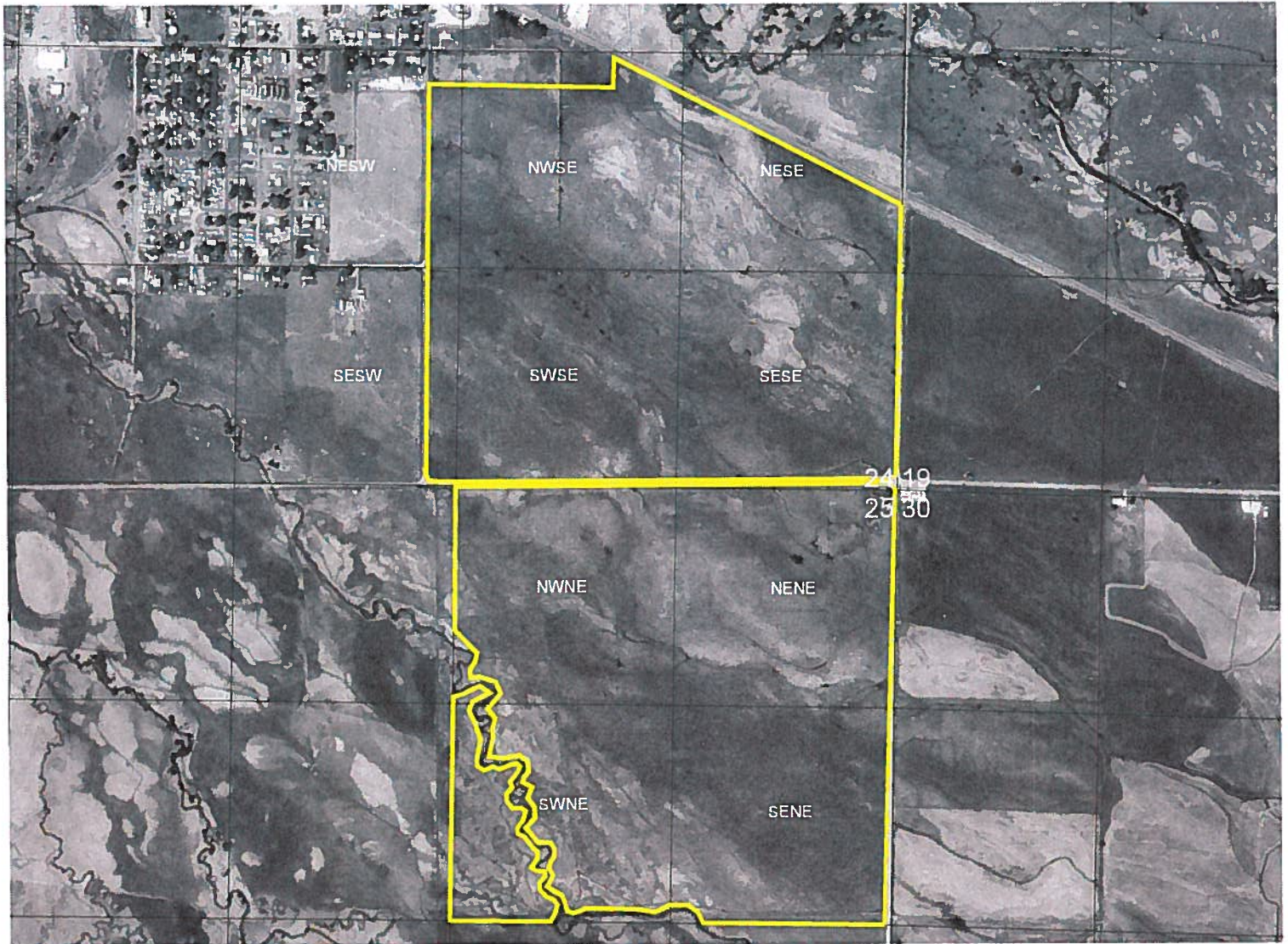


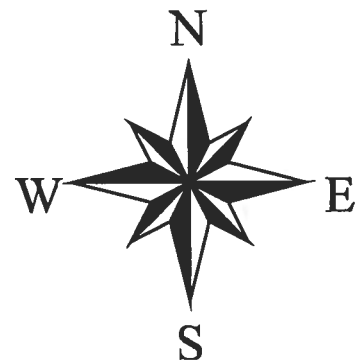
78-12165



900 0 900 1800 2700 Feet

T19N R01E S24 & S25

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



12/11/2007

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

RIGHT NUMBER: 78-12165

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

QUANTITY: 6.030 CFS

PRIORITY DATE: 09/26/1922

Pursuant to a call in times of scarcity, this right is junior to Water Right Nos. 78-2036, 78-2037, 78-2039, 78-2040A, 78-2040B, 78-2042 and 78-2056.

