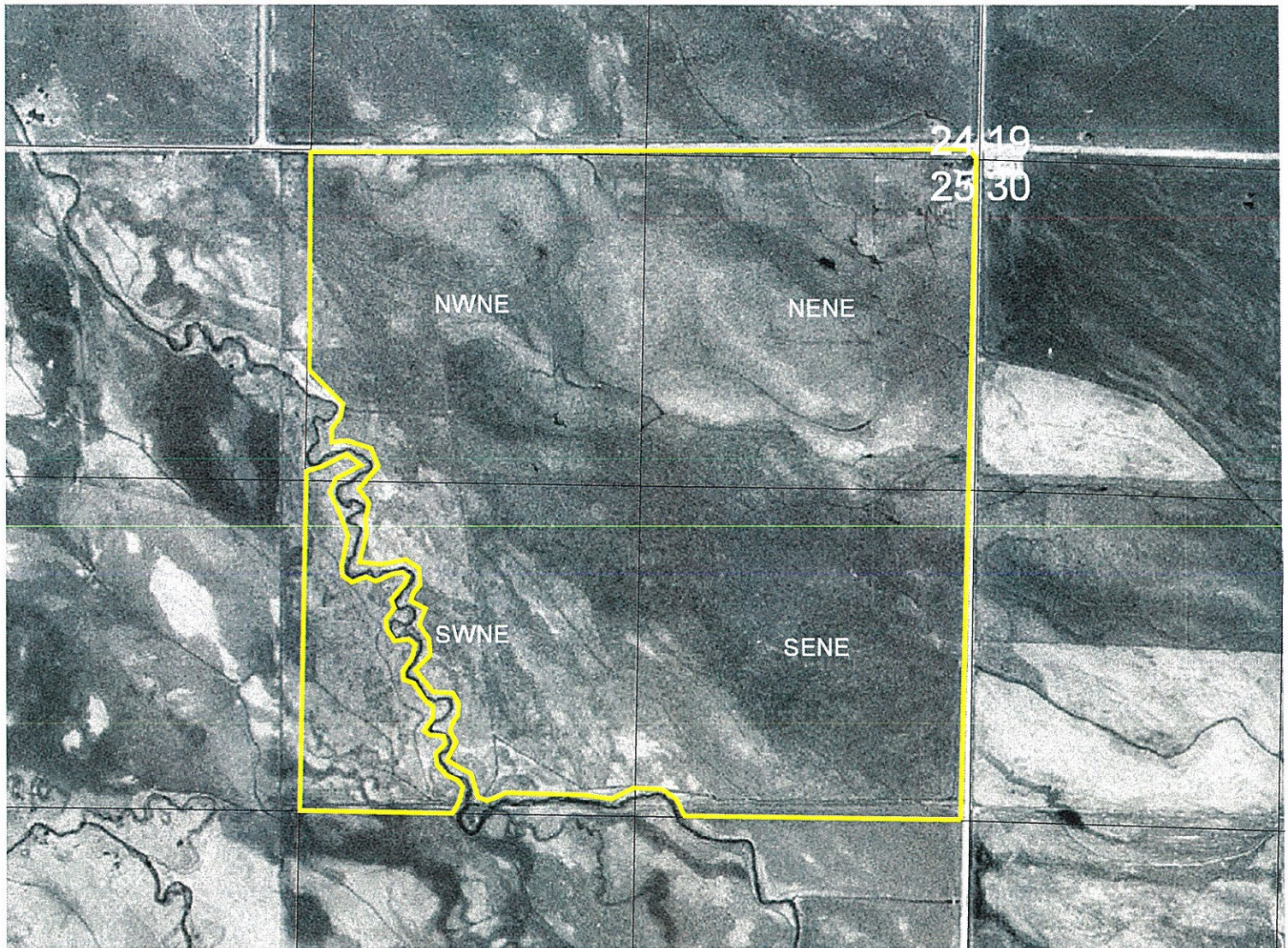


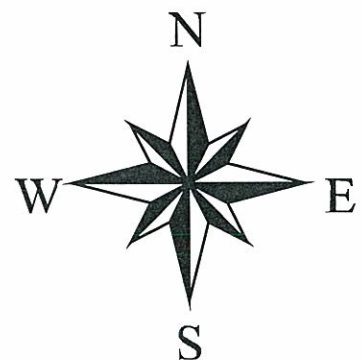
78-182



600 0 600 1200 1800 Feet

T19N R01E S25

Map prepared by: Carter Fritschle
Date prepared: 06/21/05
Digital Orthophotoquad - 1992 Photography
Idaho Department of Water Resources



11/14/2006

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

RIGHT NUMBER: 78-182

NAME AND ADDRESS: DAN HEARN
PO BOX 383
NEW MEADOWS ID 83654

MARY F HEARN
PO BOX 383
NEW MEADOWS ID 83654

SOURCE: GOOSE CREEK TRIBUTARY: LITTLE SALMON RIVER

Water is delivered from the West Branch of Goose Creek.

