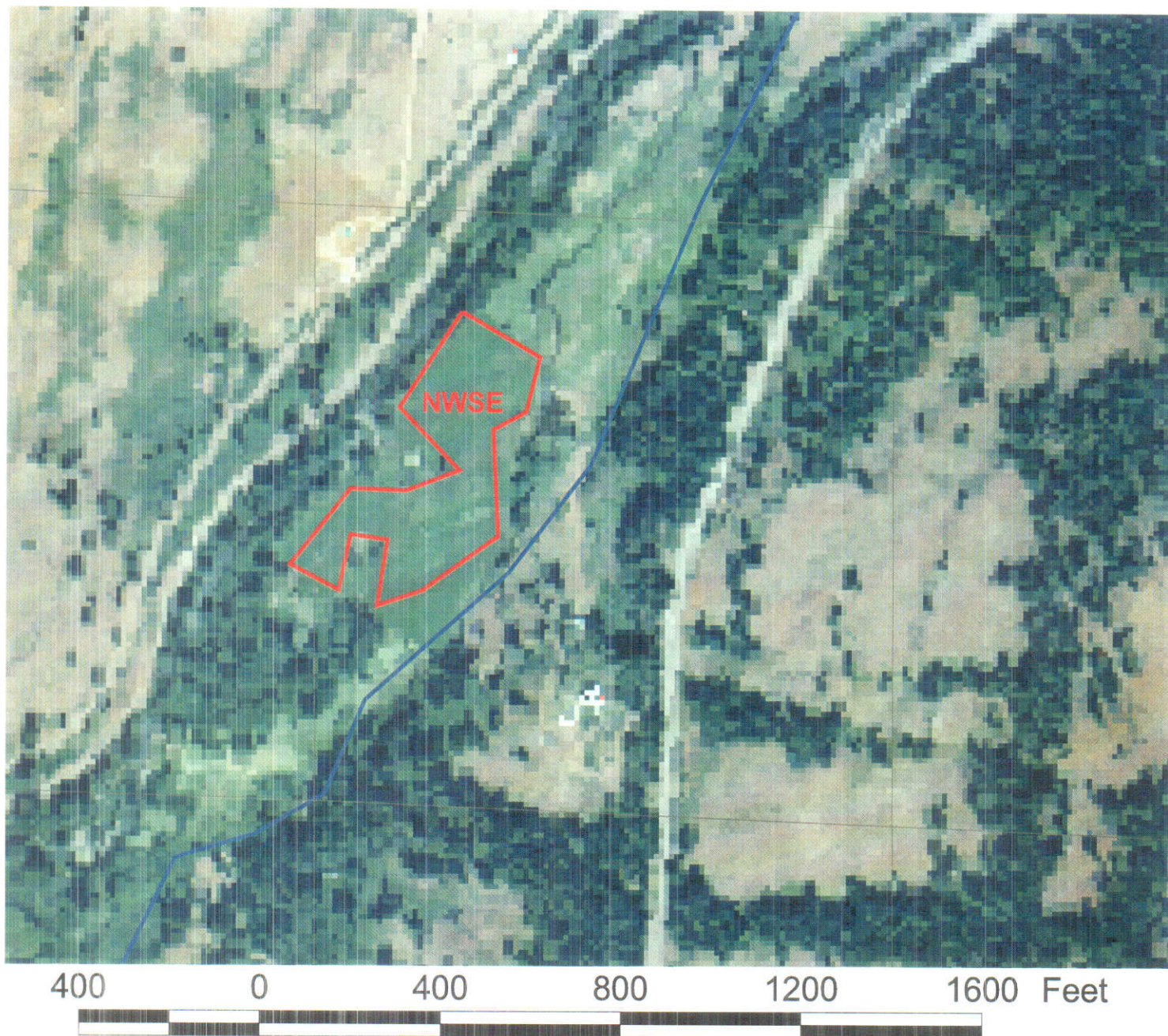
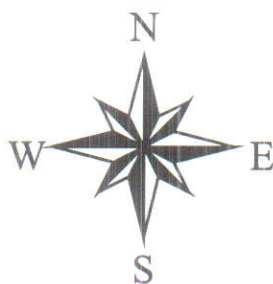


