

Scale: 2 inches equals 1 mile

A 16x16 grid of graph paper. The grid is composed of small squares, each containing a dashed crosshair. A thick black cross divides the grid into four 8x8 quadrants. In the bottom-right quadrant, there are diagonal lines and the text "POD" written in the bottom right corner.

Ident No.

Copies: White-State, Yellow-Claimant

White-State, Yellow-Claimant

OCT 01 1992

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: A67-00563
Date Received: 10/13/1989
Receipt No: C012210
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ED BARTOSCHEK 208-549-1053
Address: 1975 W. INDIAN HEAD RD.
WEISER, ID 83672
2. Date of Priority: APR 01, 1883
3. Source: MANNS CREEK Trib. to: WEISER RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	04W	18	NE	SE	SE		WASHINGTON
5. Description of diverting works:
HEADGATE AND LATERALS
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.530		
7. Total Quantity Appropriated is:
0.530 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 115.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	04W	18	SE	SE		IRR	33.0
						Section Acres	33.0
						Total Acres	33.0

A67-00563

Page 1

Date: 06/29/90

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11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
NONE

14. Remarks:
WATER CARRIED IN THE BRADSHAW-PAYNE-LYNCH DITCH.
THIS IS A SECONDARY RIGHT.
FLOOD WATER .76 CFS.
LOW WATER .532 CFS.
AC. IRR.=38.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

E. V. JEFFERSON ET. AL.
Decree Plaintiff

vs

THOMAS HIGGENBOTHAM ET. AL.
Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576
Ident. Number 267-00563
Date Received
Receipt Number 0013210

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

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OCT 13 1989

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Ed Bastoschek Phone (549) 1053
Mailing Address 1975 W. Indian Head Rd. Zip 83672

2. Date of Priority (Only one (1) per claim) 4/1/1983

3. Source of water supply (a) Manns Creek
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 11N Range 4W Section 18
NE 1/4 of SE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Washington

Additional points of diversion if any: _____

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

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

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

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

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

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

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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.

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OCT 10 1988

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irr purposes from 4/1 to 10/31 amount 0.53 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.53 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 115 acre feet per annum.

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

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	
11N	4W	18																33	33

Total number of acres irrigated

33

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

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

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

or None ()

14. Remarks:

Last Name _____

Ident No. _____

67-00563

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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.

Scale: 2 inches equals 1 mile

A 15x15 grid of graph paper with dashed lines for plotting. The grid is mostly empty, with some handwritten marks in the lower right quadrant, including a circled '1' and '2' in the 8th row, 8th column, and a large 'X' mark in the 10th row, 12th column.

OCT 01 1992

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐
Decree ☒
If applicable provide IDWR Water Right Number 67-00563
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 2

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

Signature of Claimant (s) x Ed Bartoschke Date 1-10-11-89
Date _____

For Organizations: I do solemnly swear or affirm that I am _____
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 Washington } SS.

Subscribed and sworn (or affirmed) before me this 11 day of Oct 1989

Notary Public Bruce A. Schind

Residing at BRUCE A. SCHIND, NOTARY PUBLIC

My Commission Expires RESIDING AT BOISE, IDAHO

MY COMMISSION EXPIRES APRIL 11, 1995

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 _____ Ident. Number _____

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Old (D) Number -

[illegible]

1	-	
2	-	
3	-	
	City	
	Phone	

+ - -	Priority Date	- - +	+ - -	Region	- - -	+ - -	Stage	- - -	+ - -	Status
				14			D -	DECREED		
	04/01/1983									

```
+-----+  
| Source | Tributary |  
| Mann's Creek | Weiser River |
```

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Stream Index (Blank if no Index Code)
-----	-----	-----	-------	-----	------	--------	--------------------	---------------------------------------

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
+	-	-	-	-	-	-

01 - IRRIGATION						0.530
+ - Total Div. Rate - +	+ - Total Div. Volume - +	- Total Div. Capacity - +	- Total Consumptive Use - +	- KW Usage - +		
0.530						

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
11N	04W	18	SE SE	SE	01	IRRIGATION		87 WASHINGTON

Total Acres:

+ - - Diversion Means -

+	-	-	-	Non-Irrigation Use -
---	---	---	---	----------------------

+ - - Other Rights for Same Use -

[illegible]

WATER CARRIED IN THE BRADSHAW-PAYNE-LYNCH DITCH.
THIS IS A SECONDARY RIGHT.
FLOOD WATER .76 CFS.
LOW WATER .532 CFS.
AC. IRR.=38.

+ - - - - - +
- Conditions of Approval - - - - - +
No Conditions of Approval found.

Case No.	Plaintiff	Defendant	Decree Date
1	+	+	+
2	+	+	+
3	+	+	+
4	+	+	+
5	+	+	+
6	+	+	+
7	+	+	+
8	+	+	+
9	+	+	+
10	+	+	+
11	+	+	+
12	+	+	+
13	+	+	+
14	+	+	+
15	+	+	+
16	+	+	+
17	+	+	+
18	+	+	+
19	+	+	+
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21	+	+	+
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89	+	+	+
90	+	+	+
91	+	+	+
92	+	+	+
93	+	+	+
94	+	+	+
95	+	+	+
96	+	+	+
97	+	+	+
98	+	+	+
99	+	+	+
100	+	+	+

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+ + + + + Water Rights Dates and Flags Area

Field Exam Fee
Swan Falls
Temporary Right
DLE/Carey Act
Water District
Transfer/Amended

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4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Hartoschuk

CLAIM IDENT. NO.