QUANTITY: 1.448 CFS

PRIORITY DATE: 05/01/1888

POINT OF DIVERSION:

T19N R02E S29 SENE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.448 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T19N R01E S24	SWSE	0.20	T19N R01E S24	SESE	0.90
T19N R01E S25	NENE	40.00	T19N R01E S25	NWNE	39.00
T19N R01E S25	SWNE	36.00	T19N R01E S25	SENE	39.00

155.1 ACRES TOTAL

This right is limited to the irrigation of 90.5 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 301.5 acres in a single irrigation season.
Combined Right Nos.: 78-182, 78-12162 and 78-12165

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Water is delivered through the Mitchell-Snyder Canal.

Use of this right is combined with water from Brundage Water Users Association.

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 78-182

(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: Dan and Mary Hearn

Address: P.O. Box 383

New Meadows, Idaho 83654

Daytime Phone: 208-347-2247

Name & Address of Attorney, if any:

Scott L. Campbell & Andrew J. Waldera

P.O. Box 829

Boise, Idaho 83701-0829

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

Name: Dan and Mary Hearn

Address: P.O. Box 383

New Meadows, Idaho 83654

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 of Diversion**
Should be: that identified in the original SRBA claim.
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: that identified in the original SRBA claim.
10. ☐ **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 OBJECTIONS(S):** The Department has no legal basis for recommending a point of diversion different than that identified in the original SRBA claim. Likewise, the Department has no legal basis for recommending a place of use different than that identified in the original SRBA claim, or for reducing the amount of irrigated acreage claimed.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Ada)

Andrew J. Waldera, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

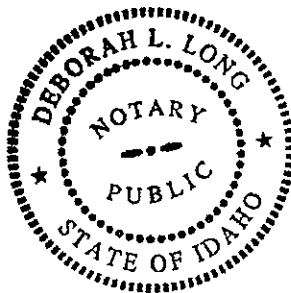
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

A. Waldera
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

May 8th, 2007



Deborah Long
Notary Public for Idaho

Residing at: Boise, Idaho

My Commission Expires: 10/10/07

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 May 8th, 2007, 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:

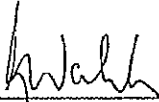
Name: Dan and Mary Hearn
Address: P.O. Box 383
New Meadows, Idaho 83654

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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



Signature of objector or attorney
mailing on Objector's behalf

78-12162
78-182

Fritschle, Carter

From: Angela Schaer Kaufmann [ASK@moffatt.com]
Sent: Monday, July 25, 2005 9:42 AM
To: carter.fritschle@idwr.idaho.gov
Cc: Melonie Robinson
Subject: Hearn Water Rights

Carter,

I spoke to my client about the issues you set forth in your previous e-mail. As to the diversion point for his rights, he said that he does not take out of the South End Ditch - it's actually located 1.5-2 miles away. They do take out of the Campbell Ditch.

We also spoke about Water Right 78-206A, which purportedly takes water from the west branch of Goose Creek, in the amount of .07 c.f.s. My client said that the property now owned by Ms. Eld and Ms. Clancy has not been irrigated for at least 20 years (a gentleman named Darrell Campbell leased the property until last year). I wondered if the Department had done a field inspection of the property. Mr. Hearn also suggested that you (or I) might want to talk to the watermaster. Her name is Jeanette Farrell, and her number is 347-2241.

Apparently, Mr. Abshire (the predecessor) sold that parcel whenever Highway 55 went in. However, given that the parcel has never been irrigated, it would be our contention that there was no intent to convey part of the water right, and that my client was entitled to the full amount (.64 c.f.s.). That is particularly true given that, as I think you've noticed from your records, the Johnsons conveyed the full amount of their property to Mr. and Mrs. Hearn.

If you'd like to sit down and talk about these issues, please let me know and we'll schedule a time.

Angela

CONFIDENTIALITY NOTICE: This e-mail is intended only for the personal and confidential use of the individual(s) named as recipients and is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521. It may contain information that is privileged, confidential and/or protected from disclosure under applicable law including, but not limited to, the attorney client privilege and/or work product doctrine. If you are not the intended recipient of this transmission, please notify the sender immediately by telephone. Do not deliver, distribute or copy this transmission, disclose its contents or take any action in reliance on the information it contains.

