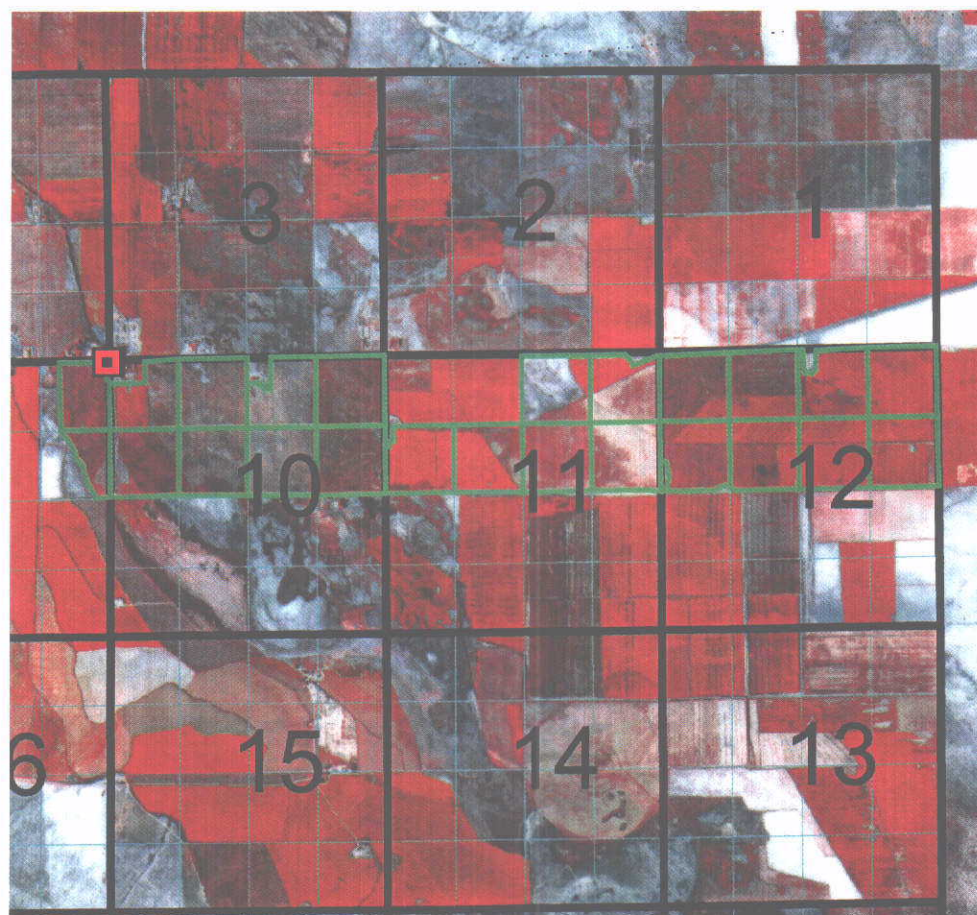


Idaho Department of Water Resources

Adjudication Claim 33-10989

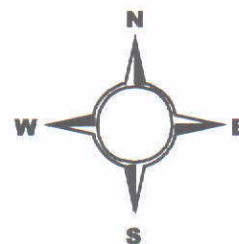


0 1320 Feet



Township 5 North, Range 29 East

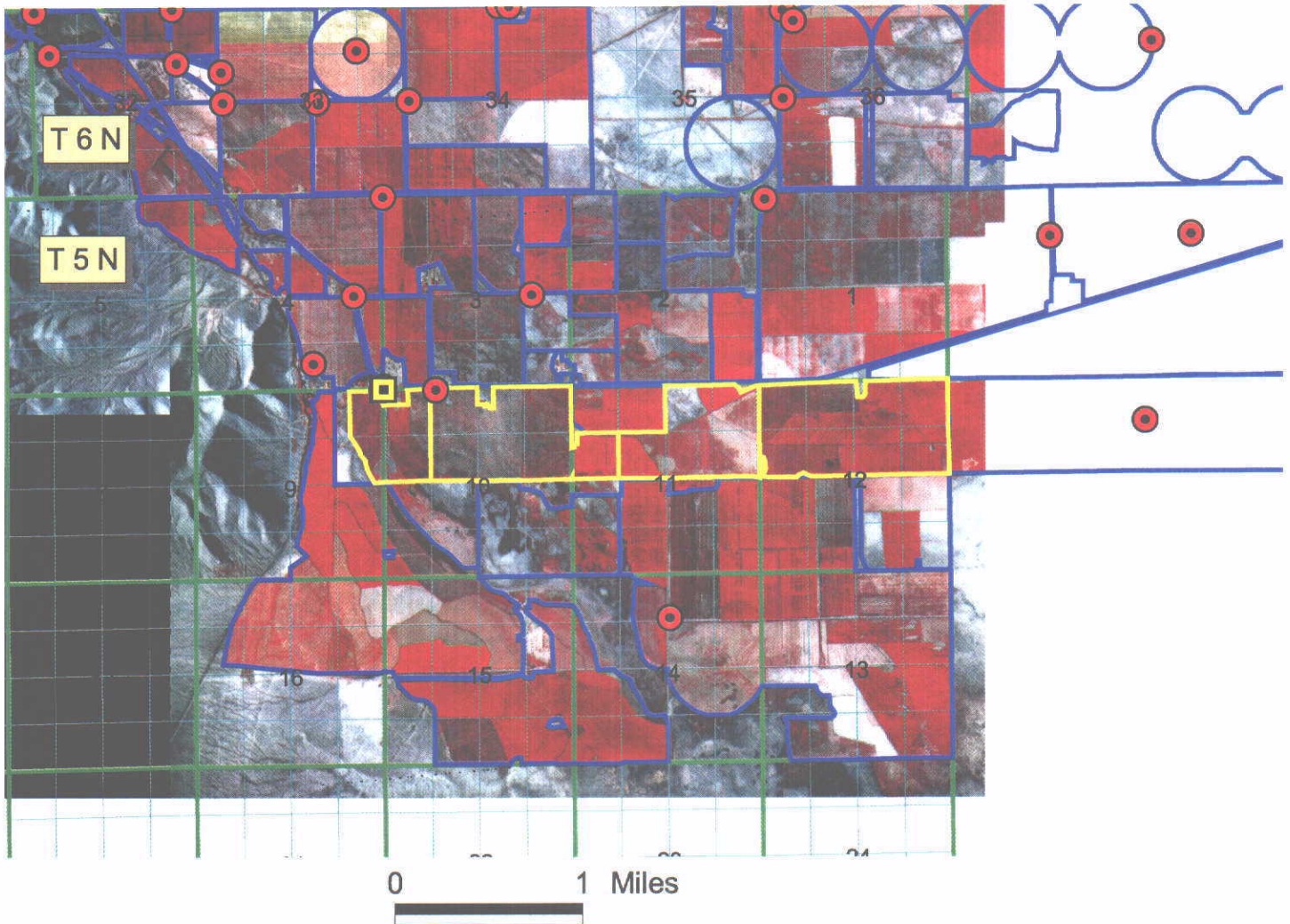
-  Points of Diversion
-  Place of Use
-  Section Lines
-  Quarter-quarter Section Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by Bryce A. Contor
December, 1999

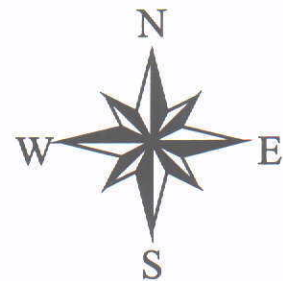
Idaho Department of Water Resources

Water Rights 33-00017B, 18B, 19B, 20B, 21B,
22B, 23B, 2114, 10057, 10989



Townships 5 and 6 North, Range 29 East

-  East and West Diversions
-  Diversions - Other WR
-  Place of Use - These Water Rights
-  Place of Use - Other WR
-  Section Lines
-  Quarter-Quarter Lines



GIS Illustration based on
1987/88 NAPP Photography
Prepared by Bryce A. Contor
December, 1999

RECEIVED

FEB 22 2000

Department of Water Resources

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

In Re SRBA

A: Subcase 33-10989

(Insert water right number)

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B: NAME AND ADDRESS OF PERSON OBJECTING

Name: R Robert and Hilma I. Mayr Family Trust

Address: 1493 Highway 22
Howe, Idaho 83244-8719

Daytime Phone: 208-767-3470

Name & Address of Attorney, if any:

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

Name: R Robert and Hilma I. Mayr Family Trust

Address: 1493 Highway 22
Howe, Idaho 83244-8719

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: This right should not have consideration

5. ☐ Point(s) of Diversion Should be: Large, since beneficial use right, not an engineering.

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: _____

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): See attached letter

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 February 17, ~~199~~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
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: R Robert and Wilma I Mays Family Trust
