

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: A43-02492
Date Received: 6/ 8/1989
Receipt No: S007659
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: LYNN HEWARD 208-678-0680
Address: 295 EAST 300 SOUTH
BURLEY ID 83318

AND/OR

Name: ANITA HEWARD 208-678-0680
Address: 295 EAST 300 SOUTH
BURLEY ID 83318

2. Date of Priority: MAR 18, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	27E	12	NW	NW	NE		CASSIA

5. Description of diverting works:
280' WELL AND 150 HP CENTR. PUMP STATIC WATER AT 160'

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.830		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	26E	12	NE	NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	26E	12	NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	320.0
	27E	7	NW		NW		IRR	12.0
			SW		NW		IRR	12.0
							Section Acres	24.0
							Total Acres	344.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
A43-02338

14. Remarks:

THIS CLAIM IS BASED ON A CONTRACTURAL AGREEMENT BETWEEN MATTHEWS, FRIDALL, AND ANDERSON WHEN 504 ACRES WAS SPLIT BETWEEN FRIDALL AND MATTHEWS WHEREBY MATTHEWS ATTAINED THE 3.83 CFS IN THIS LICENSE AND FRIDALL ATTAINED THE 6.0 CFS OF LICENSE #43-02396. TRANSFERS OCCURED IN 1978.

IDWR NOTE: CLAIM AMENDED TO CORRECT ERROR IN PLACE OF USE LEGAL DESCRIPTION FOR SEC 12 SE NW SHOULD HAVE BEEN SE NE OF SEC 12.

RVW 3/17/94

10/10/96 TF; OWNERSHIP CHANGE MATTHEWS TO HEWARD PER WARRANTY DEED.

15. Basis of Claim: LICENSE

Water Right Number: 28549

HEWARD, Lynn
& HEWARD, Anita h/w
295 East 300 South
Burley, Id 83318

17

3128
11526E/20000

NE S 12 T 11 R 26

84506 from H C Matthews to V Burton Anderson 4-26-71

87658 from V Burton Anderson to G H & G T Matthews 1-6-76

93543 from G T Matthews to G H Matthews 9-29-76

229647 Lis Pendens - Farm Credit Bank of Spokane plaintiff vs GT &
G H Matthews etal, def 3-16-94

243479 Wd G H Matthews etux (Linda) to Lynn Heward etux (Anita) 6/18/96

A-81

(3)
HEWARD, Lynn
& HEWARD, Anita h/w
295 East 300 South
Burley, Id 83318

3395-1
11527E07375

17

Lots 1 & 2 Less T 3868 *Deer*
S 7 T 11 R 27 *3/99*

84506 from H C Matthews to V Burton Anderson 4-26-71

87658 from V Burton Anderson to G H & G T Matthews 1-6-76

93543 from G T Matthews to G H Matthews 9-26-76

229647 Lis Pendens - Farm Credit Bank of Spokane plaintiff vs G T &
G H Matthews et al, def 3-16-94

243479 WD G H Matthews et ux (Linda) to Lynn Heward et ux (Anita) 6/18/96

A-81



SOUTHERN REGION
222 SHOSHONE ST E
TWIN FALLS ID 83301
(208) 736-3033

GOVERNOR

KARL J DREHER
DIRECTOR

October 22, 1996

LYNN AND ANITA HEWARD
295 EAST 300 SOUTH
BURLEY ID 83318

RE: SRBA Claim(s) A43-02492, A43-10412

Dear Mr. and Mrs. Heward:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

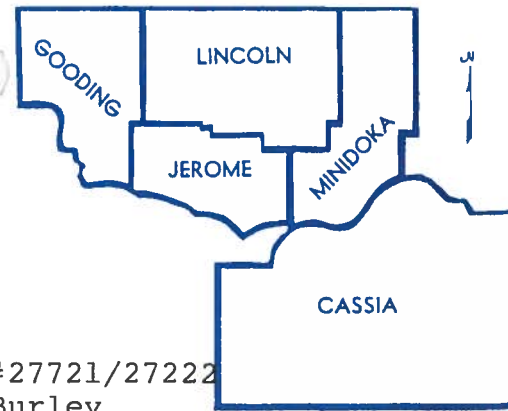
Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: #27721/27222
OFFICE: Burley

June 20, 1996

Idaho Dept. of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

RECEIVED

JUN 21 1996

Department of Water Resources
Southern Region

Dear Clerk:

Enclosed please find an original executed Notice of Change of Water Right Ownership on property located in Cassia County, Idaho.

