

CONVEYANCE DITCH
WET CK 433-00089

NO DUBIOUS
GOS LIP
A-33-02089

LLR DIVERSION
A33-00088

WEIL433-02089
LICENSED

NO WIRE/HS
Thus QD

NO WR LISTED
NO AI CLAIM

CLAIM NO(S) : A33-00088,00089,02089
DATE: 1 Dec 1995 T 9N R 275
SOURCE OF DOC: A505
SIGNATURE: [Signature]

DOMESTIC WELL _____
NO ADJ. CLAIM FOUND

⑨ NH₄Cl
24.4

⑧ 28.5

396

② NH₄EL 39.9

NIHEL
③
10.7

⑦ 2.5

④ 18.0

⑩ NHCL
38.9

195
T-H23 NHE
PHILIPS

31.2

④ 600.7

26.0

⑤

$$\frac{9}{16} \div \frac{10}{15}$$

NOA

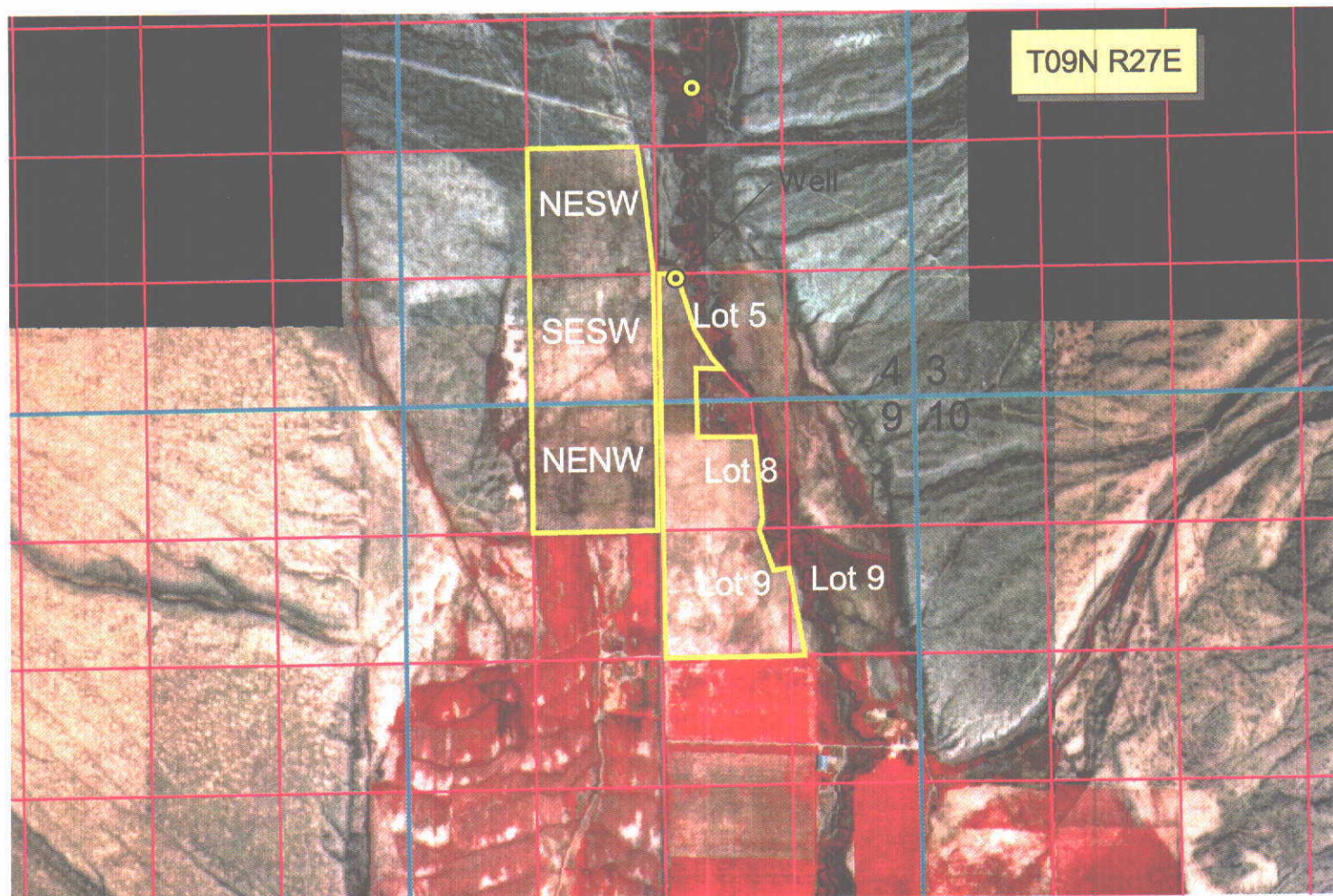
137.7



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

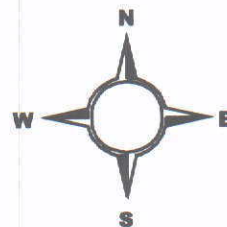


Section Line



Quarter-section line

Acres Irrigated = 189.5



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



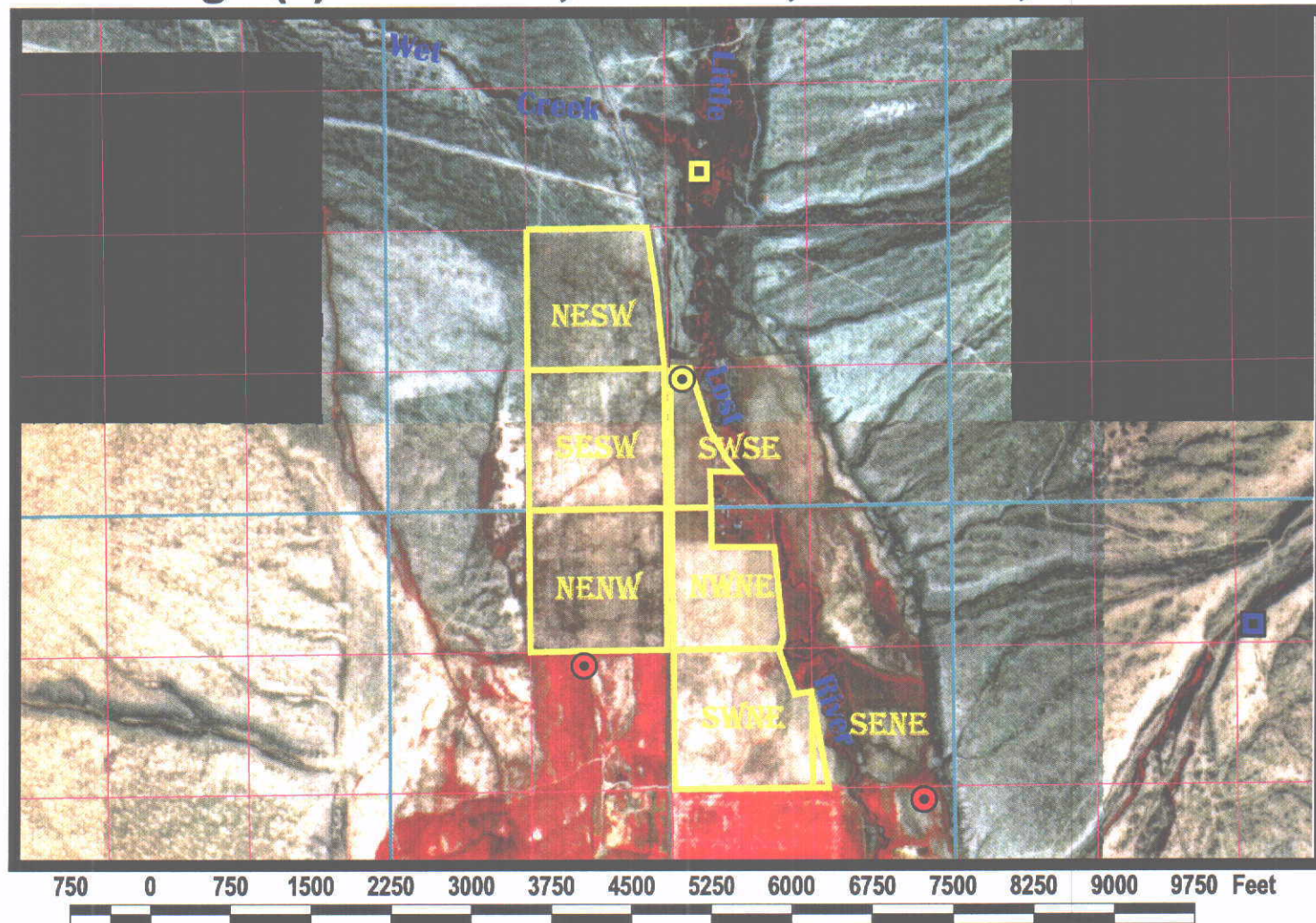
STATE OF IDAHO

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



Place of Use



Section Line



Quarter-section line

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

Sec. 4 (parts of) E2SW, SWSE,

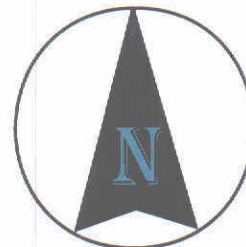
Sec. 9 (parts of) NWNE, W2NE,
SENE

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

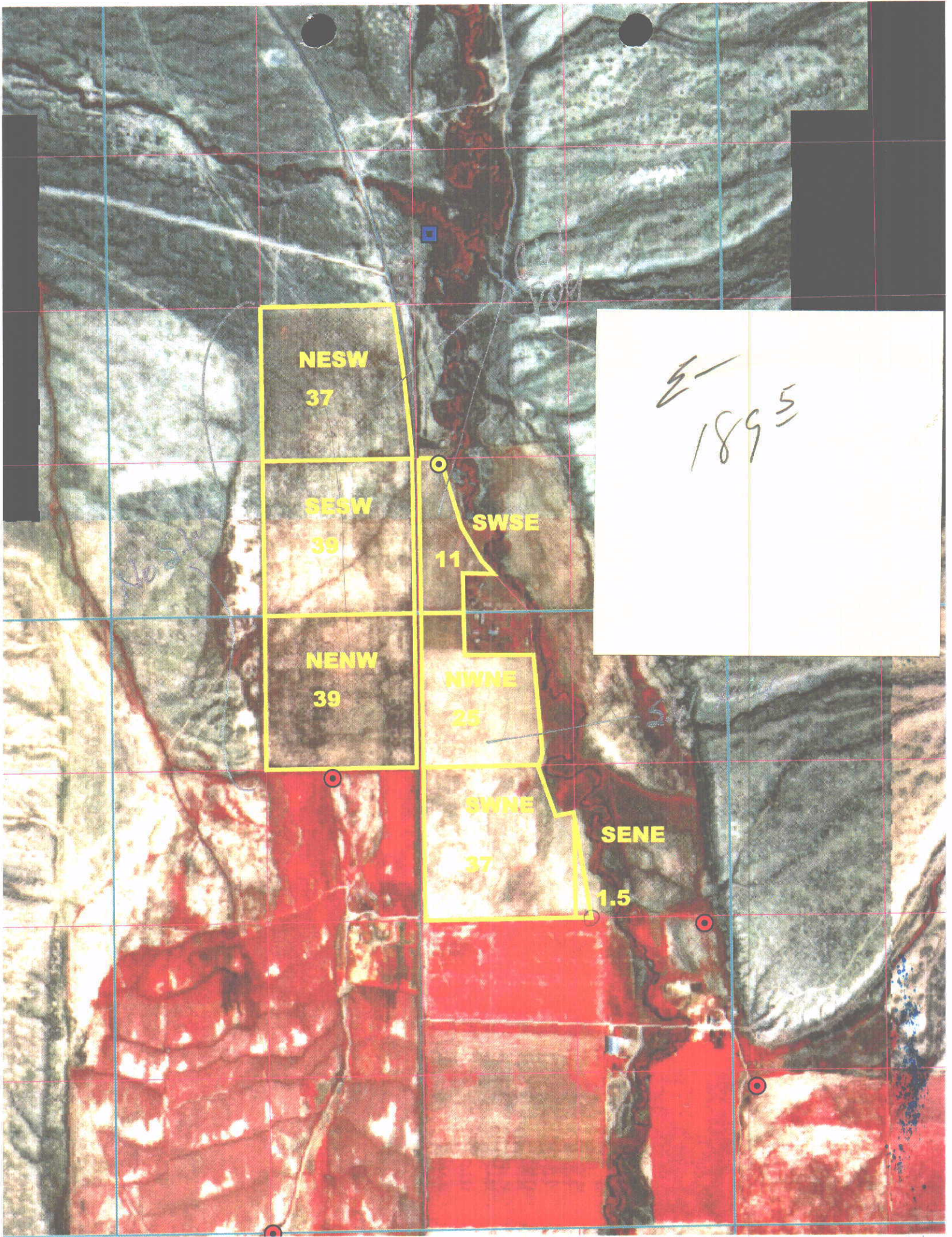
Sec. 4 SWSWNE (surface)

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



NESW
37

SESW
39

NENW
39

SWSE
11

NWNE
25

SWNE
37

SENE

1.5

1895

RECEIVED

OCT 30 2000

Department of Water Resources

200 OCT 27 AM 8:59

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

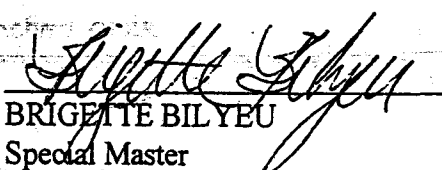
Case No. 39576

) Subcases: 33-00093D and 33-02089
)
)
)
)

ORDER REQUIRING SUBMISSION OF
STANDARD FORM 5

An Initial Hearing was held in the above subcases in Arco, Idaho on October 24, 2000. At the Initial Hearing the parties represented that a settlement had been reached in these subcases. IT IS ORDERED that fully executed *Standard Forms 5* shall be filed on or before November 28, 2000.

