

Looking Southwesterly

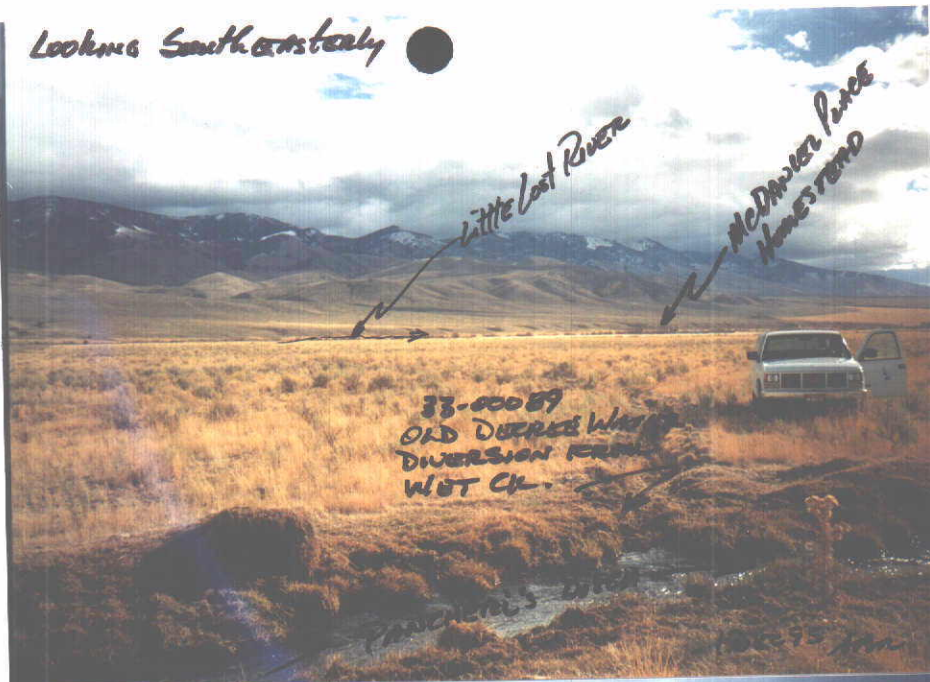


Photo 4. DIVERSION OF 33-00089 WET CREEK WATERS. THIS IS ON PANCHETTI'S DITCH OFF WET CR.

Looking Easterly

SESWISE SEC. 4 T.9N., R.27E

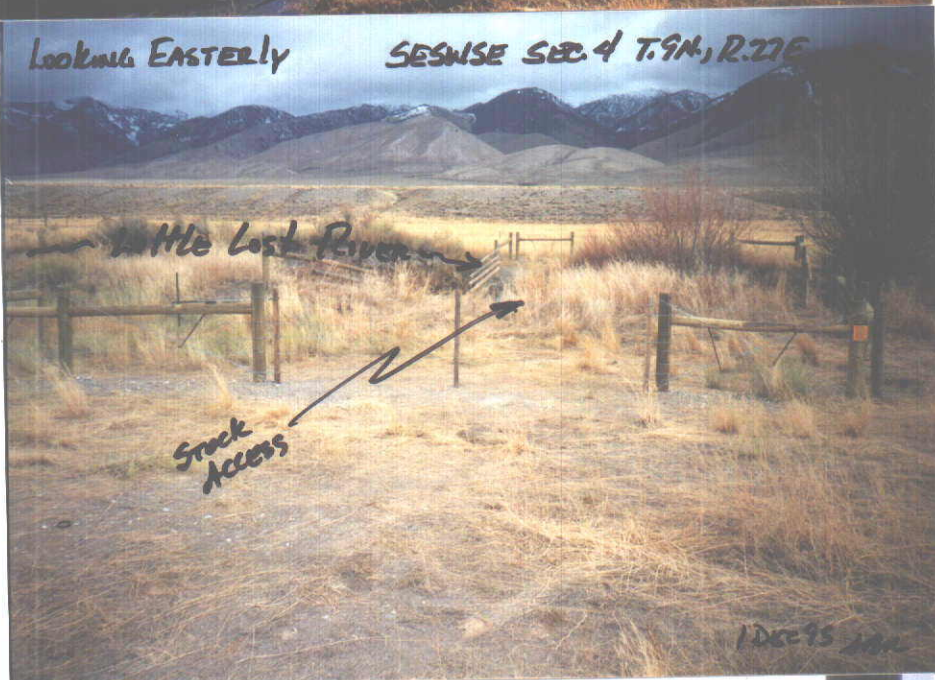


Photo 5. Stockwatering Access to Little Lost River - After BLM FENCED RIVER AND KEPT ALL INDIG. ACREAGE ACROSS THE RIVER TO THE EAST.

Looking Easterly

SWSWISE SEC. 4 T.9N., R.27E.

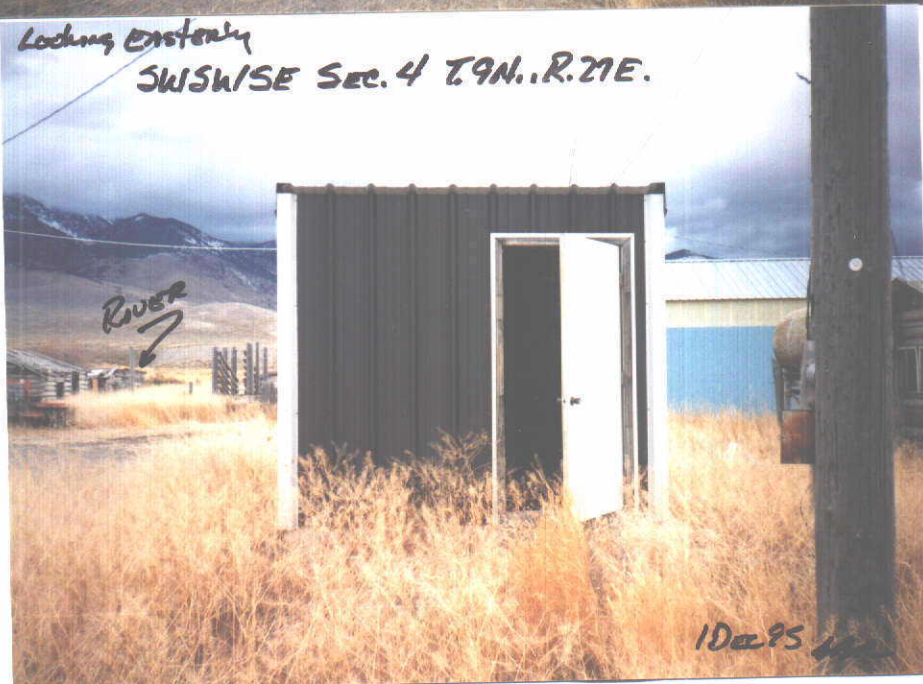


Photo 6. DOMESTIC WELL HOUSE
NO FILING OF ADJUDICATION
CLAIM FOUND

INCIDENTAL PHOTOS OF
FmHA McDaniel's Place

Photos taken 1 DEC 95 ABN



Photo 1. Looking South toward Farm House of McDaniel's Place. Well is located at North end of Property.

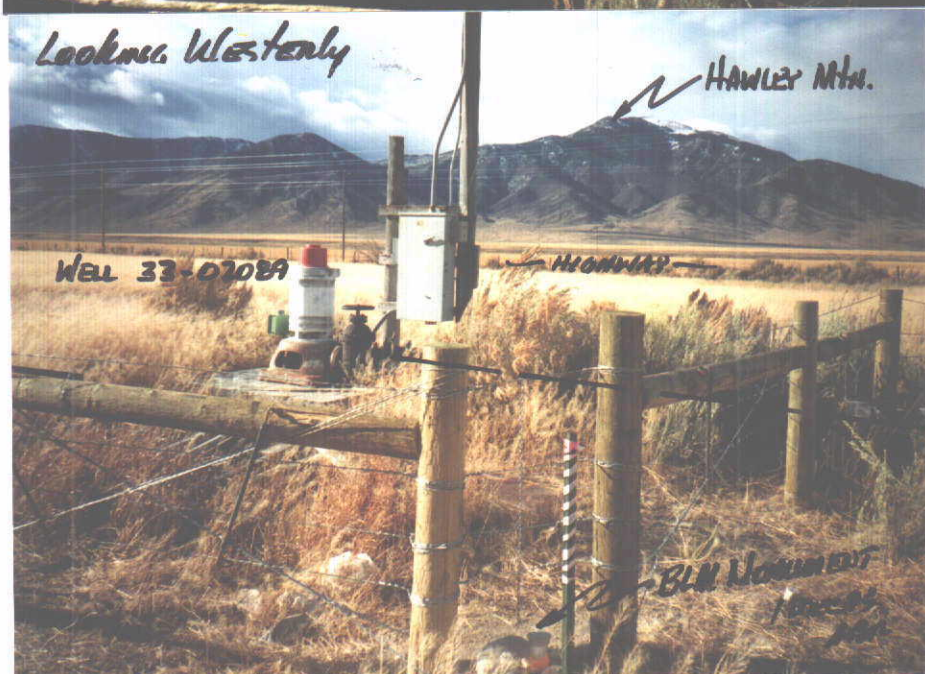


Photo 2. Note BLM Fence and Monument at Corner.

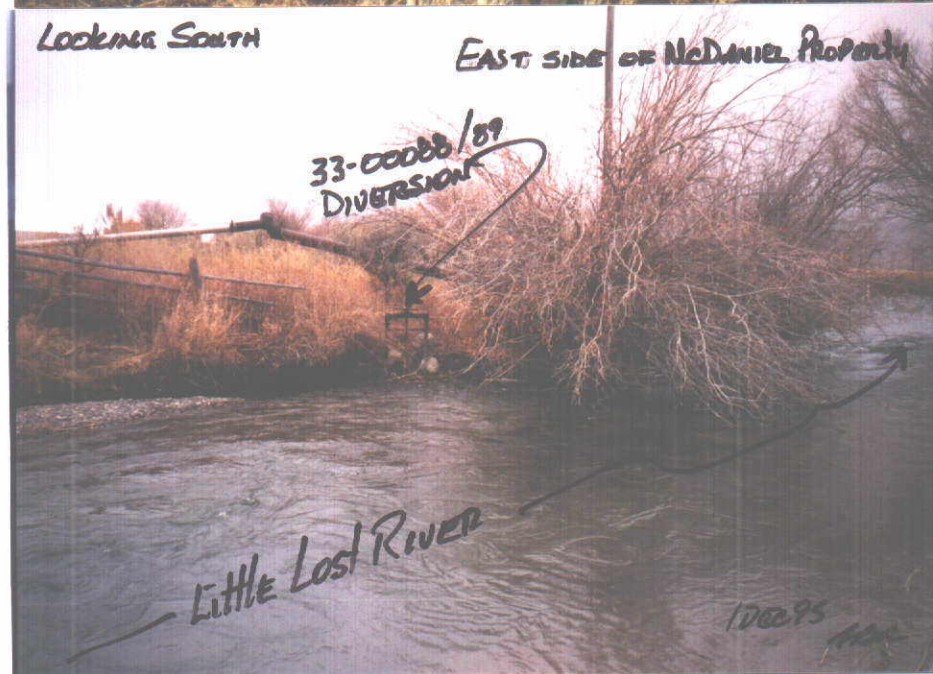
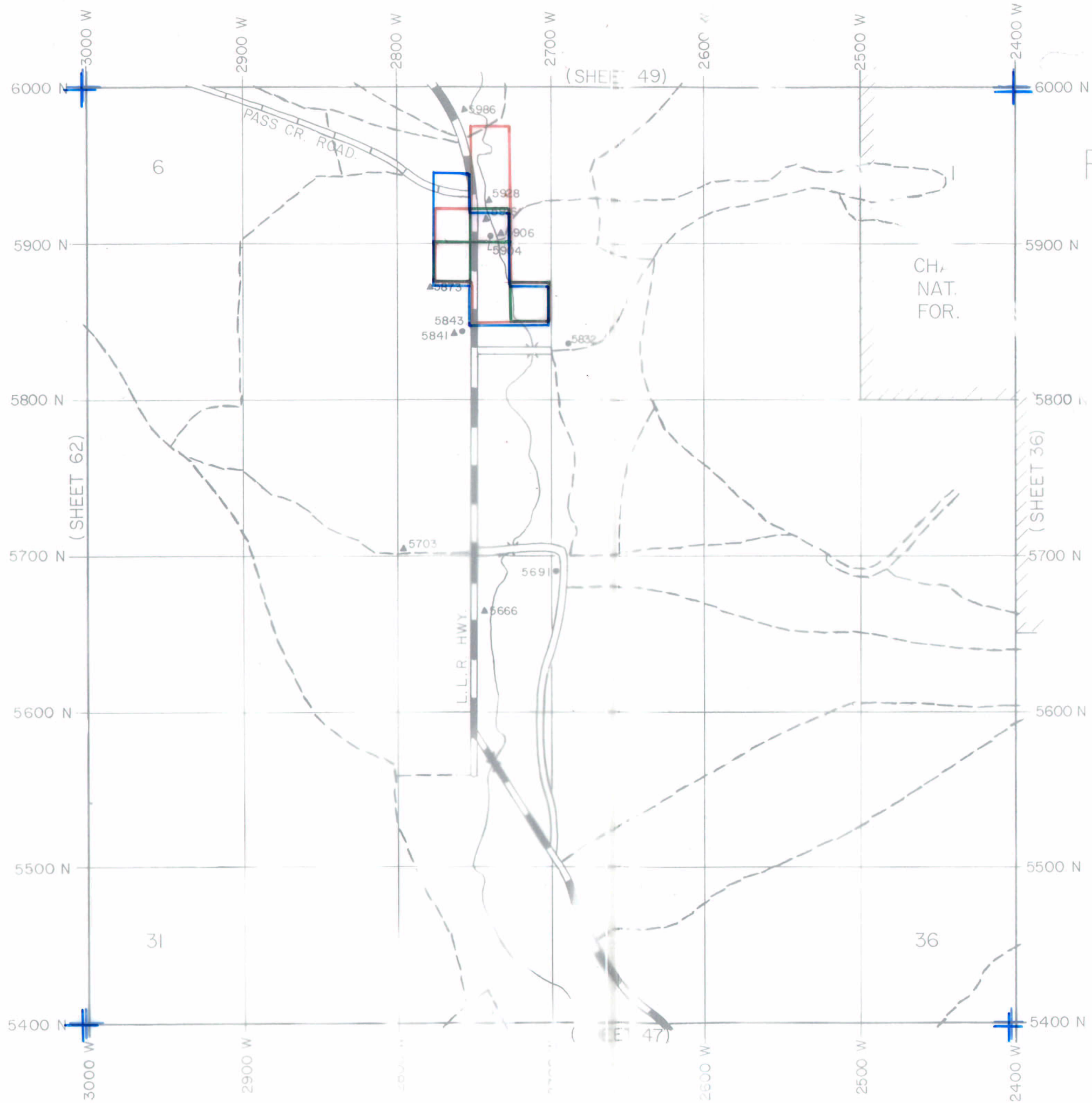


Photo 3. Diversion from Little Lost River for Decreed Right 33-00088 and as Exchange of Wet Creek Decreed Right 33-00089.