POINT OF
DIVERSION:

T19N R02E S27 ~~SWNW~~ 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	6.030 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T19N R01E S24	NESW	5.00	T19N R01E S24	SESW	5.50
T19N R01E S24	NESE	23.00	T19N R01E S24	NWSE	35.00
T19N R01E S24	SWSE	40.00	T19N R01E S24	SESE	39.00
T19N R01E S25	NENE	40.00	T19N R01E S25	NWNE	39.00
T19N R01E S25	SWNE	36.00	T19N R01E S25	SENE	39.00

301.5 ACRES TOTAL

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, 78-12128, 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 - Beneficial Use

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

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

Water is delivered through the Mitchell-Snyder Canal.

11/14/2006

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

RIGHT NUMBER: 78-12165

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

QUANTITY: 6.030 CFS

PRIORITY DATE: 09/26/1922

Pursuant to a call in times of scarcity, this right is junior to Water Right Nos. 78-2036, 78-2037, 78-2039, 78-2040A, 78-2040B, 78-2042 and 78-2056.

POINT OF DIVERSION:

T19N R02E S27 SWNWNW 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	6.030 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T19N R01E S24	NESW	5.00	T19N R01E S24	SESW	5.50
T19N R01E S24	NESE	23.00	T19N R01E S24	NWSE	35.00
T19N R01E S24	SWSE	40.00	T19N R01E S24	SESE	39.00
T19N R01E S25	NENE	40.00	T19N R01E S25	NWNE	39.00
T19N R01E S25	SWNE	36.00	T19N R01E S25	SENE	39.00

301.5 ACRES TOTAL

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 - Beneficial Use

Right includes accomplished change in point of diversion 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 SPBA

Case No. 39576

A. Subcase

78-12165

(Insert water right number)

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: that identified in the original SRBA claim; 1904.
5. ☐ **Point of Diversion**
Should be: _____
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 different priority date than that identified in the original SRBA claim. Likewise, the Department has no legal basis for recommending a place of use that differs with that identified in the original SRBA claim.

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)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

May 8 2007



[Signature]
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:

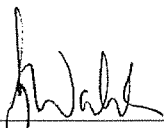
Name: Dan and Mary Hearn
Address: P.O. Box 383
New Meadows, Idaho 83654

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

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
Robert E. Bakes
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell

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
David P. Gardner
John O. Fitzgerald, II
Julian E. Gabiola
Angela Schaer Kaufmann
Michael W. McGreaham

Kimberly D. Evans Ross
Jon A. Stenquist
Eric M. Barzee
Valerie N. Charles
Jason G. Murray
Mark C. Peterson
Andrew J. Waldera
Tyler J. Anderson
Russell G. Metcalf

Morgan W. Richards, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

RECEIVED

JUL 14 2005

DEPARTMENT OF
WATER RESOURCES

Boise
Idaho Falls
Pocatello
Twin Falls

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

July 13, 2005

Carter Fritschle
Idaho Department of Water Resources
322 East Front Street
Boise, ID 83720-0098

Re: Dan and Mary Hearn
Basin 78 SRBA Claims
MTBR&F File No. 18-943.0

Dear Carter:

The purpose of this letter is to respond in part to your e-mail correspondence of June 22, 2005. First, thank you for the heads-up regarding the recommended priority dated for Water Right No. 78-12165. I will be researching the floodwater issue priority date further, and may request a time to meet with you to discuss it further. Second, I will ask my client about the location of the point of diversion for Water Right Nos. 72-182 and 72-206 (which is actually being recommended as 78-12165). I will get back to you as soon as I receive a response from my client.