DATED October 27, 2000.


BRIGETTE BILYEU

Special Master

Snake River Basin Adjudication

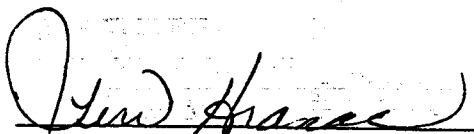
CERTIFICATE OF MAILING

I certify that a true and correct copy of ORDER REQUIRING SUBMISSION OF STANDARD FORMS 5 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

U.S. Dept. of Justice
Environment & Natural Resources Div.
550 W Fort St, MSC 033
Boise, ID 83724

Keith & Connie Waymire
PO Box 47
Howe, ID 83244


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: 33-02089

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; and they have been served with sufficient process, according to the law; and that they have appeared, prosecuted and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

CLAIMANT:

Connie Waymire

Date

Keith Waymire

Date

OBJECTOR:

Larry Brown,

Date

U.S. Department of Justice
Attorney for Objector BLM

IDWR CONCURRENCE:

Ernest Carlson
Al Ruberry Ernest Carlson
Senior Water Rights Agent, IDWR

Date

Nov 9, 2000
Candice M. McHugh (As to Form)
Attorney for IDWR

Date

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

11/08/2000

RIGHT NUMBER: 33-2089

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

SOURCE: GROUND WATER

QUANTITY: 2.3 CFS
663.25 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.79 CFS. COMBINED RIGHT NOS.: 33-00088,
33-00089, 33-00093D

PRIORITY DATE: 12/03/1959

POINT OF DIVERSION: T09N R27E S4 LOT 5 NWSE Within BUTTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
4-01 10-31

QUANTITY
2.30 CFS
663.3 AFY

PLACE OF USE:

IRRIGATION Within BUTTE County

T09N R27E S4		NESW	37
T09N R27E S4	<u>LOT 5</u>	SWSE	11
T09N R27E S9	<u>LOT 9</u>	SWNE	37
T09N R27E S9		NENW	39
189.5 ACRES TOTAL			

T09N R27E S4		SESW	39
T09N R27E S9	<u>LOT 8</u>	NWNE	25
T09N R27E S9	<u>LOT 9</u>	SENE	1.5

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.: 33-00088, 33-00089, AND 33-
00093D

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 117 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 - LICENSE

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

Eric

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**

A. Subcase 33-02089

(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: 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 legal description for element five and nine (POD & POU) above may include Federal land. The description should be specific enough to exclude Federal land.

F.

VERIFICATION (Must be Completed)

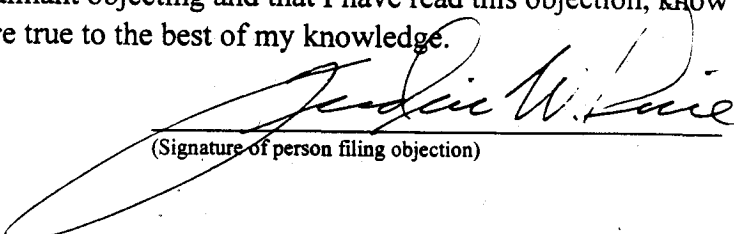
State of Idaho)

) ss.

County of Ada)

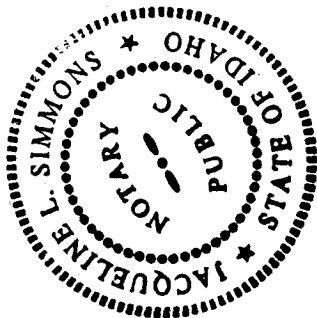
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

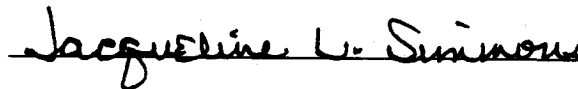
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(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: Keith D. & Connie A. Waymire

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

Name:

Address:

Name:

Address:

Name:

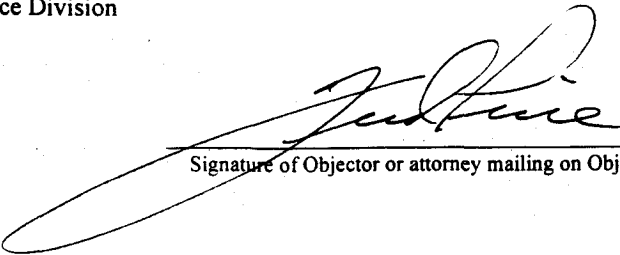
Address:

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: GROUNDWATER

RIGHT NUMBER: 33-02089

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

SOURCE: GROUNDWATER

QUANTITY: 2.3 CFS
663.25 AFYUSE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.79 CFS. COMBINED RIGHT NOS.:
33-00088, 33-00089, 33-00093D.

PRIORITY DATE: 12/03/1959

POINT OF DIVERSION: T09N R27E S04

NWSWE Mixed ownership

Within BUTTE County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE
IRRIGATIONPERIOD OF USE
04-01 10-31QUANTITY
2.3 CFS
663.25 AFYPLACE OF USE: IRRIGATION
T09N R27E S04
S09
189.5 ACRES TOTAL

Within BUTTE County

NESW 37
Lot 8 NWNE 25SESW 39
SWNE 37
Lot 9

LOT 5

(SWSE) 11
(SENE) 1.5
Lot 9

NENW 39

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.: 33-00088, 33-00089, AND
33-00093D.THIS RIGHT IS LIMITED TO THE IRRIGATION OF 117 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.S04 SWSE → LOT 5 = PRIVATE
LOT 6 = BLMS09 NWNE → LOT 8 = PRIVATE
LOT 7 = BLMSWNE → LOT 9 = PRIVATE
LOT 10 = BLMSENE → LOT 9 = PRIVATE
LOT 10 = BLM

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 - LICENSE

Issue:Point of diversion and circled places of use are
mixed ownership between BLM and private.→ Claimant needs to clarify lot numbers
for each of the circled parcels.

→ Farming on public land is not authorized

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 33-02089 (CONT)

EXPLANATORY MATERIAL: (CONT).

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

A33-02089 *McDermis*
UNITED STATES OF AMERICA, ACTING
USDA, FMHA
3232 ELDER ST.
BOISE

ID 83705



A3302089

Devious Petr
42-222 PC
FORFEITURES

26802 — *58000*
919 *83000-52*

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: 33-02089

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: 33-02089

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):

Point of Diversion described as T9S. It should read T9N.

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

Change Point of Diversion to T9N from T9S.

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

Point of Diversion is in T9N.



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

Corrected per Teisco 1/11/2K

SERVICE
ESTED

RECEIVED
DEC 2 1967
Department of Water Resources
Eastern Region


RETURN TO
UNDELIVERABLE AS ADDRESSED
NO FORWARDING ORDER ON FILE

LOS
FBI 507

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

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

MEMORANDUM

To: Sara Denniston, SRBA Atty.

From: A. Ruberry, Sr. Agent

Subject: Change of Ownership for SRBA claims 33-00088, 33-00089, and 33-02089

Per your request.

New Owner

Keith Waymire
PO Box 47
Howe, Id 83244

FmHA as SRBA Claimant

Butte/Custer county FSA Office
Attn: Allan H. Banta, Mgr.
PO Box 69
Arco, ID 83213

I am also faxing copies of other docs. Related to the above claims and correspondence.

al

BY THE FATHA, BUT SINCE THE COURT RULING THAT THE GOVT DID NOT HAVE TO PAY FINE, AND THAT THE KNOWLEDGE WAS THE "NOW" OWNERS BY CONFESSION DEDUCT - NOW SINCE ITS UNDER PRIVATE OWNERSHIP FESS AND DIST AND CHARGES OF OWNERSHIP IS RATIO. THESE THINGS HAVE NOT BEEN DONE. NOW, SINCE NEW PRIVATE OWNERSHIP Y/O FESS PAID BUT, WIRE (A.T.'S) ARE BEING USED. I DUBIE AT THIS TIME WILL ATTEST: 1.) RECOMMEND A.T.'S IN THE NAME OF FATHA. OR - 2.) DISALLOW THE CLAIMS DUE TO INSUFFICIENT FESS (FESS NOT ADO). BUT, AS OF TODAY, THERE IS NO RECOMMENDATION OF RATIO TO THESE CLAIMS. NO NOTICE OF CHANGE OF OWNERSHIP.

The Question: Does the FATHA moratorium ON THE STATE CONSTITUTE THE SAME IDIOT POSITION AS CRP LANDS w/ W.P.'S? THAT REASON THE W.P.'S ARE DORMANT FOR THE CRP PERIOD.

MISS CAUSE POTION TO DISCUSS MY ABOVE DISCUSSION AND REMARKS. HIS IMPRESSION IS ALL IS ON RECOMMENDS TAKING TO FATHA APPROVED.

THE CAUSE FOR THE CASE: APPROXIMATE AN ATTY CLAUDIA BANGOR REPRESENTS A GUEST IN A DISCRIMINATION SUIT BASED ON (INVALENT) GENDOR - NO FURTHER DETAILS.

1052 Tony Carey (David Lacey, Atty for USA) TRAVELING INTO W.P.'S 33-0000000000, 02000, THE McDANIELS PLACE. SHE AND ATTY ARE CONCERNED WITH THE REALITY OF THE SAID DUE TO DISCRIMINATION. I EXPLAINED THE HISTORY OF THE W.P.'S ON THE McDANIELS PLACE. NOW THEY WERE IN A MORATORIUM w/ FATHA BECAUSE THE PROPERTY DEPEND NOT BE SOLD DUE TO LOCAL ECONOMIC SITUATIONS. BUT HOW THE LANDS HAD BEEN LOANED FOR STOCK SPECULATING BUT w/o WATER RIGHTS. THEN, IN 1996 THE PLANS WERE ADVERTISED FOR SALE AT \$117,000 w/ W.P.'S - THE FATHA GOT CONCERNED ABOUT THE ABANDONMENT/FORECLOSURE ISSUES. THE SALES WERE RECALLED - LATER RE-ADVERTISED AS 111,944 W.P.'S OF DRY CRAP LAND FOR \$85,000. THE CRAP CLAIMS DEED WAS ISSUED DETERMINING THE W.P.'S (AS CLAIMS BY FATHA) IN DETAIL - KEITH AND CONNIE WASHINGTON WERE THE SUCCESSFUL BIDDERS. THEN ABOUT LATE 1996 (?) KEITH WROTE A CALL FOR THE S.W. - "LEGALLY DAVID ANDERSON, W/IN B33, DELIVERED THE S.W. THE WALL WAS STARTED AGAIN THIS SAME TIME WITH HELP FROM SOME LOCAL (B33) PROPERTY OWNERS. FROM DAVID A. - I UNDERSTAND INQUIRIES HAVE BEEN MADE REGARDING THE W.P.'S; THESE INQUIRIES WERE BY LOCALS AND ATTY'S (UNKNOWN NAMES AND/OR REPRESENTATIONS). I.D.W.P.'S POSITION IS MARGINAL IN THERE IS A COROR OF A W.P. - THEN THERE IS A W.P. SINCE NO LOCALS HAVE FORMALLY OBJECTED, THE PROBLEM WITH THE W.P. CLAIMS (A.T.'S) IS THIS - THE W.P.'S HAVE BEEN RECALLED

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.

*cc: A33-02089
A33-00088
A33-00089*



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

March 26, 1999

Allan Banta
Farmer Services Agency
PO Box 69
Arco, ID 83213

RE: Water Right Numbers 33-00088, 33-00089, and 33-02089

Dear Mr. Banta,

On March 23, 1990, the above named water rights in Butte County were claimed in the name of the Farmers Services Agency (FSA). It has come to the Idaho Department of Water Resource's (IDWR) attention that FSA has sold the property claimed as the places of use for these water rights. However, no change of ownership has been filed on these water rights.

The purpose of this letter is to request that FSA inform IDWR whether it still claims ownership of these water rights. If FSA no longer claims ownership of these rights, IDWR will recommend them for disallowal unless a change of ownership is filed by the new owner prior to issuance of the Director's Report for Basin 33.

If you have any questions, please call me at (208) 327-5404.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sara C. Denniston", is written over a horizontal line.

Sara C. Denniston
Deputy Attorney General
Idaho Department of Water Resources

cc: Keith Waymire



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

MAR 29 1999

March 26, 1999

Allan Banta
Farmer Services Agency
PO Box 69
Arco, ID 83213

RE: Water Right Numbers 33-00088, 33-00089, and 33-02089

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If you have any questions, please call me at (208) 327-5404.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sara C. Denniston".

Sara C. Denniston
Deputy Attorney General
Idaho Department of Water Resources

cc: Keith Waymire

11/9/99 1045 SARA DENNISTON ADVISES TO
CONTACT WAYMIRE'S TO INFORM THEM OF FGS
DUE FOR THE CLAIMS.

Fees Due:

02089

LATE

Ac

50⁰⁰

275 AC

00088

LATE

Ac

50⁰⁰

00089

LATE

Ac

50⁰⁰

~~17~~ 189⁵ AC → ~~190~~
150
350 150
340

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

DATE OF CLOSING 2/28/99

- [] Water Right Number(s) /
SRBA Claim No(s):

33-00088, 33-00089, 33-02089

- [] Name and Address of Former
Owner/Claimant(s) (Seller)

United States of America Acting through
the Farm Service Agency
9173 West Barnes, Suite B
Boise, ID 83709-1555

- [] New Owner/Claimant
(Purchaser):

Keith D. and Connie A. Waymire

- [] New Mailing Address:

P.O. Box 47Howe, ID 83244

FSA has a mortgage
interest in the property.

- [] New Telephone Number:

(208) 767-3486767-3035 Keith's Home

- [] Attach proof of ownership; Proof must include legal description.

(i.e. Warranty Deed). Describe proof attached Quitclaim deed.