Note Pipeline. This Pipeline is from the Well 33-02089. The Pipeline is Buried on the West side of the River Crossing.

Decreed Rights
33-00088 and 33-00089
Well Lic. 33-02089

Photos taken: 1 Dec. 95 ABR



T. 9N.
R. 27E.

FuHA (McDaniel Place)



DECEDED RIGHT: Little Lost River
33-00088
NWNE, S²NE, NENW Sec. 9
T. 9N., R. 27E.
UNSPEC. ACRES.

DECEDED RIGHT: WET CREEK
33-00089
SWNE, SE²SW, W²SE Sec. 4
T. 9N., R. 27E.
UNSPEC. ACRES.

LICENSED RIGHT: GROUNDWATER
33-02089
SWSE Sec. 4
SENE, NENW Sec. 9
117 AC. T. 9N., R. 27E.

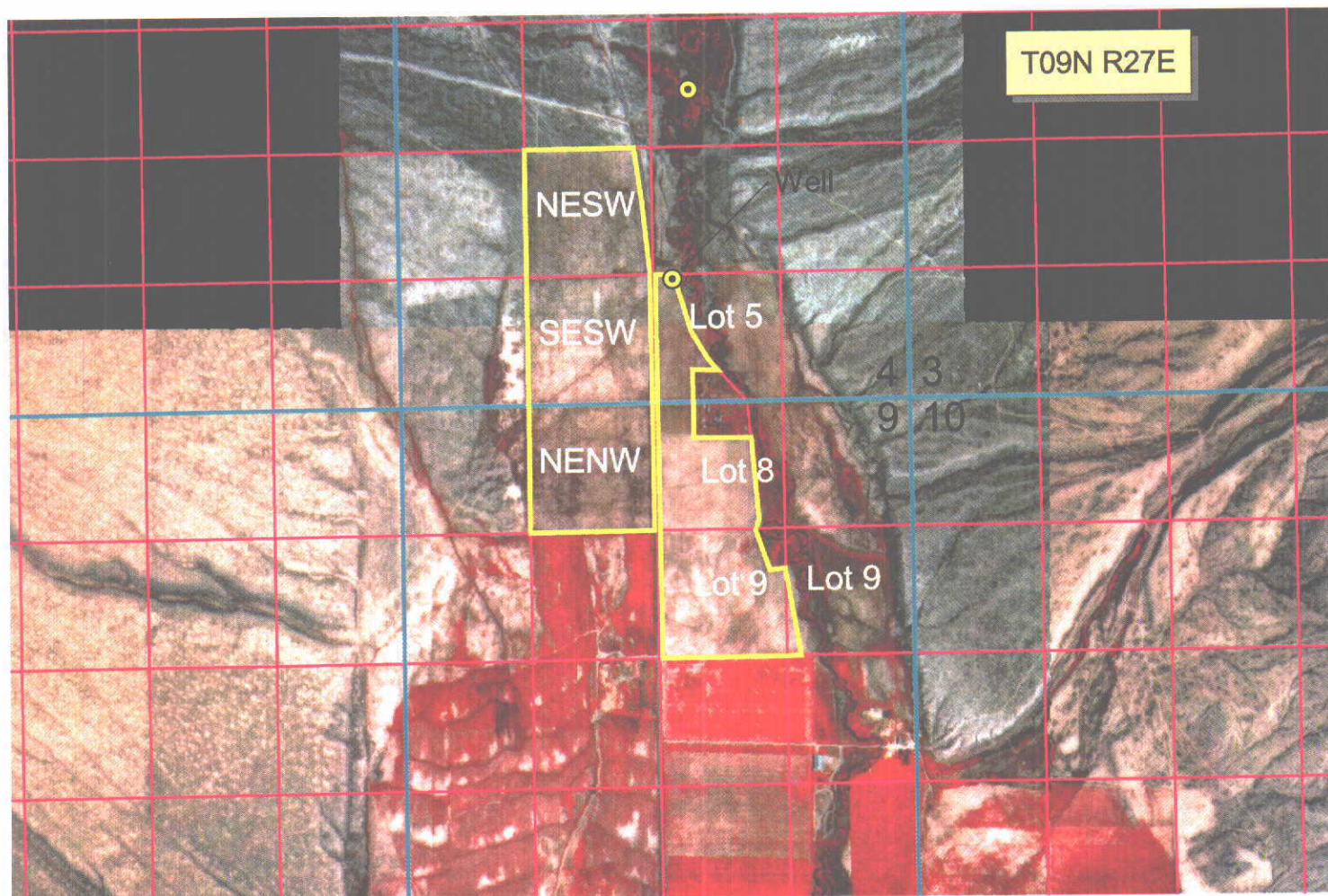
LICENSE RIGHT: GROUNDWATER
33-02089 AS CLAIMED
E²SW, SWSE Sec. 4
W²NE, SENE, NENW Sec. 9
275 AC. T. 9N., R. 27E.



STATE OF IDAHO

Department of Water Resources

Water Right(s): 33-88, 33-89,
33-93D, 33-2089



0 2640 5280 7920 Feet

LEGEND



Point of Diversion



Place of Use

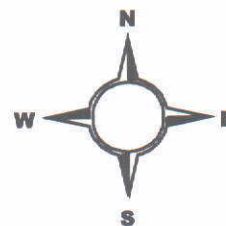


Section Line



Quarter-section line

Acres Irrigated = 189.5



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: E. Carlsen
Date: November 2000



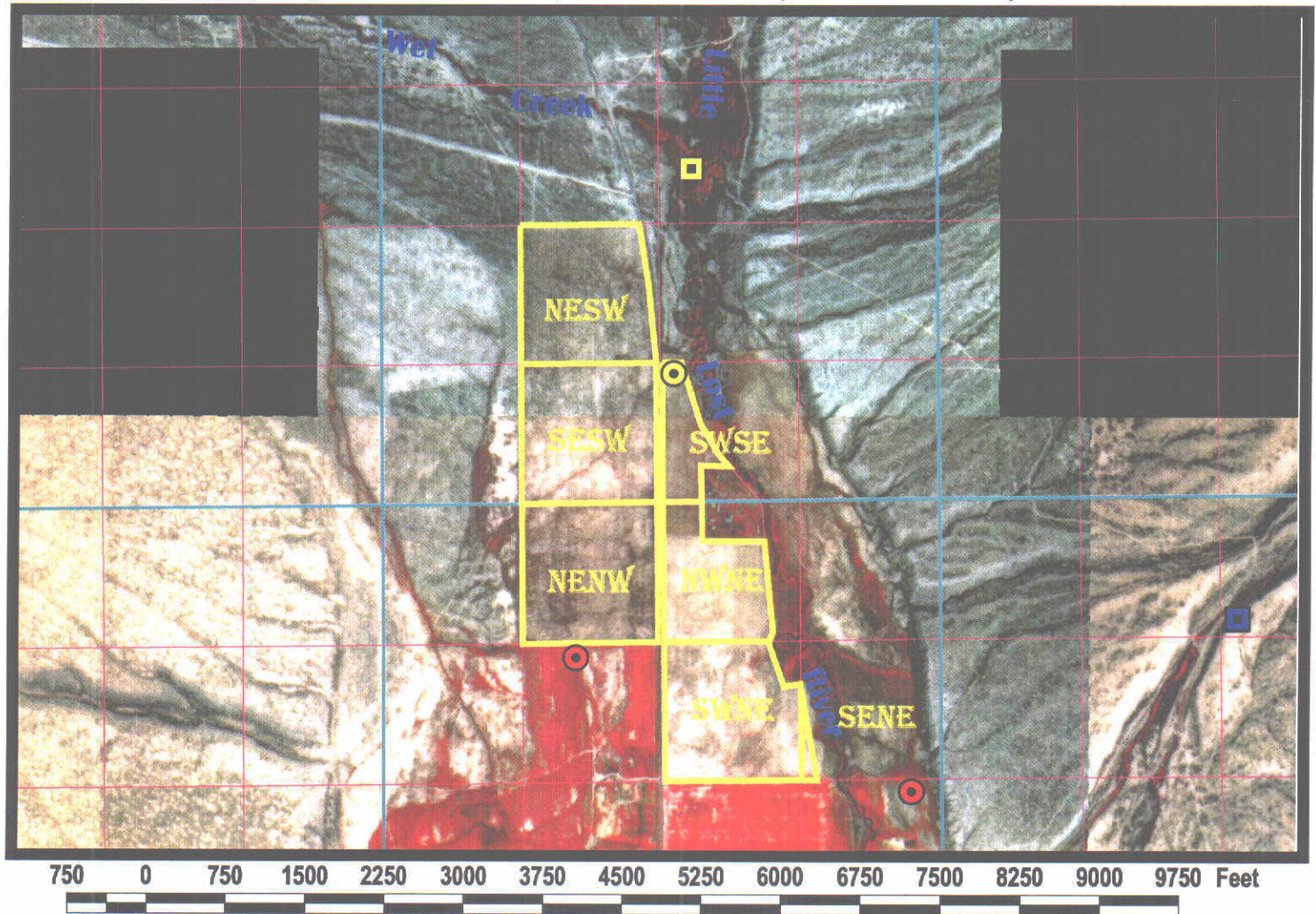
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Keith Waymire

Water Right(s): 33-02089, 33-00088, 33-00089, 33-00093D



LEGEND



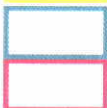
Point of Diversion- GW



Point of Diversion- SW

SESE

Place of Use



Section Line



Quarter-section line

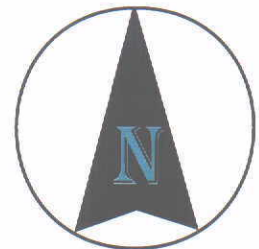
Place(s) of Use: T.9N., R.27E.

Sec. 4 (parts of) E2SW, SWSE,
Sec. 9 (parts of) NWNE, W2NE,
SENE

Point(s) of Diversion: T.9N., R.27E.

Sec. 4 SWSWNE (surface)
Sec. 4 NWSWSE (well)

**NOTE: Place of use revised per Notice
of Error process and filing of 33-00093D.**



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: January 2000

RECEIVED

NOV 30 2000

Department of Water Resources

200 NOV 29 AM 8:47

DISTRICT COURT-SRBA
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

Subcase: 33-00088 and 33-00089

ORDER GRANTING MOTION TO
AMEND CLAIM AND SETTING
SUBCASE DEADLINES

On October 24, 2000, the claimants Keith and Connie Waymire filed *Motions to Amend Claim* in the above subcases. Notice of the *Motions to Amend Claim* ^{was} ~~were~~ placed on the Docket Sheet, and a hearing was held on November 28, 2000. There was no opposition to the *Motions to Amend Claim*. Therefore, IT IS ORDERED that the *Motions to Amend Claim* in the above subcases, are **granted**. IT IS FURTHER ORDERED that the following deadlines shall apply for proceeding in these subcases:

December 28, 2000 5:00 pm

Deadline for Amended Director's Reports.

January 26, 2001 5:00 pm

Deadline for Objections to Amended Director's Reports.

February 9, 2001 5:00 pm

Deadline for Responses to Objections

February 13, 2001 10:00 am

TELEPHONE STATUS CONFERENCE

Location: SRBA District Court
253 Third Avenue North
Twin Falls, ID 83301

DATE November 29, 2000.


BRIGITTE BILYEU, Special Master
Snake River Basin Adjudication

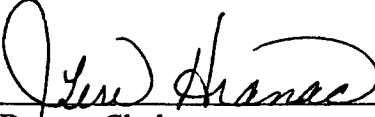
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO AMEND CLAIM AND SETTING SUBCASE DEADLINES was mailed on November 29, 2000, with sufficient first-class postage to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

United States Dept. of Justice
Environment & Natural Resources Div.
550 W. Fort Street, MSC 033
Boise, ID 83724

Keith and Connie Waymire
PO Box 47
Howe, ID 83244


Deputy Clerk

East

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

)
)
)
)
)
)
)

SUBCASE NO: 33-00088

(Insert Water Right Number)

Waymire

Case No. 39576

STANDARD FORM 4

MOTION TO FILE:

☐ LATE NOTICE OF CLAIM

☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a separate form for each late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

MAIL



42614

☒ I have read SRBA Administrative Order 1, Rules of Procedure (amended Sept. 30, 1996).

My name is: Keith Wayne and Connie A Wayne
Box 47
Howe Idaho
83244

My address is: _____

My phone number is: Home
Work: (208) 767-3035 Home: () _____

I am an attorney representing: _____

My name is: _____

My address is: _____

My phone number is: () _____

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources (IDWR). Leave to amend a claim shall be freely given when justice so requires.

☒ I must amend my Notice of Claim to the use of water in the SRBA because:

- ① The point of Diversion Change to
was claimed in the wrong number order
- ② Lot numbers were provided by BLM to accurately
describe PRR on private lands.

☒ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☒ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of _____

County of _____

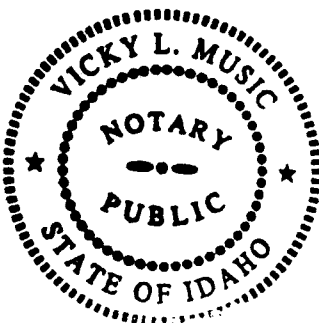
_____, being first duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A (1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Keith D. Wayne
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 10/24/00
(Insert Date)



Vicky L. Music
Notary Public for *Idaho*
Residing at: *Boise, ID*
My Commission expires: *1/27/06*

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I certify that on Oct 24, 2000, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

Hand

2. Copies to:

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

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

Hand

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

Hand

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or Special Master, you must serve a copy on all parties to that subcase.

(Insert Names Addresses of parties)

Keith A. Wasmil
Signature of person or attorney mailing the form

Form No. 42-1408 (2) 1/88

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 33-00088

Date Received _____

Receipt Number _____

AMENDED

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Keith Wayne and Laurie Wayne Phone (208) 767-3035Mailing Address P.O. Box 47 Howe Idaho Zip 832442. Date of Priority (Only one (1) per claim) 04/15-1/19063. Source of water supply (a) Little Lost River
which is tributary to (b) SINKS4. a. Location of existing point of diversion is: Township T09N Range R27E Section 504,
SW 1/4 of SW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Butte

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Head gate off stream

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 04-01 to 11-01 amount 0.2 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.2 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9N	27E	4									37			39			25	11	
		9		28	25	37	25	39											

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Butte12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

33-00089, 33-00093D, 33-02039

or None ()

14. Remarks:

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

A 15x15 grid of graph paper. The grid is composed of 15 columns and 15 rows of squares. In the center of the grid, the handwritten text "504-625" is visible, spanning across several squares. The text is written in a dark, bold, sans-serif font. The grid lines are thin and black, and the background is white.

