

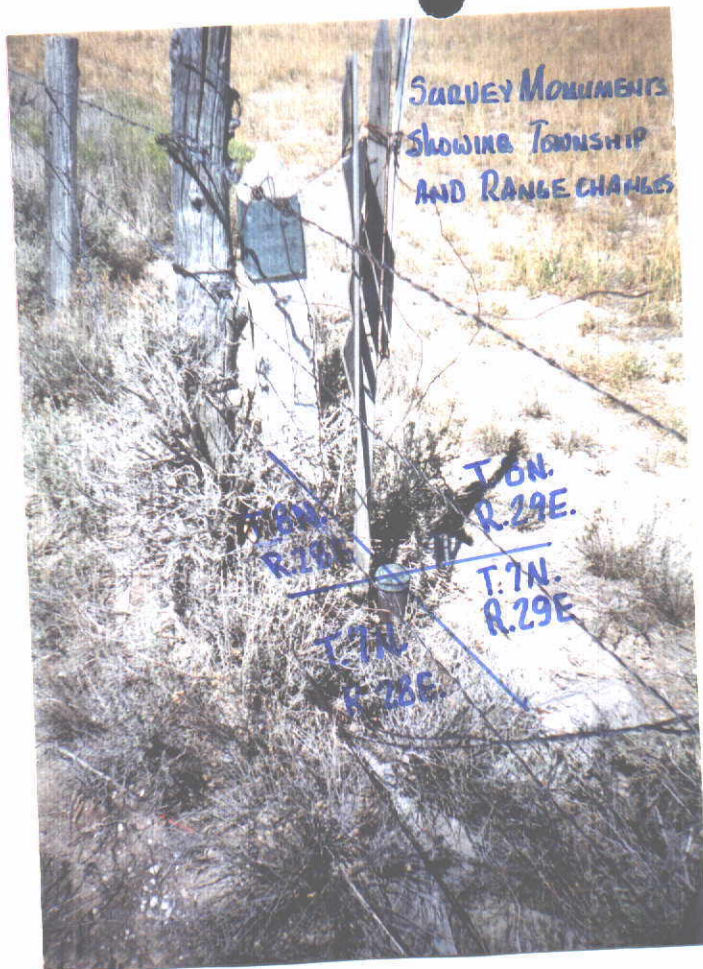


Photo 4. TOWNSHIP / RANGE CHANGE MONUMENT  
AT WEST EDGE OF PROPERTY.  
POINT OF BEGINNING OF H.E.S. 266  
METES AND BOUNDS DESCRIPTION.



Photo 5. FROM WEST EDGE  
OF RANCH LOOKING EASTWARD  
UP THE MAINLINE. TREES  
IN BACKGROUND LOCATE THE  
HOUSE.



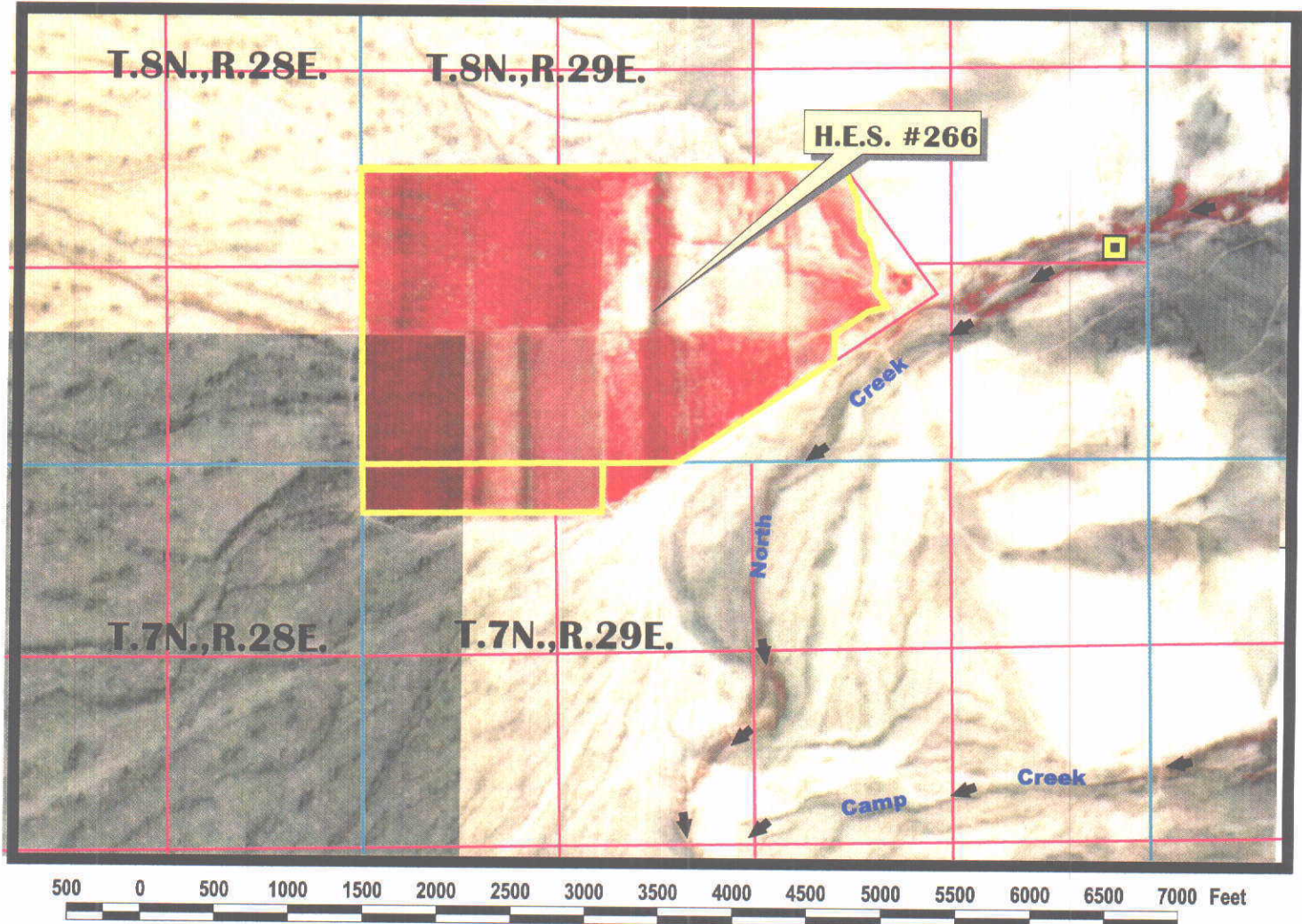
# STATE OF IDAHO

Department of Water Resources

Eastern Region

## Claimant: David L Waymire

Water Right(s): 33-02012, 33-02023



### LEGEND



Point of Diversion- GW



Point of Diversion- SW

SESE

Place of Use



Section Line



Quarter-section line

Place(s) of Use: T.7N., R.29E.  
Sec. 6 (part of) N2NW,  
T.8N., R.29E. Sec. 31 (parts of)  
SW, W2SE  
All known as H.E.S. #266

Point(s) of Diversion: T.8N., R.29E.  
Sec. 31 SENESE



GIS Place of Use Illustration  
1987/1988 NAPP photography  
Prepared by: A. Ruberry  
Date: April 1999

RECEIVED

OCT 30 2000

Department of Water Resources

2000 OCT 27 AM 8:56

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

Subcases: 33-02012 and 33-02023

Case No. 39576

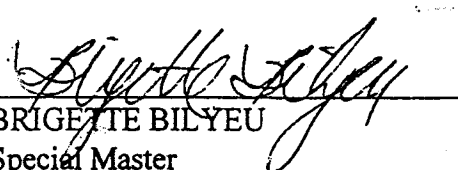
ORDER SETTING INITIAL HEARING

On October 24, 2000, an Initial Hearing was held in the above subcases in Arco, Idaho. The claimant, David L. Waymire, failed to appear. At the Initial Hearing, it was ORDERED that the Initial Hearing will be reset as follows:

Date: November 14, 2000 at 10:00 am  
Location: SRBA District Court  
253 Third Avenue North  
Twin Falls, ID

**ATTENDANCE IS MANDATORY. FAILURE TO APPEAR AT THIS HEARING  
MAY RESULT IN YOUR WATER RIGHT BEING DECREED OTHER THAN AS  
CLAIMED.**

DATED October 27, 2000.