- [] Please submit a map or aerial photo showing the property purchased if one is available.

- [] Does the change in ownership result in a splitting of the water right owned/claimed? yes X no

* If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right(s) held by the seller. (See back for explanation)

- [] Signature of New
Owner/Claimant(s):

Keith WaymireDate 10/24/99Connie A. WaymireDate 10/24/99

- [] Notice of Appearance:

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

Signature _____

Address _____

Eastern Region
900 N Skyline Dr
Suite A
Idaho Falls ID 83402
(208) 525-7161

Southern Region
222 Shoshone St E
Twin Falls ID 83301
(208) 736-3033

Western Region
2735 Airport Wy
Boise ID 83705
(208) 334-2190

Northern Region
1910 Northwest Blvd Ste 210
Coeur d Alene ID 83814
(208) 769-1450

State Office
1301 N Orchard St
Boise ID 83706
(208) 327-7900

Original to be mailed to IDWR Regional Office in your area.

↪ what does this mean?

- 1.) Security interest in the land BY
OPERATING LOAN?
- 2.) Possessory interest LAND/WP's BY
FINANCE
- 3.) ?

FmHA 1955-49
(Rev. 10-28-81)UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

FEB 28 1996

QUITCLAIM DEED

A.M. 3:40 P.M.
BUTTE COUNTY RECORDER
[Signature]

The UNITED STATES OF AMERICA, acting through the Administrator of the Farmers Home Administration, United States Department of Agriculture, CONVEYS and QUITCLAIMS to

CONNIE A. WAYMIRE and KEITH D. WAYMIRE, wife and husband
Grant for the sum of EIGHTY-FIVE THOUSAND AND NO/100 DOLLARS

all interest in the following described real estate situated in the County of BUTTE

State of IDAHO

, to-wit:

See attachment for legal description

TOGETHER WITH the following water rights:

IDWR NO. 33-00088 priority 4/15/1906, Source: Little Lost River

IDWR NO. 33-00089 priority ~~4/15/1891~~, Source: Dry Creek

IDWR NO. 33-02089 priority 12/3/1959, Source: Well - 2.30cfs

5/24/1905

930

TOGETHER WITH the following irrigation equipment:

1 GE Electric 75 hp motor

1 Fairbanks Morse Turbine Pump 10 inch 100 foot

4800 feet of portable aluminum mainline 6, 8, and 10 inch

4620 feet 5" Western Wheel lines (3.5)

2640 feet 4" Hook & Latch Handlines (2)

Steel mainline 6, 8, and 10 inch

TOGETHER WITH THE FOLLOWING OUTSIDE GRAZING RIGHTS AND CRP CONTRACTS

BLM

Allotment	Livestock	Grazing Period	Active AUM'S
Squaw Creek	67 cattle	5/19 to 6/30	83
Bell Mtn.	49 cattle	5/16 to 6/30	56
Bell Mtn.	49 cattle	11/16 to 12/31	55
Wet Creek	27 cattle	5/16 to 7/14	54
USFS			
Pass Creek	137 cattle	7/1 to 10/10	462
Bell Mtn.	17 cattle	5/16 to 6/30	26
Bell Mtn.	17 cattle	11/16 to 12/15	17

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)

Post-It™ brand fax transmittal memo 7671		pages > 5
To	DAVID A. LACY	
From	A. RUBERRY	
Co.	CONTRACT INVESTIGATOR IDWR	
Dept.	U.S.D.A.	
Phone #	(208) 525-7161	
Fax #	(301) 953-3185	

No. 1

SUPPLEMENTAL AFFIDAVIT

STATE OF: Idaho

COUNTY OF: Bonneville

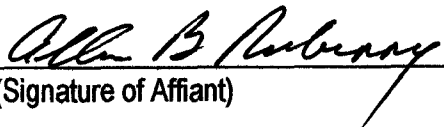
I, Allen Ruberry, senior water resource agent, Idaho Department of Water Resources, 900 N. Skyline Drive, Idaho Falls, Idaho 83402, make the following statement freely and voluntarily to David Aaron Lacy, who has identified himself to me as a Contract investigator for the U.S. Department of Agriculture, 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:

In 1996, I read an advertisement where the FmHA had put the McDaniel's place up for sale and it was advertised, as I recall, for One Hundred Seventeen Thousand Dollars (\$117,000.00), with water rights. Then, according to Mr. Allan H. "Buzz" Banta, FmHA, Agriculture Credit Manager, Arco, Idaho, 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, there is no recommendation of record to the court for these claims [to the water rights].

Initials AR

Prior to the Waymire's acquisition, the property had been leased for livestock 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 2 pages 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.


(Signature of Affiant)

Subscribed and sworn before me at:

(City, County, State)

On THIS _____ DAY OF _____ 1998

(Witness)

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

FEB 28 1996

QUITCLAIM DEED

The UNITED STATES OF AMERICA, acting through the Administrator of the Farmers Home Administration, United States Department of Agriculture, CONVEYS and QUITCLAIMS to

CONNIE A. WAYMIRE and KEITH D. WAYMIRE, wife and husband
Granted, for the sum of EIGHTY-FIVE THOUSAND AND NO/100 DOLLARS

all interest in the following described real estate situated in the County of BUTTE

State of IDAHO

, to-wit:

See attachment for legal description

TOGETHER WITH the following water rights:

IDWR NO. 33-00088 priority 4/15/1906, Source: Little Lost River
IDWR NO. 33-00089 priority 4/15/1891, Source: Dry Creek
IDWR NO. 33-02089 priority 12/3/1959, Source: Well - 2,30cfs

TOGETHER WITH the following irrigation equipment:

1 GE Electric 75 hp motor
1 Fairbanks Morse Turbine Pump 10 inch 100 foot
4800 feet of portable aluminum mainline 6, 8, and 10 inch
4620 feet 5" Western Wheel lines (3.5)
2640 feet 4" Hook&Latch Handlines (2)
Steel mainline 6, 8, and 10 inch

TOGETHER WITH THE FOLLOWING OUTSIDE GRAZING RIGHTS AND CRP CONTRACTS

BLM	Livestock	Grazing Period	Active AUM'S
Allotment			
Squaw Creek	67 cattle	5/19 to 6/30	83
Bell Mtn.	49 cattle	5/16 to 6/30	56
Bell Mtn.	49 cattle	11/16 to 12/31	55
Wet Creek	27 cattle	5/16 to 7/14	54
USFS			
Pass Creek	137 cattle	7/1 to 10/10	462
Bell Mtn.	17 cattle	5/16 to 6/30	26
Bell Mtn.	17 cattle	11/16 to 12/15	17

From: Butte County Recorder's Office
25 April 1996 8 pages

ABR

This deed is executed and delivered pursuant to the provisions of sale of inventory property formerly owned by Karl McDaniel case #12-012-0519262483, advise #12-012-12733 and the

authority set forth in 7 CFR 1900, Subpart A.

No member of Congress shall be admitted to any share or part of this deed or to any benefit that may arise therefrom.

Dated July 21

. 19 95

UNITED STATES OF AMERICA (Grantor)

By

(successor in interest to the

State Director, Rural Economic and Community Development, acting on behalf of the Farmers Home Administration, Rural Housing & United States Department of Agriculture Community Development Service

In the presence of:

ACKNOWLEDGMENT

State of Idaho
County of Ada

On this 21st day of July, before me, the undersigned, a Notary Public in and for said State, personally appeared Loren A. Nelson, known to me to be the State Director, RECD, formerly Farmers Home Administration, USDA, and person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

In WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above mentioned.



Chris Reninger

CHRIS RENINGER
Notary Public in and for
State of Idaho
Residing at Meridian, Idaho
My Bond Expires 7-6-2000.

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)

LOT 6, SECTION 4, T. 9 N., R. 27 E.

Lot 6 of Section 4, Township 9 North, Range 27 East, located in the County of Butte, State of Idaho, as per official plats and field notes of the dependent resurvey and surveys accepted by the Chief Cadastral Surveyor for Idaho on June 12, 1989, and December 13, 1994, and officially filed at the Idaho State Office of the Bureau of Land Management at Boise Idaho, more particularly described as follows:

Beginning at the SE 1/16 section corner of section 4, identical with Angle Point No. 1 of Lot 6, and true point of beginning, which is an aluminum post as described in the official field notes of the 1989 dependent resurvey;

thence S. 89° 43' W., 16.87 chs. dist., on the east and west center line of the SE 1/4 of section 4, on line 1-2, to Angle Point No. 2, which is an aluminum post as described in the official field notes of the 1989 dependent resurvey;

thence S. 16° 59' E., 9.35 chs. dist., on line 2-3, to Angle Point No. 3, which is an aluminum post as described in the official field notes of the 1989 survey;

thence S. 30° 29' E., 5.06 chs. dist., on line 3-4, to Angle Point No. 4, which is an aluminum post as described in the official field notes of the 1989 survey;

thence S. 42° 41' E., 7.399 chs. dist., on line 4-5, to the witness point at the northwesterly corner of the water gap easement in section 4, which is an aluminum post as described in the official field notes of the 1994 dependent resurvey;

thence S. 42° 41' E., 0.595 chs. dist., on line 4-5, to the witness point at the southwesterly corner of the water gap easement in section 4, which is a stainless steel post as described in the official field notes of the 1994 dependent resurvey.

thence S. 42° 41' E., 1.046 chs. dist., on line 4-5, to Angle Point No. 5, identical with Angle Point No. 2 of Lot 7 in section 9, on the line between sections 4 and 9, which is a stainless steel post as described in the official field notes of the 1994 dependent resurvey.

thence N. 89° 42' E., 5.53 chs. dist., between sections 4 and 9, on line 5-6, common to line 2-1 of Lot 7 in section 9, to the E 1/16 section corner of sections 4 and 9, identical with Angle Point No. 6, identical with Angle Point No. 1 of Lot 7 in section 9, which is an aluminum post as described in the official field notes of the 1989 dependent resurvey;

thence N. 0° 12' W., 10.00 chs. dist., on the N. and S. center line of the SE 1/4 of section 4, on line 6-1, to the C-S-SE 1/64 section corner of section 4, which is an aluminum post as described in the official field notes of the 1989 dependent resurvey;

thence N. 0° 12' W., 10.00 chs. dist. on the N. and S. center line of the SE 1/4 of section 4, on line 5-1, to the SE 1/16 section corner of section 4, identical with Angle Point No. 1, and point of beginning, containing 25.27 acres, more or less,

subject to the following water gap easement:

From the witness point common to the southwesterly corner of the water gap easement in section 4, on line 4-5, hereinbefore described;

thence N. 62° 32' E., 1.326 chs. dist., across the Little Lost River to the witness corner at the southeasterly corner of the water gap easement, which is an aluminum post as described in the official field notes of the 1994 survey;

thence N. 19° 33' W., 0.592 chs. dist., to the witness point at the northeasterly corner of the water gap easement, which is an aluminum post as described in the official field notes of the 1994 survey;

thence S. 62° 05' W., 1.563 chs. dist., to the witness point at the northwesterly corner of the water gap easement, on line 4-5 of Lot 6, hereinbefore described.

thence S. 42° 41' E., 0.595 chs. dist., on line 4-5 of Lot 6, to the witness point at the southwesterly corner of the water gap easement, and place of beginning.

LOT 7, SECTION 9, T. 9 N., R. 27 E.

Lot 7 of Section 9, Township 9 North, Range 27 East, located in the County of Butte, State of Idaho, as per official plats and field notes of the dependent resurvey and surveys accepted by the Chief Cadastral Surveyor for Idaho on June 12, 1989, and December 13, 1994, and officially filed at the Idaho State Office of the Bureau of Land Management at Boise Idaho, more particularly described as follows:

Beginning at the E 1/16 section corner of sections 4 and 9, identical with Angle Point No. 1, identical with Angle Point No. 6 of Lot 6 in section 4, and true point of beginning, which is an aluminum post as described in the official field notes of the 1989 dependent resurvey;

thence S. 89° 42' W., 5.53 chs. dist., between sections 4 and 9, on line 1-2, common to line 6-5 of Lot 6 in section 4, to Angle Point No. 2, identical with Angle Point No. 5 of Lot 6 in section 4, which is an aluminum post as described in the official field notes of the 1989 dependent resurvey;

thence S. 1° 20' E., 18.552 chs. dist., on line 2-3, to the witness point at the northwesterly corner of the water gap easement in section 9, which is a stainless steel post as described in the official field notes of the 1994 survey;

thence S. 1° 20' E., 1.463 chs. dist., on line 2-3, to Angle Point No. 3, identical with Angle Point No. 3 of Lot 10, on the E. and W. center line of the NE1/4 of section 9, which is an aluminum post as described in the official field notes of the 1994 dependent resurvey;

thence N. 89° 43' E., 1.816 chs. dist., on the E. and W. center line of the NE1/4 of section 9, on line 3-4, common to line 3-2 of Lot 10, to the witness point at the southeasterly corner of the water gap easement in section 9, which is an aluminum post as described in the official field notes of the 1994 dependent resurvey;

thence N. 89° 43' E., 3.311 chs. dist., on the E. and W. center line of the NE1/4 of section 9, on line 3-4, common to line 3-2 of Lot 10, to the NE 1/16 section corner of section 9, identical with Angle Point No. 4, identical with Angle Point No. 2 of Lot 10, which is an aluminum post as described in the official field notes of the 1994 dependent resurvey;

thence N. 0° 14' W., 20.01 chs. dist., on the N. and S. center line of the NE1/4 of section 9, on line 4-1, to the E 1/16 section corner of section 4 and 9, identical with Angle Point No. 1, identical with Angle Point No. 6 of Lot 6 in section 4, and point of beginning, containing 10.64 acres, more or less,

subject to the following water gap easement:

From the witness point at the southeasterly corner of the water gap easement in section 9, on the E. and W. center line of the NE1/4 of section 9, on line 3-4 of Lot 7, on line 2-3 of Lot 10, hereinbefore described;

thence N. 51° 51' W., 2.353 chs. dist., to the witness point at the northwesterly corner of the water gap easement, on line 2-3 of Lot 7, hereinbefore described;

thence S. 1° 20' E., 1.463 chs. dist., on line 2-3 of Lot 7, to Angle Point No. 3 of Lot 7, identical with Angle Point No. 3 of Lot 10, on the E. and W. center line of the NE1/4 of section

9, hereinbefore described.

thence N. 89° 43' E., 1.816 chs. dist., on the E. and W. center line of the NE1/4 of section 9, on line 3-4 of Lot 7, on line 3-2 of Lot 10, to the witness point at the southeasterly corner of the water gap easement, and place of beginning.