Idaho Department of Water Resources

67-7294



T17N, R01W, S1



Prepared by Anita L. Warntjes
February 26, 2004
1993/94 True Color Photo

Scale: 2 inches equals 1 mile

The image shows a 16x16 grid of graph paper. Handwritten notes are present in several cells:

- In the 6th row, 15th column, the text "T. 12N" is written.
- In the 7th row, 7th column, there is a diagram of a spring with the label "springs" written next to it.
- In the 10th row, 8th column, the text "R+1 wt B.m" is written.

OCT 23 1996

Ident No. 67-7294

Copies: White-State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

The image shows a 16x16 grid of graph paper. The grid is composed of small squares, each containing a crosshair pattern. Handwritten notes are present in the grid:

- In the top right area, the word "TUNN" is written in a stylized, cursive font.
- In the middle of the grid, there is a diagram of a spring. It consists of a vertical line with a coiled spring section in the middle. To the right of the spring, the word "SPRINGS" is written in a cursive font.
- In the bottom right area, the text "R+1 w B m" is written in a cursive font.

MICROFILMED

OCT 23 1996

Last Name Probst

Ident No. 67-7294

Copies: White-State, Yellow-Claimant

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: **A67-07294**
Date Received: 11/ 2/1989
Receipt No: W006616
Received By: _____

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

1. Name: JOHN L JANUIK
Address: 2709 HWY 95
COUNCIL ID 83612

AND

Name: SHARMAN R JANUIK
Address: 2709 HWY 95
COUNCIL ID 83612

2. Date of Priority: DEC 2, 1976

3. Source: SPRINGS Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	1	NW	SE			ADAMS

5. Description of diverting works:
COLLECTION BOX & GRAVITY FLOW.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.040		12.00

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) 12.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	1	NW	SE		IRR	3.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	3.0
					Total Acres	3.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
A67-4163.

14. Remarks:
OWNERSHIP CHANGED BY LH 5/12/95.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

Idaho Department of Water Resources

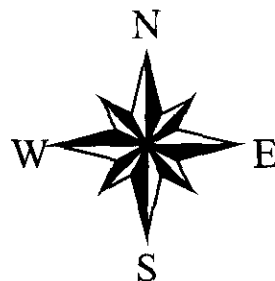
67-7294



400 0 400 800 1200 1600 Feet



T17N, R01W, S1



Prepared by Anita L. Warntjes
February 26, 2004
1993/94 True Color Photo



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

MAY 10 1995

Department of Water Resources

DATE OF CLOSING: 4-28-95

RECEIVED

MAY 11 1995

WATER RESOURCES
WESTERN REGION

LEGAL DESCRIPTION OF PROPERTY: Township 17N Range 01W
Section 1, 1/4 of 1/4 of 1/4 Govt. Lot , BM.
Lot , Block , Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet.

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- [] Water Right Number(s) Assigned by IDWR: #A67-04163, #A67-07061, & #A67-07294
- [] Name and Address of Former Owner/Claimant(s)(Seller): Glen H. & Swila R. Probst
HC 64 Box 3300
Council, ID 83612
- [] New Owner/Claimant (Purchaser): John L. & Sharman R. Januik
- [] New Mailing Address: 2709 Hwy 95
Council, ID 83612
- [] New Telephone Number: () -
- [] Does the change in ownership result in a splitting of the water right owned/claimed? yes Xno
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

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

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

- [] Signature of New Owner/Claimant(s): Sharman R. Januik Date 4-21-95
- [] Signature of Former Owner/Claimant(s): Date

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 5-12-95 By: JD

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 5-12-95 By: JD

Claim Numbers of Split, if any:

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

MICROFILMED

OCT 23 1995

INSTRUMENT NO. 87712
WARRANTY DEED

For Value Received GLEN H. PROBST, aka GLENN H. PROBST, and DWILA R. PROBST, husband and wife

the grantors , do hereby grant, bargain, sell and convey unto

JOHN L. JANUIK and SHARMAN R. JANUIK, husband and wife

the grantees, whose current address is, 11 Cottontail Court, McCall, ID 83638

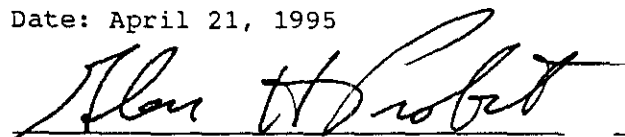
the following described premises, in Adams County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A" MADE A PART HEREOF.