Address: 1493 Highway 22
Howe ID 83244-8719

3. Copies to:

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

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 035
Boise, ID 83724

Wilma I Mays Trust
Signature of Objector or attorney
mailing on Objector's behalf

VERIFICATION (Must be Completed)

State of Idaho
()
County of Bonneville
() ss.

William J. May, Jr. (Name of person filing objection)
duly sworn, upon oath, deposes and says:

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.

William J. May, Jr.
(Signature of person filing objection)

(Attorney signing in representative capacity)
2/17/2000
Subscribed and sworn to before me on:

Bryce A. Contor
Notary Public for Idaho
Residing at: Mud Lake, ID
My Commission Expires: 10/14/2005





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 14, 2000

Wilma Mays
Dean Mays
R Robert and Wilma I Mays Family Trust
1493 Highway 22
Howe, Idaho 83244-8719

Re: Adjudication Claim A33-10989

Dear Mrs. Mays and Mr. Mays:

We have discovered an error I made in the recommendation for this water right. This right is actually a beneficial use claim, because the diversion and application to beneficial use occurred prior to 1963. However, I inadvertently coded the recommendation as an enlargement claim.

Because of this error, the recommendation has gone forward to the court with the condition "This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements..." This puts your water right at a significant disadvantage. I would like to correct the error, but unfortunately once the rights have been recommended to the court, the only way to change them is through the objection process.

You may wish to object to this condition. Enclosed for your convenience is a "Standard Form 1" objection, with instructions. Note that the original must be sent to the court, and copies to all the parties listed on the "Notice of Mailing."