  
BRIGETTE BILYEU

Special Master

Snake River Basin Adjudication

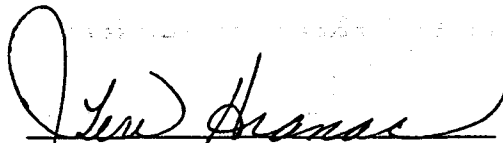
## CERTIFICATE OF MAILING

I certify that a true and correct copy of ORDER SETTING INITIAL HEARING was mailed on October 27, 2000, with sufficient first-class postage prepaid to the following:

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

USDI BLM  
U.S. Dept. of Justice  
Environment & Nat'l Resource Div.  
550 W Fort St., MSC 033  
Boise, ID 83724

David L. Waymire  
HC 65 Box 3151  
Howe, ID 83244

  
Deputy Clerk

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

Case No. 39576

A. Subcase 33-02023

(Insert water right number)

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: David L. Waymire

Address: HC 65 Box 3151 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: \_\_\_\_\_
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 Places of Use (POU). Claimant's water right should not include acres on Federal land within these POUs. Some of these POUs describe both public and private land and should be described specific enough to exclude Federal Land.

F.

**VERIFICATION** (Must be Completed)

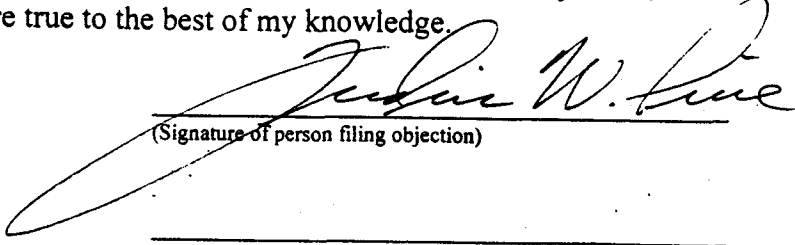
State of Idaho )

) ss.

County of Ada)

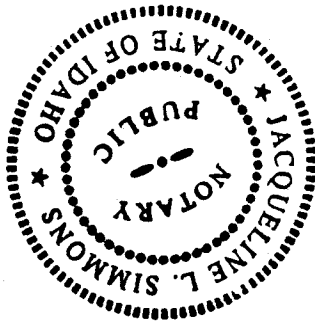
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

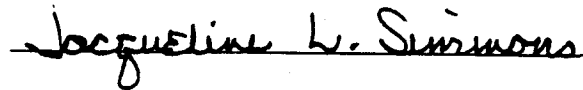
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

  
(Signature of person filing objection)

\_\_\_\_\_  
(Attorney signing in representative capacity)

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





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: David L. Waymire  
Address: HC 65 Box 3151 Howe, ID. 83244

Name:  
Address:

Name:  
Address:

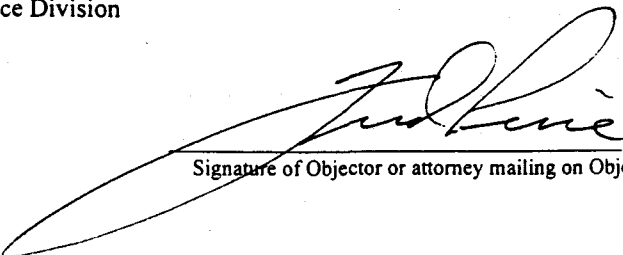
Name:  
Address:

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: NORTH CREEK TRIBUTARY: SINKS

RIGHT NUMBER: 33-02023

NAME & ADDRESS: DAVID L WAYMIRE  
HC 65 BOX 3151  
HOWE ID 83244

SOURCE: NORTH CREEK TRIBUTARY: SINKS

QUANTITY: 2.4 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY. USE OF THIS RIGHT WITH RIGHT NO. 33-02012 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.11 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 535.5 AF.

PRIORITY DATE: 06/01/1915

POINT OF DIVERSION: T08N R29E S31

SENSE BLM

Within BUTTE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE  
IRRIGATION  
STOCKWATER  
DOMESTIC ONE HOMEPERIOD OF USE  
04-01 10-31  
01-01 12-31  
01-01 12-31QUANTITY  
2.34 CFS  
0.02 CFS  
0.04 CFS

PLACE OF USE:

IRRIGATION  
T07N R29E S06  
T08N R29E S31

Within BUTTE County

NENW 3.6  
NESW 20  
NWSE 8.4NWNW 10  
NWSW 20  
SWSE 14

SWSW 40

SESW 37

153 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 33-02012 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 153 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Place of use for STOCKWATER is same as IRRIGATION

Place of use for DOMESTIC is same as IRRIGATION

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

S06 NENW → W 1/2 NWNENW  
NWNW → N 1/2 NWNW  
S31 NESW → S 1/2 NESW (HES 266)  
NWSW → S 1/2 NWSW (HES 266)  
SESW → HES 266  
NWSE → HES 266  
SWSE → HES 266

THERE IS SOME UNAUTHORIZED USE OF PUBLIC LAND.

## Issue:

- ① Point of diversion on BLM
- ② Circled places of use are mixed ownership between BLM and private.
  - Claimant needs to clarify more specifically where irrigation is taking place.
  - Farming on public land is not authorized

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JAN-18-2010  
PAGE: A-599

-----  
RIGHTS FROM: SOURCE: NORTH CREEK TRIBUTARY: SINKS  
-----  
RIGHT NUMBER: 33-02023 (CONT)  
-----

## OTHER PROVISIONS: (CONT)

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 - LICENSE

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

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

RIGHT NO. 33-02012 IS ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE.

PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. 266.  
STOCKWATER, 50 CATTLE, 10 HORSES.

A33-02023  
WAYMIRE, DAVID  
HC 65 BOX 3151  
HOWE ID 83244



A3302023

TELEPHONE AT WORK ONLY

526-1897

✓ SRBA CLAIM SENT 10 FEB 95, PAYMENT RECEIVED

✓ SEE A33-02012 FOR FIELD EXAM INFO:

- A. CONVERSATION MEMO
- B. MAPS
- C. Photos
- D. H.E.S. INFO
- E.

✓ PERMISSIBLE PLACE OF USE WITH A33-02012.

✓ DOCUR

REPORTS  
NO LOSS OF 3/2/99

*[Signature]*

FOR  
USE 1/22/99  
JAN. 1/22/99  
DND

RECEIVED  
AND FOR  
SERIES  
A33-02012

16 MAY 1995

MR DAVID WAYMIRE  
HC 65 BOX 3151  
HOWE ID 83442

RE: SRBA CLAIM A33-02023

Dear David:

Enclosed please find copies of both the letter and the claim form which were sent in February.

If further questions arise please contact me.

Respectfully submitted,

Allen B. Ruberry  
Sr. Water Resource Agent  
Adjudications Bureau

ENCLOSURES: Claim form A33-02023  
10 February 95 Letter

22 April 99. DAVID WAYMIRE CAME IN TO FILE THE SRBA CLAIM ON 33-02023. ACCRUALS RBS WERE PAID UNDER 33-02012. LATE RBS WAS CHARGED DUE TO LENGTH OR CORRESPONDENCE w/o RESPONSE. TOTAL RBS PAID WAS \$100<sup>00</sup> for 33-02023.



FEBRUARY 22, 1995

DAVID L WAYMIRE  
HC 65 BOX 3151  
HOWE ID 83244

RE: FAX ON NORTH CREEK

Dear Mr. Waymire:

Per your fax that we received today, I have enclosed copies of the Water Licenses 6902 and 11419. I have also enclosed copies of the "Proof Reports" for A33-10637 and A33-10285. I hope this answers some of your questions. Please feel free to call me with any concerns you may have.

Respectfully submitted,

Allen Ruberry  
Water Rights Agent, Adjudication

AR:sc

Enclosure

*BLM IN-STREAM FLOW  
CLAIMS - DISALLOWED.*

2-22-95

DAVID L WAYMIRE  
HC 65 BOX 3151  
HOWE, ID. 83244

TO:

ALLEN B. RUBENY  
DEPARTMENT OF WATER RESOURCES  
900 N. SKYLINE DR.  
IDAHO FALLS, IDAHO 83402

Dear Mr. Rubeny:

Would you please send me a copy of any or all pertinent information you have about the Northern Water permits or water rights that you may have. Please forward to the address above as soon as possible, thank you

Sincerely  
David L. Waymire

10 FEBRUARY 1995

MR DAVID WAYMIRE  
HC 65 BOX 3151  
HOWE ID 83244

RE: NEW SNAKE RIVER BASIN ADJUDICATION (SRBA) CLAIM A33-02023

Dear Mr. Waymire:

As you have requested during my visit, please find enclosed an SRBA Notice of Claim to a Water Right for the License 33-02023.

Please review the Notice of Claim for accuracy. In a few instances, modifications were made by the Department for clarity. Should you determine that certain items require change, make the necessary changes on this form, sign it, having your signature Notarized. Return the signed form to this office as soon as possible with a filing fee of \$50.00.

Once the signed and Notarized form is received with the filing fee you will receive a copy of the claim and a receipt showing payment. You should also note there is no acreage fee due. The acreage fee has been paid under receipt no. C014010 for claim A33-02012.