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantees their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees , that they are the owners in fee simple of said premises; that they are free from all incumbrances excepting for all easements of record, rights of way, matters visible, and all matters of record and title.

and that they will warranty and defend the same from all lawful claims whatsoever.

Date: April 21, 1995


Glen H. Probst, aka Glenn H. Probst


Dwila R. Probst

STATE OF IDAHO)
) ss
COUNTY OF ADAMS)

STATE OF IDAHO, COUNTY OF ADAMS
I hereby certify that this instrument was filed for record
at the request of Timberline Title & Escrow

On this 21st day of April, in the year of 1995, before me
a Notary Public, personally appeared GLEN H. PROBST,
aka GLENN H. PROBST & DWILA R. PROBST
known or identified to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me
that they executed the same

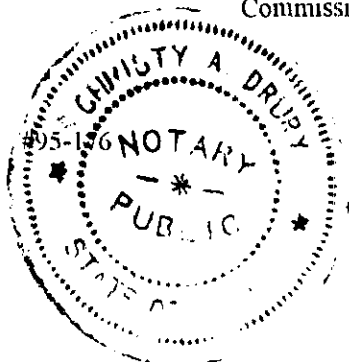
at 40 minutes past 3 o'clock P M.
this 28th day of April, 1995, in my
office, and duly recorded in Book
of Deeds at page


Notary Public
Residing at Frutival, Idaho
Commission expires: 8/4/98

MICHAEL FISK
Ex-Officio Recorder

By: 
Deputy

Fees \$ 6.00
Mail to: Timberline Title & Escrow



RECEIVED

MICROFILMED MAY 11 1995
OCT 25 1996 WATER RESOURCES
WESTERN REGION

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho

Section 1: A tract or parcel of land in the NW1/4SE1/4 and NE1/4SW1/4 more particularly described as follows:

Commencing at a point that is 1730 feet, more or less, North of the quarter corner common to Sections 1 and 12;

Thence South 57 degrees 01'00" East to the West boundary of U.S. Highway 95 as now established (constructed under F.A.P. No. 104-A Reop. Sept., 1940);

Thence on and along the said Highway boundary line in a Northeasterly direction to the North line of the NW1/4SE1/4 of said Section;

Thence West along the North line of said NW1/4SE1/4 to the Weiser River;

Thence down the Weiser River in a meandering but general Southwesterly direction to a point North 57 degrees 01'00" West of the POINT OF BEGINNING;

Thence South 57 degrees 01'00" East to the REAL AND TRUE POINT AND PLACE OF BEGINNING.

SUBJECT TO THE FOLLOWING:

GENERAL TAXES AND ASSESSMENTS for the year 1995 which are a lien but not yet due or payable.

TERMS AND CONDITIONS OF AN EASEMENT granted to GLENN H. PROBST and DWILA R. PROBST, husband and wife, for private roadway purposes, recorded October 5, 1970 in Book 7M Misc. page 79 as Instr. No. 49130.

RIGHT-OF-WAY granted to STATE OF IDAHO for public highway, recorded December 8, 1937 in Book 15 Deeds page 258 as Instr. No. 23341.

EASEMENT granted to WEISER RIVER FLOOD CONTROL DISTRICT NO. 3, recorded August 27, 1956 in Book 23 Deeds page 505 as Instr. No. 37499.