Moffatt Thomas Barrett Rock & Fields, Chartered
(208) 345-2000 (800) 422-2889

Fritschle, Carter

From: Fritschle, Carter
Sent: Wednesday, June 22, 2005 9:53 AM
To: Angela Schaer Kaufmann (E-mail)
Subject: Dan and Mary Hearn Basin 78 SRBA Claims

Hi Angela,

Since you signed the Notice of Appearance for Scott, I hope it is all right to direct these questions to you since I don't have Scott's email address in my contacts list. Dan and Mary Hearn acquired the property I have questions about from the Larry and Peggy Johnson along with SRBA claims 78-182, 78-206 (renumbered to 78-12162) and 78-10192 (renumbered to 78-12165). Apparently there was some confusion about the change of ownership because portions of claims 78-206 and 78-10192 were not conveyed to Hearn's, and remained in Johnson's name as 78-12161 and 78-12164. I intend to disallow 78-12161 and show it as recommended as 78-12162. I also intend to disallow 78-12164 and show it as recommended as 78-12165.

However, I have a few questions about these claims that hopefully you can shed some light on. First, Johnsons claimed all 0.64 cfs of 78-206, but there is a competing claim for a portion of it, 0.07 cfs claimed as 78-206A. 78-206A is claimed on a portion of the original decreed place of use. So my question is can Hearn's show that they are entitled to all of the 0.64 cfs described in the decree for 78-206? If not, I will have to reduce the amount I can recommend for their portion of the decreed right to 0.57 cfs on claim 78-12162.

The second question deals with the change in the points of diversion for 78-182 and 78-206. The point of diversion that Johnsons claimed for all three rights is the legal description for the Campbell Ditch, which serves the lands to the north of Goose Creek. I think what they may have intended to claim was the point of diversion for the South End Ditch, which serves the lands to the south of Goose Creek, and seems to have replaced many of the smaller ditches that were listed in the decree. Do you happen to know if Hearn's get their water delivered through the South End Ditch? If they do, I can recommend the South End Ditch as the point of diversion without them having to amend their claims.

And finally, this one isn't a question but more of a heads up. Many of the claimants that have rights from Goose Creek that were decreed in Clay v. Clark have also claimed flood water rights since the decree limited the rights to 0.8 miner's inches per acre. Most of the flood water was claimed with a priority date of September 26, 1922, the day after Judge Bryan signed the Clay v. Clark Decree. However, Johnsons claimed a priority date for their flood water claim (78-10192) of May 2, 1904, the date after the priority date of decreed right 78-206. So, I am letting you know in advance that best priority date I can recommend for 78-12165 is September 26, 1922, with it being subordinated to some licenses that have priority dates junior to September 26, 1922 but have been historically delivered ahead of any flood water.

Thanks, and I hope your summer is off to a great start. Carter

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: A78-00182
Date Received: 5/19/1988
Receipt No: 2000799

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PEGGY L. JOHNSON 208-459-1721
Address: RT. 6 BOX 37
CALDWELL, ID 83605
AND/OR
Name: LARRY L. JOHNSON 208-459-1721
Address: RT. 6 BOX 37
CALDWELL, ID 83605
2. Date of Priority: MAY 01, 1888
3. Source: GOOSE CREEK Trib. to: LITTLE SALMON RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
19N	02E	27	SW	NW	NW		ADAMS
5. Description of diverting works:
CONCRETE DIVERSION DAM - GRAVITY DITCHES
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	10/31	1.448		
7. Total Quantity Appropriated is:
1.448 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
19N	01E	25	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
Section Acres							160.0
Total Acres							160.0

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:
A78-10192

14. Remarks:
THIS WATER IN THE MITCHELL-GLENN CANAL.

15. Basis of Claim: DECREED
Water Right Number:
Case Number:
Court :
Decree date:

HENRY T. CLAY ET. AL.
Decree Plaintiff

vs

T. A. CLARK 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): Peggy L. Johnson Date: May 19, 1988
Date:

State of Idaho)
County of Ada) SS.