LOT 10, SECTION 9, T. 9 N., R. 27 E.

Lot 10 of Section 9, Township 9 North, Range 27 East, located in the County of Butte, State of Idaho, as per official plats and field notes of the dependent resurvey and surveys accepted by the Chief Cadastral Surveyor for Idaho on June 12, 1989, and December 13, 1994, and officially filed at the Idaho State Office of the Bureau of Land Management at Boise Idaho, more particularly described as follows:

Beginning at the N 1/16 section corner of sections 9 and 10, identical with Angle Point No. 1, and true point of beginning, which is an aluminum post as described in the official field notes of the 1989 dependent resurvey;

thence S. 89° 43' W., 5.005 chs. dist., on the E. and W. center line of the NE1/4 of section 9, on line 1-2, to the C-E-E-NE 1/256 section corner of section 9, which is an aluminum post as described in the official field notes of the 1989 dependent resurvey;

thence S. 89° 43' W., 15.015 chs. dist., on the E. and W. center line of the NE1/4 of section 9, on line 1-2, to the NE 1/16 section corner of section 9, identical with Angle Point No. 2, identical with Angle Point No. 4 of Lot 7, which is an aluminum post as described in the official field notes of the 1994 dependent resurvey;

thence S. 89° 43' W., 3.311 chs. dist., on the E. and W. center line of the NE1/4 of section 9, on line 2-3, common to line 4-3 of Lot 7, to the witness point at the southeasterly corner of the water gap easement in section 9, which is an aluminum post as described in the official field notes of the 1994 dependent resurvey;

thence S. 89° 43' W., 1.816 chs. dist., on the E. and W. center line of the NE1/4 of section 9, on line 2-3, on line 4-3 of Lot 7, to Angle Point No. 3, identical with Angle Point No. 3 of Lot 7, which is an aluminum post as described in the official field notes of the 1994 dependent resurvey;

thence S. 20° 23' E., 14.852 chs. dist., on line 3-4, to the intersection with the N. and S. center line of the NE1/4 of section 9;

thence S. 20° 23' E., 6.461 chs. dist., on line 3-4, to Angle Point No. 4, on the E. and W. center line of section 9, which is an aluminum post as described in the official field notes of the 1989 dependent resurvey;

thence N. 89° 44' E., 17.81 chs. dist., on the E. and W. center line of section 9, on line 4-5, to the 1/4 section corner of sections 9 and 10, which is an aluminum post as described in the official field notes of the 1989 dependent resurvey;

thence N. 0° 17' W., 20.02 chs. dist., between sections 9 and 10, on line 5-1, to the N 1/16 section corner of sections 9 and 10, identical with Angle Point No. 1, and point of beginning, containing 42.99 acres, more or less.

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)

Law Offices of Claudia Barber

Laurel Lakes Executive Park
8325 Cherry Lane
Laurel, MD 20707

Claudia Barber ◇
Barbara Widick **

Of Counsel
Ted Williams *
Cathy Barchi †
Thomas Burns †

Balt. Area (410) 880-0960
Wash. Area (301) 953-2905
Facsimile (301) 953-3185

◇ Admitted in DC and MD
† Admitted in MD
* Admitted in DC and PA
** Admitted in CO

September 21, 1998

Allen Ruberry
Idaho Dept of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402

No. 2

Via facsimile

RE: Affidavit - Report of Investigation of Renee Catherin

Dear Mr. Ruberry:

I appreciate your taking the time today to respond to additional questions in the above-referenced investigation. Please find attached an affidavit based on our telephone conversation. Kindly review this document and make any necessary corrections. After review, please have this document notarized and return it to our office. Please send a copy via facsimile and the hard copy in the mail.

If you have any questions, do not hesitate to contact our office. Thank you.

Sincerely,

Cedulie Laumann

Cedulie Laumann
Legal Assistant to
Claudia Barber

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 David Aaron Lacy and Claudia Barber, who have identified themselves to me as Contract Investigators for the 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:

I am very familiar with the Lost River Valley area, also known as "Basin 33." The property known as the "McDaniel Farm" is located in this area. In the course of my work in this area, I had occasion in 1996 to read the initial advertisement for the sale of the McDaniel Farm Property, which was located in the "Basin 33" Area. The advertisement was posted at a local cafe, and as I recall, this land was advertised for One Hundred Seventeen Thousand Dollars (\$117,000.00) with water rights.

The surrounding area in Idaho had a high incidence of disputes over water rights, particularly the area known as "Basin 34," which was adjacent to Basin 33. As a result of these disputes, in 1987 the "Snake River Basin Adjudication" was formed. As a result, the Idaho

_____(initials)

Department of Water Resources was actively researching water rights in this area.

In 1994, in the course of my work for the Idaho Department of Water Resources I examined the water rights for various properties. Among these properties which I reviewed was the McDaniel Property. In the course of my examining the water rights for this property, I determined that two decreed water rights existed for this property, and also that the FmHA had filed claims for water rights. However, at the time that I reviewed this property, no formal recognition of the water rights had been made. My findings are not published, and no copies were sent to the FmHA, but they are available as public records at the Idaho Department of Water Resources.

I do not know who FmHA contacted at the Department of Water Resources to inquire about water rights on this property. Typically questions about water rights will be transferred to me, however I did not take any call from the FmHA regarding water rights to the McDaniel Property. I do know, however, that Idaho statutes provide that water rights are terminated after five years of non-use. In instances where land is not farmed, the water rights become dormant. There is an exception for property contracted in a federal cropland set-aside program, however, the McDaniel property was not a part of such a program.

_____(initials)

I have read the above statement consisting of three (3) pages, 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.

Allan Ruberry

Subscribed and sworn to me this _____ day of _____, 1998.

(City, County, State)

Notary Public

My commission expires _____

_____(initials)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS, ID
ph. (208) 525-7161

FAX NO. (208) 525-7177

TRANSMITTAL COVER SHEET

OMNIFAX

TO: CLAUDIA BARBER, Atty FROM: ALLEN RUBYERY DWR

DOCUMENT DESCRIPTION: AFFIDAVIT

TOTAL NUMBER OF PAGES (Including this page): 5

*
* BILLING ADDRESS: _____
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*

Law Offices of Claudia Barber

Laurel Lakes Executive Park
8325 Cherry Lane
Laurel, MD 20707

Claudia Barber ◊
Barbara Widick **

Of Counsel
Ted Williams *
Cathy Barchi †
Thomas Burns †

Balt. Area (410) 880-0960
Wash. Area (301) 953-2905
Facsimile (301) 953-3185

◊ Admitted in DC and MD
† Admitted in MD
* Admitted in DC and PA
** Admitted in CO

FACSIMILE TRANSMITTAL

DATE:

9/21/98

TO:

Idaho Dept Water Resources
Mr. Allen Ruberry

FAX NUMBER:

208-525-7177

PHONE:

208-525-7161

FROM:

Claudia Barber
Attorney at Law

TOTAL NUMBER OF PAGES, INCLUDING THIS PAGE - 5

NOTE:

9/25/98
Post-It™ brand fax transmittal memo 7671

of pages ▶ 5

To	PETER ANDERSON	From	AL RUBERRY
Co.	ADJUDICATION	Co.	WASTERN
Dept.		Phone #	
Fax #		Fax #	

This message is intended only for the use of the individual to whom it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via United States Postal Services. Thank you.

AFFIDAVIT

STATE OF: IDAHO

COUNTY OF: BONNEVILLE

I, ALLEN RUBERRY, Senior Water Resource Agent, Idaho Department of Water Resources ^(IDWR) 900 N. Skyline Drive, Idaho Falls, Idaho 83402, make the following statement freely and voluntarily to David Aaron Lacy and Claudia Barber, who have identified themselves to me as Contract Investigators for the 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:

I am very familiar with the ^{WATER RIGHTS OF THE LITTLE} Lost River Valley area, also known ^{BY IDWR} as "Basin 33." The property known as the "McDaniel Farm" is located in this area. In the course of my work in this area, I had occasion in 1996 to read the initial advertisement for the sale of the McDaniel Farm Property, which ¹⁵ was located in the "Basin 33" Area. The advertisement was posted at a local cafe, and as I recall, this land was advertised for One Hundred Seventeen Thousand Dollars (\$117,000.00) with water rights.

~~The surrounding area in Idaho had a high incidence of disputes over water rights,~~
~~particularly the area known as "Basin 34," which was adjacent to Basin 33. As a result of these~~
~~disputes,~~ ^{(SRBA) COMMENCED} In 1987 the "Snake River Basin Adjudication" was formed. As a result, the Idaho

ABR (initials)

Department of Water Resources ¹⁵ was actively researching water rights in this area.

In 1994, in the course of my work for the Idaho Department of Water Resources I examined the water rights for various properties. Among these properties which I reviewed was the McDaniel Property. In the course of my examining the water rights for this property, I determined that two decreed ^{(1927 DECREE) SURFACE AND ONE GROUNDWATER RIGHT HAD BEEN FILED BY FmHA.} water rights existed for this property, and also that the FmHA had ~~filed claims for water rights.~~ ^{AND, TO DATE,} However, at the time that I reviewed this property, ~~no formal~~ ^{TENTATIVE FINDING NOR RECOMMENDATIONS HAS BEEN PUBLISHED.} recognition of the water rights ~~had been made.~~ My findings are not published, and no copies were sent to the FmHA, but they are available as public records at the Idaho Department of Water Resources.

I do not know who FmHA contacted at the Department of Water Resources to inquire about water rights on this property. Typically questions about ^{B33, Little Lost River,} water rights will be transferred to me, however I did not take any call from the FmHA regarding water rights to the McDaniel

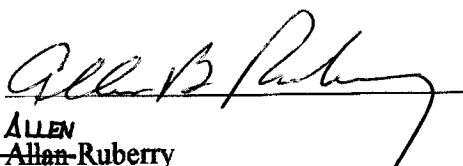
Property. ^{THERE ARE PROVISIONS IN IDAHO STATUTES THAT ADDRESS FORFEITURE OF WATER RIGHTS AFTER} I do know, however, that Idaho statutes provide that water rights are terminated after five years of non-use. In instances where land is not farmed, ^{FOR EXAMPLE, USDA CRP PROGRAMS} the water rights become dormant. ^{ARE NOT FORFEITED WHILE UNDER SUCH CONTRACTS.} There is an exception for property contracted in a federal cropland set-aside program. However,

the McDaniel property was not a part of such a program. ^{① RATHER, THE FmHA WAS UNDER SOME 'SELF-IMPOSED' MORATORIUM SUCH THAT THE PROPERTY HOLDINGS COULD NOT BE SOLD OR CONVEYED TO PRIVATE OWNERSHIP.}

① LETTER, APRIL 18, 1996, ALLAN H. "BUZZ" BANTA, FmHA, ARCO, ID TO ALLEN RUBERRY, IDWR.

ABR (initials)

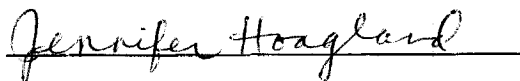
I have read the above statement consisting of three (3) pages, and it is true and correct to the best of my knowledge and recollection. I have been given an opportunity to review the statement and make any changes, corrections, additions or deletions. I have initialed each page and signed the statement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


~~Allen~~
~~Allen Ruberry~~

Subscribed and sworn to me this 25th day of Sept, 1998.

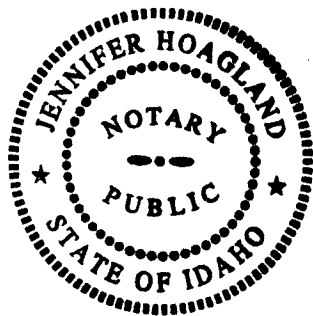
Idaho Falls, Bonneville, Idaho

(City, County, State)



Notary Public

My commission expires 9/23/03



 (initials)



United States
Department of
Agriculture

Farm
Service
Agency

Butte/Custer County FSA Office
Post Office Box 69
Arco, Idaho 83213
(208) 527-8268

April 18, 1996

RECEIVED

APR 23 1996

Department of Water Resources
Eastern District Office

AL RUBERRY
IDAHO DEPARTMENT OF WATER RESOURCES
900 NORTH SKYLINE
IDAHO FALLS ID 83401-3653

Re: Former FmHA Inventory Property (Karl McDaniel)

Dear Al:

Enclosed please find a copy of the advertisement for sale of the above property and a copy of the Quit Claim Deed from the government to Connie and Keith Waymire as the successful bidders.

The deed from Karl and Bonnie McDaniel to the government was filed on June 4, 1986. At that time Butte County was under a moratorium on the sale of inventory property imposed by the National Office in August of 1984. This was cancelled in November of 1986 but sales were restricted to areas where the sale would not have a negative impact on local land values. It was determined at that time to hold inventory farms in Butte County off the market. This decision was in force throughout the late 1980's due to the economic conditions in the area. National Office suspended sales in September 1990 of those properties containing wetlands, which the this property has. This suspension was in force until July 1992.