EASEMENT granted to WEISER RIVER FLOOD CONTROL DISTRICT NO. 3, recorded September 10, 1956 in Book 23 Deeds page 512 as

MICROFILMED

OCT 23 1996

QUITCLAIM DEED

RECEIVED

MAY 11 1995

WATER RESOURCES
WESTERN REGION

For Value Received GLEN H. PROBST, aka GLENN H. PROBST and DWILA R. PROBST, husband and wife

do hereby convey, release, remise and forever quitclaim unto JOHN L. JANUIK and SHARMAN R. JANUIK, husband and wife

whose current address is 11 Cottontail Court, McCall, ID 83638

the following described premises, to-wit:

Township 17 North, Range 1 West, Boise Meridian
Section 1: That part of the S1/2NE1/4 lying North of the center of the natural channel of the Weiser River, as it existed prior to November, 1937, and South of the center of the relocated channel of the Weiser River, Adams County, Idaho.

EXCEPTING the rights of the State of Idaho and the Public in the bed of the Weiser River.

~~SEE ATTACHED EXHIBIT "A" MADE A PART HEREOF.~~

together with their appurtenances.

Dated: April 21, 1995

Glen H. Probst
Glen H. Probst, aka Glenn H. Probst

Dwila R. Probst
Dwila R. Probst

INSTRUMENT NO. 87713
State of Idaho)
County of Adams) ss.

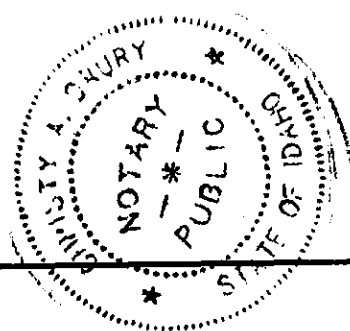
Filed for record at the request of
Timberline Title & Escrow
41 min. past 3 o'clock p.m.
this 28th day of April, 1995
MICHAEL FISK, RECORDER
by Deputy

Fee \$ 3.00

STATE OF IDAHO)
COUNTY OF Adams) ss

On this 21st day of April, 1995
before me, a Notary Public in and for said State,
personally appeared GLEN H. PROBST, aka
GLENN H. PROBST, & DWILA R. PROBST
known or identified to me to be the persons whose
names are subscribed to the within instrument, and
acknowledged to me that they executed the same.

Christy A. Bury
Notary Public
Residing At: Franklin, Idaho
Commission Expires: 8/4/93



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: A67-07294
Date Received: 3/21/1995
Receipt No: W006616
Received By: de RAB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GLEN H PROBST 208-253-4793
Address: HC 64 BOX 3300
COUNCIL ID 83612
AND
Name: DWILA R PROBST 208-253-4793
Address: HC 64 BOX 3300
COUNCIL ID 83612

2. Date of Priority: DEC 2, 1976

3. Source: SPRINGS Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	1	NW	SE			ADAMS

5. Description of diverting works:
COLLECTION BOX & GRAVITY FLOW.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.040		12.00

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) 12.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	1	NW	SE		IRR	3.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	3.0
					Total Acres	3.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
A67-4163.

14. Remarks:

15. Basis of Claim: LICENSE

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

CIVIL CASE NUMBER: 20576

Ident. Number

AL 7-07294

Date Received

H 2-89 3.21.95

Receipt Number

W0066116

RECEIVED
MAR 21 1995
WATER RESOURCES
WESTERN REGIONNOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAWRECEIVED
NOV 02 1989
Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) Glen H. and Duila R. Probst Phone (208) 253-4793Mailing Address HC 64 Box 3300 Council, Idaho Zip 836122. Date of Priority (Only one (1) per claim) December 2, 19763. Source of water supply (a) Springswhich is tributary to (b) Weiser River4. a. Location of existing point of diversion is: Township 17 N Range 1 W, B.M. Section 1,NW 1/4 of SE 1/4 of 1/4, Govt. Lot, B.M., County of Adams

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.Collection box on 1 spring, 3 Springs, Used Gravity
Flow

MICROFILMED

OCT 23 1996

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

RECEIVED

DEC 1 1988

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April 1 to Oct 31 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.04 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 12.0 acre feet per annum.

