acre. *26.44 NOT ROUNDED*

OK We would also remove the .02 cfs at the field headgate remark. If 65-7461 is licensed as now proposed there would be no overlap with this right on the place of use.

*Total meas. of ditch 89 cfs
Total rights from ditch is 45.13 cfs } OK*

15424	
I.D. No.	Map No.
\$	
Fee Paid	Receipt No.

hereby given, that Charles S. and/or Anna J. Higby
[Name of Claimant]

(Mailing Address) Telephone No. (Zip Code)

re diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:
 rity: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right)

source of water: (Name of stream, lake, spring, etc., or ground water)
tributary to

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

Use	Period of Use From	To
(ICFS, GPO, AF)	(Domestic, Irrigation, Stock, etc.)	
	(Mo., Day)	(Mo., Day)
	(Both dates inclusive)	

Quantity	Use	Period of Use From	To
(CFS, GPD, AF)	(Domestic, irrigation, stock, etc.)	(Mo., Day)	(Mo., Day)

Quantity	Use	Period of Use From	To
(CFS, GPD, AF)	(Domestic, Irrigation, Stock, etc.)	(Mo., Day)	(Mo., Day)

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)

(4) TOTAL QUANTITY CLAIMED.

(5) A) Point of Diversion: Give location of point where water is diverted from its source _____ ft _____ in _____ % _____ %
 Sec. _____, Twp. _____, Rge. _____, B.M. _____, Precip. No. _____ County _____

Additional Points:

R) 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. Describe any changes in the system and give the date of the change.

(6) A) 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.

[illegible]

Total no. of acres 70

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

NOTE: Include here the type and number of stock watered:

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

(8) Remarks See above. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 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. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 83

SEE MEMO

(9) 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, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No.

Be it known that the undersigned, after being duly sworn or oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

(Date)

(Signature of Claimant)

State of _____ **Organization** _____

County of _____ ss, _____
Seal _____
(Signature of Authorized Agent)

On this _____ day of _____, in the year _____ before me
a notary public, personally appeared _____

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.

My commission expires _____

Notary Public residing at

DRT 6-28-78

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF _____
_____ DRY CREEK _____

_____ DRAINAGE BASIN.

**NOTICE OF CLAIM
TO A
WATER RIGHT**

<u>15-11261</u>	
I.D. No.	Map No.
\$	
Fee Paid	Receipt No.

Notice is hereby given, that Charles E. and/or Dena J. Higby (Name of Claimant)

(Mailing Address)

(Zip Code)

Telephone No.

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) _____

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) _____
tributary to _____

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
 Quantity 1000 Use Domestic Period of Use From Mar. 15 To Nov. 15
 (CFS, GPD, AF) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)
 (Both dates inclusive)

45AFA

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

[illegible]

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)

- (4) 120 TOTAL QUANTITY CLAIMED.
(CPS, GPD, AF)

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

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. Describe any changes in the system and give the date of the change.

- (6) A) 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.

[illegible]

Total no. of acres 30

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

NOTE: Include here the type and number of stock watered:

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

- (8) Remarks "I am not a member of the organization because of unpaid levelling."

SEE MEMO

- (9) 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, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. _____

Be it known that the undersigned, after being duly sworn or oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge. *Individual*

Individual

(Signature of Claimant)

(Signature of Spouse)

Organization

(Signature of Authorized Agent)

On this _____ day of _____, in the year _____ before me
a notary public, personally appeared _____

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,

My commission expires _____

Notary Public residing at

DAST 6-28-79

WELP78 D.R.T.

MACALLISTER'S MODIFICATION OF MORITZ *
 LOSS CALCULATION FOR *
 THE HIGBY JOHNSON DITCH 3617, 8627, 11261, 5921, *
 WATER RIGHT NO. MANY 11255 *

Q DIVERTED: 18.82
 Q DELIVERED: 14.56
 PERCENTAGE LOSS: 29.3

TYPE OF SOIL: SANDY LOAM
 SOIL CONSTANT= 1.50 (FEET/DAY)
 LENGTH OF HEAD OF DITCH: 1.40
 LENGTH OF DELIVERY SECTION: 3.30

LOSS TABLE FOR HEAD OF DITCH

MILE	Q (CFS)	LOSS (CFS)
1.00	17.72	1.10
1.40	17.29	.43

LOSS TABLE FOR DELIVERY

MILE	Q (CFS)	LOSS (CFS)	Q DELIVERED (CFS)
1.00	11.81	1.06	4.41
2.00	6.51	.90	4.41
3.00	1.42	.68	4.41
3.30	.00	.10	1.32

$$.10 (1.293) = .13 \text{ cfs}$$

$$5(4.5)(1.293) = 29.1 \text{ AFA}$$

MEMO:

TO 65-11261
FROM DRT 6-28-78

YESTERDAY I PERFORMED A FIELD EXAM ON THESE
10 ACRES. THE LAND LOOKS AS THOUGH IT MIGHT
HAVE BEEN PART OF A CONTIGUOUS SYSTEM BEFORE
LEVELLING. ALSO, CLOSE INSPECTION OF THE PHOTO
REVEALS DITCH LINES BEFORE LEVELLING
⇒ OLD DATE OF PRIORITY SOUNDS REASONABLE.

DRT



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

(Office at the corner of
Franklin and Cole Roads)

(208) 384-2190

June 28, 1978

Charles Higby
Star Route
Payette, ID 83661

Dear Mr. Higby:

Pursuant to our discussion about the ten (10) acres of land which appear to be developed after the surrounding lands, I made a field exam yesterday. It appears as though the ten acres could have been a part of a contiguous system prior to leveling, and a close inspection of the photo reveals irrigation ditches prior to leveling. Therefore, it seems reasonable that these ten acres have the October 24, 1882 priority that you have indicated. We will recommend this right along with your other rights in publication that you will receive latter this summer.

Enclosed is a pick copy of the claim as well as the original of some documents that your son loaned to me. If you have any further additions to your claims, please let me know as soon as possible.

Sincerely,

David R. Tuthill, Jr.
Payette Adjudication Supervisor

DRT:alw
Enc.