Would you please make the necessary changes in your records to indicate Lynn Heward and Anita Heward, husband and wife, as the new owners for future water assessments.

Should you have any questions concerning this letter, please do not hesitate to contact this office.

Very truly yours,
LAND TITLE AND ESCROW, INC.

A handwritten signature in blue ink that reads "Nancy Garrett".

Nancy Garrett
Reconveyance Department

/nrg
enc.

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0606 - FAX 436-1199



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

DATE OF CLOSING: June 18, 1996

JUN 21 1996

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____ Department of Water Resources

Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM, Southern Region

Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

See attached Exhibit "A" for legal description

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)

Assigned by IDWR: A43-02492 and A43-10412

☐ Name and Address of Former Owner/Claimant(s)(Seller):

G. T. Matthews and G. H. Matthews

Star Route Box 10A

Declo, Idaho 83323

☐ New Owner/Claimant (Purchaser):

Lynn Heward and Anita Heward

☐ New Mailing Address:

295 East 300 South

Burley, Idaho 83318

☐ New Telephone Number:

(208) 678 - 0680

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached:

recorded Warranty Deeds

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

☐ Signature of New Owner/Claimant(s)

Lynn Heward
G. H. (Pete) Matthews, Personal Representative of Estate of G. T. Matthews

Date 6-18-96

Date 6-18-96

☐ Signature of Former Owner/Claimant(s):

G. H. (Pete) Matthews
G. H. (Pete) Matthews

Date 6-18-96

Date

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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

WARRANTY DEED

COPY

#27222

243479

For Value Received

G. H. MATTHEWS and LINDA MATTHEWS, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

LYNN HEWARD and ANITA HEWARD, husband and wife

Address: 295 East 300 South
Burley, Idaho 83318

Hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho, to-wit:

**TOWNSHIP 11 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 12: NE $\frac{1}{4}$

**TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 7: Lots 1 and 2, EXCEPTING THEREFROM the following described parcel:

Beginning at the Northeast corner of said Section 7; Thence South 89°43' West for 5268.47 feet along section line to a point that is 415.12 feet East of the Northwest corner of said Lot 1, which said point shall be known as the True Point of Beginning;
Thence South 0°06' East for 2644.07 feet, more or less, to a point on the quarter section line, which said point is 430.96 feet East of the Southwest corner of said Lot 2;
Thence North 89°44'30" East along the quarter section line for 1289.00 feet to a point on the 1/16th section line, said point being the Southeast corner of said Lot 2;
Thence North 0°06' West along the 1/16th section line for 2644.77 feet, more or less, to a point on the North section line of said Section 7, said point being the Northeast corner of said Lot 1;
Thence South 89°43' West for 1289.00 feet along the North section line to the True Point of Beginning.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to Water Adjudication No. A43-02492 and A43-10412.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 1996 and subsequent years, a lien, but not yet due or payable.

Permit to Use Right-of-Way between the Raft River Highway District and the Intermountain Gas Company, an Idaho corporation, dated July 11, 1962 and recorded August 24, 1962 as Instrument No. 8605 on Film No. 15, records of Cassia County, Idaho.

G.H. Matthews

G. H. Matthews

Linda Matthews

Linda Matthews

STATE OF IDAHO)
COUNTY OF Cassia) ss.

On this 18th day of June, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared G. H. MATTHEWS and LINDA MATTHEWS, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

LARRY ROBERTS
☆ NOTARY PUBLIC ☆
STATE OF IDAHO

RESIDING AT BURLEY, ID
MY COMMISSION EXPIRES 6-30-97

Larry Roberts
Notary Public
Residing at: Burley, Idaho
My Commission expires: 6-30-97

LAND TITLE & ESCROW

CASSIA COUNTY, IDAHO
CARRELL M. ROSKELLEY
RECORDER
FEE 6.00 DEPUTY MR

1996 JUN 19 P 3:13

243479

FILM

278

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

WARRANTY DEED

COPY

#27221

243480

For Value Received

G. H. MATTHEWS, as Personal Representative of the ESTATE OF G. T. MATTHEWS, deceased, and RUTH MATTHEWS, a widow, by and through G. H. MATTHEWS, her Attorney-in-Fact

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

LYNN HEWARD and ANITA HEWARD, husband and wife
Address: **295 East 300 South**
Burley, Idaho 83318

Hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho, to-wit:

**TOWNSHIP 11 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 12: **SE¼**

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to Water Adjudication No. A43-02492.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 1996 and subsequent years, a lien, but not yet due or payable.