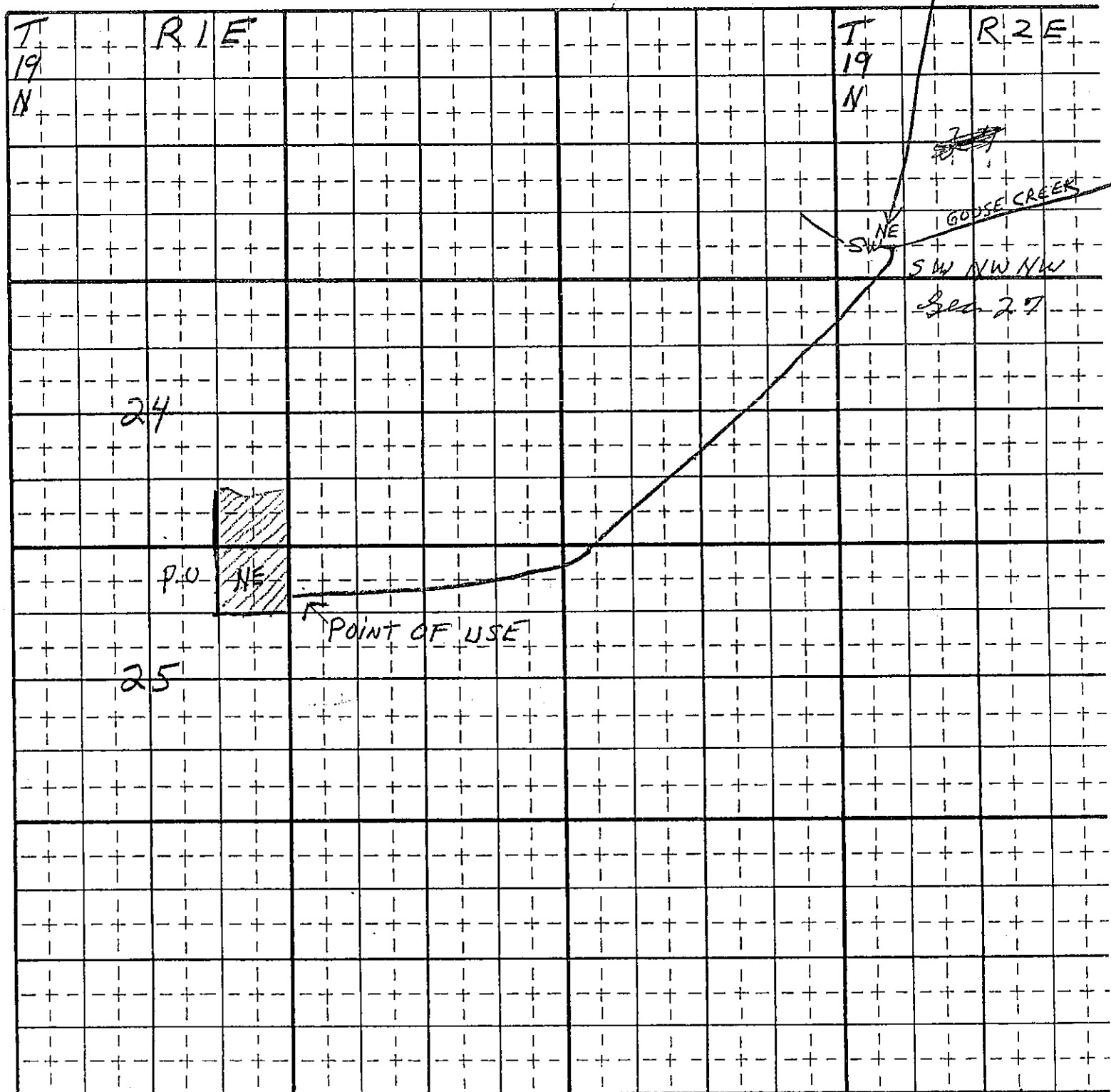
Subscribed and sworn (or affirmed) before me this 19th day
of May 19 88 Dona Billings
Notary Public

Seal

Residing at Caldwell, Id
My Commission Expires 3/21/94

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

Scale: 2 inches equals 1 mile



Last Name

JOHNSON

Ident No.

Microfilm

Copies: White-State, Yellow-Claimant

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

OCT 28 2001

Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

RECEIVED

OCT 26 2001

WATER RESOURCES
WESTERN REGION

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
78-00182	78-00182	No fee			
78-10192	78-10192	No fee			
78-00206	78-00206	No fee			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Larry L. and Peggy L. Johnson
Rt. 6 Box 37, Caldwell, ID 83605
4. New Owner/Claimant(s) Dan and Mary Hearn
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P. O. Box 383
- City, State and ZIP Code New Meadows, ID 83654
- New Telephone Number (208) 642-3866
5. Date you acquired the property December 1, 1991

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) *Dan Hean*
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only
 Received by *JH* Date *10/23* Fee *15.00 (\$25-) EACH*
 Received by *JH* Date *10/23* Receipt No. *0057256*
 Processed by _____ AJ Date _____ WR _____ Date _____

*No fees required. Refund request sent to
S.O. 10/31/01. *DJ**

WARRANTY DEED

For Value Received PEGGY L. JOHNSON and LARRY L. JOHNSON, wife & husband

the grantor s, do hereby grant, bargain, sell and convey unto

DAN HEARN and MARY F. HEARN, husband and wife

the grantee s, whose current address is 934 Hillside Terrace, Rio Vista, Ca. 94571

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

SEE EXHIBIT "A" attached hereto

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

and that t he y will warrant and defend the same from all lawful claims whatsoever.