If you decide to object, the element to object to is "Item 4, Priority Date." The wording of your disagreement should be something like "Enlargement Subordination language should not be attached to this beneficial use right with priority prior to 1963." In "Reasons Supporting Objections(s)" you could simply write "see attached," and attach a copy of this letter.

I apologize for the inconvenience this may cause you. Please feel free to call me or my supervisor, Ernie Carlsen, at (208) 525-7161 if you have questions.

Sincerely,

Bryce A. Contor
Bryce A. Contor

*Priority date is ~~priority~~ prior to
mandatory permit date - 42-201
BAC*

DIVERSION
VOLUME

1-200 CFS

Tributary to: SINKS

Stage: BENEFICIAL USE
BUTTE County
BUTTE County

SE

TOTAL ACRES

Other Rights: 33-000178, 18B, 19B, 20B, 21B, 22B, 23B, 2114, 07192, 10057

- 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 UNLITTED DECREE, SECTION 42-1412(6) IDAHO CODE.
- THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
- PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECEED
- AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
- BETWEEN WATER RIGHTS DECEED AS ENLARGEMENTS PURSUANT TO SECTION
- 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
- RIGHT.~~

USE OF THIS RIGHT WITH RIGHT NO. 33-00017B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.30 CFS.

USE OF THIS RIGHT WITH RIGHTS BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 14.23 CFS. COMBINED RIGHT NOS: 33-00017B, 33-00018B, 33-00019B, 33-00020B, 33-00021B, 33-00022B, 33-00023B, 33-02114, 33-07192, 33-10057.

POU1 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 901 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-000178, 33-000188,

AJ5809NP
No. 33-10989

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/17/00
PAGE: 2

Remarks: 33-00019B, 33-00020B, 33-00021B, 33-00022B, 33-00023B, 33-02114,
33-07192, 33-10057.

GEN THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT
NO. 33-00017B PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED OR REDIVERTED THROUGH
POINTS OF DIVERSION DESCRIBED ABOVE: 33-00017B, 33-00018B,
33-00019B, 33-00020B, 33-00021B, 33-00022B, 33-00023B, 33-02114,
33-10057.

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

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

Comments: Date: 12/15/1999 User-ID: BCONTOR Subject: COPIED FROM REMARKS
THIS IS AN ENLARGEMENT CLAIM FOR ADDITIONAL ACRES IRRIGATION.
ON PERMISSIBLE PLACE OF USE BASIS.
ENLARGEMENT CLAIMED BASED ON DECREED RIGHT 33-00017B.
PRIORITY DATE FROM LATER OF TWO PATENTS SHOWING OWNERSHIP OF
ENLARGED POU.

Audit: 12/15/99 BCONTOR 12/16/99 BCONTOR 01/30/00 CPD SHAFF



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 14, 2000

Wilma Mays
Dean Mays
R Robert and Wilma I Mays Family Trust
1493 Highway 22
Howe, Idaho 83244-8719

Re: Adjudication Claim A33-10989

Dear Mrs. Mays and Mr. Mays:

We have discovered an error I made in the recommendation for this water right. This right is actually a beneficial use claim, because the diversion and application to beneficial use occurred prior to 1963. However, I inadvertently coded the recommendation as an enlargement claim.

Because of this error, the recommendation has gone forward to the court with the condition "This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements..." This puts your water right at a significant disadvantage. I would like to correct the error, but unfortunately once the rights have been recommended to the court, the only way to change them is through the objection process.

You may wish to object to this condition. Enclosed for your convenience is a "Standard Form 1" objection, with instructions. Note that the original must be sent to the court, and copies to all the parties listed on the "Notice of Mailing."

If you decide to object, the element to object to is "Item 4, Priority Date." The wording of your disagreement should be something like "Enlargement Subordination language should not be attached to this beneficial use right with priority prior to 1963." In "Reasons Supporting Objections(s)" you could simply write "see attached," and attach a copy of this letter.

I apologize for the inconvenience this may cause you. Please feel free to call me or my supervisor, Ernie Carlsen, at (208) 525-7161 if you have questions.

Sincerely,

Bryce A. Contor

Copy supplied by claimant 2/17/2000

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

In Re SRBA)

A: Subcase 33-10989

(insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B: NAME AND ADDRESS OF PERSON OBJECTING

Name: R Robert and Hilma J. Mayr Family Trust

Address: 1493 Highway 22

Howe, Idaho 83244-8719

Daytime Phone: 208-767-3470

Name & Address of Attorney, if any:

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

Name: R Robert and Hilma J. Mayr Family Trust

Address: 1493 Highway 22

Howe, Idaho 83244-8719

D. I object to the following elements as recommended in the Director's Report. (Please

check the appropriate box(es)).

1. ☐ Name and Address

Should be:

2. ☐ Source

Should be:

3. ☐ Quantity

Should be:

4. ☒ Priority Date

Should be:

5. ☐ Point(s) of Diversion

Should be:

6. ☐ Instream Flow Description

Should be:

7. ☐ Purpose(s) of Use

Should be:

8. ☐ Period of Year

Should be:

9. ☐ Place of Use

Should be:

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):

See attached letter

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 _____, 199__, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: R Robert and Wilma I Mays Family Trust
Address: 1493 Highway 22
Howe ID 83244-8719

3. Copies to:

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

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

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

Signature of Objector or attorney
mailing on Objector's behalf

F.