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Culman

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree XIf applicable provide IDWR Water Right Number 33-00088Court _____ Case Number _____ Decree Date 1927

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.Number of attachments 2

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Keith O. WapnerDate Oct 24-2000

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization _____

document in the space below as _____

Title _____

of _____

Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho Idaho)County of Hida) SS.

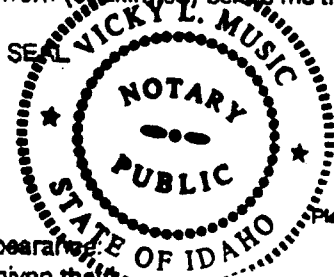
Subscribed and sworn (or affirmed) before me this

24th

day of

October2000

19

Notary Public Vicki L. MusicResiding at Boise, IDMy Commission Expires 1/27/06

Please Print Name

17. Notice of Appearance

Notice is hereby given that _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MT PLAT

INDEX TO SEGREGATED TRACTS			
TRACT NO.	T	R	SEC.
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36			

1. 010191 Q4 PL 167 List of Cows 7/21/1953
Completed 2-14/1951, all of surface held by
BPP

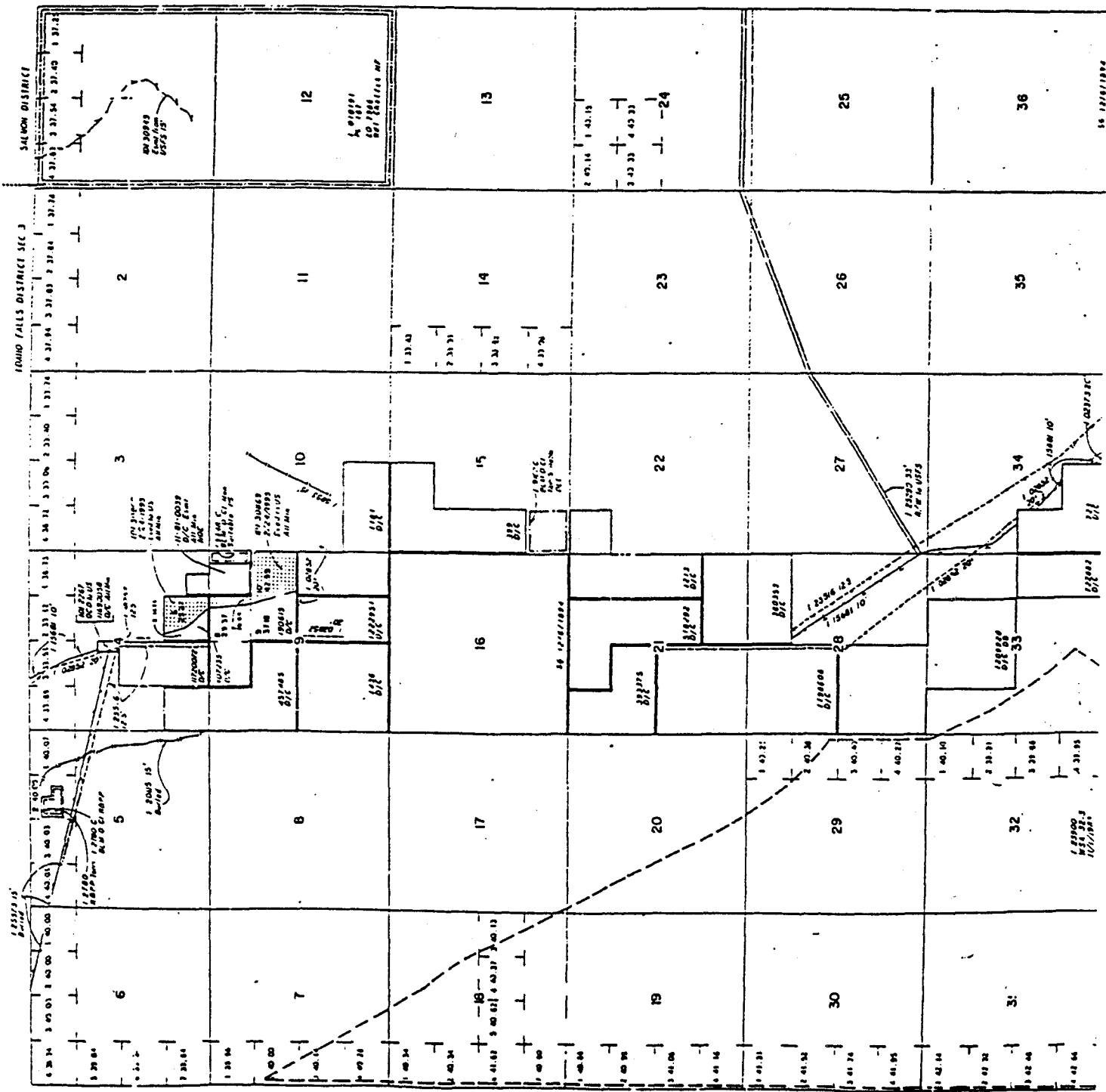
101 2780 RBPB Land 'H' Ltd Term 10/28/1951
Sec. 5, 52 MINIMUM, RESERVATION, HESSEMAN

FOR OTHERS EFFECTIVE DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

TRACT NO.	CURRENT TO	CURRENT TO
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USE PLATE

RECEIVED 10/24/2000 BWR



NESW

37.5

SWEE

11.

NESW

39

SENE

1.5

To: Fred Price, BLM-ISO

CC: Candice McHugh, IDWR ADJUD.

From: A. Ruberry, IDWR Eastern Region

Re: B33 Irr POD's objected to by BLM

POD LOCATION

T11N R26E S10 NWNENE

This legal description defines the beginning of a channelized portion of Sawmill Creek. Apparently back in the 1920'-1930's there were several attempts tried to preserve water from Sawmill Creek because the stream would "break". Among them were things like a canal dug from Sawmill Creek to Summit Creek and a channelization project aimed at cleaning and to some extent straightening the Sawmill Creek channel as it flowed across Mud Flats (ref: OQ U-82).

SAS ATTACHED
LIST OF SAs
CR MOUNTAIN

In review of the adjudication claims from Sawmill Creek and the Little Lost River, it was initially considered that the source(s) could all be Little Lost River since it was difficult to determine where Little Lost River started and Sawmill Creek ended. Seeing no difference in source recommendations of Sawmill Creek claims were changed to Little Lost River. The Preliminary Director's Report was filed only to find that Sawmill Creek now occasionally breaks at the shearing corrals, which is about half-mile upstream from the confluence of Sawmill Creek and Summit Creek; The beginning of the Little Lost River. This new information seriously impacted recommendations since the Sawmill Creek claims, now changed to Little Lost River, became senior to the junior Little Lost River rights, causing injury to the junior Little Lost River appropriators.

Ultimately, the source issue was changed back to Sawmill Creek. Now a problem arose where a Point of Diversion had to be defined for the Sawmill Creek claims since actual deliveries are made from Little Lost River (except 33-00107 which is a true Sawmill Creek right, but, Decreed as a Little Lost River right). The 1927 Decree states "at the mouth of Sawmill Creek". However, there were no rights diverted at the mouth of Sawmill Creek. And, the dilemma of where was the mouth of Sawmill Creek. In consideration of the channelization project aimed at preserving waters of Sawmill Creek it was determined that the channelization had in-fact changed the streambed to a canal, saving water. Therefore, the beginning of the channelization would now become the Point of Diversion and the ending of the channelization would be a Point of injection back into the Sawmill Creek stream channel. The Point of Injection is near the shearing corrals, about half-mile upstream from the confluence of the streams. The Sawmill Creek claims Point(s) of Diversion are recommended as Points of Re-diversion from Little Lost River at or near their respective Place(s) of Use. This recommendation preserves both the source and the Sawmill Creek priority dates and, forgoes the injury issue of junior Little Lost River rights.

T9N R27E S4 SWNWNE

This objection is a true error. Apparently a typographical error was made during the recommendation process. The TRUE Point of Diversion should read **T9N R26E S4 SWSWNE**. The claimant, Mr. Waymire has been notified and is now aware of the issue.

33-00033
00037
000930

T11NR27E S31 NESESE

BLM believes this POD should read S31 SENESE based on GPS data. However, during the field exam of these claims several Points of Diversion were identified to include the one in question. The recommended POD in-question is an actual Point of Diversion where an unnamed stream intersects with the collector ditch and can be verified using OQ V-32. The site proposed by the BLM is a drainage that was dry during the field exam, thus no recommended POD.

33-00065
33-7087

T6N R28E S2 SESWSW

Specifically named is SRBA claim 33-10995. This claim identifies private lands historically irrigated by the Hawley's, later sold without water. The Point of Diversion used during the irrigation era is on BLM but is now longer used. The claimant filed this SRBA claim and Transfer No. 4551 in an effort to preserve the acreage irrigated by surface water. The transfer is in-place awaiting the BLM objection to prompt IDWR to review and act. However, the transfer is currently protested.

33-00051 THM
33-00060

T6N R 28E S11 SESENW

This is an historic Point of Diversion dating back to the late 1800's (according to the water right priority dates, 1885-1891) and is one of three serving the ranch. One of which previously mentioned above, T6N R28E S2 SESWSW. The other is within the private holding of the ranch.

33-10996 is an enlargement claim for acres on BLM lands that were historically irrigated by the Hawley's and is part of the Transfer No. 4551 aforementioned. BLM is aware of this claim and supports the transfer of acreage to private lands. As mentioned previously, the transfer is protested.

T7N R28E S21 NWNWSW

According to the Proof of Beneficial Use filed for this right (33-07010) this well dates to the 1940's. However, the Licensed date of priority was March 19, 1971, but then Transfer No. 3809 was filed to "unstack" surface and groundwater rights. As a result, the priority date of the well was advanced to July 2, 1990. Surface water decreed to this ranch date to 1885 to 1891.

This particular well dating to the 1940's (unsupported evidence of prior claimant) was located according to the initial survey dating to July 9, 1890, which no doubt established fence lines. A resurvey of the East line of Section 21 was done in August 1941. Then, in 1978, another resurvey was done as evidenced by the monument caps. This 1978 resurvey puts the TRUE Point of Diversion of the 33-07010 well in the NENWSW (a BLM QQ). However, this matter was discussed with Ms Deena Teal, BLM, Idaho Falls District Office, in October of 1996, shortly after the discrepancy was found. Ms Teal indicated, at

Rocky Ross

that time, that since the well predated some 1976 ruling, by which BLM operated, they (BLM) would not protest the actual POD.

This basically explains the history of the well and the recommendation; however, the listing of the POD as NWNWSW is clearly an error. The CVR shows the POD to be located as NENWSW Sec. 21, which is accurate.

T8N R28E S31 SWNWSE

This POD defines a well used solely for mitigation and is defined as an amendment to the 1927 decree as a Judgement against Orville Nicholson, 1954. The recommendation does define a Place of Use; however, this POU is by exchange with surface waters as defined in the Judgement. The period of use is 4/1 to 7/15 annually, when all this well does is deliver water to the river. The Objection is not to the Point of Diversion, but rather to the Point of Injection. And, in-fact, as recommended this Point of Injection is accurate.

T6NR29E S31 NWSWNW

This is another typographical error. The recommended POD should read T6N R29E Section 30 NWSWNW. There is a pending Transfer to correct the actual POD location to T6N R28E Section 25 NESENE.

33-02128
31B
48B
49B
50B
83C

Contor, Bryce
From: Contor, Bryce
Sent: Wednesday, January 19, 2000 4:27 PM
To: Ruberry, Allen; Carlsen, Ernie
Subject: Sawmill Creek Rights

This morning we met via teleconference with Dave Tuthill and Peter Anderson. One of the things we discussed was the Sawmill recommendations. During our call, Bill Stauffer called and reported that he had discussed the Sawmill recommendations with others, including Don Isham, James Andreason, and David Andreason. They all concur with the proposals in the January 6 letter. James Mays has sent us written concurrence.

Per Dave Tuthill's instructions to Al and me, I have gone ahead and changed the source of Sawmill Creek rights back to "Sawmill Creek, tributary to Little Lost River." The point of diversion is 11N 26E section 10, NWNENE, and the point of injection is 10N 27E section 18, NWSESW. The former points of diversion have been identified as points of redirection. I removed any comments relating to change of source and I removed condition C02.

The rights I changed were:

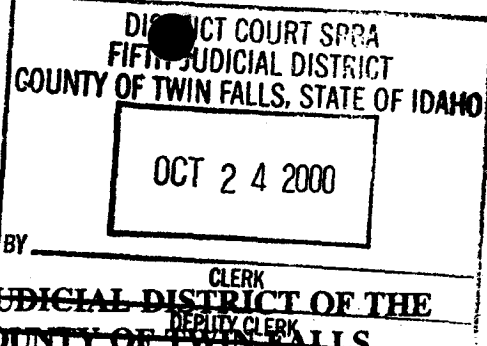
R33-00023B
R33-00030
R33-00043
R33-00077
R33-10070
R33-10073
R33-10084
R33-10086

I'll put a new profile report and a copy of this memo in each file.

There were other Sawmill rights which I did not change. These are:

R33-00038 1927 decree & claim list source as
Little Lost River
R33-00096B Recommended w/ source "Summit Creek"
R33-00107 Recommended originally w/ source
"Sawmill Creek"

33-10464 Stockwater claim already PD w/ source
"Sawmill Creek"



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

In Re SRBA

Case No. 39576

Subcase(s): 33-00088, 33-00089

ORDER SETTING HEARING

X The court sets the following hearing in the above subcase(s):

☒ Motion to Amend Claim

☐ Status Conference

☐ Settlement Conference

☐ Scheduling Conference

Date: November 28, 2000 2:30 pm phone

Location: SRBA Court 2:30 pm phone

DATED: 10/24/2000.

Brigette Bilyeu
BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Order was hand delivered to the following:

Representative of:
Director of IDWR
PO Box 83720
Boise, ID 83720-0098

Keith Waymire

Representative of:
United States Dept. of Justice
Environment & Natural Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

Teri Hranac
Deputy Clerk

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

) SUBCASE NO: 33-00088

) (Insert Water Right Number)

Case No. 39576

) STANDARD FORM 4

) MOTION TO FILE:

) ☐ LATE NOTICE OF CLAIM

) ☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a separate form for each late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read SRBA Administrative Order 1, Rules of Procedure (amended Sept. 30, 1996).

My name is: Keith Wayne and Connie A Wayne
Box 47
Howe Idaho
83244

My address is: _____

My phone number is: Home
Work: (208) 767-3035 Home: () _____

I am an attorney representing: _____

My name is: _____

My address is: _____

My phone number is: () _____

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources (IDWR). Leave to amend a claim shall be freely given when justice so requires.

☒ I must amend my Notice of Claim to the use of water in the SRBA because:

- ① The point of Diversion Change to
was claimed in the wrong Quarter Quarter
- ② Lot numbers were provided by BLM to incorrectly
describe PRR on private lands.