Finally, as to Water Right No. 78-206 and the recommended quantity, I am researching the chain of title for my clients' property and will let you know what we find out as soon as the results are back from the title search. In reviewing our files, it appears that the Department may have originally been confused about the property excepted from my clients' deed from the Johnsons. However, I assume you realize after reviewing the file that the property excepted was never owned by the Johnsons, and the Johnsons conveyed all of their property to my clients. My understanding of your question really has more to do with the fact that someone has filed a competing claim (78-206A) potentially based upon acquisition of property from the original owner Mr. Abshire. Again, I am hopeful that the chain of title will shed some light on this issue.

SCANNED

JUL 14 2005

Carter Fritschle
July 13, 2005
Page 2

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JUL 14 2005
DEPARTMENT OF
WATER RESOURCES

As soon as I receive the answer to the chain of title question and to the location of the point of diversion, I will contact you with that information. In the meantime, thank you for the heads-up regarding these issues, and I look forward to continuing to work with you.

Very truly yours,



Angela Schaefer Kaufmann
ask@moffatt.com

ASK/mdr

cc: Dan Hearn

SCANNED
JUL 14 2005

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

78-12165
Ident. Number: ~~A78-10192~~
Date Received: 5/19/1988
Receipt No: C 0 0 7 9 9

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 02, 1904

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	04/15	10/31	6.160		

7. Total Quantity Appropriated is:
6.160 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	24	NE		SE		IRR	40.0
			NW		SE		IRR	28.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	148.0
		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	308.0

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:
A78-00182, A78-00206

14. Remarks:
FLOOD RIGHT

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

SCANNED

MICROFILMED

OCT 25 1988

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

Dena Billen
Notary Public

Seal

Residing at Caldwell, Id

My Commission Expires 3/21/94



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 14, 2002

Larry or Peggy Johnson
Rt 6 Box 37
Caldwell, ID 83605

Dean or Mary Hearn
PO Box 383
New Meadows, ID 83654

Re: Water rights 78-12161-2 and 78-12164-5

Recently our department processed a change of ownership on the above mentioned rights. Subsequently Mr. and Mrs. Johnson notified the department in writing that all property was sold to Mr. and Mrs. Hearn. When we process a change of ownership, we use the warranty deed to determine proper ownership, but also we must use the claim we have on file. It appears that when these claims were originally filed, they may have been filed incorrectly. The NESE was filed on for 40 acres and the NWSE for 28 acres, see attached map.

The easiest way to reflect correct ownership is to have the Johnson's amend their original claims to reflect the correct acreage. In doing so, if this places all of the acres within the property purchased by Hearn, there would be no need for this split of water rights.

Please contact this office to resolve this matter.

Sincerely,

Sue Bock
Sr. Water Resource Agent.

Enclosure: map, profile reports.



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

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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. 78-10192

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 2nd 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

OCT 23 2001

Boise
Idaho Falls
Pocatello

Moffatt Thomas

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
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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

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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

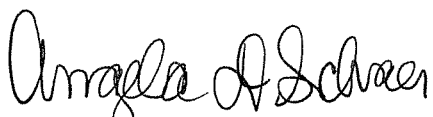
Dear Director:

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 \$75.00 Date Received 10/23/2001 11:31:32 A Region State Status
Payment Type Check Check Number 158412

Payer MOFFATT THOMAS

Comment CHANGE IN OWNERSHIP - SRBA WR# 78-00182 78-10192 78-00206

Fee Detail

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

Signature Line (Dept. Representative)