VERIFICATION (Must be Completed)

State of Idaho
(ss. Bonneville)
County of Bonneville

Thomas & Mary Bunker, 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.

Thomas & Mary Bunker
(Signature of person filing objection)

2/17/2000
(Attorney signing in representative capacity)
Subscribed and sworn to before me on:

Bryce A. Contor
Notary Public for Idaho
Residing at: Mud Lake, ID
My Commission Expires: 10/14/2005





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 14, 2000

Wilma Mays
Dean Mays
R Robert and Wilma I Mays Family Trust
1493 Highway 22
Howe, Idaho 83244-8719

Re: Adjudication Claim A33-10989

Dear Mrs. Mays and Mr. Mays:

We have discovered an error I made in the recommendation for this water right. This right is actually a beneficial use claim, because the diversion and application to beneficial use occurred prior to 1963. However, I inadvertently coded the recommendation as an enlargement claim.

Because of this error, the recommendation has gone forward to the court with the condition "This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements..." This puts your water right at a significant disadvantage. I would like to correct the error, but unfortunately once the rights have been recommended to the court, the only way to change them is through the objection process.

You may wish to object to this condition. Enclosed for your convenience is a "Standard Form 1" objection, with instructions. Note that the original must be sent to the court, and copies to all the parties listed on the "Notice of Mailing."

If you decide to object, the element to object to is "Item 4, Priority Date." The wording of your disagreement should be something like "Enlargement Subordination language should not be attached to this beneficial use right with priority prior to 1963." In "Reasons Supporting Objections(s)" you could simply write "see attached," and attach a copy of this letter.

I apologize for the inconvenience this may cause you. Please feel free to call me or my supervisor, Ernie Carlsen, at (208) 525-7161 if you have questions.

Sincerely,

Bryce A. Contor
Bryce A. Contor

*Note priority date is prior to
mandatory permit date - see 42-201*

BAC

AJ5809NP
No. 33-10989

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/17/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	R ROBERT AND WILMA I MAY'S FAMILY TRUST 1493 HWY 22 HOME ID 832448719 (208) 767-3470	10/18/1960	IRRIGATION	04-01 10-31	1,200 CFS	
TOTAL DIVERSION:					1,200 CFS	

Water Source: LITTLE LOST RIVER

Tributary to: SINKS

Stage: BENEFICIAL USE

Point(s) of Diversion:

T05N R29E S09
S10 NENE
NNNNN

BUTTE County
BUTTE County

Place of use legal Description for: IRRIGATION

T	R	S	NE			NW			SW			SE			SUM
			NE	NW	SW	NE	NW	SW	NE	NW	SW	NE	NW	SW	
05N	29E	9	28	35	40	18	40	33	40	39	:	:	:	:	46.0
05N	29E	10	40	39	40	:	40	39	:	:	:	:	:	:	307.0
05N	29E	11	38	39	40	:	39	38	39	:	:	:	:	:	233.0
05N	29E	12	40	38	40	:	40	39	38	40	:	:	:	:	315.0
TOTAL ACRES															901.0

POU County: BUTTE

Other Rights: 33-00017B, 18B, 19B, 20B, 21B, 22B, 23B, 2114, 07192, 10057

Conditions of Approval:

- 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 UNLIT DECREE, SECTION 42-1412(6) IDAHO CODE.
C11 - THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
- PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
- AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
- BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
- 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
- RIGHT.

Remarks: QNT

USE OF THIS RIGHT WITH RIGHT NO. 33-00017B IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.30 CFS.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 14.23 CFS. COMBINED RIGHT NOS:
33-00017B, 33-00018B, 33-00019B, 33-00020B, 33-00021B, 33-00022B,
33-00023B, 33-02114, 33-07192, 33-10057.

POU1

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 901 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00017B, 33-00018B,

AJ5809NP
No. 33-10989

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/17/00
PAGE: 2

Remarks: 33-000198, 33-000208, 33-000218, 33-000228, 33-000238, 33-02114,
33-07192, 33-10057.

GEN THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT
NO. 33-000178 PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED OR REDIVERTED THROUGH
POINTS OF DIVERSION DESCRIBED ABOVE: 33-000178, 33-000188,
33-000198, 33-000208, 33-000218, 33-000228, 33-000238, 33-02114,
33-10057.

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

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

Comments: Date: 12/15/1999 User-ID: BCONTOR Subject: COPIED FROM REMARKS
THIS IS AN ENLARGEMENT CLAIM FOR ADDITIONAL ACRES IRRIGATION.
ON PERMISSIBLE PLACE OF USE BASIS.
ENLARGEMENT CLAIMED BASED ON DECREED RIGHT 33-000178.
PRIORITY DATE FROM LATER OF TWO PATENTS SHOWING OWNERSHIP OF
ENLARGED POU.

Audit: 12/15/99 BCONTOR 12/16/99 BCONTOR 01/30/00 CPD SHAFF

February 14, 2000

Wilma Mays
Dean Mays
R Robert and Wilma I Mays Family Trust
1493 Highway 22
Howe, Idaho 83244-8719

Re: Adjudication Claim A33-10989

Dear Mrs. Mays and Mr. Mays:

We have discovered an error I made in the recommendation for this water right. This right is actually a beneficial use claim, because the diversion and application to beneficial use occurred prior to 1963. However, I inadvertently coded the recommendation as an enlargement claim.