Thank you for your time during our visit. Should questions arise regarding your water rights please contact this office.

Respectfully submitted,

Allen B. Ruberry  
Sr. Water Resource Agent  
Adjudications Bureau

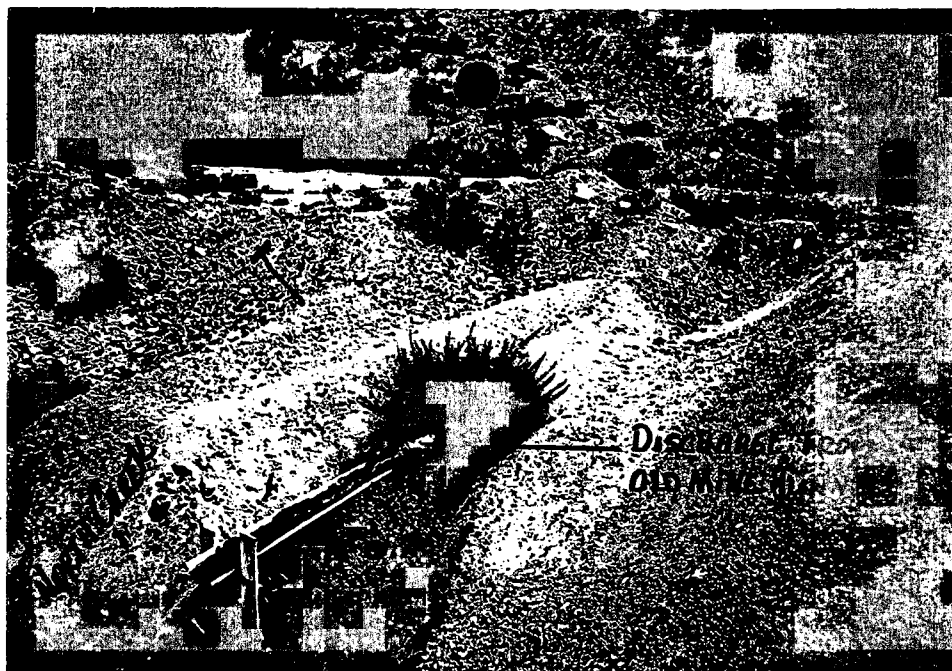
Enclosure: Claim form A33-02023



Photo 4. TOWNSHIP/RANGE CHANGE MONUMENT  
AT WEST EDGE OF PROPERTY.  
POINT OF BEGINNING OF H.E.S. 266  
METES AND BOUNDS DESCRIPTION.



Photo 5. FROM WEST EDGE  
OF RANCH LOOKING EASTWARD  
UP THE MAINLINE. TREES  
IN BACKGROUND LOCATE THE  
HOUSE.



DISBURSEMENT  
OLD MINE DRAINAGE

Photo 1. Shows the drainage  
from the old mine tunnel  
into North Creek. Water is  
about 1/2 of the creek cross



Photo 2. Point of Diversion for  
AND 33-02023  
DAVID WARMING'S 433-02012.  
Shows 12 inch steel mainline at  
beginning of irrigation system



433-02012  
Point of  
Diversion

Photo 3. (Right) Shows a ditch which  
is no longer used. Replaced by the 12"  
~1977  
mainline shown above. Note the blue  
dashed line shows the approximate location  
of the 12" (reduced to 8") mainline in relation  
to this ditch.

433-02023  
433-02012 ABR  
Photos Taken 9 Aug 94

County: Blaine  
Stream: North Creek  
Amount: 2.4 cu. ft.  
Use: Irrigation  
Priority: June 1 1915.

Unclaimed

Do Not Film

02023

# STATE OF IDAHO

Water License No. 11419.....

WATER DISTRICT NO. 9.

WHEREAS, On the 1st day of June, A. D. 1915, WILLIAM RODGERS,

of Howe, County of Jefferson, State of Idaho, duly made application (No. 16475) to me for a permit to use 3.2 cubic feet per second of the waters of North Creek, in Water District No. 9,

County of Blaine, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 17th day of July, A. D. 1915, Permit No. 11419 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 17th day of July, A. D. 1917, and for the application to beneficial use of said water on or before the 17th day of July, A. D. 1919, and,

WHEREAS, On the 1st day of May, A. D. 1916, WILLIAM RODGERS,

the holder of said permit, duly made proof of the completion of adequate works for the diversion of 3.2 cubic feet per second of said waters as evidenced by my Certificate No. 11419, dated June 14th, 1916, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.2 cubic feet per second of said water, with date of priority of June 1, 1915, and

= SUB AMENDMENT ATTACHED =

WHEREAS, On the 1st day of May, A. D. 1916, WILLIAM RODGERS,

the holder of said permit, duly made proof of the application to beneficial use of 2.4 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to

WILLIAM RODGERS,

of Howe, County of Jefferson, State of Idaho, the holder and owner of said Permit No. 11419, a perpetual right, dating from June 1, 1915, to the use of 2.4 cubic feet per second of the waters of North Creek,

in the County of Blaine and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Sec. 31, T. 8 N., R. 29 E.B.M.

and conducted to and upon 120 acres, divided as follows: 10 acres in Lot 3; 20 acres in Lot 4; 10 acres in NW $\frac{1}{4}$  of SW $\frac{1}{4}$ ; 70 acres in SE $\frac{1}{4}$  of SW $\frac{1}{4}$ ; 10 acres in NW $\frac{1}{4}$  of SE $\frac{1}{4}$ ; and 25 acres in SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , all in Sec. 31, T. 8 N., R. 29 E.B.M.; 5 acres in Lot 3 and 10 acres in Lot 4, in Sec. 6, T. 7 N., R. 29 E.B.M.,

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source or supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 14th day of June, A. D. nineteen hundred and Sixteen.

J. H. SMITH.

(Seal)

State Engineer:

23 2013

Sam's Place

10  
20  
10  
30  
25  
5  
10  
110

# APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Idaho

1. Name of applicant: William Rodgers

Postoffice address: Howe

County: Jefferson

State: Idaho

I. If applicant is a corporation, give

(a) Date and place of incorporation.

(b) The amount of capital stock:

(c) The amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(a) Cash on hand:

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

2. The quantity of water claimed is three and 1/5 cubic feet per second.

3. Source of water supply: North Creek.

4. Location of point of diversion: About 15 rods SE from N.E. corner of SW 1/4 SE 1/4 Sec. 31,

T. 8 N., R. 29 E.B.M., in SE 1/4 SE 1/4 Sec. 31, T. 8 N., R. 29 E.B.M.  
County of Blaine

5. To be used for: Irrigation and domestic.

I. Irrigation and domestic use: (a) Amount of land to be irrigated: 160 acres.

(b) In the following legal subdivisions: In NW 1/4 SW 1/4, SW 1/4 SW 1/4, NE 1/4 SW 1/4, SE 1/4 SW 1/4, NW 1/4 SE 1/4, SW 1/4

SE 1/4, Section 31, Tp. 8 n., R. 29 E.B.M., Practically all of this land is to be irrigated, but can not give exact amount.

II. Mining, milling, power, manufacturing, transportation or other purposes:

(a) At what point:

(b) Amount of power to be generated:

H. P. under

ft. head

(c) Is water to be returned to any stream?  
return:

(d) If so, name stream and locate point of

6. Estimated cost of works: \$200.00

7. Description of works for diversion:

I. Kind of works: Ditch and dam.

II. Dimensions of works:

(a) Height of dam

4

feet, length of dam at top

10

feet,

length of dam at bottom

8

feet. Material used in construction: Earth and stone.

(b) Capacity of reservoir

acre feet.

(c) Size of headgate, width

2

feet,

Height 2

feet

(d) Conduit

ditch

width at bottom

2 1/2

feet,

width at water line

3

feet, depth of water

2

feet; diameter of pipe

inches: Average grade per mile is

8

feet. Length of conduit is

1/4

miles,

and it crosses the following quarter sections: The SE 1/4 and SW 1/4, Section 31, Township 8

North, Range 29 East B.M.

8. The time required for the completion of the construction of such work is 2 years.

9. Time required for the complete application of the water to the proposed use is 2 additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

William Rodgers.

Applicant.

By

Agent.

Date of first receipt at office of State Engineer 9:00 A M June 1, 1915.

Returned to applicant for correction June 10, 1915.

Corrected application received July 5, 1915.

### APPROVAL OF STATE ENGINEER

The number of this permit is 11419

Recorded in Book 39 Page 11419 Approved July 17, 1915.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions.

Bond in the sum of \_\_\_\_\_ to be filed on or before \_\_\_\_\_

Work to begin on or before September 16, 1915, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before July 17, 1916.

The whole of said work to be completed on or before July 17, 1917.

Beneficial use of water appropriated in accordance herewith, to be made on or before July 17, 1919.