A67-00563

DATE RECEIVED

10/13/89

CK #

CO12210

AMOUNT \$

1. Is the name and address complete with zip code?

Weiser

YES

NO

Require
Info?

2. Is a priority date entered?

Is the priority date acceptable in view of mandatory filing dates?

See Adjudication Memos #1 and #4 to determine if a Permit is required.

3. (a) Is a source entered?

(b) Is a tributary to entered? (if required) Weiser River N/A

4. Is the legal description of the p.d. sufficient?

5. Is there a description of the diverting works?

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.

Is the period of use included?

Is a quantity claimed for each use?

7. Is a total quantity claimed entered?

8. If required is a consumptive use entered?

N/A

Is the consumptive use correct?

115.5

N/A

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.

N/A

10. Is (are) the place(s) of use and purpose(s) indicated?

11. Is (are) the county(ies) entered?

12. Is the ownership of p.u. checked?

13. Are other water rights listed or "none" indicated?

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

15. Is the basis of the claim indicated?

16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)

N/A

17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.

18. Has the claim been signed, sealed, and dated by a notary?

19. Was this claim filed on time, or was an extension granted?

20. Is the fee enclosed correct?

Exempt

21. If this claim is based on an existing water right, has the identification number been entered?

N/A

22. Should this claim be data entered?

Claim checked by:

RME

Date:

5/17/90

Claim must be returned to claimant:

(Yes) ☒ (No)

Claimant must be notified of modifications:

(Yes) ☒ (No)

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

MOS

Date:

Date: 6/29/90

Date:

Checked by:

BDate: 7/27/90

Comments:

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OCT 01 1992

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-563 V1

WATER RIGHT NUMBER: 67-563 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ED BARTOSCHEK 1975 W INDIAN HEAD RD WEISER, ID 83672 (208)549-1053

Priority Date: 04/01/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MANN CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01	11/15	0.530 CFS	141.80 AF
	<u>Total Diversion:</u>		0.530 CFS	141.80 AF

Location of Point(s) of Diversion

MANN CREEK	SW1/4SE1/4SE1/4	Sec. 18, Twp 11N, Rge 04W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	04W	18																	31.5

Total Acres: 31.5

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 67, Weiser River.
2. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-563 V1

Remarks:

1. General Right 67-563 is identified as a secondary right authorizing the diversion of 0.76 cfs during flood water periods and 0.53 cfs during low water periods.

Comments:

1. PSKAGGS 10/18/2001 8:39:43 AM Transferred Right
Comment: This is now a approved transfer, transfer number = 69085

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number: 67
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 4.5
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

WATER RIGHT NO. 67-563
As Modified by Transfer No. 69085

In accordance with the approval of Transfer No. 69085, Water Right No. 67-563 is now described as follows.

Right Holder: ED BARTOSCHEK
 1975 W INDIAN HEAD RD
 WEISER ID 83672

Priority Date: 04/01/1883

Source: MANN CREEK

Tributary: WEISER RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/15	0.53 CFS	141.8 AF
			0.53 CFS	141.8 AF

LOCATION OF POINT(S) OF DIVERSION:

MANN CREEK SWSESE Sec. 18 Twp 11N Rge 04W WASHINGTON
 County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
11N 04W 18	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	31.5
																	31.5

Total Acres: 31.5

CONDITIONS OF APPROVAL

1. Right 67-563 is identified as a secondary right authorizing the diversion of 0.76 cfs during flood water periods and 0.53 cfs during low water periods.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 67, Weiser River.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

WATER RIGHT NO. 67-563
As Modified by Transfer No. 69085

CONDITIONS OF APPROVAL

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 17th day of October, 2001


Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69085

This is to certify that: ED BARTOSCHEK
1975 W INDIAN HEAD RD
WEISER ID 83672
(208)549-1053

Western
RECEIVED
OCT 31 2001
WATER RESOURCES
WESTERN REGION

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
67-563	AJC/Decreed	04/01/1883	0.53 cfs		33.0	33.0	MANNS CREEK

Purpose of Transfer (Changes Proposed)

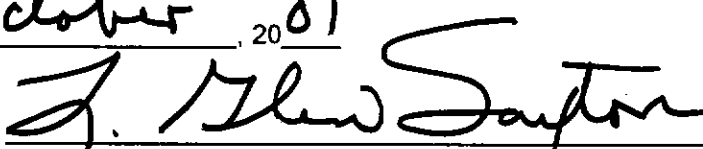
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
67-563	NO	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
67-563	67-563	0.53 cfs	141.8 af	31.5	31.5		N/A	N/A	N/A	N/A
TOTALS		0.53 cfs	141.8 af	31.5	31.5		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 17th day of October, 2001


Chief, Water Allocation Bureau