Because of this error, the recommendation has gone forward to the court with the condition "This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements..." This puts your water right at a significant disadvantage. I would like to correct the error, but unfortunately once the rights have been recommended to the court, the only way to change them is through the objection process.

You may wish to object to this condition. Enclosed for your convenience is a "Standard Form 1" objection, with instructions. Note that the original must be sent to the court, and copies to all the parties listed on the "Notice of Mailing."

If you decide to object, the element to object to is "Item 4, Priority Date." The wording of your disagreement should be something like "Enlargement Subordination language should not be attached to this beneficial use right with priority prior to 1963." In "Reasons Supporting Objections(s)" you could simply write "see attached," and attach a copy of this letter.

I apologize for the inconvenience this may cause you. Please feel free to call me or my supervisor, Ernie Carlsen, at (208) 525-7161 if you have questions.

Sincerely,

Bryce A. Contor

July 17, 1998

NOTICE OF ERROR
REPLY

RECEIVED

DEC 21 1999

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: Dec 30, 1999

Water right number: R33-00017B, 18B, 19B, 20B, 21B, 22B, 23B, 2114,

R. Robert and Wilma I Mays Family Trust 10057,
10989

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):

R33-10989 Should be R33-07192
Priority Date Should be 2-12-90

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

Water Source - "Ground Water" not
"Little Lost River"

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

This
checked
and
OK
Deen
Mays

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

DATE: 12/20/99

SIGNATURE:

Please print your name:

Wilma I Mays Trustee
WILMA I MAYS TRUSTEE

Response: Mr. Mays didn't get a copy of 33-07192 in this mailing, because it had been correct in the first mailing. 33-10989 is an enlargement claim on surface rights. After talking on the

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

phone, Mr. Mays is comfortable with the recommendations.

Byron A. Couton



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 16, 1999

Wilma Mays
Dean Mays
R. Robert and Wilma I. Mays Family Trust
1493 Highway 22
Howe, Idaho 83244

Dear Mrs. Mays and Mr. Mays;

We have made the preliminary recommendations on the enlargement claim A33-10989 that you recently submitted. This has also allowed us to change the recommendations on most of your other rights to a permissible place of use basis. Right 33-07192 was not added to the permissible place of use because it is a post-1987 license. However, it includes some combined limitations with the other rights because it overlaps the permissible place of use on the other rights.

Please review the enclosed profile reports and map. Also enclosed are new Notice of Error forms. Please return these noting that you agree, or noting what you may disagree with. Please call me at 525-7161 if you have questions.

Sincerely,

Bryce A. Contor



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 9, 1999

Wilma Mays
Dean Mays
R Robert and Wilma I Mays Family Trust
1493 Highway 22
Howe, Idaho 83244

Dear Mrs. Mays and Mr. Mays;

I have visited with Ernie Carlsen, Water Rights Supervisor, about the steps we need to take to be able to recommend your surface water rights to the entire farm. The enclosed enlargement claim A33-10989 will allow us to make this recommendation. It will also allow us to recommend both the East Headgate and the West Headgate as points of diversion, as we discussed last night.

You had also asked about the address on the license for the new well, and I have done some checking. The address on the Adjudication computer record is correct, and when the decree is issued, it will show the correct address. The decree will supercede the license records. This license records will remained unchanged, as a historical document.

I apologize for the confusion last night. Please return this claim right away, with a notarized signature and a \$50 filing fee. We have waived the late fee, since your claims were filed in accordance with the statutes that were in effect at the time you filed.

Please call me at 525-7161 if you have further questions.

Sincerely,

Bryce A. Contor
Bryce A. Contor
Adjudication

WATER RIGHT NUMBERS

[illegible]

34

35

36

3

2

1

27

33

35

39

38

17

39

40

39

10

11

12

165

144

163

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	R ROBERT AND WILMA I MAYS FAMILY TRUST	10/18/1960	IRRIGATION	04-01 10-31	1.300 CFS	

TOTAL DIVERSION: 1.300 CFS

Water Source: LITTLE LOST RIVER

Tributary to: SINKS

Stage: BENEFICIAL USE

Point(s) of Diversion: T05N R29E S09 S10 NENENE

BUTTE County
BUTTE County

Place of use Legal Description for: IRRIGATION

T	R	S	NE			NW			SW			SE			SUM
			NENE	NWNE	SENE	NENW	NWNW	SENW	NESE	NWSE	SWSE	SESE	SESE	SESE	
05N	29E	9	28			18									46.0
05N	29E	10	40	36	40	40		40	33	40	40				309.0
05N	29E	11	38	39	40			40							196.0
05N	29E	12	40	38	40	40		40	39	38	40				315.0
TOTAL ACRES															866.0

POU County: BUTTE

Other Rights: 33-00017B, 18B, 19B, 20B, 21B, 22B, 23B, 2114, 07192, 10057

Conditions of Approval:

- 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: GEN THIS IS AN ENLARGEMENT CLAIM FOR ADDITIONAL ACRES IRR. IN CONJUNCTION WITH WELL RIGHTS, ON PERMISSIBLE PLACE OF USE BASIS. ENLARGEMENT CLAIMED BASED ON DECREED RIGHT 33-00017B.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

AJ0749NP
No. R33-10989

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

DATE: 05/22/00
PAGE: 1

OWNER NAME & ADDRESS PRIORITY DATE WATER USE USE PERIOD FROM TO DIVERSION RATE DIVERSION VOLUME
C R ROBERT AND WILMA I MAYS FAMILY TRUST 10/18/1960 IRRIGATION 04-01 10-31 1.200 CFS
1493 HWY 22
HOME ID 832648719
(208) 767-3470
TOTAL DIVERSION: 1.200 CFS

Water Source: LITTLE LOST RIVER Tributary to: SINKS
Point(s) of Diversion: T05N R29E S09 NEENE BUTTE County
S10 NWNW BUTTE County
Stage: BENEFICIAL USE

Place of use Legal Description for: IRRIGATION

T	R	S	NE			NW			SW			SE			SUM
			NE	NW	SE	NE	NW	SE	NE	NW	SE	NE	NW	SE	
05N 29E	9	:	28	:	18	:	40	:	39	:	:	:	:	:	46.0
05N 29E	10	:	40	:	40	:	40	:	39	:	:	:	:	:	307.0
05N 29E	11	:	38	:	39	:	38	:	39	:	:	:	:	:	233.0
05N 29E	12	:	40	:	40	:	39	:	38	:	:	:	:	:	315.0
TOTAL ACRES															901.0

POU County: BUTTE

Other Rights: 33-00017B, 18B, 19B, 20B, 21B, 22B, 23B, 2114, 07192, 10057

Conditions of Approval:

- 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 RIGHT NO. 33-00017B IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.30 CFS.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 14.23 CFS. COMBINED RIGHT NOS:
33-00017B, 33-00018B, 33-00019B, 33-00020B, 33-00021B, 33-00022B,
33-00023B, 33-02114, 33-07192, 33-10057.

POU1 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 901 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00017B, 33-00018B,
33-00019B, 33-00020B, 33-00021B, 33-00022B, 33-00023B, 33-02114,
33-07192, 33-10057.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED OR REDIVERTED THROUGH
POINTS OF DIVERSION DESCRIBED ABOVE: 33-00017B, 33-00018B,

AJ0749NP
No. R33-10989

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

DATE: 05/22/00
PAGE: 2

Remarks: 33-000198, 33-000208, 33-000218, 33-000228, 33-000238, 33-0214,
33-10057.

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

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

Comments: Date: 12/15/1999 User-ID: BCONTOR Subject: COPIED FROM REMARKS
THIS IS AN ENLARGEMENT CLAIM FOR ADDITIONAL ACRES IRRIGATION.
ON PERMISSIBLE PLACE OF USE BASIS.
ENLARGEMENT CLAIMED BASED ON DECREED RIGHT 33-00017B.
PRIORITY DATE FROM LATER OF TWO PATENTS SHOWING OWNERSHIP OF
ENLARGED POU.

Date: 05/22/2000 User-ID: BCONTOR Subject: OBJECTION
CLAIMANT'S OBJECTION TO INCLUSION OF SUBORDINATION LANGUAGE THAT
WAS INADVERTENTLY INCLUDED ON THIS BENEFICIAL USE RIGHT.
LANGUAGE REMOVED 5/22/2000. BCONTOR.