☒ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☒ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of _____

County of _____

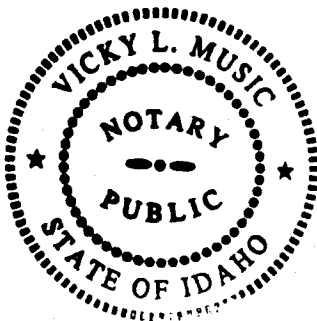
_____, being first duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A (1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Kritha Dwayne
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 10/24/00
(Insert Date)



Vicky L. Music
Notary Public for *Idaho*
Residing at: *Boise, ID*
My Commission expires: *1/21/06*

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I certify that on Oct 24, 2000, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

Hond

2. Copies to:

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

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

Hond

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

Hond

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or Special Master, you must serve a copy on all parties to that subcase.

(Insert Names Addresses of parties)

Keith O. Wapner
Signature of person or attorney mailing the form

Form No. 42-1409 (2) a 1/88

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

33-00088

Date Received

Receipt Number

AMENDED

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Keith Wayne and Carrie Wayne Phone (208) 767-3035Mailing Address P.O. Box 47 Howe Idaho Zip 832442. Date of Priority (Only one (1) per claim) 04/15-1/19063. Source of water supply (a) Little Lost River
which is tributary to (b) SINKS4. a. Location of existing point of diversion is: Township T09N Range R27E Section 504,
SW 1/4 of SW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Butte

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Head gate off stream

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 04-01 to 11-01 amount 0.2 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.2 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9N	27E	4									37			37			25	11	
		9		48	49	49.5	39												
				25	37														

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Butte12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.13. Describe any other water rights used at the same place and for the same purposes as described above.
33-00089, 33-00093D, 33-02089 or None ()

14. Remarks:

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree XIf applicable provide IDWR Water Right Number 33-00088Court _____ Case Number _____ Decree Date 1927

Plaintiff vs Defendant _____

16. Signature (a)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.Number of attachments 2

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Keith D. Wassmire Date Oct 24, 2000

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization _____

document in the space below as _____

Title _____

of _____

Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho Idaho)County of Hida) SS.

Subscribed and sworn (or affirmed) before me this

24th

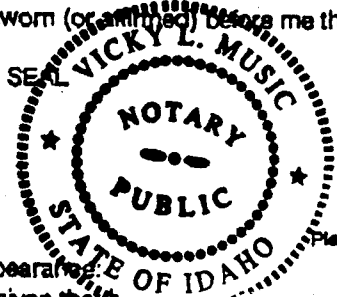
day of

October2000

-19-

Notary Public Vicki L. VanelecResiding at Borco, IDMy Commission Expires 11/27/06

Please Print Name



17. Notice of Appearance

Notice is hereby given that _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Copies: White-State, Yellow-Claimant

TOWNSHIP 9 NORTH RANGE 27 EAST OF BOISE MERIDIAN, IDAHO

BUTTE COUNTY 023

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MT PLAT

INDEX TO SEGREGATED TRACTS		
GENERAL SURVEY		
TRACT NO.	R	SUBDIVISION
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36		

010191 Q&A PL 167 (Act of Cong 7/22/1933)
completed 2-24/1961. All of surface land by
USFS

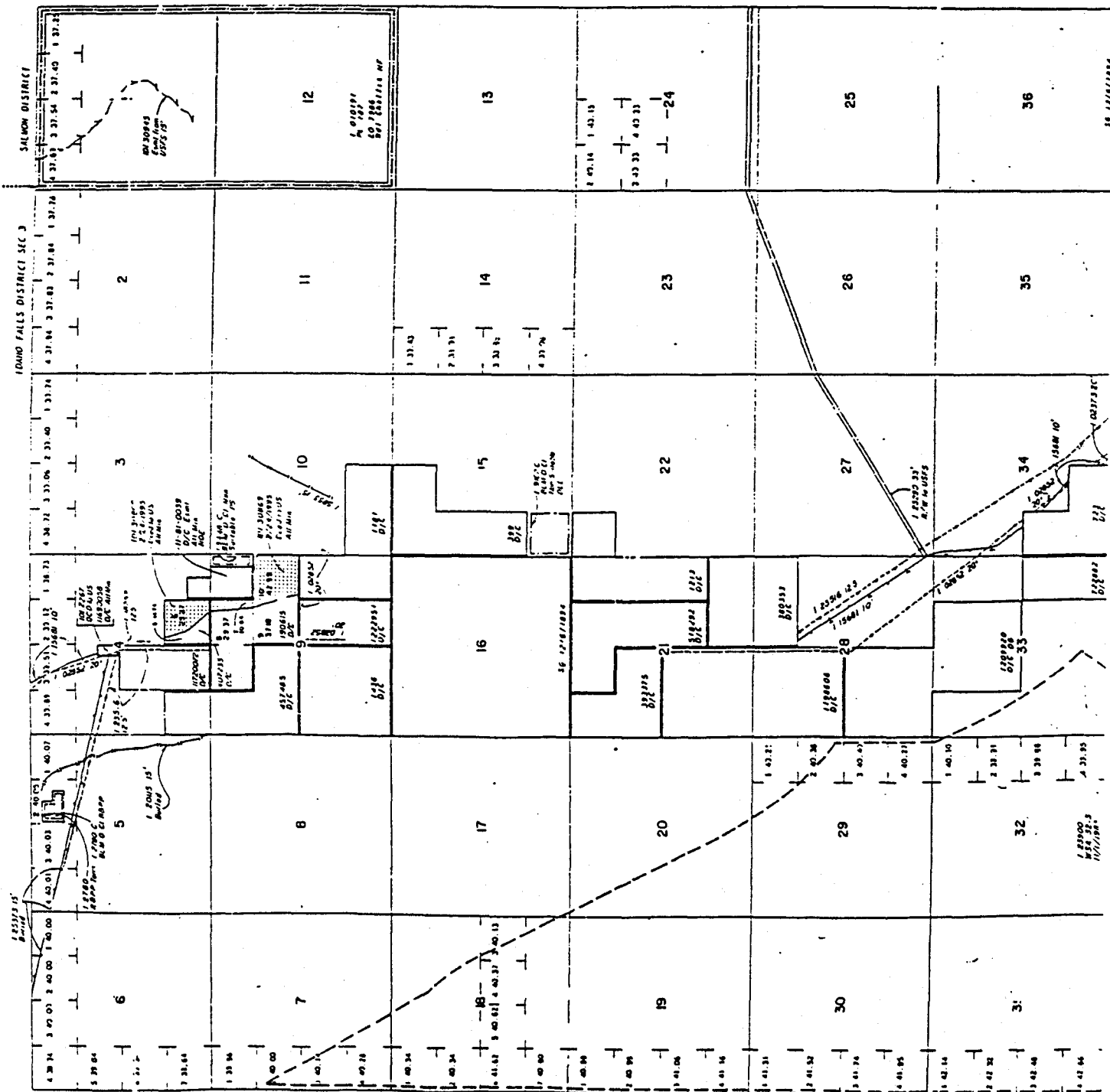
104 2700 R&PP Land 41113 from 10/26/1971
Sec 5 S&N&W&E, NE&SW&NE, H&SE&W&NE

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNACQUIRED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

CURRENT TO	CURRENT TO
1971 11 1961	

USE PLAT:

RECORDED 10/24/2000 BWR



NESW

37

SWNE

11

NESW

39

SENE

15

RECEIVED

APR 10 2000

Department of Water Resources

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

In Re SRBA

A. Subcase 33-00088

(Insert water right number)

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of
Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown 208 387-0835; Paul F. Holleman, 202 305-0494

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

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

Name: Keith D. & Connie A. Waymire

Address: P.O. Box 47 Howe, ID. 83244

Name:

Address:

Name:

Address:

Name:

Address:

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: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point(s) of Diversion**
Should be: See attached
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: See attached

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):**

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POD. Claimant's water right should not include this POD. Is this a typographical error? Several Places of use describe both federal and private land, the description should be specific enough to exclude Federal Land.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

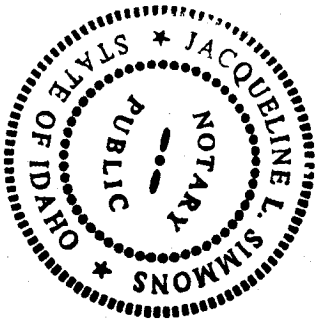
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

Fredric W. Price
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 7, 2000



Jacqueline L. Simmons
Jacqueline L. Simmons

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 04-07-2005

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 April 7, 2000, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: Keith D. & Connie A. Waymire

Address: P.O. Box 47 Howe, ID. 83244

Name:

Address:

Name:

Address:

Name:

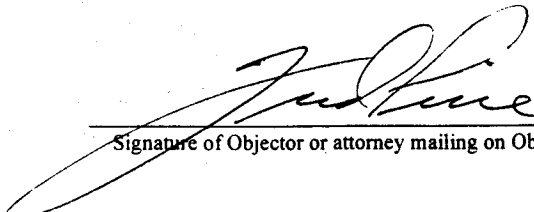
Address:

3. Copies to:

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

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

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


Signature of Objector or attorney mailing on Objector's behalf

RIGHTS FROM: SOURCE: LITTLE LOST RIVER TRIBUTARY: SINKS

RIGHT NUMBER: 33-00088

NAME & ADDRESS: KEITH D WAYMIRE
CONNIE A WAYMIRE
PO BOX 47
HOWE ID 83244

SOURCE: LITTLE LOST RIVER TRIBUTARY: SINKS

QUANTITY: 1.4 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.79 CFS. COMBINED RIGHT NOS.:
33-02089, 33-00089, 33-00093D.

PRIORITY DATE: 04/15/1906

POINT OF DIVERSION: T09N R27E S04

PURPOSE AND PERIOD OF USE: PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 11-01

QUANTITY
1.4 CFS

PLACE OF USE: IRRIGATION
T09N R27E S04
S09
189.5 ACRES TOTAL

Within BUTTE County

LOT 8 (NWNE) 25

NESE 37

SESW 39

SWNE 37

LOT 5 (SWSE) 11

LOT 9 (SENE) 1.5

NESE 39

Mixed ownership

Mixed ownership

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 189.5 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-02089, 33-00089, AND
33-00093D.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 70 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE 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 - DECREE

S04 SWSE → LOT 5 = PRIVATE
LOT 6 = BLM

S09 NWNE → LOT 8 = PRIVATE
LOT 7 = BLM

SWNE → LOT 9 = PRIVATE
LOT 10 = BLM

SENE → LOT 9 = PRIVATE
LOT 10 = BLM

Issue:

Point of diversion on BLM

Circled Pools are mixed ownership between
BLM and private

→ Claimant needs to clarify
lot numbers for places of use

→ Farming on public land is not
authorized

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JAN-29-2000
PAGE: A-548

RIGHTS FROM:	SOURCE: LITTLE LOST RIVER	TRIBUTARY: SINKS
RIGHT NUMBER:	33-00088	(CONT)

EXPLANATORY MATERIAL: (CONT)

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.
RIGHT NO. 33-00089, 33-00093D ARE ALSO DIVERTED THROUGH POINT
OF DIVERSION DESCRIBED ABOVE.

A33-00088 2 *McDonnell's Place*
UNITED STATES OF AMERICA, ACTING
USDA, FMHA
3232 ELDER ST.
BOISE ID 83705

*David Per
42-222-IC
FORFEITURE*



A3300088

*APR 24 1980
FBI*

January 12, 2000

NOTICE OF ERROR
REPLY

RECEIVED

JAN 19 2000

Department of Water Resources
Eastern Region

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: January 21, 2000

Water right number: 33-00088

KEITH D WAYMIRE
CONNIE A WAYMIRE
PO BOX 47
HOWE ID 83244

Daytime Telephone Number:

Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 1/18/00 SIGNATURE: Keith Waymire
Please print your name: _____

November 23, 1999

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 10, 1999

Water right number: 33-00088

KEITH D WAYMIRE
CONNIE A WAYMIRE
PO BOX 47
HOWE ID 83244

Daytime Telephone Number:

Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

Change to Permissible Place of Use.

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 12/15/99 SIGNATURE: Keith D Waymire
Please print your name: Keith D Waymire

IDWR Eastern Regional Office, 900 N. Skyline Drive, Suite A, Idaho Falls, ID 83402-1718, (208) 525-7161

Changed per telecon 1/11/00

SERVICE
ESTED

RECEIVED
DEC 2 1963
Department of Water Resources
Eastern Region



UNDELIVERABLE AS ADDRESSED
NO FORWARDING ORDER ON FILE

LOS
FBI

R33-00089
UNITED STATES OF AMERICA ACTIN
USDA FARM SERVICES AGENCY
3232 ELDER ST

BOISE ID 83705

(208)
378-5650
9173 W. Barnes
Ste B
Boise ID 83709
Change address +
phone on R
records + re-mail

Ruberry, Allen

From: Denniston, Sara
Sent: Tuesday, July 27, 1999 1:34 PM
To: Ruberry, Allen
Subject: Weymeyer

Hello,

Have you heard anything from either Mr. Weymeyer or the FSA on a change of ownership? If not, let's go ahead and recommend this right for disallowal in the preliminary report, and hopefully that will motivate Mr. Weymeyer to provide a change of ownership before the final report goes out.

10/19/99 NO RESPONSE.

[Signature]

cc: A33-02089
A33-00088
A33-00089

BY THE FmHA. BUT SINCE THE COURT RULING THAT THE GOVT DID NOT HAVE TO PAY FINE, AND THAT THE KAYMIR'S ARE THE "NEW" OWNERS BY (CERTAIN DISC-NOW SINCE ITS UNDER PRIVATE OWNERSHIP FERS ARE DISC AND CHANGE OF OWNERSHIP IS 100% THESE THINGS HAVE NOT BEEN DONE, NOW, SINCE NOW PRIVATE OWNERSHIP W/ FERS PAID BUT, W/ (AT's) ARE BEING USED. I DULCE AT THIS TIME WITH ATTER: 1.) RECOMMEND AT CLAIMS IN THE NAME OF FmHA - DIE - 2.) DISALLOW THE CLAIMS DUE TO INEFFICIENT FERS (FERS NOT ADO). BUT, AS OF TODAY, THERE IS NO RECOMMENDATION OF RECORD TO THESE CLAIMS. NO NOTES OF CHANGE OF OWNERSHIP.