Agreement For Purchase of Power between Raft River Rural Electric Cooperative, Inc., the Seller, and Tim Matthews and Ruth Matthews, as Consumer, dated April 1, 1977 and recorded March 21, 1979 as Instrument No. 115137 on Film No. 124, records of Cassia County, Idaho.

Agreement For Purchase of Power between Raft River Rural Electric Cooperative, Inc., the Seller, and Tim Matthews and Ruth Matthews, as Consumer, dated April 1, 1969 and recorded May 5, 1979 as Instrument No. 116535 on Film No. 125, records of Cassia County, Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

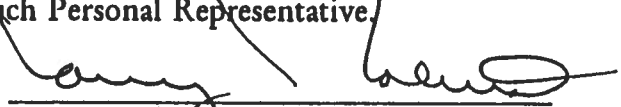
Dated: June 18, 1996

ESTATE OF G. T. MATTHEWS

STATE OF IDAHO)
COUNTY OF Cassia) ss.

On this 18th day of June, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared G. H. (Pete) MATTHEWS, known or identified to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estate of G. T. Matthews, and acknowledged to me that he executed the same as such Personal Representative.

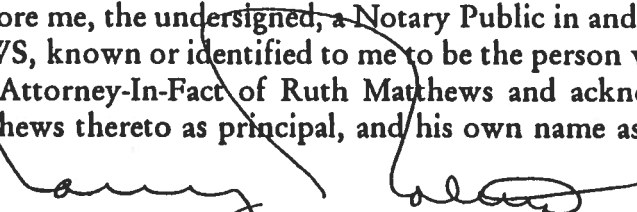
LARRY ROBERTS
☆ NOTARY PUBLIC ☆
STATE OF IDAHO
RESIDING AT BURLEY, ID
MY COMMISSION EXPIRES 6-30-97


Notary Public
Residing at: Burley, Idaho
My Commission expires: 6-30-97

STATE OF IDAHO)
COUNTY OF Cassia) ss.

On this 18th day of June, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared G. H. (Pete) MATTHEWS, known or identified to me to be the person whose name is subscribed to the within instrument, as the Attorney-In-Fact of Ruth Matthews and acknowledged to me that he subscribed the name of Ruth Matthews thereto as principal, and his own name as Attorney-In-Fact.

LARRY ROBERTS
☆ NOTARY PUBLIC ☆
STATE OF IDAHO
RESIDING AT BURLEY, ID
MY COMMISSION EXPIRES 6-30-97


Notary Public
Residing at: Burley, Idaho
My Commission expires: 6-30-97

LAND TITLE &

CASSIA COUNTY, ID
DARRELL M. ROSKE
RECORDER
FEE 6.00
DEPUTY

1996 JUN 19 P

RECORDED AT THE REC
LAND TITLE & E
FILM 278

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: **A43-02492**
Date Received: 6/ 8/1989
Receipt No: S007659
Received By: _____

AMENDED

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

AMENDED

1. Name: G. H. MATTHEWS 208-349-5777
Address: STAR RT
DECLO ID 83323
OR
Name: G. T. MATTHEWS 208-349-5777
Address: STAR RT
DECLO ID 83323

2. Date of Priority: MAR 18, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	27E	12	NW	NW	NE		CASSIA

5. Description of diverting works:
280' WELL AND 150 HP CENTR. PUMP STATIC WATER AT 160'

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.830		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	26E	12	NE	NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	26E	12	NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
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			Section Acres				
27E	7	NW	NW		IRR	12.0	
		SW	NW		IRR	12.0	
Section Acres						24.0	
Total Acres						344.0	

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
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14. Remarks:

THIS CLAIM IS BASED ON A CONTRACTURAL AGREEMENT BETWEEN MATTHEWS, FRIDALL, AND ANDERSON WHEN 504 ACRES WAS SPLIT BETWEEN FRIDALL AND MATTHEWS WHEREBY MATTHEWS ATTAINED THE 3.83 CFS IN THIS LICENSE AND FRIDALL ATTAINED THE 6.0 CFS OF LICENSE #43-02396. TRANSFERS OCCURED IN 1978.

IDWR NOTE: CLAIM AMENDED TO CORRECT ERROR IN PLACE OF USE LEGAL DESCRIPTION FOR SEC 12 SE NW SHOULD HAVE BEEN SE NE OF SEC 12.