Audit: 05/22/00 BCONTOR

Idaho Department of Water Resources

Adjudication Claim 33-10989

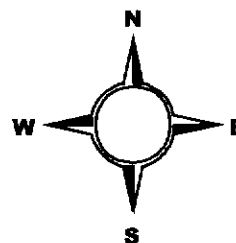


0 1320 Feet



Township 5 North, Range 29 East

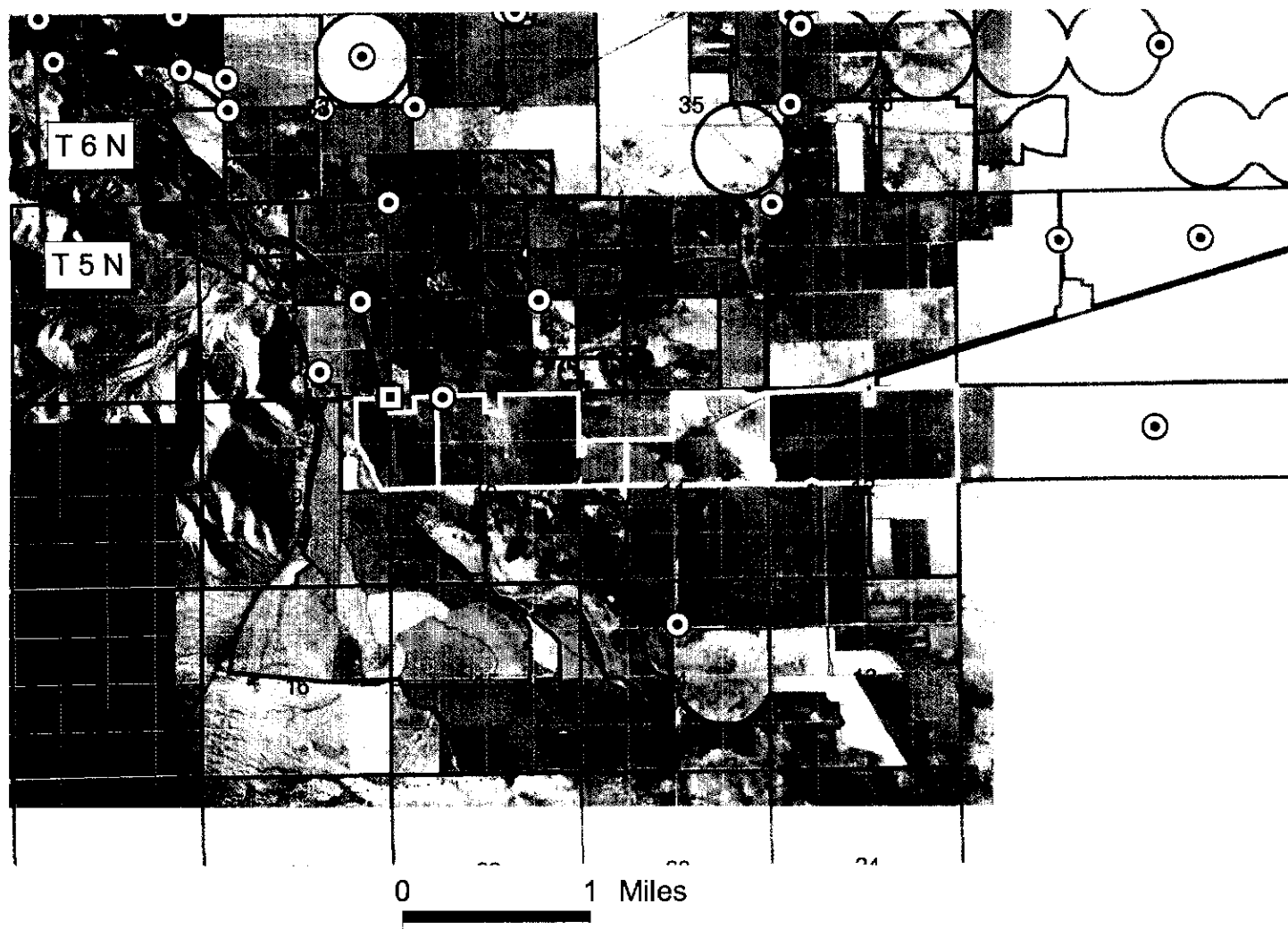
-  Points of Diversion
-  Place of Use
-  Section Lines
-  Quarter-quarter Section Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by Bryce A. Contor
December, 1999

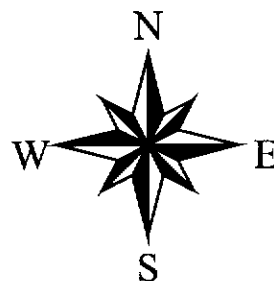
Idaho Department of Water Resources

Water Rights 33-00017B, 18B, 19B, 20B, 21B,
22B, 23B, 2114, 10057, 10989



Townships 5 and 6 North, Range 29 East

- ▣ East and West Diversions
- ⊙ Diversions - Other WR
- ▣ Place of Use - These Water Rights
- ▣ Place of Use - Other WR
- ▣ Section Lines
- ▣ Quarter-Quarter Lines



GIS Illustration based on
1987/88 NAPP Photography
Prepared by Bryce A. Contor
December, 1999

DIVERSION
VOLUME

1.200 CFS

1.200 CFS

Stage: BENEFICIAL USE

BUTTE County

SE

Other Rights: 33-00017B, 18B, 19B, 20B, 21B, 22B, 23B, 2114, 07192, 10057

- 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.
- THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
- PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
- AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
- BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
- 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
- RIGHT.

USE OF THIS RIGHT WITH RIGHT NO. 33-00017B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.20 CFS.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 14.23 CFS. COMBINED RIGHT NOS: 33-000178, 33-000188, 33-000198, 33-000208, 33-000218, 33-000228, 33-000238, 33-02114, 33-07192, 33-10057.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 901 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00017B, 33-00018B,

AJ0749NP
No. R33-10989

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

DATE: 12/16/99
PAGE: 2

Remarks:

33-000198, 33-000208, 33-000218, 33-000228, 33-000238, 33-02114,
33-07192, 33-10057.

GEN THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT
NO. 33-000178 PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED OR REDIVERTED THROUGH
POINTS OF DIVERSION DESCRIBED ABOVE: 33-000178, 33-000188,
33-000198, 33-000208, 33-000218, 33-000228, 33-000238, 33-02114,
33-10057.

Dates:

Exam Made Date:

Verified Date:

Objection Filed Date:

Misc:

Water District Number:

Field Inspection Flag:
Presumption flag: E

Comments:

Date: 12/15/1999 User-ID: BCONTOR Subject: COPIED FROM REMARKS
THIS IS AN ENLARGEMENT CLAIM FOR ADDITIONAL ACRES IRRIGATION.
ON PERMISSIBLE PLACE OF USE BASIS.
ENLARGEMENT CLAIMED BASED ON DECREED RIGHT 33-000178.
PRIORITY DATE FROM LATER OF TWO PATENTS SHOWING OWNERSHIP OF
ENLARGED POU.