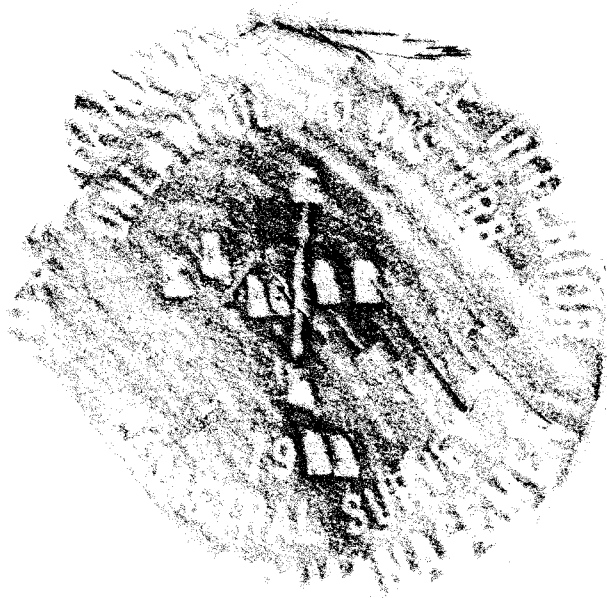
THE QUESTION: DOES THE FmHA maintain ON THE SAME CONSTITUTION THE SAME IDWR POSITION AS CRP LANDS W/ WIP'S? THAT BASICALLY THE WIP'S ARE DORMANT FOR THE CRP PERIOD.

11:55 CAUSE CHATON TO DISCUSS MY ABOVE DISCUSSION AND REMARKS. HIS IMPRESSION IS ALL IS ON RECOMMENDS TAKING TO LATER AFTERNOON.

THE CAUSE FOR THE CASE: APPROPRIATE AN ATty CHANDIA BANGOR REPRESENTS A CLIENT IN A DISCRIMINATION SUIT BASED ON (INVOVING) GENDER - NO FURTHER DETAILS.

9/9/98 00-DAY CONTINUED

1052 TONY CUNY (David Lacey, Atty for USA) EXAMINE INTO WIP'S 33-00000, 00000, 00000, THE McDANIELS PLACE. SHE AND ATty ARE CONCERNED WITH THE REALITY OF THE SALE DUE TO DISCRIMINATION. I EXPLAINED THE HISTORY OF THE WIP'S ON THE McDANIELS PLACE. NOW THEY WERE IN A MORTGAGE W/ FmHA BECAUSE THE PROPERTY DECIDED NOT BE SOLD DUE TO LOCAL ECONOMIC SITUATIONS. BUT HOW THE LANDS HAD BEEN LOANED FOR STOCK GRANTS BUT W/ NO WATER RIGHTS. THEN, IN 1996 THE PLACE WAS ADVERTISED FOR SALE AT \$117,000 W/ WIP'S - THE FmHA GOT CONCERNED ABOUT THE ABANDONMENT/CONFESSION ISSUED. THE SALE WAS RECALLED - LATER RE-ADVERTISED AS 11, 194 ACRES OF DRY CROP LAND FOR \$5,000. THE COURT CLAIM DEDU WAS ISSUED DETERMINING THE WIP'S (AT CLAIMS BY FmHA) IN DETAIL. KATH AND CONNIE WATKINS WERE THE SUCCESSFUL BIDDERS. THEN ABOUT LATE 1996 (?) KATH MADE A CALL FOR THIS S.W. - LEVITALLY DAVID ANDERSON, WM B33, DELIVERED THE S.W. THE WALL WAS STARTED ABOUT THIS SAME TIME WITH HELP FROM SOME LOCAL (B33) PROPERTY OWNERS. FROM DAVID A. - I UNDERSTAND INQUIRIES HAVE BEEN MADE REGARDING THE WIP'S; THOSE INQUIRIES WERE BY LOCALS AND ATty'S UNKNOWN NAMES AND FOR REPRESENTATIONS). I DULCE'S POSITION IS NOW/LESS "IT THERE IS A COLOR OF A WIP - THEN THERE IS A WIP". SINCE NO LOCALS HAVE FORMALLY OBJECTED, THE PROBLEM WITH THE WIP CLAIMS (AT's) IS THIS - THE WIP'S HAVE BEEN FILLED



$S \frac{1}{16}$ | $S4$
C | C

1989

Dec. 1-95

AM



T9N R27E

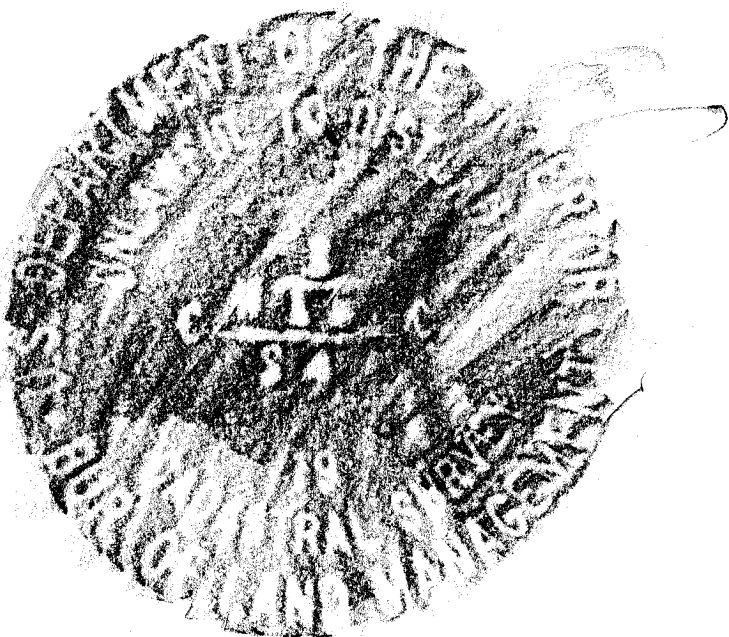
S4



1989

Dec 1, 95

Arise



$$\begin{array}{c}
 W \frac{1}{16} \\
 \hline
 C \quad \quad \quad C \\
 S4
 \end{array}$$

19

Dec. 1, 95
 A. B. R.

Acquired Property (McDaniel)
Legal Description

Township 9 North, Range 27 East of the Boise Meridian, Butte
County, Idaho.

Section 4: SW1/4SE1/4, E1/2SW1/4

Section 9: S1/2NE1/4, NW1/4NE1/4, NE1/4NW1/4

Less the following: (Containing 78.90 Acres) Deeded to
B.L.M. (See the attached legal description)

EXCERPT COPIED FROM FMHA SALE DOCUMENTS
FOR THE MC DANIEL PLACE (BASIN (35))

A B RUBERRY....28 SEPT 1995

33

FmHA:

1. When did FmHA ^{Re-} Acquire prop?

6/4/86

2. Any LEASES SINCE THEN?

When? WITH WATER? ^{LEASED - GARRING} 5/15/90 - 9/1/90

^{GARRING}
1994 w/o water

3. SALE TERMS: \$7,000 w/o WATER

4. Watermaster Records / Statement

12 yrs. - 85

well - 85-86

Looking Southwesterly

Little Lost River

McDermott's Place
James River



Photo 4. DIVERSION OF 33-00089
WET CREEK WATERS. THIS IS ON
PANCHERI'S DITCH OFF WET CR.

Looking Easterly

SESWISE SEC. 4 T.9N., R.7E.

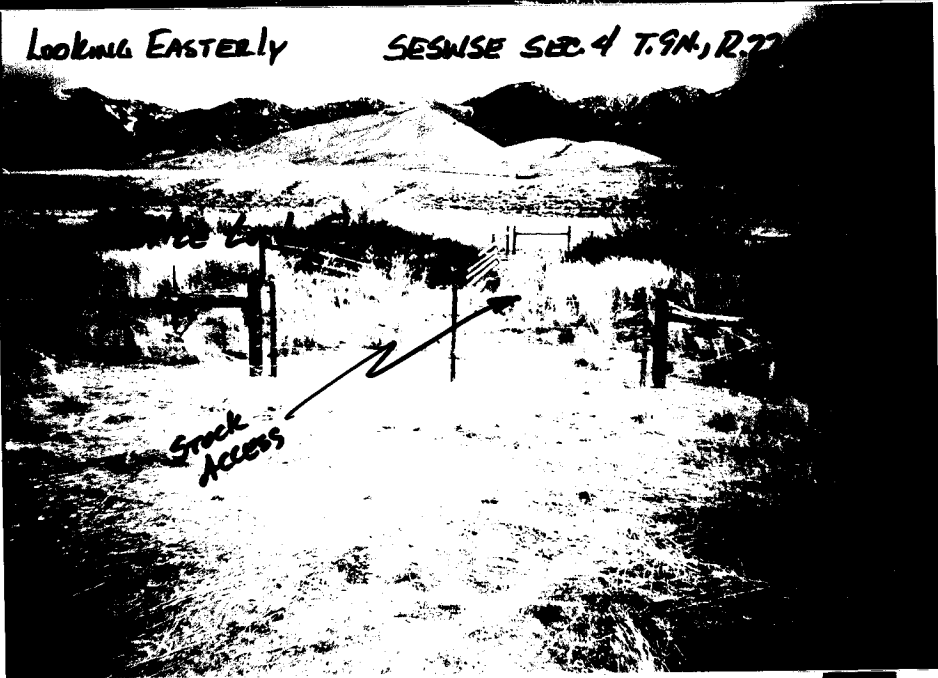


Photo 5. Stockwatering ACCESS
TO LITTLE LOST RIVER - AFTER
BLIND FENCED RIVER AND KEPT
ALL MILK. SPRINGS ACROSS THE
RIVER TO THE EAST.

Looking Easterly

SWSWISE SEC. 4 T.9N., R.7E.



Photo 6. Domestic Well House
NO FILING OR MODIFICATION
CLAIM FOUND

INCIDENTAL Photos of
FmHA McDermott's Place

Photos taken 1 Dec 95 ACR

Looking South



Photo 1. Looking South toward Farm House of McDaniel's Place. Well is located at North end of Property.

Looking Westerly



Photo 2. Note BLM Fence and Monument at corner.

Looking South

EAST SIDE OF McDANIEL PROPERTY

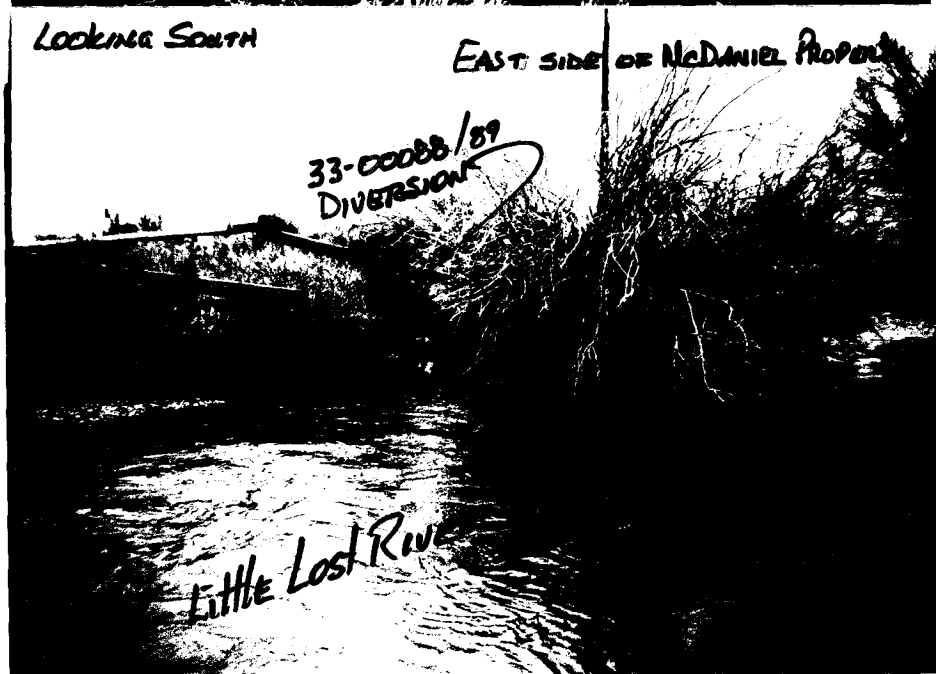


Photo 3. DIVERSION FROM Little Lost River FOR DECEASED RIGHT 33-00088 AND ITS EXCHANGE OF WET CREEK DECEASED RIGHT 33-00089.

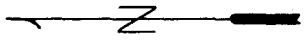
NOTE PIPELINE. THIS PIPELINE IS FROM THE WELL 33-02089. THE PIPELINE IS BORNED ON THE WEST SIDE OF THE RIVER CROSSING.

DECEASED RIGHTS
33-00088 AND 33-00089
WELL LOC. 33-02089

Photos taken 1 Dec. 95 LBR.

Fu HA (McDaniel Place)

T. 9N.
R. 27E.



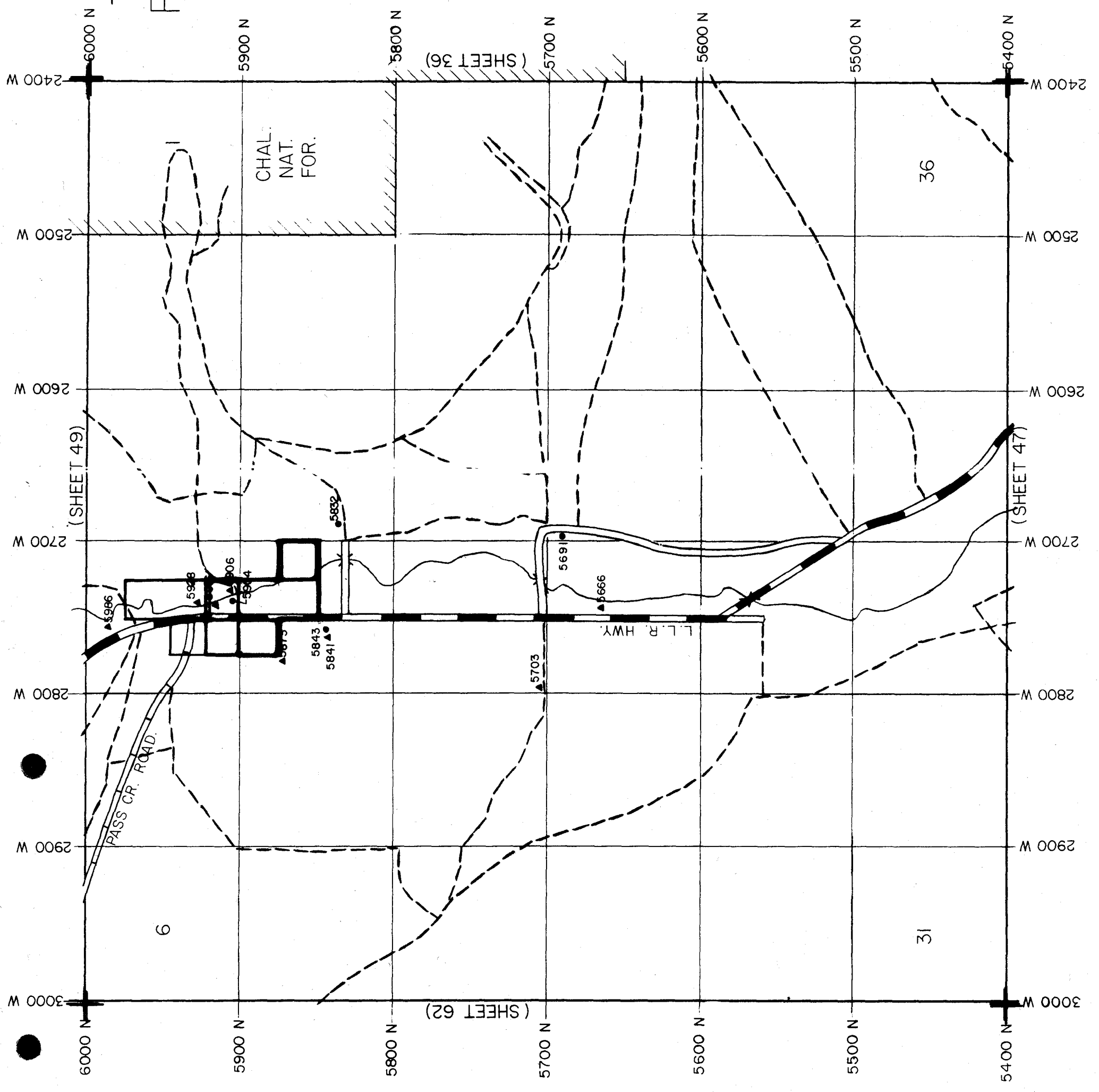
Deer Run: Little Lost River
33-00080

NW 1/4 Sec. 9
T. 9N., R. 27E.
Wet Run

Deer Run: Wet Run
33-00089
SW 1/4 Sec. 4
T. 9N., R. 27E.
Wet Run

License Run: Comm. Run
33-02089
SW 1/4 Sec. 4
T. 9N., R. 27E.
117 AC.