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

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>17N</u>	<u>1W</u>	<u>1</u>														<u>3</u>			<u>3</u>

Total number of acres irrigated 3

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

12. Do you own the property listed above as place of use? Yes Yes No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Claim No. 67-4163 or None ()

14. Remarks:

MICROFILMED
OCT 23 1996

Last Name Probst Ident No. 67-7294

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

MICROFILMED

Scale: 2 inches equals 1 mile

The image shows a 16x16 grid of graph paper. Handwritten notes are present in the following locations:

- In the 7th row, 14th column, the text "T. 12N" is written.
- In the 8th row, 7th column, there is a drawing of a spring (a coiled line) with the word "springs" written next to it.
- In the 11th row, 8th column, the text "R-1 w B m" is written.

OCT 23 1996

Last Name

Probst

Ident No.

67-7294

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 67-7294
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 _____

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

Signature of Claimant (s) [Signature]

Date 2 Oct 1989

Daniel R. Probst

Date 2 Oct - 1989

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

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

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)

County of Adams)

SS.

Subscribed and sworn (or affirmed) before me this 20 day of March 19 95

SEAL

Notary Public [Signature]

Residing at New Meadows

My Commission Expires 102299

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name Probst Ident. Number 67-7294

MICROFILMED

OCT 23 1996

Copies White-State, Yellow-Claimant

ADJUDICATION CLAIM REVIEW CHECKLIST

12-1-92

CLAIMANT'S NAME Brown, Albert & Divila

CLAIM IDENT. NO. AL67-07294

DATE RECEIVED 11-2-89 RECEIPT # 00000000 FEE PAID \$ 53.00 FEE REQ'D \$ 53.00

	YES	NO	Requi: Info:
1. Is the name and address complete with zip code?	<u>X</u>	<u> </u>	*
2. Is a priority date entered?	<u>X</u>	<u> </u>	*
Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.	<u>X</u>	<u> </u>	*
3. (a) Is a source entered?	<u>X</u>	<u> </u>	*
(b) Is a tributary to entered? (if required) N/A	<u>X</u>	<u> </u>	
4. Is the legal description of the p.d. sufficient?	<u>X</u>	<u> </u>	*
5. Is there a description of the diverting works?	<u>X</u>	<u> </u>	
6. Are the water uses appropriate for the form? The short form is limited to D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.	<u>X</u>	<u> </u>	*
Is the period of use included?	<u>X</u>	<u> </u>	
Is a quantity claimed for each use?	<u>X</u>	<u> </u>	*
7. Is a total quantity claimed entered?	<u>X</u>	<u> </u>	
8. If required is a consumptive use entered? N/A	<u>X</u>	<u> </u>	
Is the consumptive use correct? N/A	<u> </u>	<u> </u>	
9. Are the non-irrigation uses listed showing # of homes, hd. of stock? If multiple domestic, is single ownership indicated?	<u> </u>	<u> </u>	*
10. Is (are) the place(s) of use and purpose(s) indicated?	<u>X</u>	<u> </u>	*
11. Is (are) the county(ies) entered?	<u>X</u>	<u> </u>	
12. Is the ownership of p.u. checked?	<u>X</u>	<u> </u>	
13. Are other water rights listed or "none" indicated?	<u>X</u>	<u> </u>	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A	<u>X</u>	<u> </u>	
15. Is the basis of the claim indicated?	<u>X</u>	<u> </u>	
16. If the basis of claim is shown as license, permit, or decree is the existing water right no. listed? N/A	<u>X</u>	<u> </u>	
If yes, compare claim w/existing right and attach proof report noting any differences in comments.	<u> </u>	<u> </u>	
If no, was water right no. found?	<u> </u>	<u> </u>	*
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal description or name on the claim? N/A	<u>X</u>	<u> </u>	
(If yes, attach a proof report & complete number change) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.	<u> </u>	<u> </u>	
18. If the claimant requested a monthly docket sheet, was the fee paid? N/A	<u>X</u>	<u> </u>	
19. Is the claim signed by the claimant, and is the signature appropriate?	<u>X</u>	<u> </u>	*
20. Has the claim been signed, sealed, and dated by a notary?	<u>X</u>	<u> </u>	*
21. Was this claim filed on time? (Check ML3 for date mailed-not all were mailed on the planned date) If no, was an extension of time filed & approved?	<u>X</u>	<u> </u>	*
22. Is the fee enclosed correct? Exempt	<u>X</u>	<u> </u>	