Audit:

12/16/99 BCONTOR

TOTAL DIVERSION: 1.300 CFS

TOTAL ACRES 315.0

THE FOLLOWING RIGHTS ARE ALSO DIVERTED OR REDIVERTED THROUGH

Remarks:

POINT OF DIVERSION DESCRIBED ABOVE: 33-00018B,
33-000198, 33-000208, 33-00021B, 33-00022B, 33-00023B, 33-02114,
33-10057, 10989

Dates:

Exam Made Date:

Verified Date:

Objection Filed Date:

Misc:

Water District Number: 33

Field Inspection Flag: ☒

Presumption Flag: ☒

Comments:

Date: 05/07/1996 User-ID: ARUBERRY Subject: COPIED FROM REMARKS
TRANS. 780 SPLIT ORIGINAL RIGHTS (60% AS "A", 40% AS "B"), TRANS.
781 MOVED DECREED RIGHTS TO M1/2 SEC. 12 T5N, R29E.

Date: 05/07/1996 User-ID: ARUBERRY Subject: PERMISSIBLE POU
MR MAYS LIKES THE PPU CONCEPT.

Date: 11/18/1999 User-ID: BCONTOR Subject: IRRIGATED ACRES
IRRIGATED ACRES FOR COMBINED SURFACE RIGHTS COMES FROM GIS
IMAGE OF POU FOR TRANSFER 781. ACRES FOR INDIVIDUAL RIGHTS
CALCULATED AT 0.02 CFS/ACRE. IRRIGATED ACRES FOR COMBINED SURF
AND GW COMES FROM OVERLAP ANALYSIS - SEE GIS.

Date: 11/19/1999 User-ID: BCONTOR Subject: QNT REMARK
100% OVERLAP WITH 33-10057. COMBINED CFS LIMITATION CALCULATED
AT 0.02 CFS/ACRE. COMBINED CFS LIMITATIONS W/ GW RIGHTS COMES
FROM SUM OF MRS, AS SUM IS LESS THAN 0.02/ACRE.

Audit:

04/23/96 ARUBERRY 05/07/96 ARUBERRY 11/17/99 BCONTOR 11/18/99 BCONTOR
11/19/99 BCONTOR 11/19/99 BCONTOR 11/22/99 JCRABTRE

\$50.00

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: A33-10989
Date Received: 12/ 7/1999
Receipt No: EO 25511
Received By: BAC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: R ROBERT AND WILMA I MAYS FAMILY TRUST
Address: 1493 HWY 22
HOWE ID 83244-8719

*Original
Sent to
Court 4-14-00*

2. Date of Priority: OCT 18, 1960

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	29E	9	NE	NE	NE		BUTTE
		10	NW	NW	NW		BUTTE

A3310989



5. Description of diverting works:
EAST AND WEST HEADGATES TO DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	1.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	29E	9	NE	NE		IRR	28.0
			SE	NE		IRR	18.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	46.0
		10	NE	NE	IRR	40.0
			NW	NE	IRR	36.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	IRR	33.0
			SW	NW	IRR	40.0
			SE	NW	IRR	40.0
					Section Acres	309.0
		11	NE	NE	IRR	38.0
			NW	NE	IRR	39.0
			SW	NE	IRR	40.0
			SE	NE	IRR	39.0
			SW	NW	IRR	40.0
			SE	SW	IRR	39.0
					Section Acres	235.0
		12	NE	NE	IRR	40.0
			NW	NE	IRR	38.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	IRR	39.0
			SW	NW	IRR	38.0
			SE	NW	IRR	40.0
					Section Acres	315.0
					Total Acres	905.0

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:

33-00017B, 18B, 19B, 20B, 21B, 22B, 23B, 2114, 07192, 10057

14. Remarks:

USE OF THIS RIGHT WITH RIGHT NO. 33-00017B IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.20 CFS.

14. Remarks: Continued

THIS IS AN ENLARGEMENT CLAIM FOR ADDITIONAL ACRES IRR. IN
CONJUNCTION WITH WELL RIGHTS, ON PERMISSIBLE PLACE OF USE BASIS.
ENLARGEMENT CLAIMED BASED ON DECREED RIGHT 33-00017B.

15. Basis of Claim: BENEFICIAL USE

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.

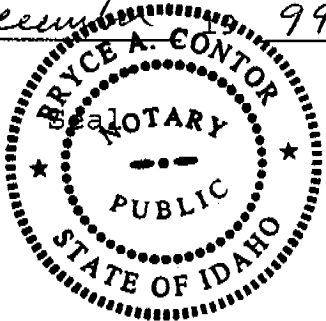
Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Thilma I. May - Trustee of
Title
P. Robert and Thilma I. May Family Trust that I have signed the foregoing
Organization
document in the space below as Thilma I. May - Trustee of
Title
P. Robert and Thilma I. May Family Trust and that the statements contained in the
Organization
foregoing document are true and correct. Thilma I. May - Trustee
Signature of Authorized Agent
P. Robert and Thilma I. May Family Trust
Title and Organization
December 15, 1999
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 15 day
of December 99



Bryce A. Contor
Notary Public

Residing at Mud Lake, Idaho
My Commission Expires 10/14/2005