Witness my hand this 17th day of July, 1915.

J. H. Smith,

State Engineer.

Remarks:

Permit No. 11419.

### CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:-

This is to certify that William Rodgers, of Howe, County of Jefferson, and State of Idaho, the holder of Permit No. 11419, issued upon Application No. 16475, bearing date of priority of June 1, 1915, authorizing the diversion of 3.2 second feet of the waters of North Creek, County of Blaine, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said permit, that said works are adequate for diverting and conveying to the place of intended use 3.2 second feet of the waters of North Creek; that the point of diversion of said waters is in the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Sec. 31, T. 8 N., R. 29 E.B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit;

Lots 3 & 4, NE $\frac{1}{4}$  of SW $\frac{1}{4}$ , SE $\frac{1}{4}$  of SW $\frac{1}{4}$ , NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , and SW $\frac{1}{4}$  of SE $\frac{1}{4}$  Sec. 31, T. 8 N., R. 29 E.B.M., and  
 Lots 3 & 4, Sec. 6, T. 7 N., R. 29 E., B.M. containing 160 acres.

Witness my hand this 14th day of June, A.D. 1916.

J. H. SMITH,

State Engineer of the State of Idaho.

License issued for 2.4 second feet

Page 2025

SW SW Sec. 31?

# REPORT OF ENGINEER

1. State name of applicant and number of permit: William Rodgers Permit No. 11419.
2. State source of water supply: North Creek
3. Location of point of diversion: About 15 rods S.E. from N.E. Corner of SW 1/4 of SE 1/4 Sec. 31, T. 8 N. R. 29 E. B.M. (In SE 1/4 SE 1/4 Sec. 31, T. 8 N. R. 29 E. B.M.)
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: \_\_\_\_\_

5. Describe works as they exist, giving dimensions and capacities of same: \_\_\_\_\_  
Diversion dam of earth, rock, and wood - 8' long - 3' high  
Ditch { 25' wide on bottom  
          { 32' wide at water level } Capacity 9 Second Feet  
          { 10' depth of water  
          { grade about 50' per mile }

6. State whether or not water has been turned into works of diversion: Yes

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): See Remarks 2

|                                            |   |     |                      |
|--------------------------------------------|---|-----|----------------------|
| In Lot 3 - Sec. 31 - T. 8 N. R. 29 E. B.M. | - | 10  | Acres in cultivation |
| In Lot 4 - Sec. 31 -                       | - | 30  | }                    |
| In NE 1/4 SW 1/4 - Sec. 31 -               | - | 10  |                      |
| In SE 1/4 SW 1/4 - Sec. 31 -               | - | 30  |                      |
| In NW 1/4 SE 1/4 - Sec. 31 -               | - | 10  |                      |
| In SW 1/4 SE 1/4 - Sec. 31 -               | - | 25  |                      |
| In Lot 3 - Sec. 6 - T. 7 N. R. 29 E. B.M.  | - | 5   |                      |
| In Lot 4 - Sec. 6 -                        | - | 10  |                      |
| Total - - - - -                            |   | 120 | Acres in cultivation |

8. Submit map on enclosed plat, showing location and details of above description.

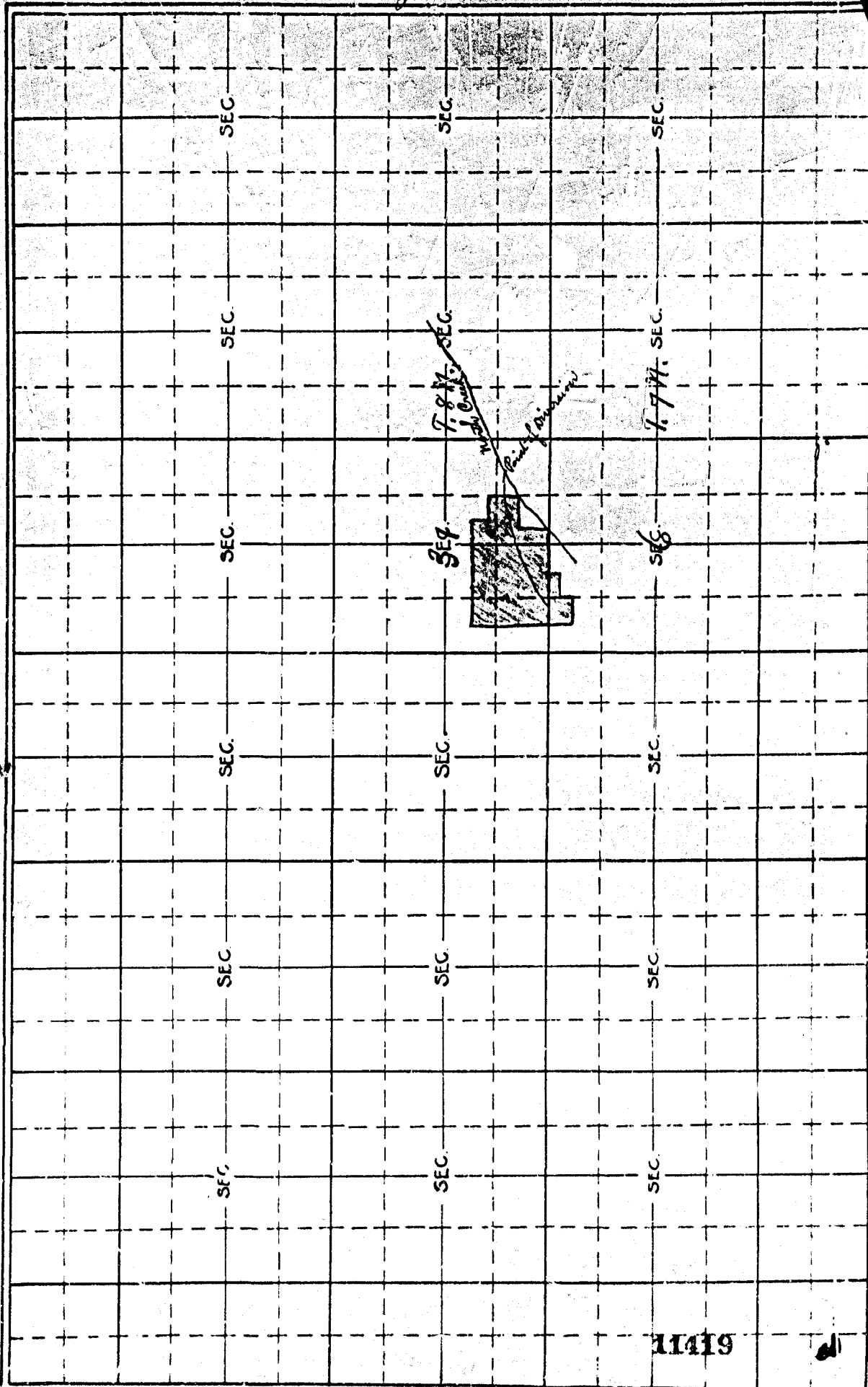
Remarks: 1. North Creek sinks entirely within about 1 mile of the Point of Diversion if allowed to flow past.

2. Lead is in Forest Reserve and for description by notes and heads, see map.  
This varies slightly from the place of use described in the permit.

This examination was made on the 9th day of May 1914.

11419

(Signed) Samuel E. Vance Jr. Examiner.



10.2.18-20

11419

May 23, 1916.

Re Permit 11419.

William Rodgers,  
Howe, Idaho.

Sir:--

According to the report of our examining engineer, which has just been filed, we find a little discrepancy in the description of the lands to be irrigated under your permit. The report is as follows:

|                                   |                       |                          |
|-----------------------------------|-----------------------|--------------------------|
| Lot 3-Sec.31-                     | T. 8 N. R. 29 E.B.M.  | 10 acres in cultivation. |
| Lot 4-                            | " " " "               | 20 "                     |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | " " " "               | 10 "                     |
| SE $\frac{1}{4}$ W $\frac{1}{4}$  | " " " "               | 30 "                     |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ | " " " "               | 10 "                     |
| W $\frac{1}{4}$ SE $\frac{1}{4}$  | " " " "               | 25 "                     |
| Lot 3- Sec. 6-                    | T. 7 N., R. 29 E.B.M. | 5 "                      |
| Lot 4-                            | " " " " "             | 10 "                     |

The discrepancy should be corrected by making application for amendment of the permit, upon the enclosed form, accompanied by maps in duplicate.

The fees due for proof of completion of works is \$5.00 and for beneficial use of water \$16.00, being \$2.00 for each forty acre tract, or fraction, under cultivation.

Upon receipt of the application for amendment and fees due, the certificate and license will be issued. I enclose with return you money order in the sum of \$12.00, sent with your proof papers May 3rd.

Very truly yours,

J. H. SMITH,  
State Engineer.

11419

June 8th, 1916.