Dated: December 1, 1991

Peggy L. Johnson
Peggy L. Johnson

Larry L. Johnson
Larry L. Johnson

STATE OF IDAHO

COUNTY OF Ada

On this 26th day of November, in the year 1991, before me, a Notary Public, personally appeared PEGGY L. JOHNSON & LARRY L. JOHNSON known or identified to me to be the person whose name s are subscribed to the within instrument, and acknowledged to me that t he y executed the same.

Dana M. Campbell
Notary Public
Residing at New Mexico, Idaho.
Commission expires: 5-23-1994

STATE OF IDAHO, COUNTY OF ADAMS

I hereby certify that this instrument was filed for record at the request of Timberline title & Escrow

at 40 minutes past 11 o'clock A.M.,
this 2 day of December
19 91, in my office, and duly recorded in Book 44M,
of Deeds at page 024

Michael Fisk

Ex-Officio Recorder

By

[Signature]
Deputy.

Fees \$ 6.00
Mail to:

Indexco

INSTRUMENT No.

81300

Chicago Title Insurance
Company of Idaho

WARRANTY DEED

For Value Received PEGGY L. JOHNSON and LARRY L. JOHNSON, wife & husband

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and that the y will warrant and defend the same from all lawful claims whatsoever.

Dated: December 1, 1991

Peggy L. Johnson
Peggy L. Johnson

Peggy L. Johnson
Larry L. Johnson

the y the

STATE OF IDAHO
COUNTY OF Ada

On this 24th day of November, in the year 1991, before me, a Notary Public, personally appeared PEGGY L. JOHNSON & LARRY L. JOHNSON known or identified to me to be the person whose name s are subscribed to the within instrument, and acknowledged to me that t he y executed the same.

Donna M. Campbell
Notary Public
Residing at New Meadows, Idaho.
Commission expires: 5-23-1994

STATE OF IDAHO, COUNTY OF ADAMS

I hereby certify that this instrument was filed for record at the request of Limberline Title & Escrow

at 40 minutes past 11 o'clock A M.,
this 2 day of December
19 91, in my office, and duly recorded in Book 44M
of Deeds at page 024

Michael Fisk

Ex-Officio Recorder

By

Larry L. Johnson
Deputy

Fees \$ 6.00
Mail to:

Indexed

Chicago Title Insurance 
Company of Idaho

EXHIBIT "A"

Township 19 North, Range 1 East, Boise Meridian, Adams County, Idaho
Section 25: NE1/4