RVW 3/17/94

15. Basis of Claim: LICENSE

Water Right Number: 28549

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): B.H. Matthews Date: 3/17/94

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of March 1994 Robert V. Horstell
Notary Public

Seal

Residing at Twin Falls, Idaho
My Commission Expires January 16, 1995

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
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Receipt No: 5007659
Received By: PAS

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Address: STAR RT
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							Total Acres	344.0

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Number of attachments: 0

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): R.H. Matthews Date: June 8, 89
Date:

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 8 day
of June 19 89 Bruce A. Schild
Notary Public

Seal

Residing at
My Commission Expires
BRUCE A. SCHILD NOTARY PUBLIC
RESIDING AT BOISE, IDAHO
MY COMMISSION EXPIRES APRIL 11, 1995

03/16/2001

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

RIGHT NUMBER: 43-2492
NAME AND ADDRESS: ANITA HEWARD
LYNN HEWARD
295 EAST 300 SOUTH
BURLEY, ID 83318
SOURCE: GROUND WATER
QUANTITY: 3.59 CFS
7.39 AFY

USE OF THIS RIGHT WITH RIGHT NO. 43-12990 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.59 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 736 AF.

PRIORITY DATE: 03/18/1960

POINT OF DIVERSION: T11S R26E S12 NWNWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	3.59 CFS
		736.00 AFY

PLACE OF USE:

IRRIGATION Within CASSIA County					
T11S R26E S12	NENE	40	T11S R26E S12	NWNE	35
T11S R26E S12	SWNE	39	T11S R26E S12	SENE	40
T11S R26E S12	NESE	33	T11S R26E S12	NWSE	32
T11S R26E S12	SWSE	31	T11S R26E S12	SESE	32
T11S R27E S7	LOT 1 NWNW	12	T11S R27E S7	LOT 2 SWNW	12

306 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 184 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

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

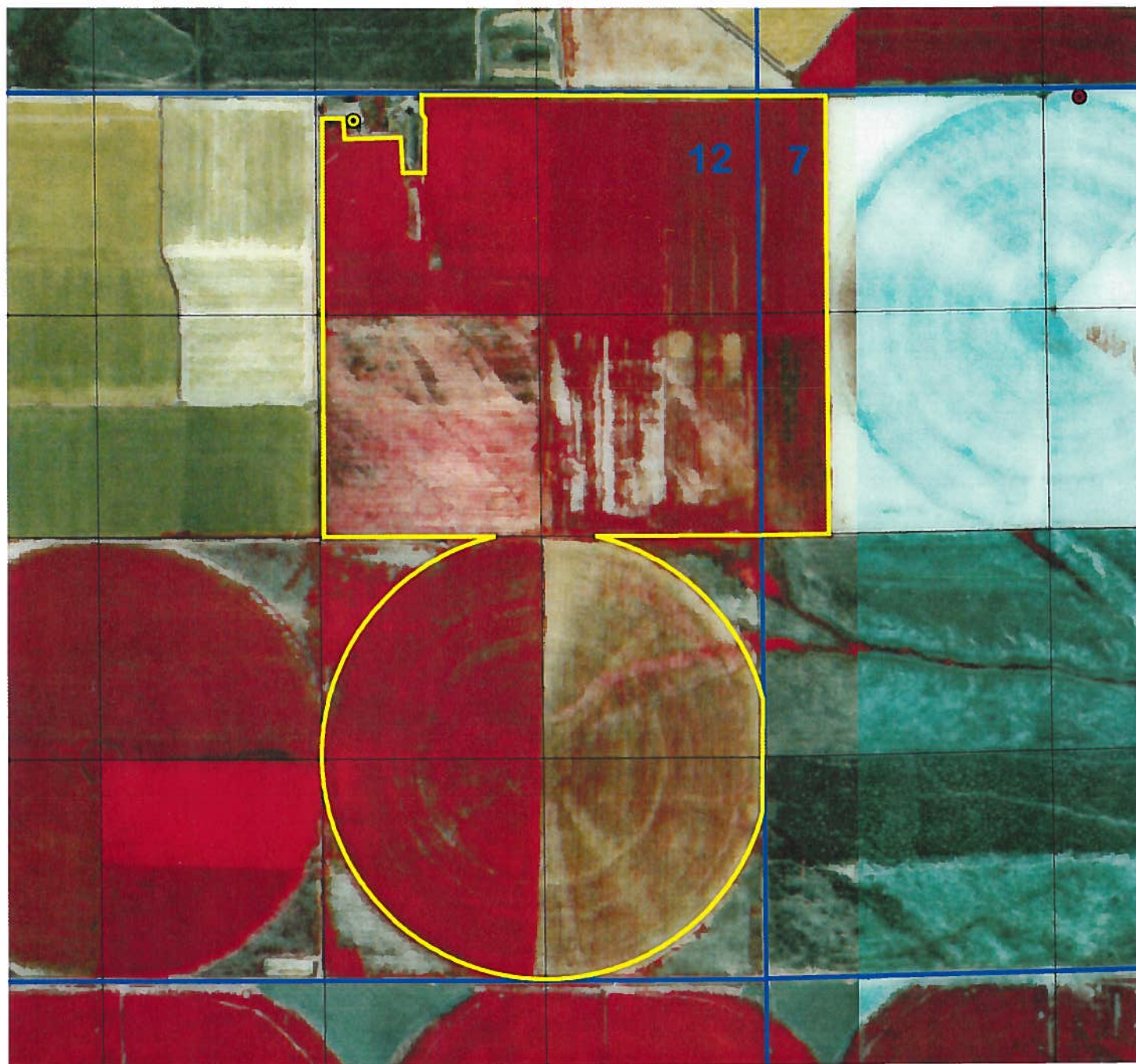
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.
RIGHT NO. 43-12990 IS AN EXPANSION OF THIS RIGHT PURSUANT
TO SECTION 42-1416B, IDAHO CODE.