ADJUDICATION CLAIM POU REVIEW REPORT

ADJUDICATION CLAIM NUMBER: 78-12165

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
78-206A	Claim	19N	01E	24	NE	SE		IRRIGATION	10/10	JENNIFER ELD
78-12161	Claim	19N	01E	24	NE	SE		IRRIGATION	16/16	LARRY L JOHNSON
78-12162	Claim	19N	01E	24	NE	SE		IRRIGATION	24/132	DAN HEARN
78-12164	Claim	19N	01E	24	NE	SE		IRRIGATION	16/308	PEGGY L JOHNSON
78-12165	Claim	19N	01E	24	NE	SE		IRRIGATION	24/292	DAN HEARN
78-206	Water Right	19N	01E	24	NE	SE		IRRIGATION		JOHN H ABSHIRE
78-2085	Claim	19N	01E	24	NE	SE		IRRIGATION FROM STORAGE	40/6042.8	BRUNDAGE WATER USERS ASSN INC
78-4075	Claim	19N	01E	24	NW	SE		IRRIGATION	1/5	DONALD G CARLOCK
78-12162	Claim	19N	01E	24	NW	SE		IRRIGATION	28/132	DAN HEARN
78-12165	Claim	19N	01E	24	NW	SE		IRRIGATION	28/292	DAN HEARN
78-206	Water Right	19N	01E	24	NW	SE		IRRIGATION		JOHN H ABSHIRE
78-2085	Claim	19N	01E	24	NW	SE		IRRIGATION FROM STORAGE	28/6042.8	BRUNDAGE WATER USERS ASSN INC
78-12162	Claim	19N	01E	24	SW	SE		IRRIGATION	40/132	DAN HEARN
78-12165	Claim	19N	01E	24	SW	SE		IRRIGATION	40/292	DAN HEARN
78-206	Water Right	19N	01E	24	SW	SE		IRRIGATION		JOHN H ABSHIRE
78-2085	Claim	19N	01E	24	SW	SE		IRRIGATION FROM STORAGE	40/6042.8	BRUNDAGE WATER USERS ASSN INC
78-12162	Claim	19N	01E	24	SE	SE		IRRIGATION	40/132	DAN HEARN
78-12165	Claim	19N	01E	24	SE	SE		IRRIGATION	40/292	DAN HEARN
78-206	Water Right	19N	01E	24	SE	SE		IRRIGATION		JOHN H ABSHIRE
78-2085	Claim	19N	01E	24	SE	SE		IRRIGATION FROM STORAGE	40/6042.8	BRUNDAGE WATER USERS ASSN INC
78-182	Claim	19N	01E	25	NE	NE		IRRIGATION	40/160	DAN HEARN
78-12165	Claim	19N	01E	25	NE	NE		IRRIGATION	40/292	DAN HEARN

IDAHO DEPARTMENT OF WATER RESOURCES

06/21/2005

ADJUDICATION CLAIM POU REVIEW REPORT

ADJUDICATION CLAIM NUMBER: 78-12165

2

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
78-182	Water Right	19N	01E	25	NE	NE		IRRIGATION		JAMES A MITCHELL
78-183	Water Right	19N	01E	25	NE	NE		IRRIGATION		WILLIAM I SNYDER
78-184	Water Right	19N	01E	25	NE	NE		IRRIGATION		WILLIAM I SNYDER
78-2038	Water Right	19N	01E	25	NE	NE		IRRIGATION	40/160	WILLIAM STECKMAN
78-2085	Claim	19N	01E	25	NE	NE		IRRIGATION FROM STORAGE	40/6042.8	BRUNDAGE WATER USERS ASSN INC
78-182	Claim	19N	01E	25	NW	NE		IRRIGATION	40/160	DAN HEARN
78-12165	Claim	19N	01E	25	NW	NE		IRRIGATION	40/292	DAN HEARN
78-182	Water Right	19N	01E	25	NW	NE		IRRIGATION		JAMES A MITCHELL
78-183	Water Right	19N	01E	25	NW	NE		IRRIGATION		WILLIAM I SNYDER
78-184	Water Right	19N	01E	25	NW	NE		IRRIGATION		WILLIAM I SNYDER
78-2038	Water Right	19N	01E	25	SW	NE		IRRIGATION	40/160	WILLIAM STECKMAN
78-2085	Claim	19N	01E	25	SW	NE		IRRIGATION FROM STORAGE	40/6042.8	BRUNDAGE WATER USERS ASSN INC
78-182	Claim	19N	01E	25	SE	NE		IRRIGATION	40/160	DAN HEARN
78-12165	Claim	19N	01E	25	SE	NE		IRRIGATION	40/292	DAN HEARN
78-182	Water Right	19N	01E	25	SE	NE		IRRIGATION		JAMES A MITCHELL
78-183	Water Right	19N	01E	25	SE	NE		IRRIGATION		WILLIAM I SNYDER
78-184	Water Right	19N	01E	25	SE	NE		IRRIGATION		WILLIAM I SNYDER
78-2038	Water Right	19N	01E	25	SE	NE		IRRIGATION	40/160	WILLIAM STECKMAN
78-2085	Claim	19N	01E	25	SE	NE		IRRIGATION FROM STORAGE	40/6042.8	BRUNDAGE WATER USERS ASSN INC
78-182	Claim	19N	01E	25	SE	NE		IRRIGATION	40/160	DAN HEARN
78-12165	Claim	19N	01E	25	SE	NE		IRRIGATION	40/292	DAN HEARN
78-182	Water Right	19N	01E	25	SE	NE		IRRIGATION		JAMES A MITCHELL