In 1988 the Bureau of Land Management and the Fish and Wildlife Service both expressed interest in portions or all of this farm. The State Historical Society got involved in 1990 concerning the old Cylde store located on the farm. It was not until 1995 that these issues were resolved. The BLM was deeded approximately 80 acres east of the Little Lost River. The farm was then immediately put on the market.

The lease history of the farm is as follows:

- 1990 leased to Alan "Jake" Amy of Howe
- 1991 leased to Rod Pancheri of Howe
- 1992 leased to Vincent O'Brien of Aberdeen
- 1993 leased to Michael O'Maley of Howe.



AN EQUAL OPPORTUNITY EMPLOYER

It was not leased after that time as we believed the above mentioned issues would be resolved shortly and we would be able to market the property.

If we can be of further assistance or if you have any questions, please contact this office at 1-800-688-4314, extension 4.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Allan H. Banta', with a stylized flourish at the end.

ALLAN H. "BUZZ" BANTA
Agriculture Credit Manager

RECEIVED

APR 23 1996

Department of Water Resources
Eastern District Office

Farm For Sale

204 ACRE RANCH ADD ON - Includes older dwelling and outbuildings and 753 AUMs of Forest Service and Bureau of Land Management grazing permits (must be filed in 1995). 194 dry crop acres. Located 26 miles north of Howe, Idaho. Sale Price \$85,000.00.

PURCHASE OFFERS will be accepted on this property with priority given in the following order:

- (1) Socially disadvantaged beginning farmers/ranchers.
- (2) Beginning farmers/ranchers.
- (3) Socially disadvantaged operators of not larger than a family sized farm/ranch.
- (4) Operators of not larger than a family sized farm/ranch.
- (5) Operators who are not in need of U.S. Government credit assistance.

Socially disadvantaged persons are members of a group who has been subjected to racial, ethnic or gender prejudices without regard to their individual qualities. Information on how to qualify as a beginning farmer/rancher is available at the local Rural Economic and Community Development Service (formerly Farmers Home Administration) office.

NO FINANCING AVAILABLE - The U.S. Government is unable to directly finance the sale due to a lack of credit sale funds. Guaranteed loan funds may be available and information on this program may be obtained from the local RECD office.

OFFERS MUST BE IN WRITING on FmHA 1955-45, "Standard Sales Contract - Sale of Real Property by the United States", along with:

- (a) A brief narrative as to farm/ranch training and/or experience.
- (b) A brief statement describing the proposed operation.
- (c) A statement concerning how the purchase is to be financed.
- (d) Current financial statement.

This information must be received in the Arco Office by 4:30 p.m. on April 17, 1995. The Government reserves the right to cancel the sale at any time, and the right to reject any or all offers.

FOR ADDITIONAL INFORMATION contact the RECD at 125 Water, Arco, ID 83213, Telephone (208) 527-3486.

NOTE: The above information was obtained from sources felt to be reliable; however, no warranty as to the accurateness of the information is made or implied by the US Government acting through Rural Economic and Community Development Service. All potential purchasers are encouraged to make their own independent investigation since the property is being sold in "as is" condition.

EQUAL OPPORTUNITY LENDER

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

FEB 28 1996

QUITCLAIM DEED

A.M. 3:40 P.M.
BUTTE COUNTY RECORDER
Judy D. Dyer

The UNITED STATES OF AMERICA, acting through the Administrator of the Farmers Home Administration, United States Department of Agriculture, CONVEYS and QUITCLAIMS to

CONNIE A. WAYMIRE and KEITH D. WAYMIRE, wife and husband
 , Grant for the sum of EIGHTY-FIVE THOUSAND AND NO/100 DOLLARS
 all interest in the following described real estate situated in the County of BUTTE

State of IDAHO

, to-wit:

See attachment for legal description

TOGETHER WITH the following water rights:

IDWR NO. 33-00088 priority 4/15/1906, Source: Little Lost River
 IDWR NO. 33-00089 priority 4/15/1891, Source: Dry Creek
 IDWR NO. 33-02089 priority 12/3/1959, Source: Well - 2.30cfs

TOGETHER WITH the following irrigation equipment:

1 GE Electric 75 hp motor
 1 Fairbanks Morse Turbine Pump 10 inch 100 foot
 4800 feet of portable aluminum mainline 6, 8, and 10 inch
 4620 feet 5" Western Wheel lines (3.5)
 2640 feet 4" Hook & Latch Handlines (2)
 Steel mainline 6, 8, and 10 inch

TOGETHER WITH THE FOLLOWING OUTSIDE GRAZING RIGHTS AND CRP CONTRACTS

BLM

Allotment	Livestock	Grazing Period	Active AUM'S
Squaw Creek	67 cattle	5/19 to 6/30	83
Bell Mtn.	49 cattle	5/16 to 6/30	56
Bell Mtn.	49 cattle	11/16 to 12/31	55
Wet Creek	27 cattle	5/16 to 7/14	54
USFS			
Pass Creek	137 cattle	7/1 to 10/10	462
Bell Mtn.	17 cattle	5/16 to 6/30	26
Bell Mtn.	17 cattle	11/16 to 12/15	17

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APR 23 1996

Department of Water Resources
Eastern District Office

This deed is executed and delivered pursuant to the provisions of sale of inventory property formerly owned by Karl McDowell case #12-012-0519262483, advice #12-012-12733 and the

authority set forth in 7 CFR 1900, Subpart A.

No member of Congress shall be admitted to any share or part of this deed or to any benefit that may arise therefrom.

Dated July 21, 19 95

UNITED STATES OF AMERICA (Grantor)

By

[Signature]
State Director, Rural Economic and Community Development, acting on behalf of the Farmers Home Administration, Rural Housing & United States Department of Agriculture Community Development Service

(successor in interest to the

In the presence of:

*

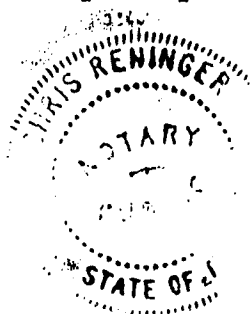
*

ACKNOWLEDGMENT

State of Idaho
County of Ada

On this 21st day of July, before me, the undersigned, a Notary Public in and for said State, personally appeared Loren A. Nelson, known to me to be the State Director, RECD, formerly Farmers Home Administration, USDA, and person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

In WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above mentioned.



[Signature]

CHRIS RENINGER
Notary Public in and for
State of Idaho
Residing at Meridian, Idaho
My Bond Expires 7-6-2000.

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APR 23 1996

Department of Water Resources
Eastern District Office

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)



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

9 APRIL 1996

MR KEITH WAYMIRE
PO BOX 47
HOWE ID 83244

RE: YOUR REQUEST FOR THE (FmHA) MCDANIELS PLACE WATER RIGHT CLAIMS
(copies)

Dear Mr. Waymire:

Please find enclosed copies of the water right claims filed by the Farmer's Home Administration for the ranch your recently acquired, locally known as the McDaniels Place.

I will point out that the IDWR data base and microfilms are not extensive for any of these historic rights. The reason for this is that since the rights were historically established there have been no attempts to move these rights from their licensed and/or decreed place(s) of use, thus, no transfers or other changes to the rights were filed.

Since there is little history about the decreed rights I have enclosed with Adjudication claims (copies) copies of the Blaine County Invest. Co. vs R.G. Mays decree, 4 March 1927, pgs 14 and 15. These show how the water rights were originally decreed. Also, I have made copies of the License field exam, map, and subsequent License for the well.

Thank you for your inquiry. If I can be of further assistance please contact me.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudications Bureau

CC: file

Enclosures: FmHA Adj. Claim copies A33-00088, A33-00089 and A33-02089 with decree excerpts and License field exam docs.

CONFORMANCE DITCH
WELL CL 53-00089

NO DEPOSITED WATER
SEE LIC "A"
A33-02089

LLR DIVERSION
A33-00088

WELL A33-02089
LICENSED

NO WR/AS
THIS T.O.

CLAIM NO. A33-00088, 00089, 02089
DATE: 1 Dec 1995 9N 27E
SOURCE OF WELL ASCS

SIGNATURE: *[Signature]*

① NHEL
36.3 MAINLINE

② NHEL 2nd
39.9

NHEL
③
10.7

④
18.9

4/3
9/10

NO WR LISTED
NO AS CLAIM

⑦ NHEL
2.6

DOMESTIC WELL
NO ADS CLAIM FOUND

⑨ NHEL
24.4 MAINLINE

⑧
28.5

⑩ NHEL
38.9

⑪
16.4

⑫ NHEL
31.2

⑬
7.3

NHEL
②
36.0

⑭
60.7

⑮
24.7

9/10
16/15

NOA

⑯
37.7

LOT 6, SECTION 4, T. 9 N., R. 27 E.

Lot 6 of Section 4, Township 9 North, Range 27 East, located in the County of Butte, State of Idaho, as per official plats and field notes of the dependent resurvey and surveys accepted by the Chief Cadastral Surveyor for Idaho on June 12, 1989, and December 13, 1994, and officially filed at the Idaho State Office of the Bureau of Land Management at Boise Idaho, more particularly described as follows:

Beginning at the SE 1/16 section corner of section 4, identical with Angle Point No. 1 of Lot 6, and true point of beginning, which is an aluminum post as described in the official field notes of the 1989 dependent resurvey;

thence S. 89° 43' W., 16.87 chs. dist., on the east and west center line of the SE 1/4 of section 4, on line 1-2, to Angle Point No. 2, which is an aluminum post as described in the official field notes of the 1989 dependent resurvey;

thence S. 16° 59' E., 9.35 chs. dist., on line 2-3, to Angle Point No. 3, which is an aluminum post as described in the official field notes of the 1989 survey;

thence S. 30° 29' E., 5.06 chs. dist., on line 3-4, to Angle Point No. 4, which is an aluminum post as described in the official field notes of the 1989 survey;

thence S. 42° 41' E., 7.399 chs. dist., on line 4-5, to the witness point at the northwesterly corner of the water gap easement in section 4, which is an aluminum post as described in the official field notes of the 1994 dependent resurvey;

thence S. 42° 41' E., 0.595 chs. dist., on line 4-5, to the witness point at the southwesterly corner of the water gap easement in section 4, which is a stainless steel post as described in the official field notes of the 1994 dependent resurvey.

thence S. 42° 41' E., 1.046 chs. dist., on line 4-5, to Angle Point No. 5, identical with Angle Point No. 2 of Lot 7 in section 9, on the line between sections 4 and 9, which is a stainless steel post as described in the official field notes of the 1994 dependent resurvey.

thence N. 89° 42' E., 5.53 chs. dist., between sections 4 and 9, on line 5-6, common to line 2-1 of Lot 7 in section 9, to the E 1/16 section corner of sections 4 and 9, identical with Angle Point No. 6, identical with Angle Point No. 1 of Lot 7 in section 9, which is an aluminum post as described in the official field notes of the 1989 dependent resurvey;

thence N. 0° 12' W., 10.00 chs. dist., on the N. and S. center line of the SE 1/4 of section 4, on line 6-1, to the C-S-SE 1/64 section corner of section 4, which is an aluminum post as described in the official field notes of the 1989 dependent resurvey;

thence N. 0° 12' W., 10.00 chs. dist. on the N. and S. center line of the SE 1/4 of section 4, on line 6-1, to the SE 1/16 section corner of section 4, identical with Angle Point No. 1, and point of beginning, containing 25.27 acres, more or less,

subject to the following water gap easement:

From the witness point common to the southwesterly corner of the water gap easement in section 4, on line 4-5, hereinbefore described;

thence N. 62° 32' E., 1.326 chs. dist., across the Little Lost River to the witness corner at the southeasterly corner of the water gap easement, which is an aluminum post as described in the official field notes of the 1994 survey;

thence N. 19° 33' W., 0.592 chs. dist., to the witness point at the northeasterly corner of the water gap easement, which is an aluminum post as described in the official field notes of the 1994 survey;

thence S. 62° 05' W., 1.563 chs. dist., to the witness point at the northwesterly corner of the water gap easement, on line 4-5 of Lot 6, hereinbefore described.

thence S. 42° 41' E., 0.595 chs. dist., on line 4-5 of Lot 6, to the witness point at the southwesterly corner of the water gap easement, and place of beginning.

RECEIVED

APR 23 1996

Department of Water Resources
Eastern District Office

LOT 7, SECTION 9, T. 9 N., R. 27 E.