License Run: Comm. Run
33-02089 A. CLAIMED
E 1/4 Sec. 4
W 1/4 Sec. 9
T. 9N., R. 27E.
27 AC.



SUPPLEMENTAL AFFIDAVIT

STATE OF: Idaho

COUNTY OF: Bonneville

I, Allen Ruberry,-----senior water resource agent, Idaho Department of Water Resources, 900 N. Skyline Drive, Idaho Falls, Idaho 83402, make the following statement freely and voluntarily to Ms Tony Curry for David Lacy, she identified him as an attorney for the USDA, investigating a complaint of discrimination. This statement may be used in evidence. I understand that this statement is not confidential and may be shown to any interested party (those with a legal right to know). I hereby solemnly swear:

In 1996, the FmHA put the McDaniel's place up for sale and it was advertised [I believe] for One Hundred Seventeen Thousand Dollars (\$117,000.00), with water rights. Then the FmHA became concerned about abandonment and forfeiture of the water rights under Idaho State law. The sale was withdrawn. It was later readvertised as 194 acres of dry crop land for Eighty Five Thousand Dollars (\$85,000.00). A quitclaim deed was issued defining, in detail, the water rights. Keith and Connie Waymire were the successful bidders by the deed. As of today (that date, 9 September 1998), there is no recommendation of record to these claims [to the water rights].

Prior to the Waymire's acquisition, the property had been leased for stock grazing without use of the water rights. In 1996, the Waymire's made a call to the district watermaster to have the surface rights delivered. The surface rights were delivered in 1996.

I have read the above statement consisting of 1 page and it is true and correct to the best of my knowledge and recollection. I have been given an opportunity to review the statement and make any changes, corrections, additions, or deletions. I have initialed each page and signed the statement below. THIS IS THE EDITED VERSION.

Allen B. Ruben
(Signature of Affiant)

Subscribed and sworn before me at:

JOHNSBURGH, BOONEVILLE Co., IDAHO
(City, County, State)

On THIS *17th* DAY OF *SEPTEMBER* 1998

(Witness)

SUPPLEMENTAL AFFIDAVIT

STATE OF: Idaho

COUNTY OF:

I, Allen Ruberry, _____ senior water resource agent, Idaho Department of Water Resources, 900 N. Skyline Drive, Idaho Falls, Idaho 83402, make the following statement freely and voluntarily to David Aaron Lacy, who has identified himself to me as a Contract Investigator for the U.S. Department of Agriculture, investigating a complaint of discrimination filed by Renee Catherin (aka Boyles), knowing that this statement ^{may} be used in evidence. I understand that this statement is not confidential and may be shown to any interested party (those with a legal right to know). I hereby solemnly swear:

FHA put the McDaniel Farm Property up for sale and ~~they~~ it was advertised as (acreage and water rights for One Hundred and Twenty Thousand Dollars (\$120,000.00)). FHA became concerned about abandonment and forfeiture ^{of the water rights} under Idaho law and withdrew the notice of sale. The property was readvertised (relisted) a time period later as 194 acres of dry crop land acres to be sold for Eighty Five Thousand Dollars (\$85,000.00). The property was then purchased by Connie and Keith Waymire for Eighty Five Thousand Dollars (\$85,000.00) and the quitclaim deed is in their names. ~~The water rights were not canceled, they were held in abeyance for thirteen (13) years while the FHA was under moratorium because of economic conditions in the area. Water rights not were not necessary for the loan because it was advertised as dry crop land acres. There~~ has been no formal recommendation to the courts about the particular irrigation ^{water right} claim.

Before the sale to the Waymire's, the property was in use, but the water rights were not in use. ~~The water rights were canceled because the water rights were not in use.~~ The Waymire's called the water master to get surface water on. The water rights were delivered in 1996. ~~All water rights are in use.~~

I have read the above statement consisting of 3 pages and it is true and correct to be best of my knowledge and recollection. I have been given an opportunity to review the statement and make any changes, corrections, additions, or deletions. I have initialed each page and signed the statement below.

(Signature of Affiant)

SUBSCRIBED AND SWORN BEFORE ME AT:

(City, County, State)

On THIS _____ DAY OF _____, 1998

(Witness)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:03:54
03/31/93

723
CLAIM NUMBER: A33-00038

PAGE: 1
GENERAL INFORMATION

LAST: FMAH
ADDRESS: XXXXXXXXXXXXXXXXXXXX
CITY: XXXXXXXXXXXXXXXXXXXX
PHONE NUMBER: 208-000-0000
OWNER CODE: K

FIRST: ID
STATE: ID
ZIP: 00000000

LAST: MONSON, ESQ.
ADDRESS: INDIAN RES SEC LND & NAT RES
US DEPT OF JUSTICE
399 18TH ST STE 945
DENVER
CITY: DENVER
PHONE NUMBER: 303-294-1950
OWNER CODE: A

FIRST: PETER
STATE: CO
CITY: CO
ZIP: 80202

LAST: PECK
ADDRESS: XXXXXXXXXXXXXXXXXXXX
CITY: XXXXXXXXXXXXXXXXXXXX
PHONE NUMBER: 208-000-0000
OWNER CODE: 0

FIRST: WILLIAM L.
STATE: ID
CITY: ID
ZIP: 00000000

LAST: PECK
ADDRESS: XXXXXXXXXXXXXXXXXXXX
CITY: XXXXXXXXXXXXXXXXXXXX
PHONE NUMBER: 208-000-0000
OWNER CODE: 0

FIRST: CAROLINE
STATE: ID
CITY: ID
ZIP: 00000000

LAST: U.S. DEPT. OF AGRICULTURE
ADDRESS: FARMERS HOME ADMINISTRATION
3232 ELDER ST.
CITY: BUISE
PHONE NUMBER: 208-334-1577
OWNER CODE: K

FIRST: ID
STATE: ID
CITY: ID
ZIP: 83705

Chain Amended
10/24/00 to correct
POD LEGAL/ADD LOT'S
See 33-00039 FOR MAPS,
Photos & Docs.

~~DEVELOPED~~
~~NOV 1988~~

DEVELOPED PURSUANT TO
42-222 JC FOR
FORFEITURE ISSUES

① POD CLAIMED AS NW/NE
Actual is SWSW/NE

② CVR incomplete

③ Lot #'s for PCH?

#'s FROM CONSERVATION EASEMENT

SURVEY - SURVEY NOT AVAILABLE.

AT RE TIME.

Amended Claim
10/24/00

7 DEERS, TELECOM, w/ DAVID ANDERSON. DAVID
SAYS NO'S CHECKED HIS WATERGATE RECORDS -
THE LAST TIME EITHER DEERED DELIVERY WAS MADE WAS
1984 WHEN DEWEIN Army HAD THE PLACE, THIS
IS ALSO THE LAST TIME THE WALK (33-02087)
WAS USED.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:54
03/31/93

PAGE: 15
QUICKLOOK INFORMATION

137
CLAIM NUMBER: A33-00088

MR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE		TELECON w/ BUREAU RANKA FINNA ALSO 30 MAR 95 ASB			ASB 30 MAR 95	ASB 30 MAR 95	ASB 30 MAR 95	ASB 30 MAR 95
POINT OF DIV	Y	TELECON w/ DAVID ANDERSON w/ BUREAU 33 30 MAR 95 ASB						
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES								
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS	Y							

VERIFIED BY CODES

TOPO MAP/ORTHO-PQ = 1
 ASCS MAP = 2
 MASTER RECORDS = 3
 APP PHOTOS = 4
 FIELD EXAM = 5
 OTHER (SEE REMARKS) = 6

Bar Cook

R.R. 30

David L. Remond

Deputy

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

CLAIM NUMBER: A33-10038

34710A
DIVISION

(208) 334-1577

Dr. J. H. H. H.

STAGE: DECREE

ESPIONAGE

T09W R27E S04

BUTTE COUNTY

MEM MEM

MINNESOTA

35

144

• •

• • •

• • •

LY AC LY AC LY

AC LT AC

AC L

11

55

39

—

45

POU COUNTRY: BUTRE

OTHER RIGHTS: 53-02039

REMARKS: 5. COM'T: TO ENTER A PRIVATE OYCH.

DATE: EXAM MADE DATE:

VERIFIED DATE:

06/24/1985

WISC: WATER DISTRICT NUMBER: 33

FIELD INSPECTION FLAG:
PRESUMPTION FLAG:

BAR COOL

Q
M
N

30 NOV 95

20

cond/Reich

P. 21



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

11 OCTOBER 1995

HOLDEN KIDWELL HAHN & CRAPO
ATTN KENT FOSTER
P O BOX 50130
IDAHO FALLS ID 83405

RE: PANCHERI, INC., SRBA CLAIM A33-00088A

Dear Mr. Foster:

During review of the adjudication water right claim of decreed right 33-00088, it has come to our attention that Pancheri, Inc. has claimed a portion of this right as A33-00088A.

Department records indicate the right to be wholly owned, at this time, by United States of America, Acting Through USDA, Farmers Home Administration.

Please provide documentation which will clearly support ownership by Pancheri, Inc. for the portion claimed under A33-00088A and an accurate land list of irrigated acres served by this claim.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudications Bureau

CC: File

A. AJ CLAIM: # A33-00088 PRIORITY DATE: 04-15-1906 STAGE: D
B. WR RECORD: # 33-00088 PRIORITY DATE: 04-01-1906 STAGE: D

C. FIELD EXAM REQUIRED? FIELD EXAMINER
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) Y

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()

NOTES:

RECOMMENDED PRIORITY DATE:

REVIEWED BY DATE

DO NOT FILM

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	IMP.	RGE.	SEC.	1/4	1/4	LOT	CNTY
A33-00088	OWN	27E	4	NW	NW	SE	BUTTE

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

HR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: LITTLE LOST RIVER TRIG: SINKS

B. HR POINT OF DIVERSION AND SOURCE:

3330088 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: LITTLE LOST RIVER TRIG: SINKS

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)	FIELD EXAMINER
DUE TO SOURCE DISCREPANCY? (Y/N)	---

NOTES:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:
THP. R&E. SEC. 1/4 1/4 1/4

DIVERSION NAME

COUNTY

LOT

1/4

1/4

SOURCE: LITTLE LOST RIVER

TRIB: SINKS

REVIEWED BY:

DATE:

SYSTEM DESCRIPTION:

A. ROOT WATER RIGHT NUMBERS:
A33-10073
A33-10074
A33-00083A
A33-00083

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	AR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECORD ACRES
09N	27E	9	N4	NE		FHHA	A33-00088	33-00088	/		
			N4	NE		MONSON, ESQ., PETER	A33-02089	40.0	/		
09N	27E	9	S4	NE		FHHA	A33-00088	40.0	/		
			S4	NE		MONSON, ESQ., PETER	A33-02089	40.0	/		
09N	27E	9	SE	NE		FHHA	A33-00088	33-00088	/		
			SE	NE		MONSON, ESQ., PETER	A33-02089	40.0	/		
09N	27E	9	NE	NW		FHHA	A33-00088	33-00088	/	30.0	
			NE	NW		PANCHERI, INC.	A33-00024	39.0	/		
			NE	NW		PANCHERI, INC.	A33-00025	39.0	/		
			NE	NW		PANCHERI, INC.	A33-00065	39.0	/		
			NE	NW		PANCHERI, INC.	A33-00115	39.0	/		
			NE	NW		PANCHERI, INC.	A33-02055	39.0	/		
			NE	NW		PANCHERI, INC.	A33-02065	39.0	/		
			NE	NW		PANCHERI, INC.	A33-02066	39.0	/		
			NE	NW		PANCHERI, INC.	A33-00044	39.0	/		
			NE	NW		PANCHERI, INC.	A33-00045	39.0	/		
			NE	NW		PANCHERI, INC.	A33-00046	39.0	/		
			NE	NW		PANCHERI, INC.	A33-00047	39.0	/		
			NE	NW		PANCHERI, INC.	A33-00084	39.0	/		
			NE	NW		PANCHERI, INC.	A33-00085	39.0	/		
			NE	NW		PANCHERI, INC.	A33-00085	39.0	/		
			NE	NW		PANCHERI, INC.	A33-02014	39.0	/		
			NE	NW		PANCHERI, INC.	A33-07027	39.0	/		
			NE	NW		PANCHERI, INC.	A33-10109	39.0	/		
			NE	NW		PANCHERI, INC.	A33-00026	39.0	/		
			NE	NW		PANCHERI, INC.	A33-00032A	39.0	/		
			NE	NW		PANCHERI, INC.	A33-00033A	39.0	/		
			NE	NW		PANCHERI, INC.	A33-00034C	39.0	/		
			NE	NW		PANCHERI, INC.	A33-00035A	39.0	/		
			NE	NW		PANCHERI, INC.	A33-00035C	39.0	/		
			NE	NW		PANCHERI, INC.	A33-00039A	39.0	/		
			NE	NW		PANCHERI, INC.	A33-00042A	39.0	/		
			NE	NW		PANCHERI, INC.	A33-00043A	39.0	/		
			NE	NW		PANCHERI, INC.	A33-00088A	39.0	/		
			NE	NW		PANCHERI, INC.	A33-00090	39.0	/		
			NE	NW		PANCHERI, INC.	A33-00092	39.0	/		

PLACE OF USE REVIEW SHEET CONTINUED

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	AR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
NE	NW					PANCHERI, INC.	A33-02093 /39.0	/			
NE	NW					PANCHERI, INC.	A33-02108 /39.0	/			
NE	NW					PANCHERI, INC.	A33-02113 /39.0	/			
NE	NW					PANCHERI, INC.	A33-02117 /39.0	/			
NE	NW					PANCHERI, INC.	A33-02126 /39.0	/			
NE	NW					PANCHERI, INC.	A33-07015 /39.0	/			
NE	NW					PANCHERI, INC.	A33-00109A /39.0	/			
NE	NW					PANCHERI, INC.	A33-00040A /39.0	/			
NE	NW					PANCHERI, INC.	A33-10111 /	/			
NE	NW					MONSON, ESQ., PETER	A33-02089 /39.0	33-32089 /39.0			
NE	NW					PANCHERI, INC.	A33-00027 /39.0	/			
NE	NW					PANCHERI, INC.	A33-00028 /39.0	/			
NE	NW					PANCHERI, INC.	A33-00029 /39.0	/			
NE	NW					PANCHERI, INC.	A33-00030 /39.0	/			
TOTAL ACRES							157.00		30.30		

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED? FIELD EXAMINER POU COUNTY: BUTTE

DUE TO POJ DISCREPANCY? (Y/N) DATABASE Y

PRESUMPTION FLAG:

NOTES:

RECOMMENDATIONS:

TOTAL ACRES: _____

REVIEWED BY: _____ DATE: _____

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A33-00088 IRRIGATION	FROM 04-01 TO 11-01	1,600 CFS
	TOTAL DIVERSION RATE/VOLUME CLAIMED	1,600 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
33-00088 IRRIGATION	FROM 04-01 TO 11-01	1,400 CFS
	TOTAL DIVERSION RATE/VOLUME CLAIMED	1,400 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)	FIELD
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	DATEBASE
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	EXAMINER

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N()

Y() N()

EXPLAIN IN NOTES, BELOW.