Mr. Wm. Rodgers,  
Hono, Idaho.

Dear Sir:-

Enclosed herewith please find your application for amendment to permit No. 11419, which was approved June 12th, 1916; also amended permit map.

Very truly yours,

J. H. H. H.

State Engineer.

By \_\_\_\_\_

Encl.  
Appl. for Amend.  
Amend. Permit Map.

11419

APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE  
THE PUBLIC WATERS OF THE STATE OF IDAHO.

No....11419.

COMES NOW, William Rodgers, and represents to the State Engineer of the State of Idaho; that he is the owner and holder of Permit to appropriate the public waters of the State of Idaho, No. 11419, and requests that the list of lands to be irrigated as described in said permit, be changed to read as follows:

|                                       |                          |
|---------------------------------------|--------------------------|
| Lot 3 -Sec. 31, T. 8 N., R. 29 E.B.M. | 10 acres in cultivation. |
| Lot 4 " " " " " "                     | 20 acres in cultivation. |
| NE 1/4 SW 1/4 " " " " " "             | 10 acres in cultivation. |
| SE 1/4 SW 1/4 " " " " " "             | 30 acres in cultivation. |
| NW 1/4 SE 1/4 " " " " " "             | 10 acres in cultivation. |
| S 1/4 SE 1/4 " " " " " "              | 25 acres in cultivation. |
| Lot 3, Sec. 6, T. 7 N., R. 29 E. B.M. | 5 acres in cultivation.  |
| Lot 4 " " " " " "                     | 10 acres in cultivation. |

SW 1/4 of Sec. 31  
IS NOT LISTED - ADAC

making a total of 160 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Arco, Idaho, this 3rd day of June, 1916.

William Rodgers.

Date of first receipt at office of State Engineer June 12, 1916.

APPROVAL OF STATE ENGINEER.

I, J. H. SMITH, State Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 11419. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Witness my hand this 12th day of June, 1916.

J. H. SMITH.

State Engineer.



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

07:40:05  
04/28/99

PAGE: 1  
GENERAL INFORMATION

CLAIM NUMBER: A33-02023

LAST: WAYMIRE  
ADDRESS: HC 65 BOX 3151  
CITY: HOME  
PHONE NUMBER: 208-767-3391

FIRST: DAVID  
STATE: ID ZIP: 83244

OWNER CODE: C

LAST: RODGERS  
ADDRESS:  
CITY: HOME  
PHONE NUMBER: 208-000-0000

FIRST: WILLIAM  
STATE: ID ZIP: 00000

OWNER CODE: O

FIELD EXAM REQUIRED?

DATABASE  
Y  
FIELD EXAMINER  
Y( ) N( )

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: GEN LICENSE 33-02012 AND THIS LICENSE ARE USED, ON THE SAME ACREAGE,  
SAME SOURCE, SAME POD.

AND CLAIMED

FIELD EXAMINATION INFORMATION

CONTACT PERSON:

*Ar. Pineser*

PHONE NUMBER: ( ) - -

DATE OF FIELD EXAM: 8/2/94

APPOINTMENT MADE: Y(X) N( )

TIME: 5:30 A( ) P(X)

ACCOMPANIED BY:

*David Waymire*

PHONE NUMBER: ( ) - -

RELATIONSHIP TO CLAIMANT:

*Owner*

DIRECTIONS TO PROPERTY / NOTES:

*See A33-02012 for Appointment - L.*

|                                                                                                                  |                           |                                                                                                        |
|------------------------------------------------------------------------------------------------------------------|---------------------------|--------------------------------------------------------------------------------------------------------|
| A. AJ CLAIM: # A33-02023                                                                                         | PRIORITY DATE: 06-01-1915 | STAGE: L                                                                                               |
| B. WR RECORD: # 33-02023                                                                                         | PRIORITY DATE: 06-01-1915 | STAGE: L                                                                                               |
| C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?                                            |                           | Y( <input checked="" type="checkbox"/> ) N( <input type="checkbox"/> )                                 |
| D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE?                             |                           | Y( <input type="checkbox"/> ) N( <input checked="" type="checkbox"/> ) <i>SEE NOTE 1</i>               |
| E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE? (IF YES, DESCRIBE BELOW) |                           | Y( <input type="checkbox"/> ) N( <input checked="" type="checkbox"/> )                                 |
| F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?                             |                           |                                                                                                        |
| PROOF OF BENEFICIAL USE SUBMITTED                                                                                | <i>Licensed</i>           | N/A( <input type="checkbox"/> ) Y( <input type="checkbox"/> ) N( <input checked="" type="checkbox"/> ) |
| FIELD EXAM COMPLETED                                                                                             | <i>14 June 1916</i>       | N/A( <input type="checkbox"/> ) Y( <input type="checkbox"/> ) N( <input type="checkbox"/> )            |
| FIELD EXAM SENT TO STATE OFFICE                                                                                  |                           | N/A( <input type="checkbox"/> ) Y( <input type="checkbox"/> ) N( <input type="checkbox"/> )            |
| LICENSE ISSUED                                                                                                   |                           | N/A( <input type="checkbox"/> ) Y( <input type="checkbox"/> ) N( <input checked="" type="checkbox"/> ) |

\* 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:

*This license and 33-02012 were not included in the 1927 Blaine County Trustment Co. vs R.G. Mays, et al, Decree. In fact, there is no deed rights on North Creek.*

RECOMMENDED PRIORITY DATE:

06-01-1915

REVIEWED BY

*[Signature]*

DATE

*28 June 99*

**A. AJ CLAIM POINT OF DIVERSION AND SOURCE:**

| RIGHT     | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | FLAG | COUNTY | DIVERSION NAME | DIVERSION NUMBER |
|-----------|------|------|------|-----|-----|-----|-----|------|--------|----------------|------------------|
| A33-02023 | 08N  | 29E  | 31   | SE  | NE  | SE  |     |      | BUTTE  |                |                  |

**BUTTE**

OTHER AJ CLAIMS WITH SAME AJ POD  
WR RECORDS IN SAME 40 ACRE TRACT

|           |           |
|-----------|-----------|
| A PREFIX  | R PREFIX  |
| A33-02012 | R33-02012 |

R33-02012

**NONE**

**SOURCE: NORTH CREEK**

**TRIB: SINKS**

**B. WR POINT OF DIVERSION AND SOURCE:**

| RIGHT    | TWP. RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | POD<br>FLAG | COUNTY | DIVERSION NAME | DIVERSION NUMBER |
|----------|-----------|------|-----|-----|-----|-----|-------------|--------|----------------|------------------|
| 33-02023 | 08N 29E   | 31   |     | SE  | SE  |     |             | BUTTE  |                |                  |

**BUTTE**

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT  
A PREFIX R PREFIX

**A PREFIX**      **R PREFIX**

**NONE**

**NONE**

**NONE**

**SOURCE: NORTH CREEK**

**TRIB: BIG SPRING CREEK**

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?**

**E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM?**

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

\* 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?**

**H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM?**

**I. HOW WAS THE POD AND SOURCE VERIFIED?**

**LICENSING FIELD EXAM (DATE OF FIELD EXAM**

| AJ FIELD EXAM | (DATE OF FIELD EXAM |
|---------------|---------------------|
|---------------|---------------------|

NAME OF EXAMINER

OTHER (DESCRIBE IN NOTES BELOW)

A. RUBY

## NOTES:

THE POINT OF DIVERSION WAS MOVED UPSTREAM IN 1999 WHEN THE  
IRRIGATION MAINLINE WAS INSTALLED. FROM THIS MARKING RECORDING THE  
DOMESTIC, STOCKWATER, AND 33-02012.

CP3

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

| TWP.<br>08N         | RGE.<br>29E | SEC.<br>31 | POD        |           |           | COUNTY<br>BUTTE | DIVERSION NAME | DIVERSION NBR |
|---------------------|-------------|------------|------------|-----------|-----------|-----------------|----------------|---------------|
|                     |             |            | 1/4<br>SE  | 1/4<br>NE | 1/4<br>SE |                 |                |               |
| —                   | —           | —          | —          | —         | —         | —               | —              | —             |
| —                   | —           | —          | —          | —         | —         | —               | —              | —             |
| —                   | —           | —          | —          | —         | —         | —               | —              | —             |
| —                   | —           | —          | —          | —         | —         | —               | —              | —             |
| —                   | —           | —          | —          | —         | —         | —               | —              | —             |
| —                   | —           | —          | —          | —         | —         | —               | —              | —             |
| —                   | —           | —          | —          | —         | —         | —               | —              | —             |
| —                   | —           | —          | —          | —         | —         | —               | —              | —             |
| SOURCE: NORTH CREEK |             |            | TRIB: SNKs |           |           | —               | —              | —             |

REVIEWED BY:

A. J. Cherry

DATE:

4/29/99

SYSTEM DESCRIPTION:

DESCRIBED BELOW ( ), SEE LICENSE FILE ( ), OR SEE ATTACHMENT ( )

SEE 33-02012 CUR FOR ORIGINAL PHOTOS OF PDD AND FERO EXAM MAPS.