Lot 7 of Section 9, Township 9 North, Range 27 East, located in the County of Butte, State of Idaho, as per official plats and field notes of the dependent resurvey and surveys accepted by the Chief Cadastral Surveyor for Idaho on June 12, 1989, and December 13, 1994, and officially filed at the Idaho State Office of the Bureau of Land Management at Boise Idaho, more particularly described as follows:

Beginning at the E 1/16 section corner of sections 4 and 9, identical with Angle Point No. 1, identical with Angle Point No. 6 of Lot 6 in section 4, and true point of beginning, which is an aluminum post as described in the official field notes of the 1989 dependent resurvey;

thence S. 89° 42' W., 5.53 chs. dist., between sections 4 and 9, on line 1-2, common to line 6-5 of Lot 6 in section 4, to Angle Point No. 2, identical with Angle Point No. 5 of Lot 6 in section 4, which is an aluminum post as described in the official field notes of the 1989 dependent resurvey;

thence S. 1° 20' E., 18.552 chs. dist., on line 2-3, to the witness point at the northwesterly corner of the water gap easement in section 9, which is a stainless steel post as described in the official field notes of the 1994 survey;

thence S. 1° 20' E., 1.463 chs. dist., on line 2-3, to Angle Point No. 3, identical with Angle Point No. 3 of Lot 10, on the E. and W. center line of the NE1/4 of section 9, which is an aluminum post as described in the official field notes of the 1994 dependent resurvey;

thence N. 89° 43' E., 1.816 chs. dist., on the E. and W. center line of the NE1/4 of section 9, on line 3-4, common to line 3-2 of Lot 10, to the witness point at the southeasterly corner of the water gap easement in section 9, which is an aluminum post as described in the official field notes of the 1994 dependent resurvey;

thence N. 89° 43' E., 3.311 chs. dist., on the E. and W. center line of the NE1/4 of section 9, on line 3-4, common to line 3-2 of Lot 10, to the NE 1/16 section corner of section 9, identical with Angle Point No. 4, identical with Angle Point No. 2 of Lot 10, which is an aluminum post as described in the official field notes of the 1994 dependent resurvey;

thence N. 0° 14' W., 20.01 chs. dist., on the N. and S. center line of the NE1/4 of section 9, on line 4-1, to the E 1/16 section corner of section 4 and 9, identical with Angle Point No. 1, identical with Angle Point No. 6 of Lot 6 in section 4, and point of beginning, containing 10.64 acres, more or less,

subject to the following water gap easement:

From the witness point at the southeasterly corner of the water gap easement in section 9, on the E. and W. center line of the NE1/4 of section 9, on line 3-4 of Lot 7, on line 2-3 of Lot 10, hereinbefore described;

thence N. 51° 51' W., 2.353 chs. dist., to the witness point at the northwesterly corner of the water gap easement, on line 2-3 of Lot 7, hereinbefore described;

thence S. 1° 20' E., 1.463 chs. dist., on line 2-3 of Lot 7, to Angle Point No. 3 of Lot 7, identical with Angle Point No. 3 of Lot 10, on the E. and W. center line of the NE1/4 of section 9, hereinbefore described.

thence N. 89° 43' E., 1.816 chs. dist., on the E. and W. center line of the NE1/4 of section 9, on line 3-4 of Lot 7, on line 3-2 of Lot 10, to the witness point at the southeasterly corner of the water gap easement, and place of beginning.

LOT 10, SECTION 9, T. 9 N., R. 27 E.

Lot 10 of Section 9, Township 9 North, Range 27 East, located in the County of Butte, State of Idaho, as per official plats and field notes of the dependent resurvey and surveys accepted by the Chief Cadastral Surveyor for Idaho on June 12, 1989, and December 13, 1994, and officially filed at the Idaho State Office of the Bureau of Land Management at Boise Idaho, more particularly described as follows:

Beginning at the N 1/16 section corner of sections 9 and 10, identical with Angle Point No. 1, and true point of beginning, which is an aluminum post as described in the official field notes of the 1989 dependent resurvey;

thence S. 89° 43' W., 5.005 chs. dist., on the E. and W. center line of the NE1/4 of section 9, on line 1-2, to the C-B-E-NE 1/256 section corner of section 9, which is an aluminum post as described in the official field notes of the 1989 dependent resurvey;

thence S. 89° 43' W., 15.015 chs. dist., on the E. and W. center line of the NE1/4 of section 9, on line 1-2, to the NE 1/16 section corner of section 9, identical with Angle Point No. 2, identical with Angle Point No. 4 of Lot 7, which is an aluminum post as described in the official field notes of the 1994 dependent resurvey;

thence S. 89° 43' W., 3.311 chs. dist., on the E. and W. center line of the NE1/4 of section 9, on line 2-3, common to line 4-3 of Lot 7, to the witness point at the southeasterly corner of the water gap easement in section 9, which is an aluminum post as described in the official field notes of the 1994 dependent resurvey;

thence S. 89° 43' W., 1.816 chs. dist., on the E. and W. center line of the NE1/4 of section 9, on line 2-3, on line 4-3 of Lot 7, to Angle Point No. 3, identical with Angle Point No. 3 of Lot 7, which is an aluminum post as described in the official field notes of the 1994 dependent resurvey;

thence S. 20° 23' E., 14.852 chs. dist., on line 3-4, to the intersection with the N. and S. center line of the NE1/4 of section 9;

thence S. 20° 23' E., 6.461 chs. dist., on line 3-4, to Angle Point No. 4, on the E. and W. center line of section 9, which is an aluminum post as described in the official field notes of the 1989 dependent resurvey;

thence N. 89° 44' E., 17.81 chs. dist., on the E. and W. center line of section 9, on line 4-5, to the 1/4 section corner of sections 9 and 10, which is an aluminum post as described in the official field notes of the 1989 dependent resurvey;

thence N. 0° 17' W., 20.02 chs. dist., between sections 9 and 10, on line 5-1, to the N 1/16 section corner of sections 9 and 10, identical with Angle Point No. 1, and point of beginning, containing 42.99 acres, more or less.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:03:54
03/31/93

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A33-32039
1791

LAST: MONSON, ESQ.
ADDRESS: INDIAN RES SEC LMD & NAT RES
JS DEPT OF JUSTICE
999 18TH ST STE 945
CITY: DENVER
PHONE NUMBER: 303-294-1950
OWNER CODE: A
FIRST: PETER
STATE: CO ZIP: 80202

LAST: AMY
ADDRESS: XXXXXXXXXXXXXXXXXXXX
CITY: XXXXXXXXXXXXXXXXXXXX
PHONE NUMBER: 208-000-0000
OWNER CODE: 0
FIRST: JESS L.
STATE: ID ZIP: 00000000

LAST: MUNSON
ADDRESS: HJME
CITY: HJME
PHONE NUMBER: 208-000-0000
OWNER CODE: 0
FIRST: ARNOLD K.
STATE: ID ZIP: 83244

LAST: FMHA
ADDRESS: XXXXXXXXXXXXXXXXXXXX
CITY: XXXXXXXXXXXXXXXXXXXX
PHONE NUMBER: 208-000-0000
OWNER CODE: K
FIRST:
STATE: ID ZIP: 00000000

LAST: MUNSON
ADDRESS: HJME
CITY: HJME
PHONE NUMBER: 208-000-0000
OWNER CODE: 0
FIRST: LOIS A.
STATE: ID ZIP: 83244

LAST: U.S. DEPT. OF AGRICULTURE
FIRST:

SEE 33-00088 for MAPS
Photos and Docs.

~~Denied~~
Resumption of
Rights

Resumant to 42-222-1c
THIS RIGHT IS DENIED
DUE TO NON-USE OR
FORFEITURE OF THE RIGHT

CITY: 3232 ELDER ST. STATE: ID ZIP: 83705
PHONE NUMBER: 208-334-1577

OWNER CODE: K

LAST: AMERICA, ACTING THROUGH FIRST: UNITED STATES OF
ADDRESS: USDA, FMHA
CITY: 3232 ELDER ST. STATE: ID ZIP: 83705
PHONE NUMBER: 208-334-1577

OWNER CODE: C

FIELD EXAM REQUIRED? FIELD EXAMINER
VERIFICATION REQUIRED DUE TO REMARKS? DATABASE Y

CLAIM REMARKS: 5. CON'T: TO CROPLAND WEST OF LITTLE LOST RIVER. WELL IS A
75 HP 6E MOTOR/PUMP.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: PHONE NUMBER: () - - -
DATE OF FIELD EXAM: / / APPOINTMENT MADE: Y() N() A() P()
ACCOMPANIED BY: PHONE NUMBER: () - - -

RELATIONSHIP TO CLAIMANT: - - -

DIRECTIONS TO PROPERTY / NOTES:

See Photo Copy - This Page of Remarks

232 E. DER ST.

BUISE

NUMBER: 298-534-1577

STATE: ID ZIP: 83705

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE
Y

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: 5. CONT: TO ENTER A PRIVATE DITCH.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: S. Rubery

PHONE NUMBER: () - - -

DATE OF FIELD EXAM: 1-1-1

TIME: --- : --- A() P()

CONTACTED
ACCOMPANIED BY: Buzz Banta

APPOINTMENT MADE: V() N()

PHONE NUMBER: (208) 527-3486

RELATIONSHIP TO CLAIMANT: ---

DIRECTIONS TO PROPERTY / NOTES:

30 Nov 95 Called FmHA Area. Spoke to Buzz Banta. FmHA REACQUIRED THIS PROPERTY
6/4/86. It was leased for grazing 5/15/90 to 9/1/90 and during 1994 but it was
leased to Iniquator. Current sale is advertised as \$87,000+ who are interested.
30 Nov 95 contacted Mr. David Anderson, Watermanston Dist 33. He states that he
has not DERIVED DECARED WATER SINCE 1985. And, this PERSONAL KNOWLEDGE
THAT THE WELL WAS NOT BEEN USED SINCE AT LEAST 1986 and probably 1985 since
FmHA REACQUIRED PROPERTY 6/4/86.

CONDITION:

POH CONFIDENTIAL / HANDLED

Remark:

PO 4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:03:54
03/31/93

PAGE: 14
QUICKLOOK INFORMATION

CLAIM NUMBER: A33-32039

WR 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		TELESON W/ BUREAU, FIMHA AND 30 NOV 95	ABR		ABR 30 NOV 95	ABR 30 NOV 95	ABR 30 NOV 95	ABR 30 NOV 95
POINT OF JUV	Y	TELESON W/ DAWHO AND ARAGONSON W/ DIST 33 30 NOV 95						
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT OF S/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES								
PERIOD OF USE	Y							
BASIS OF CLAIM								
REMARKS	Y							

VERIFIED BY CODES

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

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

Bar Code

RR 30

30 NOV 95

ABR

Cond / Remark

DATA PLOT

CLAIM NUMBER: A33-12039

OWNER CODE: C
NAME & ADDRESS: UNITED STATES OF AMERICA, ACTING THROUGH USDA, FMHA
3252 ELDER ST.
BOISE ID 83705
(208) 534-1577

PRIORITY DATE: 12/03/1959
WATER USE: IRRIGATION

USE PERIOD FROM TO: 04-01 11-01
DIVERSION RATE: 2.30 CFS
DIVERSION VOLUME: 687.5 AFA

TOTAL DIVERSION: 2.30 CFS
CONSUMPTIVE USE:

WATER SOURCE: GROUNDWATER
POINT(S) OF DIVERSION: T09S R27E S04
TRIBUTARY TO: NW/4SE

PLACE OF USE LEGAL DESCRIPTION FOR: IRRIGATION
NENE NAME SAME SENE : NENE NAME SENE : NENE NAME SENE :
T R S : LT AC LT AC LT AC LT AC : LT AC LT AC LT AC LT AC : LT AC LT AC LT AC LT AC :
09N 27E 4 : 40 40 38 : 39
09N 27E 9 : 40 40 38 : 39

STAGE: LICENSE
BUTTE COUNTY

SE
NESE NWSE SENE :
LT AC LT AC LT AC LT AC :
39
118.0
157.0
275.0

TOTAL ACRES

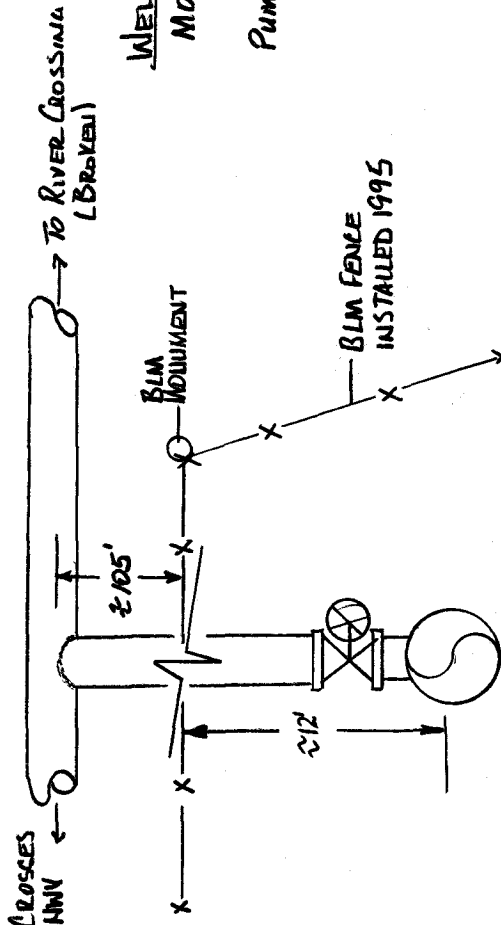
POU COUNTY: BUTTE

OTHER RIGHTS: 53-00039, 53-00038

REMARKS: 5. CON'T: TO CROPLAND WEST OF LITTLE LOST RIVER. WELL IS A 75 HP GE MOTOR/PUMP.