NOTES:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 1.500 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.400 CFS

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***

** IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS **

** CLAIMED AND AN EXAM IS NOT REQUIRED, EXPLAIN IN NOTES. **

FLOW MEASUREMENT REQUIRED?

FIELD

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

DATABASE EXAMINER

Y

B. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: 33-02089

LIST ALL RIGHTS WITH A SAME POB AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A33-00038	LITTLE LOST RIVER	FMHA	1.500	0.010		
A33-00024	LITTLE LOST RIVER	PANCHERI, INC.	0.400			
A33-00025	SAM MILL CREEK	PANCHERI, INC.	1.100			
A33-00026	SAM MILL CREEK	PANCHERI, INC.	1.900			
A33-00027	LITTLE LOST RIVER	PANCHERI, INC.	1.500			
A33-00028	LITTLE LOST RIVER	PANCHERI, INC.	0.380			
A33-00029	LITTLE LOST RIVER	PANCHERI, INC.	0.340			
A33-00030	SAM MILL CREEK	PANCHERI, INC.	0.180			
A33-00032A	LITTLE LOST RIVER	PANCHERI, INC.	2.140			
A33-00033A	LITTLE LOST RIVER	PANCHERI, INC.	2.500			
A33-00034C	SPRING CREEK	PANCHERI, INC.	1.340			
A33-00035A	BADGER CREEK	PANCHERI, INC.	0.720			
A33-00036C	LITTLE LOST RIVER	PANCHERI, INC.	4.580			
A33-00039A	LITTLE LOST RIVER	PANCHERI, INC.	1.360			
A33-00040A	LITTLE LOST RIVER	PANCHERI, INC.	1.500			
A33-00042A	LITTLE LOST RIVER	PANCHERI, INC.	0.480			
A33-00043A	SAM MILL CREEK	PANCHERI, INC.	0.150			
A33-00044	LITTLE LOST RIVER	PANCHERI, INC.	1.400			

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A33-00045	LITTLE LOST RIVER	PANCHERI, INC.	2.400			
A33-00046	LITTLE LOST RIVER	PANCHERI, INC.	1.500			
A33-00047	SAW MILL CREEK	PANCHERI, INC.	2.100			
A33-00055	BELL MOUNTAIN CREEK	PANCHERI, INC.	5.400	0.001		
	QUAKEN ASP SPRINGS					
	MANOGANY CREEK					
A33-00034	SAW MILL CREEK	PANCHERI, INC.	4.200			
A33-00035	DRY CREEK	PANCHERI, INC.	3.200			
A33-00038A	LITTLE LOST RIVER	PANCHERI, INC.	0.350			
A33-00090	LITTLE LOST RIVER	PANCHERI, INC.	0.800			
A33-00092	SAW MILL CREEK	PANCHERI, INC.	1.300			
A33-00109A	SAW MILL CREEK	PANCHERI, INC.	1.000			
A33-00115	LITTLE LOST RIVER	PANCHERI, INC.	1.500			
A33-02014	UNNAMED SPRING	PANCHERI, INC.	1.900			
A33-02056	GROUNDWATER	PANCHERI, INC.	2.740			
A33-02055	GROUNDWATER	PANCHERI, INC.	4.560			
A33-02056	GROUNDWATER	PANCHERI, INC.	4.380			
A33-02089	GROUNDWATER	MOYSON, ESQ., PETER	2.300	0.008		
A33-02093	GROUNDWATER	PANCHERI, INC.	2.410		957.00	0.20
A33-02108	GROUNDWATER	PANCHERI, INC.	4.590			
A33-02113	GROUNDWATER	PANCHERI, INC.	2.520			
A33-02117	GROUNDWATER	PANCHERI, INC.	4.340	0.001		
A33-02126	GROUNDWATER	PANCHERI, INC.	6.000	0.001		
A33-07015	GROUNDWATER	PANCHERI, INC.	1.770		754.90	0.15
A33-07027	GROUNDWATER	PANCHERI, INC.	6.300	0.001		
A33-10139	GROUNDWATER	PANCHERI, INC.	7.590	0.001		

LIST ALL RIGHTS WITH SAME PDU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A33-10111	DOMESTIC	PANCHERI, INC.	FROM 01-01 TO 12-31	.040 CFS	
A33-10111	STOCKWATER	PANCHERI, INC.	FROM 01-01 TO 12-31	.040 CFS	

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

18. CALCULATIONS

1A. IRRIGATION RATE _____ X 0.02 CFS/ACRE = _____ CFS
ACRES _____ (TAKEN FROM P/U REVIEW)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 322.5 AF/A
ACRES _____ X CONSUMPTIVE VOL. AF/A FOR AREA _____ =
TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A
ACRES _____ X DIVERSION VOL. AF/A FOR AREA _____ =
TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()
SEE DECREE FOR DETAILS.

NOTES: (INCLUDE LIMITATIONS ON CONSUMPTIVE USE FOR COMBINED RIGHTS.)

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	04-01 11-01	DATABASE EXAMINER 1.600	DATABASE EXAMINER -----	DATABASE EXAMINER 392.5
TOTAL FOR THIS RIGHT		1.600		392.5

REVIEWED BY: DATE:

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 33-00088

TOTAL DIVERSION RATE OF WR SPLITS

DATEBASE 7.205
EXAMINER _____
CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A33-00023A	A33-10073	1.100	-	-	33-00023A	7.590
A33-00092E	A33-10073	1.100	-	-	33-00092E	3.500
A33-00036	A33-10074	4.850	-	-	33-00086	2.925
A33-00093C	A33-10074	4.850	-	-	33-00093C	3.200
-	A33-00088A	0.350	-	-	-	-
-	A33-00088	1.500	-	-	33-00088	1.400
TOTAL CFS		13.850				7.205

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 SHEET ATTACHED? (Y/N)

DATEBASE N
FIELD EXAMINER

NOTES:

AUTHENTICATION:

SIGNATURE: DATE:

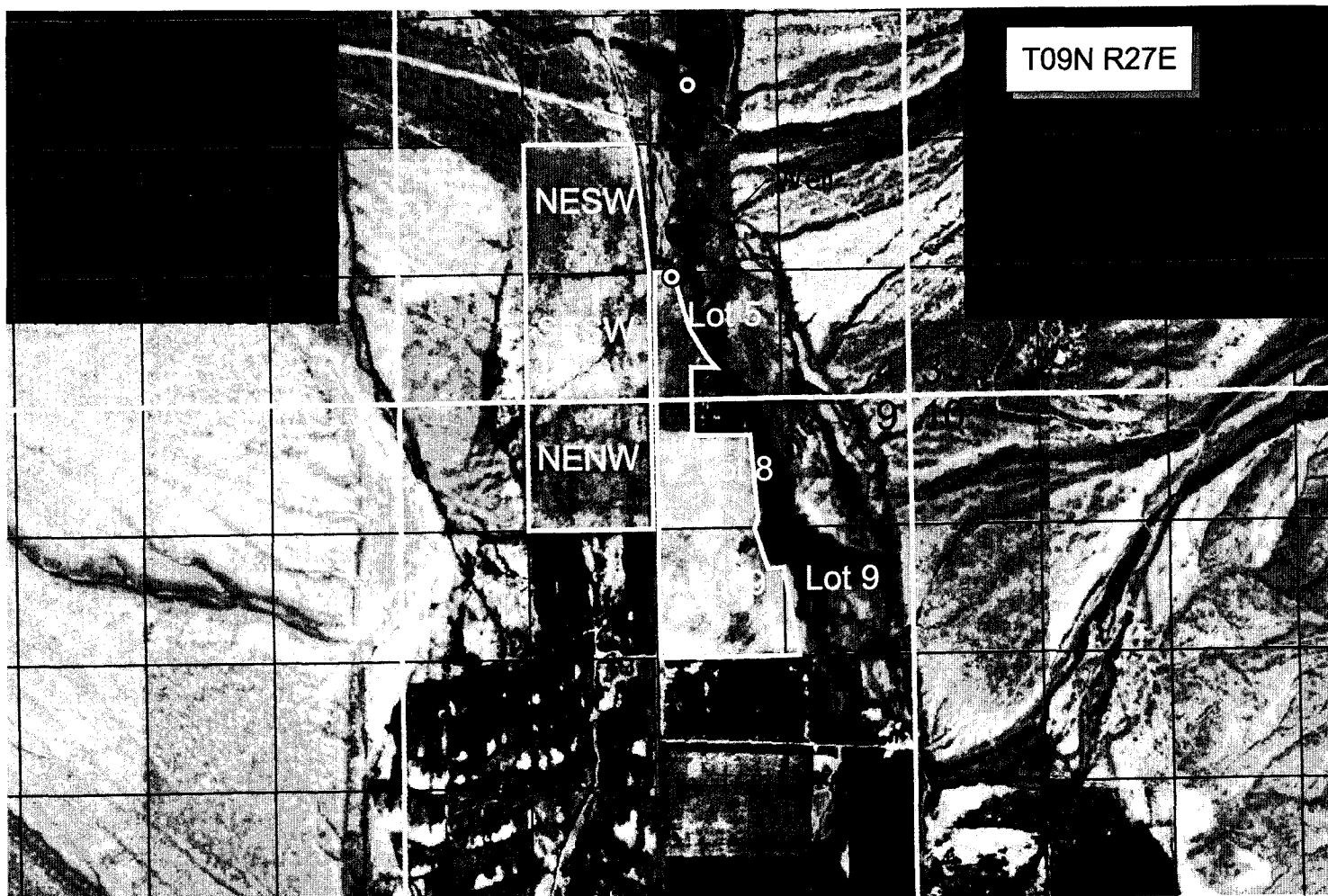
NAME OF FIELD EXAMINER: TITLE:



STATE OF IDAHO

Department of Water Resources

Water Right(s): 33-88, 33-89,
33-93D, 33-2089



0 2640 5280 7920 Feet

LEGEND



Point of Diversion

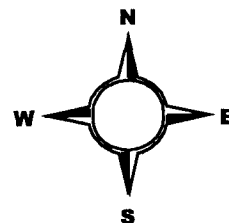
Place of Use

Section Line



Quarter-section line

Acres Irrigated = 189.5



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: E. Carlsen
Date: November 2000

11/08/2000

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

RIGHT NUMBER: 33-88

NAME AND ADDRESS: CONNIE A WAYMIRE
KEITH D WAYMIRE
PO BOX 47
HOWE, ID 83244

SOURCE: LITTLE LOST RIVER TRIBUTARY: SINKS

QUANTITY: 1.4 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.79 CFS. COMBINED RIGHT
NOS.: 33-02089, 33-00089, 33-00093D

PRIORITY DATE: 04/15/1906

POINT OF DIVERSION: T09N R27E S4 ~~SWNNE~~ SWSWNE Within BUTTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4-01 11-01	1.40 CFS

PLACE OF USE:

<u>IRRIGATION Within BUTTE County</u>					
T09N R27E S4	NESW	37	T09N R27E S4	SESW	39
T09N R27E S4 Lot 5	SWSE	11	T09N R27E S9 Lot 8	NWNE	25
T09N R27E S9 Lot 9	SWNE	37	T09N R27E S9 Lot 9	SENE	1.5
T09N R27E S9	NENW	39			
189.5 ACRES TOTAL					

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 189.5 ACRES IN A
SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-02089, 33-
00089, AND 33-00093D

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 70 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE 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 -