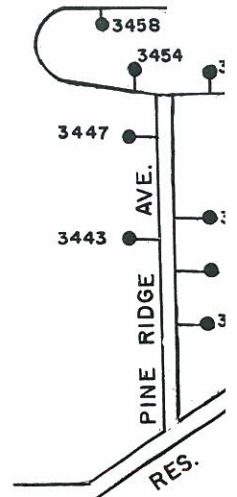
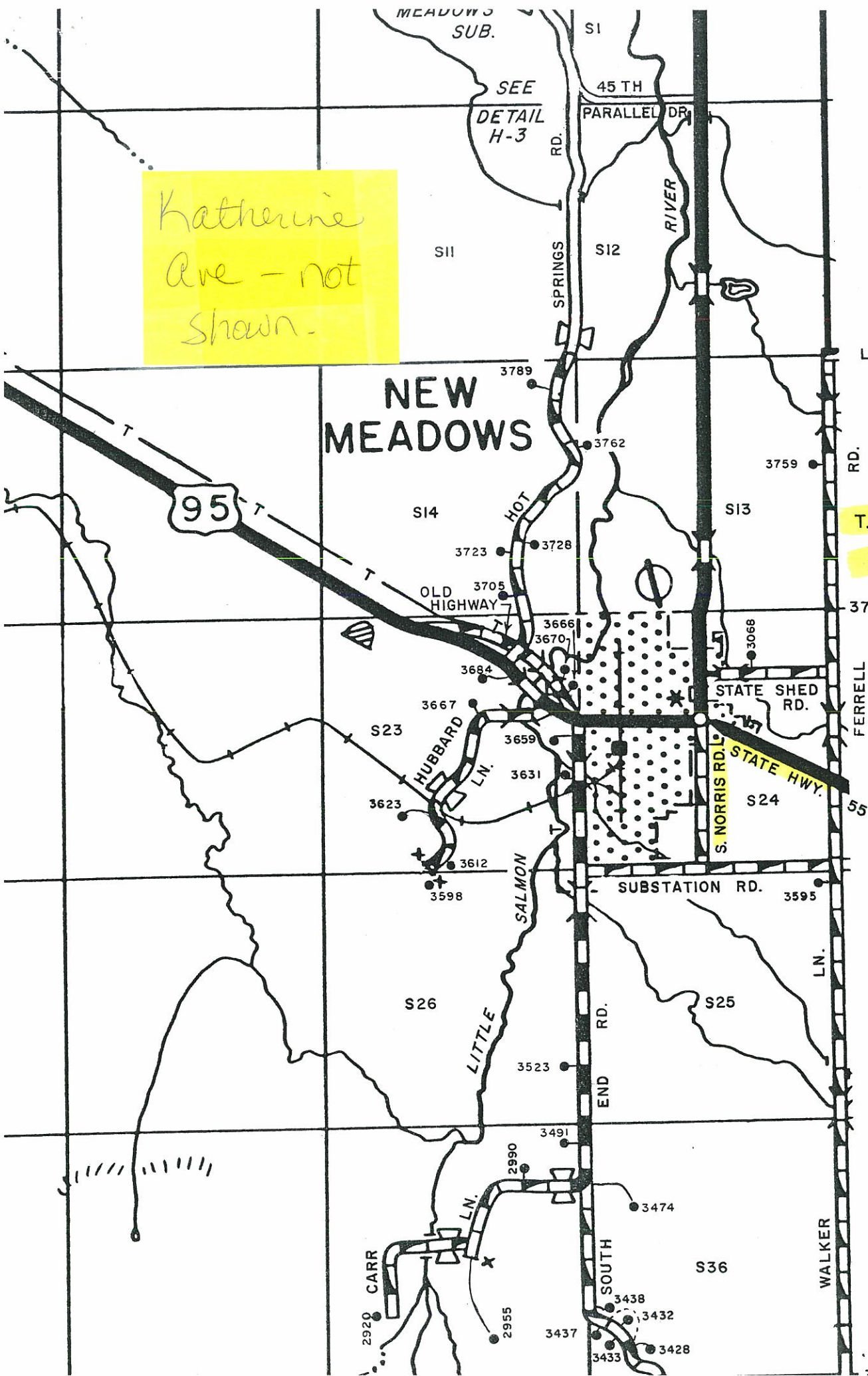
Section 24: All that part of the SE1/4 of Section 24, situated on the Southerly side of the right of way of Idaho State Highway 55 (formerly State Highway 15), and a strip of land, 106 feet in width, off of and along the entire East side of the SW1/4 of said Section 24, all in Township 19 North, Range 1 East, B.M.

EXCEPTING from the above described land a tract of land in the NE1/2SW1/4, NW1/4SE1/4, SW1/4NE1/4, Section 24, T.19N., Range 1 East, B.M., further described as follows:

BEGINNING at an iron pin at the intersection of Norris Avenue and Katherine Avenue as shown on the Plat of the of New Meadows Townsite, County of Adams, State of Idaho, dated March 1940; thence South 0 degrees 48' East 40.00 feet; thence North 89 degrees 12' East 40.00 feet to the REAL POINT OF BEGINNING, which is the intersection of the right of way of these two streets;
thence North 89 degrees 12' East for a distance of 390.00 feet to the Eastern right of way of Truesdale Avenue;
thence North 0 degrees 48' West along the right of way of Truesdale Avenue a distance of 130.00 feet;
thence North 89 degrees 12' East for a distance of 395.32 feet to the Southern right of way of Idaho Highway 55 (formerly State Highway 15);
thence South 64 degrees 45' East along the right of way of Highway 55 (formerly State Highway 15) for a distance of 238.96 feet;
thence South 0 degrees 48' East for a distance of 195.06 feet;
thence South 89 degrees 12' West for a distance of 1000.00 feet;
thence North 0 degrees 48' West along the Eastern right of way of Norris Avenue for a distance of 170.00 feet to the POINT OF BEGINNING.