MICROFILMED

OCT 23 1996

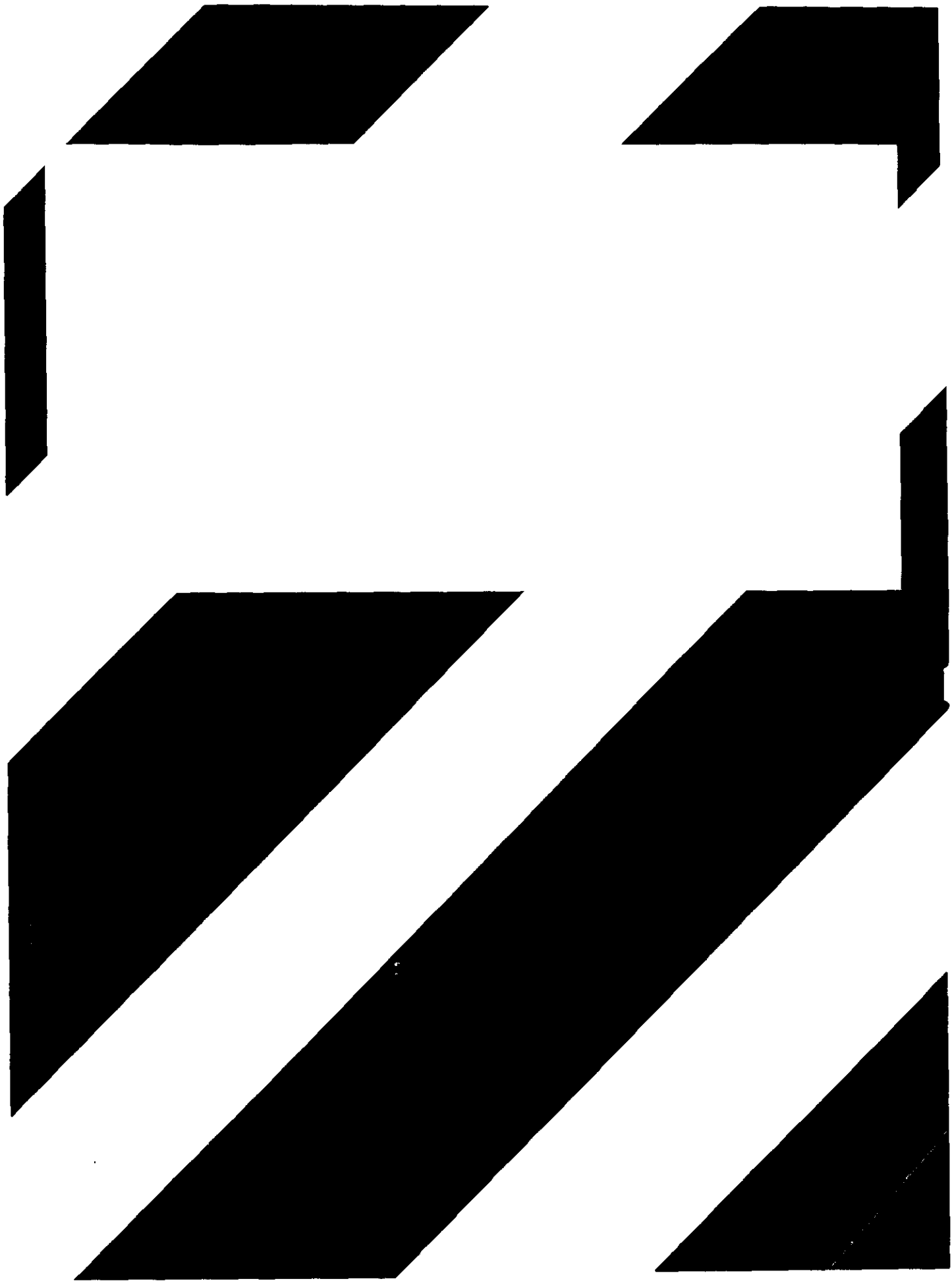
	YES	NO
23. Is this claim being rejected and returned to claimant?	<u>X</u>	<u>ok rat</u>
24. Can this claim be data entered?	<u>—</u>	<u>X</u>
25. Was claim modified?	<u>—</u>	<u>—</u>
If yes, do modifications require notification to claimant?	<u>—</u>	<u>—</u>

Note: Modifications made must be explained in comments stating where the information for any changes was found.