A. ROOT WATER RIGHT NUMBERS: R33-02023  
A33-02023

## B. POU LISTING

| TWP                  | RNG | SEC | 1/4 | 1/4 | LOT | NAME             | AJ<br>#/ACRES    | MR<br>#/ACRES   | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|----------------------|-----|-----|-----|-----|-----|------------------|------------------|-----------------|-----------------|----------------|------------------|
| 07N                  | 29E | 6   | NE  | NW  |     | WAYMIRE, DAVID   | A33-02023 / 3.6  | -               | /               |                | 3.6              |
|                      |     |     | NE  | NW  |     | WAYMIRE, DAVID L | R33-02012 / 3.6  | -               | /               |                |                  |
|                      |     |     | NE  | NW  |     | WAYMIRE, DAVID   | R33-02023 / 3.6  | 33-02023 / 5.0  |                 |                |                  |
| 07N                  | 29E | 6   | NW  | NW  |     | WAYMIRE, DAVID   | A33-02023 / 10.0 | -               | /               |                | 10.0             |
|                      |     |     | NW  | NW  |     | WAYMIRE, DAVID L | R33-02012 / 10.0 | -               | /               |                |                  |
|                      |     |     | NW  | NW  |     | WAYMIRE, DAVID   | R33-02023 / 10.0 | 33-02023 / 10.0 |                 |                |                  |
|                      |     |     | NW  | NW  |     | WAYMIRE, DAVID L | A33-02012 / 10.0 | -               | /               |                |                  |
| 08N                  | 29E | 31  | NE  | SW  |     | WAYMIRE, DAVID   | A33-02023 / 20.0 | -               | /               |                | 20.0             |
|                      |     |     | NE  | SW  |     | WAYMIRE, DAVID L | R33-02012 / 20.0 | -               | /               |                |                  |
|                      |     |     | NE  | SW  |     | WAYMIRE, DAVID   | R33-02023 / 20.0 | 33-02023 / 20.0 |                 |                |                  |
|                      |     |     | NE  | SW  |     | WAYMIRE, DAVID L | A33-02012 / 20.0 | -               | /               |                |                  |
| 08N                  | 29E | 31  | NW  | SW  |     | WAYMIRE, DAVID   | A33-02023 / 20.0 | 33-02023 / 10.0 |                 |                | 20.0             |
|                      |     |     | NW  | SW  |     | WAYMIRE, DAVID L | R33-02012 / 20.0 | 33-02012 / 40.0 |                 |                |                  |
|                      |     |     | NW  | SW  |     | WAYMIRE, DAVID   | R33-02023 / 20.0 | -               | /               |                |                  |
|                      |     |     | NW  | SW  |     | WAYMIRE, DAVID L | A33-02012 / 20.0 | -               | /               |                |                  |
| 08N                  | 29E | 31  | SW  | SW  |     | WAYMIRE, DAVID   | A33-02023 / 40.0 | -               | /               |                | 40.0             |
|                      |     |     | SW  | SW  |     | WAYMIRE, DAVID L | R33-02012 / 40.0 | 33-02012 / 40.0 |                 |                |                  |
|                      |     |     | SW  | SW  |     | WAYMIRE, DAVID   | R33-02023 / 40.0 | -               | /               |                |                  |
|                      |     |     | SW  | SW  |     | WAYMIRE, DAVID L | A33-02012 / 40.0 | -               | /               |                |                  |
| 08N                  | 29E | 31  | SE  | SW  |     | WAYMIRE, DAVID   | A33-02023 / 37.0 | 33-02023 / 30.0 |                 |                | 37.0             |
|                      |     |     | SE  | SW  |     | WAYMIRE, DAVID L | R33-02012 / 37.0 | 33-02012 / 40.0 |                 |                |                  |
|                      |     |     | SE  | SW  |     | WAYMIRE, DAVID   | R33-02023 / 37.0 | -               | /               |                |                  |
|                      |     |     | SE  | SW  |     | WAYMIRE, DAVID L | A33-02012 / 40.0 | -               | /               |                |                  |
| 08N                  | 29E | 31  | NW  | SE  |     | WAYMIRE, DAVID   | A33-02023 / 8.4  | 33-02023 / 10.0 |                 |                | 8.4              |
|                      |     |     | NW  | SE  |     | WAYMIRE, DAVID L | R33-02012 / 8.4  | -               | /               |                |                  |
|                      |     |     | NW  | SE  |     | WAYMIRE, DAVID   | R33-02023 / 8.4  | -               | /               |                |                  |
|                      |     |     | NW  | SE  |     | WAYMIRE, DAVID L | A33-02012 / 13.0 | -               | /               |                |                  |
| 08N                  | 29E | 31  | SW  | SE  |     | WAYMIRE, DAVID   | A33-02023 / 14.0 | 33-02023 / 25.0 |                 |                | 14.0             |
|                      |     |     | SW  | SE  |     | WAYMIRE, DAVID L | R33-02012 / 14.0 | -               | /               |                |                  |
|                      |     |     | SW  | SE  |     | WAYMIRE, DAVID   | R33-02023 / 14.0 | -               | /               |                |                  |
|                      |     |     | SW  | SE  |     | WAYMIRE, DAVID L | A33-02012 / 16.8 | -               | /               |                |                  |
| ADDITIONAL POU FOUND |     |     |     |     |     |                  |                  |                 |                 |                |                  |
| TOTAL ACRES          |     |     |     |     |     |                  | A33-02023        | 153.00          | 75.00           |                | 153.00           |

POU COUNTY: BUTTE

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

Y( ) N( ) *PERMISSIBLE POU.*

\* 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 |
|-----------|-------------|------------------|-----------|----------------|-----------|----------------|
| A33-02023 | NORTH CREEK | WAYMIRE, DAVID   | 2.400     | 0.015          |           |                |
| R33-02012 | NORTH CREEK | WAYMIRE, DAVID L | 2.400     | 0.015          |           |                |
| A33-02012 | NORTH CREEK | WAYMIRE, DAVID L | 2.400     | 0.015          |           |                |
| R33-02023 | NORTH CREEK | WAYMIRE, DAVID   | 2.400     | 0.015          |           |                |

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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

\* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: *53-02012*

Y( ) N( )

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. \_\_\_\_\_; ( ) ASCS PHOTO; ( ) OTHER \_\_\_\_\_

NOTES: Mr. Whymms agrees to the permissions per consent to protect the  
910 property DATED OF 33-02012.  
SITE 33-02012 CURE FOR PHOTOS AND FIELD EXAM NOTES.

RECOMMENDATIONS:

TOTAL ACRES: 120/1530 N/A( )

REVIEWED BY: [Signature] DATE: 4/29/09

Poul, ELL, K06

CPS

## PURPOSE OF USE, PERIOD OF USE, DIVERSION RATE AND DIVERSION VOLUME REVIEW SHEET

## A. AJ CLAIMED USES:

| PURPOSE OF USE              | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|-----------------------------|---------------------------|------------------------|------------------------|
| A33-02023 IRRIGATION        | FROM 04-01 TO 11-01       | 2.400 CFS              |                        |
| TOTAL DIVERSION RATE/VOLUME |                           | 2.400 CFS              |                        |

## B. WR RECORDED USES:

| PURPOSE OF USE              | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|-----------------------------|---------------------------|------------------------|------------------------|
| 33-02023 IRRIGATION         | FROM TO                   | 2.400 CFS              |                        |
| 33-02023 DOMESTIC           | FROM TO                   | 2.400 CFS              |                        |
| TOTAL DIVERSION RATE/VOLUME |                           | 2.400 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?

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?

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?

Y( ) N( )

## J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

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?

Y( ) N( )

*"LICENSED AS IRRIGATION AND DOMESTIC"*

PERIOD RECOMMENDED AS 04/01 TO 10/31 PER DEPT. STDS. FOR  
UNDESIGNATED LICENSES.

UNDESIGNATED LICENSES.