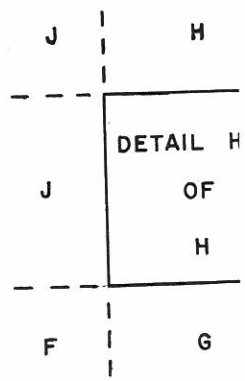
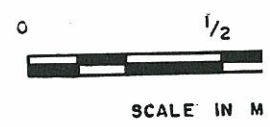
Cannot find Katherine Ave on map in order to
run M + b.

Katherine Ave - not shown.



DETA
WHITE SUB.

T.19N.
1W



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 78-182
Date Received: 5/19/1988
Receipt No: C000799
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DAN HEARN
PO BOX 383
NEW MEADOWS ID USA 83654

Phone: (208) 642-3866

MARY F HEARN
PO BOX 383
NEW MEADOWS ID USA 83654

Phone: (208) 642-3866

2. Date of Priority: 05/01/1888

3. Source: GOOSE CREEK Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
19N	02E	27	SW	NW	NW	ADAMS	

5. Description of diverting works:

CONCRETE DIVERSION DAM - GRAVITY DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	5/01	10/31	1.448	

7. Total Quantity Appropriated is:
1.448 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
19N	01E	25	NE	NE		IRRIGATION	40
			NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
						Section Acres	160
						Total Acres	160

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:

14. Remarks:

Added attorneys names per Notice of Appearance. DB 11/1/2001

Ownership changed by DB 4/16/2002

THIS WATER IN THE MITCHELL-GLENN CANAL.

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

April 17, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DAN HEARN
MARY F HEARN
PO BOX 383
NEW MEADOWS ID 83654

Re: Original Notice of Claim to a Water Right No. 78-206 & 78-10192

Renumbered Notice of Claim to a Water Right No. 78-12162 & 78-12165

Dear Claimants:

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim, using a new water right number to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time. You will be notified of any future action taken on this claim.

The ownership has also been changed on claim number 78-182 and a copy is enclosed.

Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

Adjudication Section
Western Region

DB: db

Enclosure

cc: Scott L Campbell, Angela D Schaer @ Moffatt, Thomas, Barrett, Rock & Fields

RECEIVED

OCT 23 2001

Department of Water Resources

Scott L. Campbell, ISB No. 2251
Angela D. Schaer, ISB No. 5436
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Boulevard, 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone: (208) 345-2000
Facsimile: (208) 385-5384
18-943.0

RECEIVED

OCT 26 2001

WATER RESOURCES
WESTERN REGION

Attorneys for Claimants Dan and Mary Hearn

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

In Re SRBA

Case No. 39576

Case No. 78-00182

NOTICE OF APPEARANCE

NOTICE IS HEREBY given that Scott L. Campbell and Angela D. Schaer of the firm of Moffatt, Thomas, Barrett, Rock & Fields, Chtd., hereby enter their appearance as counsel on behalf of Dan and Mary Hearn.

DATED this 22nd day of October 2001.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By Angela D. Schaer for
Scott L. Campbell - Of the Firm

By Angela D. Schaer
Angela D. Schaer - Of the Firm
Attorneys for Claimants Dan and Mary Hearn

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 22nd day of October 2001, I caused a true and correct copy of the foregoing **NOTICE OF APPEARANCE** to be served by the method indicated below, and addressed to the following:

Director of Idaho Department of Water
Resources
Post Office Box 83720
Boise, Idaho 83720
Fax: (208) 327-5400

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Angela D. Schaer
Angela D. Schaer

RECEIVED

Boise
Idaho Falls
Pocatello

Moffatt Thomas

OCT 23 2001

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Department of Water Resources

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
Robert E. Bakes
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Morgan W. Richards
Mark A. Ellison
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Glenna M. Christensen

Gerald T. Husch
Scott L. Campbell
Michael G. McPeck
Kirk R. Helvie
Robert B. Burns
James C. Dale
Michael E. Thomas
Patricia M. Olsson
James C. deGlee
Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill

Stephanie A. Balzarini
David P. Gardner
Julian E. Gabiola
Paul C. Swainston
Angela D. Schaer
Casey C. Robertson
Ray J. Chacko
Dean C. Sorensen
Bradley J. Dixon
Keasa L. Hollister

Willis C. Moffatt,
1907-1980

October 22, 2001

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

RECEIVED

OCT 26 2001

WATER RESOURCES
WESTERN REGION

Director
Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83706

Re: Hearn Water Right Claims
MTBR&F File No. 18-943.0

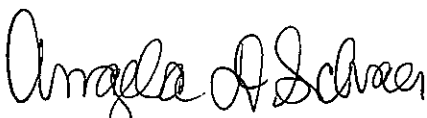
Dear Director:

Please find enclosed the following documents for filing with the Department, as well as a check in the amount of \$75.00 for the appropriate filing fees.