Claim reviewed by: RAH Date 11-2-94
 Claim data entered by: RAH Date 3-24-95

IF REQUIRED INFORMATION IS INCOMPLETE SEE INSTRUCTIONS TO DECIDE WHETHER THE CLAIM NEEDS TO BE RETURNED OR IF IT CAN BE MODIFIED. IF IT MUST BE RETURNED INSTRUCTIONS WILL SPECIFY WHICH FORM LETTER TO USE.

Comments: Return for notary. rat





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 16, 1995

Re: Notices of Claim to a Water Right Nos. A67-07294, A67-07061,
A67-04163

John L. Januik
Sharman R. Januik
2709 Hwy. 95
Council, ID 83612

Mr. & Mrs. Januik:

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

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

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

Sincerely,

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

LH:1
Enclosure

cc: Glen & Dwila Probst

MICROFILMED

1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

3 claims

3-15-95

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Glen H. & Dwila R. Probst
Hc 64 Box 3300
Council ID 83612

Dear Claimant(s):

This office is presently processing the Notice of Claim(s) to a Water Right you submitted during the Snake River Basin Adjudication claims filing in your area. However, due to the items checked below, we cannot continue to process this claim(s). We are returning this claim(s) to you to complete items required that were incomplete on your claim form. **ONLY THE ITEMS CHECKMARKED IN THIS LETTER NEED COMPLETION. IF AN ITEM IS NOT CHECKMARKED, IT IS NOT PERTINENT TO THIS CLAIM(S).** Also enclosed is the receipt for the filing fee previously submitted with this claim(s).

_____ Fee - No fee received or inadequate fee received, fee due is _____.
(Filing fees, based on use(s) of water, were due on all claims filed)

_____ Late Notice of Claim - This claim was received on _____ which is after the deadline for filing claims in _____ County. The deadline for this County was _____, and the late fee now due is _____. The enclosed Late Fee Notice explains the late fee and how it is computed.

_____ Item No. 2 - Date of priority - month/day/year that water was first put to use, regardless of ownership. If month or day is unknown, the Dept. will recommend 12/31 of the year designated.

_____ Item No. 3 - Source of Water

_____ Item No. 4 - Point of Diversion - must be shown by quarter-quarter (40 acre tract), section, township and range. Lot and block for subdivision are not acceptable as the legal description for the point of diversion, however, please include this information in the remarks section of your claim. See page two of this letter for additional information.

_____ Item No. 6 - Uses of Water

_____ Item No. 9 - Non-Irrigation Uses

_____ Item No. 10 - Place of Use - must be listed by quarter-quarter (40 acre tract), section, township, and range. Lot and block for subdivision are not acceptable as the legal description for the place of use, however, please include this information in the remarks section of your claim. See page two of this letter for additional information.

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1995

Item No. 12 - Ownership of place of use - It appears that the places of use filed on this claim are owned by separate individuals. This claim form can only be used when the places of use are under single ownership, even when all the uses are from one source. Enclosed are claim forms to be used to file on each separately owned place of use. The claim being returned will need to be modified to show one owner, with the changes initialed and dated. The \$25 fee for this claim has been submitted, however, the additional claims returned need to submit a \$25 fee each.

Item No. 15 - Basis of Claim - Please designate if your water right is based on beneficial use of the water - Beneficial Use, or if it is based upon a previously filed water right - Posted Notice, License, Permit or Decree.

✓ ^{Both} Item No. 16 - Signature - this claim form does require your signature be affixed and notarized by a notary public. Note, the notary public signs below the signature blocks listed in this item.

MAP ENCLOSED: Please mark the location of the well(s) and the location of the place(s) of use on this map. Then return the map with your claim and the additional information requested, if any. We can then determine the quarter-quarter(1/41/4) legal description based on the locations marked on this map.