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 78-12165

3

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
78-183	Water Right	19N	01E	25	SE	NE		IRRIGATION		WILLIAM I SNYDER
78-184	Water Right	19N	01E	25	SE	NE		IRRIGATION		WILLIAM I SNYDER
78-2038	Water Right	19N	01E	25	SE	NE		IRRIGATION	40/160	WILLIAM STECKMAN
78-2085	Claim	19N	01E	25	SE	NE		IRRIGATION FROM STORAGE	40/6042.8	BRUNDAGE WATER USERS ASSN INC

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 78-12165
Date Received: 5/19/1988
Receipt No:
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: 05/02/1904

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	04/15	10/31	5.84	

7. Total Quantity Appropriated is:
5.84 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	24	NW	SE		IRRIGATION	28
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40
			NE	SE		IRRIGATION	24
						Section Acres	132
19N	01E	25	NE	NE		IRRIGATION	40
			NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
						Section Acres	160
						Total Acres	292

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:

This claim is the result of a split due to change in ownership for a portion of 78-10192. DB 4/16/2002

Looks like the NESE of 24 should have been claimed at 28 acres and the NWSE with 40.

15. Basis of Claim: Beneficial Use

RECEIVED

OCT 23 2001

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

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

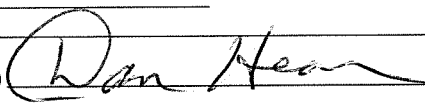
If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** 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
P. O. Box 383
New Meadows, ID 83654
 New Mailing Address
 City, State and ZIP Code
 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) 
(include title if applicable) _____

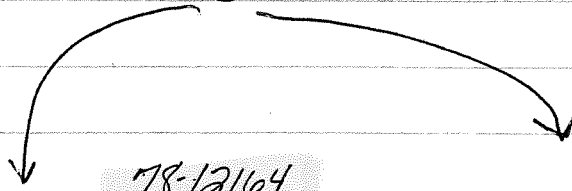
For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only			
Received by <u>Ali</u>	Date <u>10/23</u>	Fee <u>15.00 (\$25-) EACH</u>	
Received by <u>Ali</u>	Date <u>10/23</u>	Receipt No. <u>COST256</u>	
Processed by _____ AJ	Date _____	WR _____	Date _____

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

78-10192

308 acres = .02



78-12164

78-12165

Johnson

Hearn

Sec 24 NESE 16

24

NWSE 0

28

SWSE 0

40

SESE 0

40

16

132

Sec 25 0

All (160)

.32 cfs

5.84 cfs

16 Acres

Total acres 292

* Comment: Looks like the NESE of 24 should have been cleared at 28 acres and the NWSE with 40.

5-19-88

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.

Daniel M. Campbell
Notary Public
Residing at New Mexico, Idaho.
Commission expires: 3-23-1994

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

EXHIBIT "A"

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

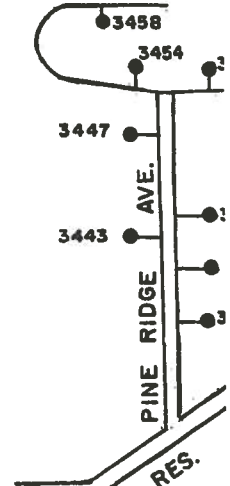
Section 24: All that part of the SE1/4 of Section 24, situated on the Southerly side of the right of way of Idaho State Highway 55 (formerly State Highway 15), and a strip of land, 106 feet in width, off of and along the entire East side of the SW1/4 of said Section 24, all in Township 19 North, Range 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
Are - not
shown.



DETA
WHITE SUB.

142



J	H
J	DETAIL H OF H
F	G

24

24 acres

25