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

Amended
Dr due
12/28/00

01/26/01 for OBS.
Due
resp due
02/09/01

RIGHT NO. 33-00089, 33-00093D ARE ALSO DIVERTED THROUGH
POINT OF DIVERSION DESCRIBED ABOVE



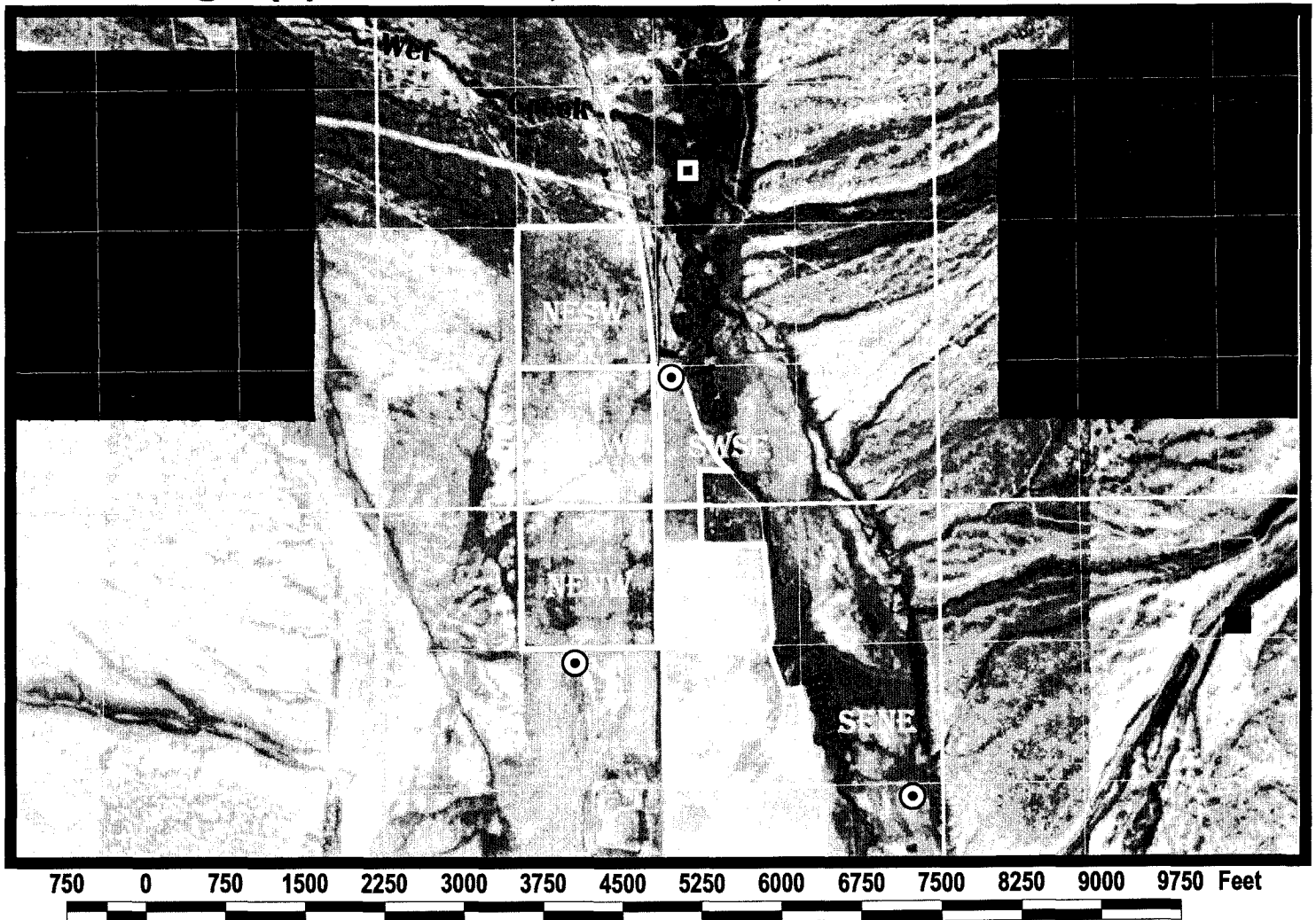
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Keith Waymire

Water Right(s): 33-02089, 33-00088, 33-00089, 33-00093D



LEGEND



Point of Diversion- GW



Point of Diversion- SW

SESE

Place of Use

Section Line

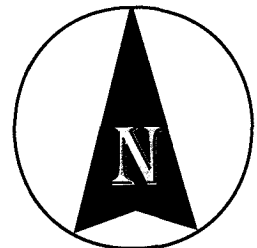
Quarter-section line

Place(s) of Use: T.9N., R.27E.

Sec. 4 (parts of) E2SW, SWSE,
Sec. 9 (parts of) NWNE, W2NE,
SENE

Point(s) of Diversion: T.9N., R.27E.

Sec. 4 SWSWNE (surface)
Sec. 4 NWSWSE (well)



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: January 2000

AJ0749NP
No. R33-00088

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

DATE: 01/11/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KEITH D WAYMIRE PO BOX 47 HOME ID 83244 (208) 767-3035	04/15/1906	IRRIGATION	04-01 11-01	1,400 CFS	
TOTAL DIVERSION:					1,400 CFS	

C UNITED STATES OF AMERICA ACTING THROUGH
USDA FARM SERVICES AGENCY
9173 W BARNES STE B
BOISE ID 83709
(208) 378-5650

C CONNIE A WAYMIRE
PO BOX 47
HOME ID 83244
(208) 767-3035

Water Source: LITTLE LOST RIVER Tributary to: SINKS Stage: DECREED

Point(s) of Diversion: T09N R27E S04

SENE

BUTTE County

Place of use Legal Description for: IRRIGATION

		NE		NW		SW		SE		SUM	
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt
09N	27E	4	:	:	:	:	:	:	:	:	:
09N	27E	9	:	25	37	01	:	39	:	:	:
										11	:
										TOTAL ACRES	189.5

POU County: BUTTE

Other Rights: 33-02089, 33-00089, 33-00093D.

Conditions of Approval:

- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- C18 - 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.

Remarks: QNT

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.79 CFS. COMBINED RIGHT NOS.:
33-02089, 33-00089, 33-00093D.

POU1

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO

AJ0749NP
No. R33-00088

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

DATE: 01/11/00
PAGE: 2

Remarks:

THE IRRIGATION OF A COMBINED TOTAL OF 189.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-02089, 33-00089, AND 33-00093D.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 70 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXP RIGHT NO. 33-00089, 33-00093D ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 33 Field Inspection Flag: C
Presumption Flag:

Comments: Date: 11/30/1995 User-ID: ARUBERRY Subject: COPIED FROM REMARKS
5. COM'T: TO ENTER A PRIVATE DITCH.

Date: 11/19/1999 User-ID: ARUBERRY Subject: OWNERSHIP CHANGE FILED
CHANGE OF OWNERSHIP FILED NOV 99.

Date: 11/22/1999 User-ID: AJU10-EC Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART
OF RECORD THRU AJU10.

Audit: 01/11/00 ARUBERRY

AJ0749NP
No. R33-00088

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

DATE: 11/22/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KEITH D WAYMIRE PO BOX 47 HOWE ID 83244 (208) 767-3035	04/15/1906	IRRIGATION	04-01 11-01	1.400 CFS	
TOTAL DIVERSION:					1.400 CFS	

C UNITED STATES OF AMERICA ACTING THROUGH
USDA FARM SERVICES AGENCY
3232 ELDER ST
BOISE ID 83705
(208) 334-1577

C CONNIE A WAYMIRE
PO BOX 47
HOWE ID 83244
(208) 767-3035

Water Source: LITTLE LOST RIVER Tributary to: SINKS Stage: DECREED

Point(s) of Diversion:	T09N R27E S04	SUNWNE	BUTTE County									
Place of use Legal Description for: IRRIGATION												
NE												
NW												
SE												
T R S	NESE	NWNE	SWNE	SENE	NESE	NWSE	SWSE	SESE	NESE	NWSE	SWSE	SESE
09N 27E 4	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
09N 27E 9	25	37	01	:	:	:	:	:	:	:	:	:
TOTAL ACRES												74.5

POU County: BUTTE

Other Rights: 33-02089, 33-00089.

Conditions of Approval:

- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- C18 - 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.

Remarks: QNT USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.5 CFS. COMBINED RIGHT NOS.: 33-02089, 33-00089.

POU1 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 74.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-02089, 33-00089.

POU 20# - 19
POU 20# - 29

AJ0749NP
No. R33-00088

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

DATE: 11/22/99
PAGE: 2

Remarks:

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 70 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXP RIGHT NO. 33-00089 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

Dates:

Exam Made Date:

Verified Date:

Objection Filed Date:

Misc:

Water District Number: 33

Field Inspection Flag:

Presumption Flag: C

Comments:

Date: 11/30/1995 User-ID: ARUBERRY Subject: COPIED FROM REMARKS
5. CON'T: TO ENTER A PRIVATE DITCH.

Date: 11/19/1999 User-ID: ARUBERRY Subject: OWNERSHIP CHANGE FILED
CHANGE OF OWNERSHIP FILED NOV 99.

Date: 11/22/1999 User-ID: AJU10-EC Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART
OF RECORD THRU AJU10.

Audit:

11/22/99 ARUBERRY

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: A33-00088
Date Received: 3/23/1990
Receipt No: X111111
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: UNITED STATES OF AMERICA, ACTING THROUGH 208-334-1577
Address: USDA, FMHA
3232 ELDER ST.
BOISE, ID 83705

2. Date of Priority: APR 15, 1906

3. Source: LITTLE LOST RIVER Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	27E	4	NW	NW	SE		BUTTE

5. Description of diverting works:
DIVERTED FROM RIVER ONLY WHEN WATER IS HIGH ENOUGH; SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600		

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

8. Total consumptive use is 392.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	27E	9	NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	38.0
			NE	NW		IRR	39.0

A33-00088

Page 1

Date: 05/30/90

*Original
Sent to
Court.
4-20-00*

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
----------	-------	---------	------------	-----	-----	-------

					Section Acres	157.0
--	--	--	--	--	---------------	-------

					Total Acres	157.0
--	--	--	--	--	-------------	-------

11. Place of use in counties: BUTTE

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

13. Other Water Rights Used:
33-02089

14. Remarks:

5. CON'T: TO ENTER A PRIVATE DITCH.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

BLAINE COUNTY INVESTMENT CO.

Decree Plaintiff

vs

ROBERT G. MAYES, ET. AL.

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576
Ident. Number 33-00000 00088
Date Received _____
Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

ORIGINAL

Please type or print clearly

1. Name of Claimant (s) United States of America USDA - FWH Phone (28) 334-1577

Mailing Address 3232 Eldon Street, Boise, Idaho Zip 83705

2. Date of Priority (Only one (1) per claim) April 15, 1906

3. Source of water supply (a) Little Lost River
which is tributary to (b) Snake

4. a. Location of existing point of diversion is: Township 9N Range 27E Section 4
NW 1/4 of NW 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of BUTTE

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Diverted from the River only when water is high enough to enter a private ditch.

APR 15 1995



Original
Sent to
Court.
4-20-00

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 11/1 amount 1.6 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.6 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 392.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
9N	27E	9		40	40	38	39												157

Total number of acres irrigated 157

11. In which county (ies) are lands listed above as place of use located? Beale

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
33-02089 or None ()

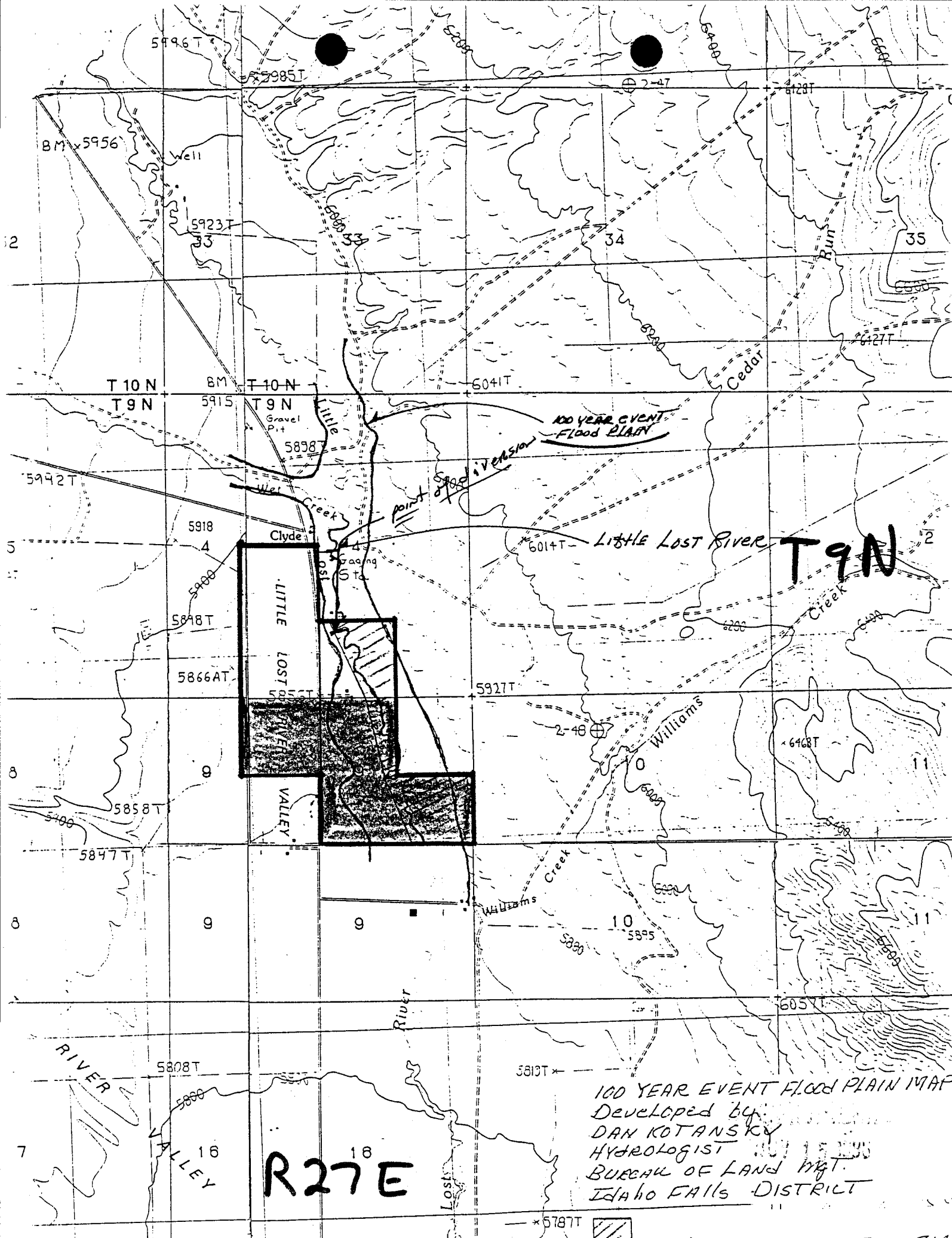
14. Remarks:

Last Name USA - FMHA

Ident No.

33-00088

Copies: White -State, Yellow-Claimant



100 YEAR EVENT FLOOD PLAIN

point of diversion

Little Lost River

T 9 N

R 27 E

100 YEAR EVENT FLOOD PLAIN MAP
DEVELOPED BY
DAN KOTANSKY
HYDROLOGIST
BUREAU OF LAND MGT.
IDAHO FALLS DISTRICT

* 5787T

Scale: 2 inches equals 1 mile

See Attachment

See Attachment

[illegible]

1957 15 13

Last Name USA - FmH

USA - Fm H/H

Ident No. 33-00089

33-00088

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree X

If applicable provide IDWR Water Right Number # 33-00088

Court US District Case Number _____ Decree Date 3/4/1927

Plaintiff vs Defendant Blaine County Investment Co US Robert G. Mayes

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am a County Supervisor

Title

of United States of America USDA - FMHA, that I have signed the foregoing

Organization

document in the space below as County Supervisor of U.S.A. FMHA

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization County Supervisor USA FMHA Date May 31, 1989

State of Idaho/or _____)
County of Butte) SS.

Subscribed and sworn (or affirmed) before me this 31 day of May 1989

SEAL

Notary Public [Signature]

Residing at Oron, Idaho

My Commission Expires 8-26-93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Peter Monson, Esq. will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature

Address Indian Resources Section, Land & Natural Resources Section, U.S. Dept. of Justice
PO Box 44378, Washington, D.C., 20026-4378

Date _____

Last Name USA - FMHA Ident. Number 33-00088

Copies White-State, Yellow-Claimant