AJ CLAIM TOTAL DIVERSION RATE: 2.400 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 2.400 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. MEASUREMENT METHOD ONLY RIGHTS ON CREEK FLOW MEASUREMENT

SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

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

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 ( )

153  
3.5  
535

NOTES:

WR RECORD ~~CONDITIONS~~/REMARKS:

QNT- E25, 02012, 3.06, 5355

EXP- FOS: 02012

Doc1:- E11, 153; K06, 120

Presump C

COND

1009, 1114, C03, C05

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ( )

| REC.<br>PURPOSE OF USE | REC. PERIOD<br>FROM TO | REC. DIV<br>RATE CFS | DATABASE EXAMINER | REC. DIV<br>VOL. AF/A | DATABASE EXAMINER | REC. CONS.<br>USE |
|------------------------|------------------------|----------------------|-------------------|-----------------------|-------------------|-------------------|
| IRRIGATION             | 04-01 11-01            | 2.400                | 2.34              |                       |                   | 0.0               |
| <i>Stack</i>           | <i>01/01 12/31</i>     | <i>1.02</i>          | <i>01</i>         |                       |                   |                   |
| <i>Domestic</i>        | <i>01/01 12/31</i>     |                      |                   |                       |                   |                   |
|                        |                        |                      |                   |                       |                   |                   |
|                        |                        |                      |                   |                       |                   |                   |
| TOTAL FOR THIS RIGHT   |                        | <i>2.4</i>           |                   | <i>5353</i>           |                   |                   |

NON-IRRIGATION USES CLAIMED:

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

REVIEWED BY: *[Signature]*

DATE: *4/28/99*

FLAG: *C*

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

*See Pg. 11  
for Remarks/cons.*

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

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: 33-02023

TOTAL DIVERSION RATE OF WR SPLITS  
DATABASE 2.400

EXAMINER

CFS

SPLITS:

| OLD RIGHT NUMBERS | CURRENT CLAIM NUMBERS | DIVERSION RATE | CURRENT "R" CLAIM NUM. | "R" DIV. RATE | WR RIGHT NUMBERS | DIVERSION RATE |
|-------------------|-----------------------|----------------|------------------------|---------------|------------------|----------------|
| -                 | A33-02023             | 2.400          | R33-02023              | 2.400         | 33-02023         | 2.400          |
| TOTAL CFS         |                       | 2.400          |                        | 2.400         |                  | 2.400          |

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 ( )?

FIELD EXAMINER Y ( ) N ( )

NOTES:

RIGHT IS CLAIMED IN-FULL. RECOMMEND AB:

1RRIG - 2.34 cfs

Stock - 0.02 cfs

Domest - 0.04 cfs

2.40 cfs

AUTHENTICATION:

SIGNATURE: Abraham DATE: 1/28/99

NAME OF FIELD EXAMINER: A. B. BERRY TITLE: Spec. Agt.

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? |
|-----------------------------------------------------------------------|--------------------------------------------------------|------------------------|
| <input checked="" type="checkbox"/> ORTHOPHOTOQUAD                    | DATE OF PHOTO _____ IDWR ID NO. _____                  | Y( ) N( )              |
| <input checked="" type="checkbox"/> TOPOGRAPHIC                       | DATE FIELD CHECKED _____ IDWR ID NO. _____             | Y( ) N( )              |
| <input checked="" type="checkbox"/> NAPP                              | DATE OF PHOTO _____ IDWR ID NO. _____                  | Y( ) N( )              |
| <input checked="" type="checkbox"/> ASCS AERIAL PHOTO                 | DATE OF PHOTO _____                                    | Y( ) N( )              |
| <input type="checkbox"/> ASCS COLOR SLIDE                             | DATE OF PHOTO _____                                    | Y( ) N( )              |
| <input type="checkbox"/> BLM OR USFS AERIAL PHOTO                     | DATE OF PHOTO _____                                    | Y( ) N( )              |
| <input checked="" type="checkbox"/> TOWNSHIP SURVEY (GOVERNMENT PLAT) | DATE OF SURVEY _____                                   | Y( ) N( )              |
| <input type="checkbox"/> SCS SOIL SURVEY MAP                          | DATE ISSUED _____                                      | Y( ) N( )              |
| <input type="checkbox"/> SUBDIVISION PLAT MAP                         | DATE OF MAP _____                                      | Y( ) N( )              |
| <input type="checkbox"/> OTHER _____                                  | DATE _____                                             | Y( ) N( )              |
| <input type="checkbox"/> OTHER _____                                  | DATE _____                                             | Y( ) N( )              |
| <input type="checkbox"/> OTHER _____                                  | DATE _____                                             | Y( ) N( )              |

| LIST OF ATTACHMENTS (CHECK IF ATTACHED)                  | IF ATTACHED, SUPPLY APPROPRIATE INFORMATION | NO. OF PAGES | NOTES |
|----------------------------------------------------------|---------------------------------------------|--------------|-------|
| <input checked="" type="checkbox"/> LICENSING FIELD EXAM | DATE OF FIELD EXAM _____                    | _____        | _____ |
| <input checked="" type="checkbox"/> WATER RIGHT LICENSE  | DATE LICENSE SIGNED _____                   | _____        | _____ |
| <input type="checkbox"/> IDWR APPROVED TRANSFER          | DATE TRANSFER APPROVED _____                | _____        | _____ |
| <input checked="" type="checkbox"/> SYSTEM DESCRIPTION   | DATE DRAWN _____                            | _____        | _____ |
| <input checked="" type="checkbox"/> PHOTOGRAPHS          | DATE(S) PHOTOS TAKEN _____                  | _____        | _____ |
| <input type="checkbox"/> SPLIT RIGHT REVIEW              | DATE REVIEW COMPLETED _____                 | _____        | _____ |
| <input type="checkbox"/> HUBBLE ANALYSIS                 | DATE ANALYSIS COMPLETED _____               | _____        | _____ |
| <input type="checkbox"/> CONVEYANCE LOSS ANALYSIS        | DATE ANALYSIS COMPLETED _____               | _____        | _____ |
| <input type="checkbox"/> FLOW MEASUREMENT CALCULATIONS   | DATE SYSTEM MEASURED _____                  | _____        | _____ |
| <input type="checkbox"/> OTHER _____                     | DATE _____                                  | _____        | _____ |
| <input type="checkbox"/> OTHER _____                     | DATE _____                                  | _____        | _____ |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

07:40:05  
04/28/99

PAGE: 15  
QUICKLOOK INFORMATION

15  
CLAIM NUMBER: A33-02023

| WR ELEMENT                | DATA<br>DISCREPANCY<br>Y/N | CORRESPONDENCE<br>SENT/RECEIVED<br>BY WHOM/DATE | FIELD EXAM<br>BY WHOM/DATE | CHANGE<br>CLAIM<br>Y/N | ELEMENT<br>DOCUMENTED<br>WHOM/DATE | COMPLETED<br>REVIEW<br>WHOM/DATE | COMPLETED<br>DATA ENTRY<br>WHOM/DATE | VERIFIED<br>DATE<br>WHOM/DATE |
|---------------------------|----------------------------|-------------------------------------------------|----------------------------|------------------------|------------------------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE             |                            |                                                 |                            | N                      |                                    |                                  |                                      |                               |
| POINT OF DIV              |                            |                                                 |                            | Y                      |                                    |                                  |                                      |                               |
| SOURCE                    | Y                          |                                                 |                            | N                      |                                    |                                  |                                      |                               |
| PLACE OF USE              | Y                          |                                                 |                            | Y                      |                                    |                                  |                                      |                               |
| DIV. AMOUNT<br>CFS/VOLUME | Y                          |                                                 |                            | N                      |                                    |                                  |                                      |                               |
| CONSUMPTIVE USE           | -                          |                                                 |                            | N                      |                                    |                                  |                                      |                               |
| PURPOSES OF USE           | Y                          |                                                 |                            | N                      |                                    |                                  |                                      |                               |
| PERIOD OF USE             | Y                          |                                                 |                            | Y                      |                                    |                                  |                                      |                               |
| BASIS OF CLAIM            |                            |                                                 |                            | N                      |                                    |                                  |                                      |                               |
| REMARKS                   | Y                          |                                                 |                            | Y                      |                                    |                                  |                                      |                               |