DATES: EXAM MADE DATE: 04/09/1985

MISC: WATER DISTRICT NUMBER: FIELD INSPECTION FLAG: PRESUMPTION FLAG:



Base Case
RR 30
30 Nov 95
AGR

Cond / Normal
April 1994

WELL DATA
MOTOR: GE 75HP
SN: BGJ224524
PUMP: FAIRBANKS-MORSE
No TAG 8" DISCH.
H6L100A (AT FLANGE)

BLM FENCE
INSTALLED 1995

NO SCALE

A. AJ CLAIM: # A33-02089 PRIORITY DATE: 12-03-1959 STAGE: L
B. WR RECORD: # 33-02089 PRIORITY DATE: 12-03-1959 STAGE: L
C. FIELD EXAM REQUIRED? FIELD EXAMINER
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE N

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

NOTES:

RECOMMENDED PRIORITY DATE:
12-03-1959

REVIEWED BY

DATE

DO NOT WRITE

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TAP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A33-02089	03S	27E	4	NW	SW	SE		BUTTE

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

WR RECORDS IN SAME 40 ACRE TRACT

NONE

SOURCE: GROUNDWATER

TRIS:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TAP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
33-02089	03N	27E	4		SW	SE		BUTTE

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE

NONE

SOURCE: GROUNDWATER

TRIS:

C. FIELD EXAM REQUIRED?

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

NOTES:

REVIEWED BY:	DATE:	SYSTEM DESCRIPTION:

A. ROOT WATER RIGHT NUMBERS: A33-02089

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	64 #/ACRES	MR #/ACRES	LANDSAT DATA	FILED EXAM.	RECORD ACRES
09N	27E	4	NE	SW		MONSON, ESQ., PETER	A33-32089 /40.0	-	/	37.0	
			NE	SW		U.S. DEPT. OF AGRICULTURE	A33-30089 /40.0	-	/		
09N	27E	4	SE	SW		MONSON, ESQ., PETER	A33-32089 /40.0	-	/	40.0	
			SE	SW		U.S. DEPT. OF AGRICULTURE	A33-30089 /40.0	33-30089	/		
09N	27E	4	SA	SE		MONSON, ESQ., PETER	A33-32089 /38.0	33-32089	/38.0		
			SA	SE		U.S. DEPT. OF AGRICULTURE	A33-30089 /38.0	33-30089	/		
09N	27E	9	NA	NE		MONSON, ESQ., PETER	A33-32089 /40.0	-	/		
			NA	NE		FHMA	A33-30088 /40.0	33-30088	/		
09N	27E	9	SA	NE		MONSON, ESQ., PETER	A33-32089 /40.0	-	/		
			SA	NE		FHMA	A33-30088 /40.0	33-30088	/		
09N	27E	9	SE	NE		MONSON, ESQ., PETER	A33-32089 /38.0	33-32089	/40.0		
			SE	NE		FHMA	A33-30089 /38.0	33-30088	/		
09N	27E	9	NE	NW		MONSON, ESQ., PETER	A33-32089 /39.0	33-32089	/39.0	30.0	
			NE	NW		PANCHERI, INC.	A33-30024 /39.0	-	/		
			NE	NW		PANCHERI, INC.	A33-30025 /39.0	-	/		
			NE	NW		PANCHERI, INC.	A33-30055 /39.0	-	/		
			NE	NW		PANCHERI, INC.	A33-30115 /39.0	-	/		
			NE	NW		PANCHERI, INC.	A33-32056 /39.0	-	/		
			NE	NW		PANCHERI, INC.	A33-32065 /39.0	-	/		
			NE	NW		PANCHERI, INC.	A33-32066 /39.0	-	/		
			NE	NW		PANCHERI, INC.	A33-30044 /39.0	-	/		
			NE	NW		PANCHERI, INC.	A33-30045 /39.0	-	/		
			NE	NW		PANCHERI, INC.	A33-30046 /39.0	-	/		
			NE	NW		PANCHERI, INC.	A33-30047 /39.0	-	/		
			NE	NW		PANCHERI, INC.	A33-30084 /39.0	-	/		
			NE	NW		PANCHERI, INC.	A33-30095 /39.0	33-30085	/		
			NE	NW		PANCHERI, INC.	A33-32014 /39.0	-	/		
			NE	NW		PANCHERI, INC.	A33-37027 /39.0	-	/		
			NE	NW		PANCHERI, INC.	A33-10109 /39.0	-	/		
			NE	NW		PANCHERI, INC.	A33-30026 /39.0	-	/		
			NE	NW		PANCHERI, INC.	A33-30032A /39.0	-	/		
			NE	NW		PANCHERI, INC.	A33-30033A /39.0	-	/		
			NE	NW		PANCHERI, INC.	A33-30034C /39.0	-	/		
			NE	NW		PANCHERI, INC.	A33-30035A /39.0	-	/		
			NE	NW		PANCHERI, INC.	A33-30036C /39.0	-	/		
			NE	NW		PANCHERI, INC.	A33-30039A /39.0	-	/		
			NE	NW		PANCHERI, INC.	A33-30042A /39.0	-	/		
			NE	NW		PANCHERI, INC.	A33-30043A /39.0	-	/		

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	NR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
NE	NW					PANCHERI, INC.	A33-30088A /39.0	-			
NE	NW					PANCHERI, INC.	A33-30090 /39.0	-			
NE	NW					PANCHERI, INC.	A33-30092 /39.0	-			
NE	NW					PANCHERI, INC.	A33-32093 /39.0	-			
NE	NW					PANCHERI, INC.	A33-32103 /39.0	-			
NE	NW					PANCHERI, INC.	A33-32113 /39.0	-			
NE	NW					PANCHERI, INC.	A33-32117 /39.0	-			
NE	NW					PANCHERI, INC.	A33-32126 /39.0	-			
NE	NW					PANCHERI, INC.	A33-37015 /39.0	-			
NE	NW					PANCHERI, INC.	A33-30109A /39.0	-			
NE	NW					PANCHERI, INC.	A33-30040A /39.0	-			
NE	NW					PANCHERI, INC.	A33-10111 /	-			
NE	NW					FMHA	A33-30088 /39.0	33-30088			
NE	NW					PANCHERI, INC.	A33-30027 /39.0	-			
NE	NW					PANCHERI, INC.	A33-30028 /39.0	-			
NE	NW					PANCHERI, INC.	A33-30029 /39.0	-			
NE	NW					PANCHERI, INC.	A33-30030 /39.0	-			
TOTAL ACRES							A33-02389	275.90	117.00	107.90	

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

C. FIELD EXAM REQUIRED? POU COUNTY: BUTTE

DUE TO POU DISCREPANCY? (Y/N)

PRESUMPTION FLAG:

NOTES:

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

DATE:

A. AJ CLAIMED USES:

PURPOSES
A33-02389
IRRIGATION

MONTH/DAY
FROM 04-31 TO 11-01

DIVERSION QUANTITY
2.500 CFS

8. NR RECORDED USES:

33-02089 PURPOSES
IRRIGATION

MONTH/DAY
FROM 04-31 TO 10-31

DIVERSION QUANTITY
2.300 CFS 345.00 AF/A

TOTAL DIVERSION RATE/VOLUME CLAIMED

2.300 CFS 345.00 AF/A

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

FIELD	DATABASE	EXAMINER
N		
N		
Y		

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

$$Y(\quad) \quad N(\quad)$$

RECOMMEND TO HR STANDARDS OR OTHER?

Y() N() EXPLAIN IN NOTES, BELOW.

NOTES:

Y() M()

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

AJ TOTAL CLAIMED DIVERSION RATE: 2,500 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 2,500 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
DATABASE EXAMINER
Y

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

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: 33-00089, 33-00388

LIST ALL RIGHTS WITH A SAME POW AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A33-02089	GROUNDWATER	MONSON, ESQ., PETER	2,500	0.038		
A33-00024	LITTLE LOST RIVER	PANCHERI, INC.	0,400			
A33-00025	SAY MILL CREEK	PANCHERI, INC.	1,100			
A33-00026	SAY MILL CREEK	PANCHERI, INC.	1,300			
A33-00027	LITTLE LOST RIVER	PANCHERI, INC.	1,500			
A33-00028	LITTLE LOST RIVER	PANCHERI, INC.	0,980			
A33-00029	LITTLE LOST RIVER	PANCHERI, INC.	0,140			
A33-00030	SAY 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.	1,540			
A33-00035A	BADGER CREEK	PANCHERI, INC.	0,720			
A33-00036C	LITTLE LOST RIVER	PANCHERI, INC.	4,580			
A33-00039A	LITTLE LOST RIVER	PANCHERI, INC.	1,350			
A33-00040A	LITTLE LOST RIVER	PANCHERI, INC.	1,500			
A33-00042A	LITTLE LOST RIVER	PANCHERI, INC.	0,480			
A33-00043A	SAY MILL CREEK	PANCHERI, INC.	0,160			
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.	1.300			
A33-00047	SAN MILL CREEK	PANCHERI, INC.	2.100			
A33-00055	BELL MOUNTAIN CREEK	PANCHERI, INC.	6.400	0.031		
	QUAKEN ASP SPRINGS					
	HANOGANY CREEK					
A33-00034	SAN MILL CREEK	PANCHERI, INC.	4.200			
A33-00035	DRY CREEK	PANCHERI, INC.	3.200			
A33-00038	LITTLE LOST RIVER	FM4A	1.500	0.010		
A33-00038A	LITTLE LOST RIVER	PANCHERI, INC.	0.350			
A33-00039	DRY CREEK	U.S. DEPT. OF AGRICULTURE	1.500	0.013		
A33-00039	LITTLE LOST RIVER	PANCHERI, INC.	0.900			
A33-00042	SAN MILL CREEK	PANCHERI, INC.	1.000			
A33-00139A	SAN 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			
A33-02093	GROUNDWATER	PANCHERI, INC.	2.410			
A33-02138	GROUNDWATER	PANCHERI, INC.	4.590		937.00	0.20
A33-02113	GROUNDWATER	PANCHERI, INC.	2.520			
A33-02117	GROUNDWATER	PANCHERI, INC.	4.340	0.001		
A33-02126	GROUNDWATER	PANCHERI, INC.	6.000	0.031		
A33-07015	GROUNDWATER	PANCHERI, INC.	1.770		754.80	0.16
A33-07027	GROUNDWATER	PANCHERI, INC.	6.000	0.001		
A33-10139	GROUNDWATER	PANCHERI, INC.	7.590	0.031		

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

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

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1B. CALCULATIONS

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

DID AMOUNT CLAIMED EXCEED 0.02 CFS/A:RE? Y() N()

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 637.5 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()

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

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV V/L. AF/A	REC. CONS. USE
IRRIGATION	04-01 11-01	DATABASE EXAMINER 2.500	DATABASE EXAMINER -----	DATABASE EXAMINER 687.5
TOTAL FOR THIS RIGHT		2.500		687.5

REVIEWED BY: _____ DATE: _____

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 33-02089

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE 2.300
EXAMINER _____
CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A33-32089	2.300	-		33-02089	2.300
TOTAL CFS		2.300				2.300

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)

DATABASE Y
FIELD EXAMINER _____

NOTES:

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

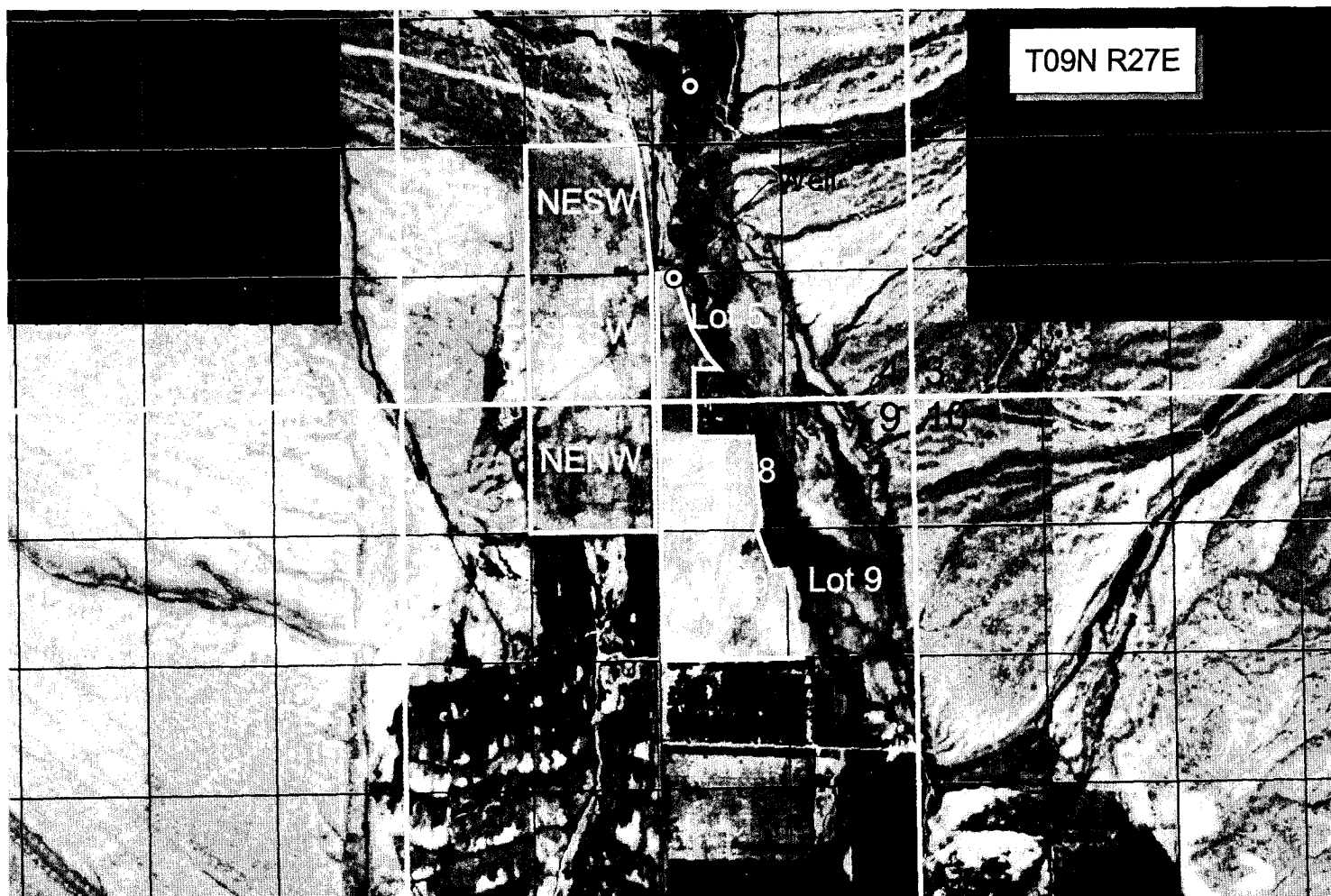
NAME OF FIELD EXAMINER: _____ TITLE: _____



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

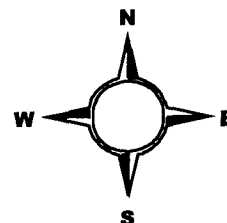
Place of Use

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: 33-2089

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

SOURCE: GROUND WATER

QUANTITY: 2.3 CFS
663.25 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.79 CFS. COMBINED RIGHT
NOS.: 33-00088, 33-00089, 33-00093D