- 1) Notice of Change in Water Right Ownership - Water Right Nos. 78-00182, 78-10192 & 78-00206;
- 2) Case No. 78-00182 Notice of Appearance;
- 3) Case No. 78-10192 Notice of Appearance; and
- 4) Case No. 78-00206 Notice of Appearance.

Please return the "conformed" copies in the envelope provided. Thank you for your attention.

Very truly yours,


Angela D. Schaer

ADS/dll
Enclosures

Idaho Department of Water Resources Receipt

Receipt ID C057256

Payment Amount Date Received Region Status
Payment Type Check Number

Payer Comment

Fee Detail

sent to S.O. to put into correct account. 10/31/01. [Signature]

Amount	Description	Fund	FD	PCA	SO
\$75.00	ADJUDICATION FILING FEE	0337	41503	1155	

Signature Line (Dept. Representative)

REFUND REQUEST

NOV -2 2001

TO: S. Sherman to Log In
 FOR: D. Shaff/D. Allen
 FROM: Denise Buffington/Western Date: 10-31-2001
 SUBJ: Receipt No. C057256 (Please attach ARQ2 Receipt copy immediately behind blue form)

RE: PayOR Moffatt Thomas, attorney
 Address US Bank Plaza Bldg
101 S. Capitol Blvd 10th Fl., P.O. Box 829
Boise, Id 83701-0829

RECEIVED

NOV 09 2001

WATER RESOURCES
WESTERN REGION

Claimant(s) if NOT Payor Johnson, Larry & Peggy *
 Refund Amount \$ 75- Claim Location (Region/Claimant)
 Extension Filed? Y/N (NA) Copy Attached? Y/N (NA)
 Late Fees Paid? Y/N (NA) Late Fee Receipt # —
 S.O. Verified Ext. by — on — D.B. Query by —
 Refund Generated By ☒ Agent () Claimant
 Refund Category:
 insufficient fees / claim incomplete / withdrawn / o-pmt

Date of Last Correspondence (copy attached) —

Claim No.	Use*	Fees Paid	Correct Fee	Rec't #
<u>78-00182</u>	<u>irrigation</u>	<u>\$25-</u>	<u>0</u>	<u>C057256</u>
<u>78-00206</u>	<u>irrigation</u>	<u>\$25-</u>	<u>0</u>	<u>"</u>
<u>78-10192</u>	<u>irrigation</u>	<u>\$25-</u>	<u>0</u>	<u>"</u>
<u>—</u>	<u>—</u>	<u>\$</u>	<u>—</u>	<u>—</u>
<u>—</u>	<u>—</u>	<u>\$</u>	<u>—</u>	<u>—</u>
Total		<u>\$75-</u>	<u>\$ 0</u>	

*Incomplete claims or insufficient fees for irrigation use will generally NOT be refunded. D.E. claim in AJSP1 at minimum.

Detailed Reason(s) for Refund Attached Y/N

No fee required for ownership change - still pending in SRBA.

Region AJ Spvsr. Approval [Signature] S.O. AJ Spvsr. Approval —
 Don Shaff Approval [Signature] Hold — To Fiscal 11-07-01
 Logged 11-05-01
 Data Base Modified? Y/N (NA) A &/or R Records By — on —

** ownership change pending: Johnson selling to Hearn.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

November 7, 2001

KARL J. DREHER
DIRECTOR

MOFFATT THOMAS
US BANK PLAZA BLDG
PO BOX 829
BOISE ID 83701-0829

RE: Snake River Basin Adjudication (SRBA)
Notice of Change of Water Right Ownership Fees
Notices of Claim #78-182, 78-206 & 78-10192
Johnson Selling to Hearn

The water right claims referenced above are still pending in the SRBA; therefore, no fees are due. The refund process has been initiated with the State Auditor's Office for the \$75.00 fee you paid on receipt #C057256. You should receive a check in the near future.

For future reference, you can determine if a water right claim has been decreed by checking the SRBA Court's site at www.srba.state.id.us. Scroll to IWATRS Reports, then scroll down to Display a Subcase Summary Sheet, enter the adjudication claim number (xx-xxxxx). This will tell you if and when a partial decree was issued. If it HAS been decreed, there is a \$25.00 ownership change fee due with each water right. If it has NOT been reported or decreed yet, and is therefore still pending in the SRBA, there is no fee due.

We have enclosed a copy your receipt #C057256. Please keep this receipt for your records.

Sincerely,

Donald V. Shaff
Manager
Adjudication Technical Section

DVS:ss:ref

Enclosure:

Receipt #C057256