✓ Other: A67-04163 - please clarify acres - 11.25 or 14.25. If 14.25, please submit additional \$3 and correct claim form. If 11.25, please make appropriate changes at "Totals"

Please complete the above item(s) on your claim form(s), initial and date any changes or additions, and return the claim(s), with the requested fee(if one was requested), to our office within 30 days from the date of this letter. If the claim(s), or fee requested, is not received within this 30-day period, the claim(s) will be rejected and your fee, if one was paid previously, will be refunded. Please contact our office listed in the address below, within the 30 day time period, either in writing or by phone, to let us know if there is a problem returning the claim(s), or fee, in order to keep this claim(s) valid. If the claim(s) is rejected and fee refunded, due to no response within the 30-days, the claim(s) can be resubmitted up until claims in this area are prepared for court decree. However, at that time the corrected claim(s) along with the regular filing fee that was refunded, and an additional late fee will be required. Please return your claim(s), any other claims, information or fees requested, if any, to the Department of Water Resources, Western Region Office, 2735 Airport Way, Boise, ID 83705.

Feel free to contact this office if you have any questions concerning this letter.

Sincerely,



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

HHT:h

Enclosures

SPECIAL NOTE: IF YOU NO LONGER OWN THE PROPERTY UPON WHICH THIS CLAIM WAS FILED, PLEASE CONTACT THIS OFFICE IMMEDIATELY. IDAHO STATE LAW REQUIRES THAT THE DEPARTMENT BE NOTIFIED OF A CHANGE OF OWNER OR ADDRESS ON A WATER RIGHT.

RECORDED

APR 11 1996

POOR ORIGINAL

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: 30576
Ident. Number AL 7-07294
Date Received 11-2-89
Receipt Number 1000101110

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

RECEIVED
NOV 02 1989
Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) Glen H. and Dwila R. Probst Phone (208) 253-4793
Mailing Address HC 64 Box 3300 Council Idaho Zip 83612

2. Date of Priority (Only one (1) per claim) December 2, 1976

3. Source of water supply (a) Springs
which is tributary to (b) Weiser River

4. a. Location of existing point of diversion is: Township 17 N Range 1 W, B.M. Section 1,
NW 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Adams

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.

Collection box on 1 Spring, 3 Springs, Used Gravity Flow

~~SECRET~~

400

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April to Oct 31 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.04 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 12.0 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	
<u>17N</u>	<u>1W</u>	<u>1</u>														<u>3</u>			<u>3</u>

Total number of acres irrigated 3

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

12. Do you own the property listed above as place of use? Yes Yes No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Claim No. 67-4163 or None ()

14. Remarks:

Last Name Probst Ident No. 67-7294

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 16x16 grid of graph paper. The grid is composed of 16 columns and 16 rows. Handwritten notes are present in the following locations:

- Row 12, Column 14: T_{12N}
- Row 10, Column 8: A small sketch of a spring with the label "springs".
- Row 12, Column 8: $R+1$ w B m

SECRET

[illegible]

Ident No. 67-7294

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 67-7294

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 _____

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

Signature of Claimant (s) [Signature]

Date 2 Oct 1989

Daniel R. Probst

Date 2 Oct - 1989

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

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

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name Probst Ident. Number 67-7294

Copies White-State, Yellow-Claimant

Old (D) Number -

Address

1 - TAMARACK STAR RT.

State- ID Zip- 83612

1 - TAMARACK STAR RT.

State- ID Zip- 83612

+ - - Stage - - +
L - LICENSE+ + + + + Tributary
WEISER RIVER

----- Diversion Name -----

(3) ADAMS

----- Diversion Rate ----- Diversion Volume -----

12.00

12.00

Code	Description
1	1
2	2
3	3
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100	100

(3) ADAMS

3.0

ON BOX & GRAVITY FLOW.

Non-Irrigation Use -

For Same Use - CLAIM 67-4163.

Remarks - -
No Remarks found.

- - - Old Water Right Numbers - -
No Old Water Right Numbers found.

UNCLASSIFIED

1395