PRIORITY DATE: 12/03/1959

POINT OF DIVERSION: T09N R27E S4 LOT 5 NWSWE Within BUTTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-01 10-31	2.30 CFS 663.3 AFY

PLACE OF USE:

<u>IRRIGATION Within BUTTE County</u>					
T09N R27E S4	NESW	37	T09N R27E S4	SESW	39
T09N R27E S4	<u>LOT 5</u> SWSE	11	T09N R27E S9	<u>LOT 8</u> NWNE	25
T09N R27E S9	<u>LOT 2</u> SWNE	37	T09N R27E S9	<u>LOT 2</u> 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.: 33-00088, 33-
00089, AND 33-00093D

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 117 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 - LICENSE

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



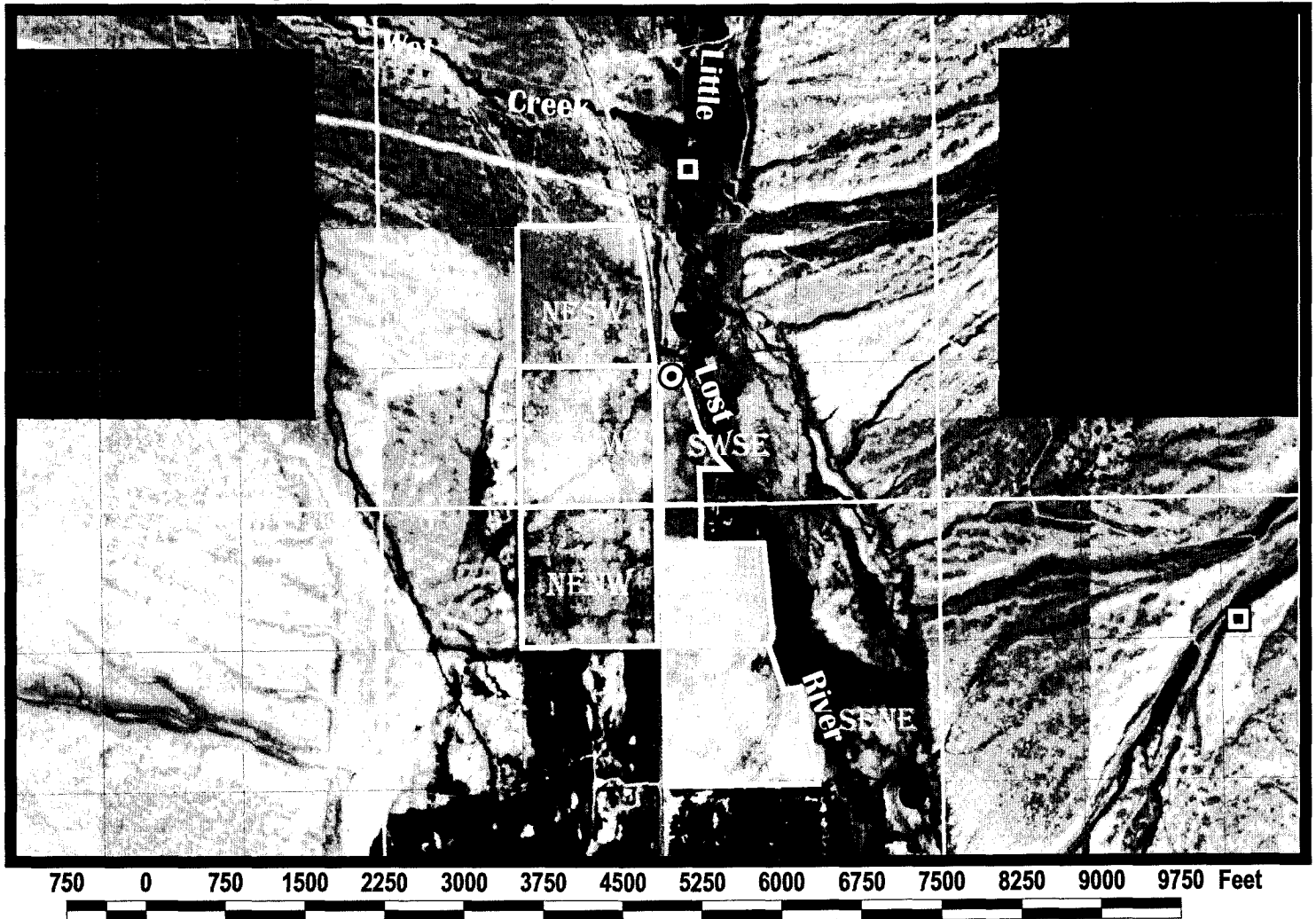
STATE OF IDAHO

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

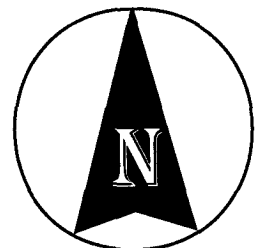
Place(s) of Use: T.9N., R.27E.

**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



NESW

37

SWSE

NESW

39

SENE

1.5

1895

AJ0749NP
No. R33-02089

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	UNITED STATES OF AMERICA ACTING THROUGH USDA FARM SERVICES AGENCY 9173 W BARNES STE B BOISE ID 83709 (208) 378-5650	12/03/1959	IRRIGATION	04-01 10-31	2.300 CFS	663.25 AFA
				TOTAL DIVERSION:	2.300 CFS	663.25 AFA

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

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T09N R27E S04

NWSWSE

BUTTE County

Place of use Legal Description for: IRRIGATION

		NE		NW		SW		SE			
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
09N	27E	4	:	:	:	:	:	:	:	:	:
09N	27E	9	:	25	37	01	:	39	:	:	:
								37		39	:
									11		:
											87.0
											102.5
											189.5
											TOTAL ACRES

POU County: BUTTE

Other Rights: 33-00089, 33-00088, 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.: 33-00088, 33-00089, 33-00093D.

POU1

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.: 33-00088, 33-00089, AND 33-00093D.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 117 ACRES WITHIN

AJ0749NP
No. R33-02089

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

DATE: 01/11/00
PAGE: 2

=====

Remarks: THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

Comments: Date: 11/19/1999 User-ID: ARUBERRY Subject: CHANGE OF OWNERSHIP
OWNERSHIP CHANGE FILED 11/19/20.
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. R33-02089

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

DATE: 11/22/99
PAGE: 1

OWNER CODE NAME & ADDRESS
C KEITH D WAYMIRE
C CONNIE A WAYMIRE
PO BOX 47
HOME ID 83244
(208) 767-3035

PRIORITY DATE WATER USE
12/03/1959 IRRIGATION

USE PERIOD FROM TO
04-01 10-31

DIVERSION RATE
2.300 CFS

DIVERSION VOLUME
663.25 AFA

TOTAL DIVERSION:
2.300 CFS
663.25 AFA

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

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T09S R27E S04

NWSWSE

BUTTE County

Place of Use Legal Description for: IRRIGATION

NE		NW		SW		SE	
T	R	S	Ac	Lt	Ac	Lt	Ac
09N	27E	4	25	37	01	39	39
09N	27E	9	25	37	01	39	39
							11
							87.0
							102.5
							189.5

TOTAL ACRES

POU County: BUTTE

Other Rights: 33-00089, 33-00088

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 3.79 CFS. COMBINED RIGHT NOS.: 33-00088, 33-00089.

POU1

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.: 33-00088, 33-00089. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 117 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

you go \$-19,20
go go \$-30
Q00

AJ0749NP
No. R33-02089

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

DATE: 11/22/99
PAGE: 2

=====

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
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Misc:	Water District Number:	Field Inspection Flag: C	
		Presumption Flag:	

Comments: Date: 11/19/1999 User-ID: ARUBERRY Subject: CHANGE OF OWNERSHIP
OWNERSHIP CHANGE FILED 11/19/20.

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: A33-02089
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: DEC 03, 1959

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

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

5. Description of diverting works:
WELL PUMPS INTO MAINLINE WHICH SUPPLIES WATER; 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	2.300		

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

8. Total consumptive use is 687.5 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	4	NE	SW		IRR	40.0
			SE	SW		IRR	40.0
			SW	SE		IRR	38.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	118.0
		9	NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			SE	NE	IRR	38.0
			NE	NW	IRR	39.0
					Section Acres	157.0
					Total Acres	275.0

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:
33-00089, 33-00088

14. Remarks:
5. CON'T: TO CROPLAND WEST OF LITTLE LOST RIVER. WELL IS A
75 HP GE MOTOR/PUMP.

15. Basis of Claim: LICENSE

Water Right Number: 28690

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 33-02089

Date Received _____

Receipt Number _____

Original
sent to
court.
4-20-00

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

A3302089



Please type or print clearly

1. Name of Claimant (s) United States of America USDA - FARM Phone (208) 334-1577Mailing Address 3232 Elder Street, Boise, Idaho Zip 837052. Date of Priority (Only one (1) per claim) December 3, 19593. Source of water supply (a) Groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 9N Range 27 Section 4,
NW SW
1/4 of _____ 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 _____ 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. Well that pumps into a mainlinewhich supplies water to cropland west of the Little Lost River.Well is a 75hp GE motor/pump

4/2

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 2.3 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.3 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 687.5 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	4									40			40			38		118
9N	27E	9		40	40	38	39												157

Total number of acres irrigated

275

Lic 117

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

12. 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.

33-00087 33-00088

or None ()

14. Remarks:

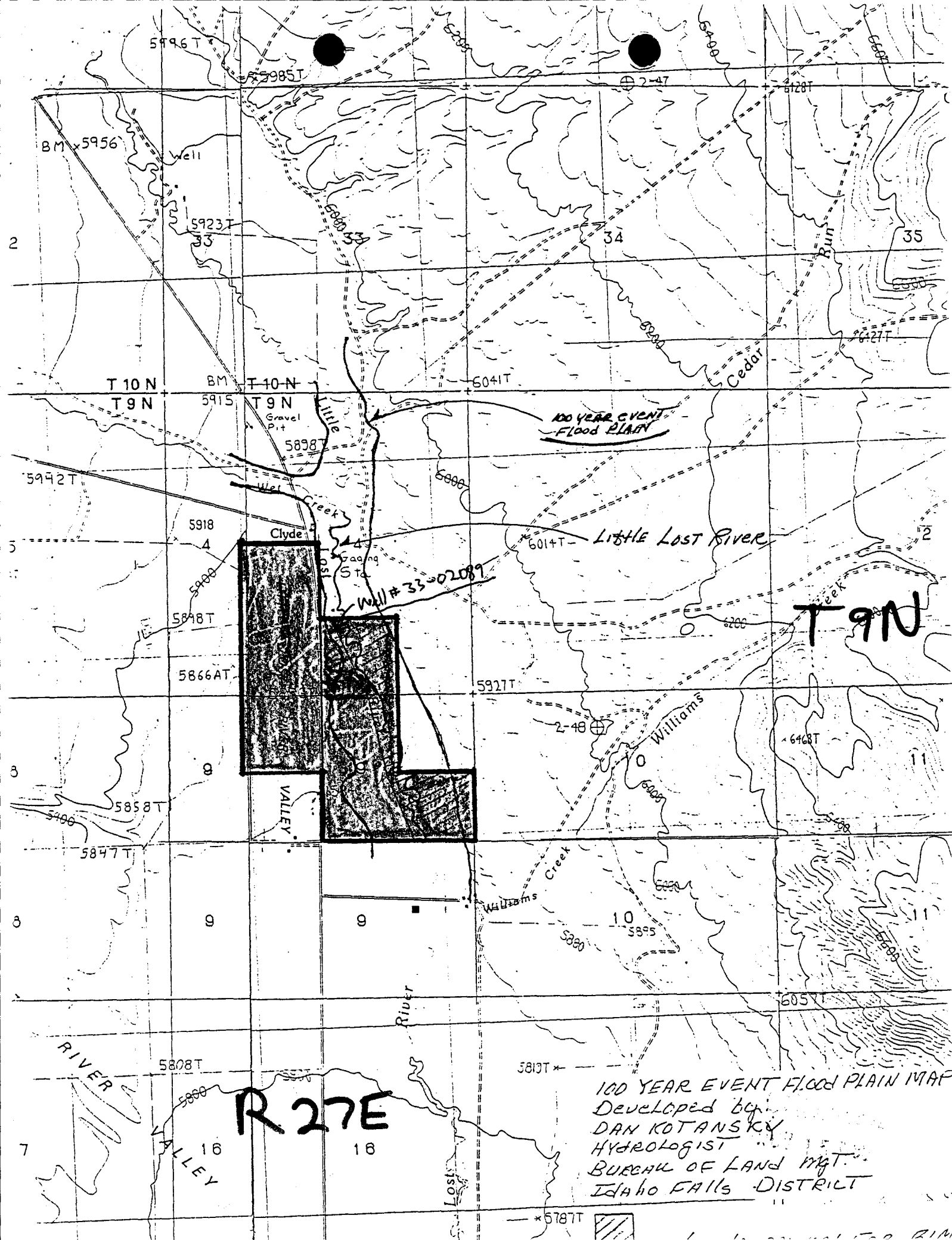
Last Name USA - FMA

Ident No.

33-02089

Copies: White -State, Yellow-Claimant

(McDaniel)



100 YEAR EVENT
FLOOD PLAIN

LITTLE LOST RIVER

T9N

R27E

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

[illegible]

USA Em HHA
(McDaniel)

33-02089

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 33-02089
Court _____ Case Number _____ Decree Date _____
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 ☒
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 Date May 31, 1989

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

Subscribed and sworn (or affirmed) before me this 31 day of May 19 89

SEAL

Notary Public [Signature]

Residing at 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 Resource Section, U.S. Dept. of Justice
PO Box 44378, Washington, DC 20026-4378
Date _____
NOT 15 1989

Last Name USA - FmHA Ident. Number 33-02089 Copies White-State, Yellow-Claimant
(McDaniel)