BARCODE UPDATED  
WHOM/DATE



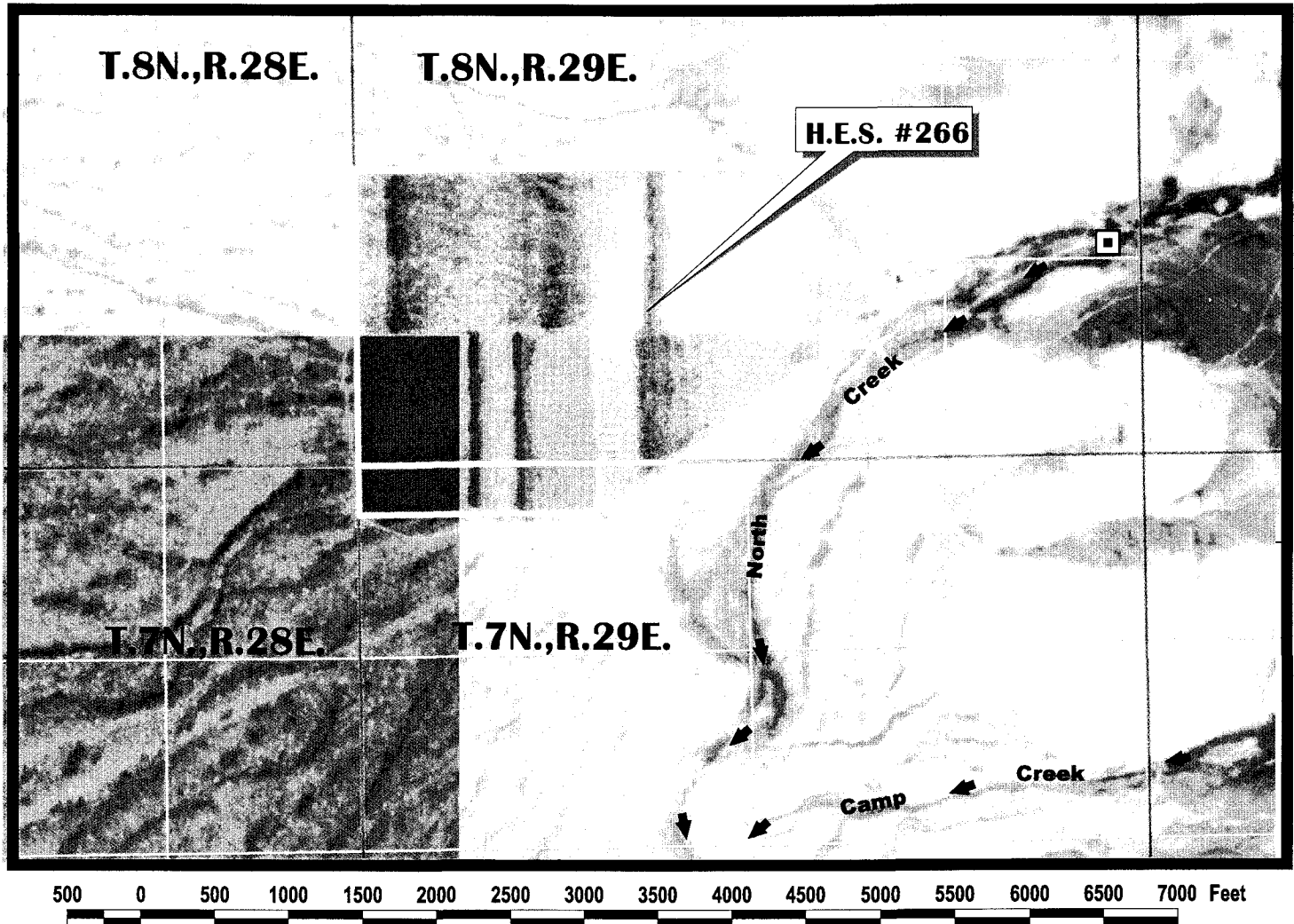
# STATE OF IDAHO

Department of Water Resources

Eastern Region

## Claimant: David L Waymire

Water Right(s): 33-02012, 33-02023



### LEGEND



Point of Diversion- GW



Point of Diversion- SW

SESE

Place of Use



Section Line

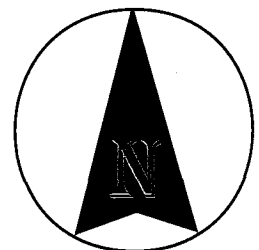
Quarter-section line

Place(s) of Use: T.7N., R.29E.

Sec. 6 (part of) N2NW,  
T.8N.,R.29E. Sec. 31 (parts of)  
SW, W2SE

All known as H.E.S. #266

Point(s) of Diversion: T.8N., R.29E.  
Sec. 31 SENESE



GIS Place of Use Illustration  
1987/1988 NAPP photography  
Prepared by: A. Ruberry  
Date: April 1999

**OWNER  
CODE**

| DE | NAME & ADDRESS                                                     |
|----|--------------------------------------------------------------------|
| C  | DAVID WAYMIRE<br>HC 65 BOX 3151<br>HOWE ID 83244<br>(208) 767-3391 |

**PRIORITY  
DATE**

06/01/1915 IRRIGATION STOCKWATER DOMESTIC

USE PERIOD  
FROM TO

04-01 10-31  
01-01 12-31  
01-01 12-31

**DIVERSION RATE**

2.34 CFS  
0.02 CFS  
0.04 CFS  
-----  
2.40 CFS

**TOTAL DIVERSION: 2.40 CFS**

**Water Source:** NORTH CREEK

**Tributary to: SINKS**

**Stage: LICENSE**

**Point(s) of Diversion:**

T08N R29E S31

**SENSE**

Place of use Legal Description for: IRRIGATION

三

SENE SWNE ENNE

**t Ac Lt Ac Lt Ac Lt Ac**

0  
1  
1  
1  
1  
1  
  
1  
3  
0  
0  
0  
0  
  
1  
1  
1  
1  
1  
1  
  
0  
1  
1  
1  
1

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

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

POU County: BUTTE

### Non-Irrigation Uses: ONE HOME

**Other Rights:** 33-02012

**Conditions of Approval:**

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO

- SECTION 42-1425, IDAHO CODE.

**C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION**

- PURSUANT TO SECTION 42-1425, IDAHO CODE.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF

- DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF
- HISTORICAL BENEFICIAL USE

N14 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND HISTORICAL BENEFICIAL USE.

- STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

# THE UNIVERSITY OF CHICAGO

Remarks: QNT

USE OF THIS RIGHT WITH RIGHT NO. 33-02012 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.11 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 535.5 AF.

**pow?**

USE OF THIS RIGHT WITH RIGHT NO. 33-02012 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 153 ACRES IN A SINGLE IRRIGATION SEASON.

Doer 80 # 38

Page 80 of 80

AJ0749NP  
No. R33-02023

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

DATE: 04/26/99  
PAGE: 2

Remarks:

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXP

RIGHT NO. 33-02012 IS ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE.

PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. 266.  
STOCKWATER, 50 CATTLE, 10 HORSES.

Dates:

Exam Made Date:

Verified Date:

Objection Filed Date:

Misc:

Water District Number: 33

Field Inspection Flag:  
Presumption Flag: C

Comments:

Date: 04/23/1999 User-ID: ARUBERRY Subject: COPIED FROM REMARKS  
LICENSE 33-02012 AND THIS LICENSE ARE USED ON THE SAME ACREAGE,  
SAME SOURCE, SAME POD. LICENSED WITH DOMESTIC USE.

Audit:

04/26/99 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: A33-02023

Date Received: 2/10/1995

Receipt No: 15024936

Received By: scrc 4/22/99

*Original  
Sent to  
Court.*

*4-20-00*

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: DAVID WAYMIRE  
Address: HC 65 BOX 3151  
HOWE ID

208-767-3391

83244

A3302023



2. Date of Priority: JUN 1, 1915

3. Source: NORTH CREEK

Trib. to: SINKS

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 08N      | 29E   | 31      | SE     | NE     | SE  |     | BUTTE  |

5. Description of diverting works:  
HEADBOX IN CREEK, 12 INCH MAINLINE TO SYSTEM

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 2.400  |      |        |

7. Total Quantity Appropriated is:  
2.400 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 |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 07N      | 29E   | 6       | NE     | NW  |     | IRR | 3.6   |
|          |       |         | NW     | NW  |     | IRR | 10.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 13.6  |
| 08N      | 29E   | 31      | NE         | SW  | IRR           | 20.0  |
|          |       |         | NW         | SW  | IRR           | 20.0  |
|          |       |         | SW         | SW  | IRR           | 40.0  |
|          |       |         | SE         | SW  | IRR           | 37.0  |
|          |       |         | NW         | SE  | IRR           | 8.4   |
|          |       |         | SW         | SE  | IRR           | 14.0  |
|          |       |         |            |     | Section Acres | 139.4 |
|          |       |         |            |     | Total Acres   | 153.0 |

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:  
33-02012

14. Remarks:  
LICENSE 33-02012 AND THIS LICENSE ARE USED ON THE SAME ACREAGE,  
SAME SOURCE, SAME POD.

15. Basis of Claim: LICENSE

Water Right Number: 11419

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: \_\_\_\_\_

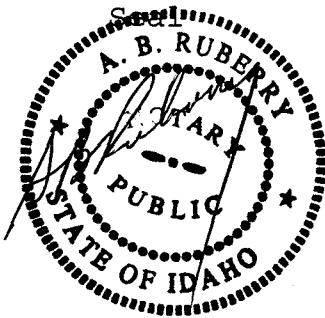
**For Individuals:**

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

Signature of Claimant(s): David L. Waymire Date: 4-22-99  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of BENNEVILLE ) SS.

Subscribed and sworn (or affirmed) before me this 22<sup>nd</sup> day  
of April 19 99 A. B. RUBERRY  
Notary Public



Residing at Idaho Falls ID  
My Commission Expires 09/23/03