RECOMMENDED PLACE OF USE
TWP 11S, RNG 26E, Sec 12
TWP 11S, RNG 27E, Sec 7
Data entry on March 14, 2001

RIGHTS: 43-2492, 43-12990



0 1320 2640 3960 5280 Feet

● RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES



GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY VIKIE HANCOCK

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

5/21/2001

Regarding:

Customer:

43-2396A

Farm Credit/Lynn Heward

[illegible]

Wayne Dennis of Farm Credit called to make sure that Lynn Heward received copies of the preliminary report on the above water right. Since I was gone at the time of the mailing, I called and talked to Mrs. Heward 5-21-01. She said that Lynn had talked to Wayne Dennis in the last few days. She thought that they had received copies of the water rights on the farm that were in Farm Credit's name and that her husband had discussed them with Dennis. I called and told Wayne Dennis that I had followed up on his inquiry.

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

March 15, 2001

Regarding:

Customer:

43-12990, 43-2492, 43-2492A and 43-2396A

Lynn Heward

[illegible]

Mr. and Mrs. Heward came to the office to discuss the need for filing an expansion claim on the SE ¼ Section 12. They filed claim 43-12990 for an expansion of licensed right 32-2492 for 130 acres. I explained that they would be limited to their portion of the licensed diversion rate and volume, and that the expansion acres would have a priority date of 6-30-1985. I told them that their rights would be recommended as two claims with a permissible place of use in the E½ of Section 12.

I also briefly explained the future of expansion rights in a CGWA if the aquifer was not brought into equilibrium within a set amount of time. They also (as partners in Heward Bros) farm the N½ Section 7. The entire farm is currently being irrigated with four pivots. I mentioned that if they had corners that had been irrigated at any time in the past five years and were available for transfer into the SE ¼ of Section 12 they may want to think about doing that. At this time the N ½ Section 7 is owned by Northwest Farm Credit. If at any time the entire farm goes under one ownership, a permissible place of use for all four quarters would also be advantageous to them.

Mr. Heward did not know off hand how many gpm his pivots ran. He said all he knew was that he pumped enough water from the well in Section 12 to do both pivots in the E½ of that section, and pumped enough water from the well in Section 7 to run both pivots there. I told him that it was very possible that he was pumping more than his water right onto the property in Section 12. The wells are not connected. According to the licensing exams, the well in Section 12 had a capacity of 6.24 cfs and the well in Section 7 a capacity of 3.83 cfs.

We discussed the ownership of the claims. Mr. Heward talked to Farm Credit, and Wayne Dennis subsequently called me to say that he was going to find out their policy on putting the Hewards on the water rights as co-owners. At any rate, Farm Credit would not object to Hewards receiving any copies of correspondence or documents from IDWR regarding the water right claims.

Proposed Recommendation



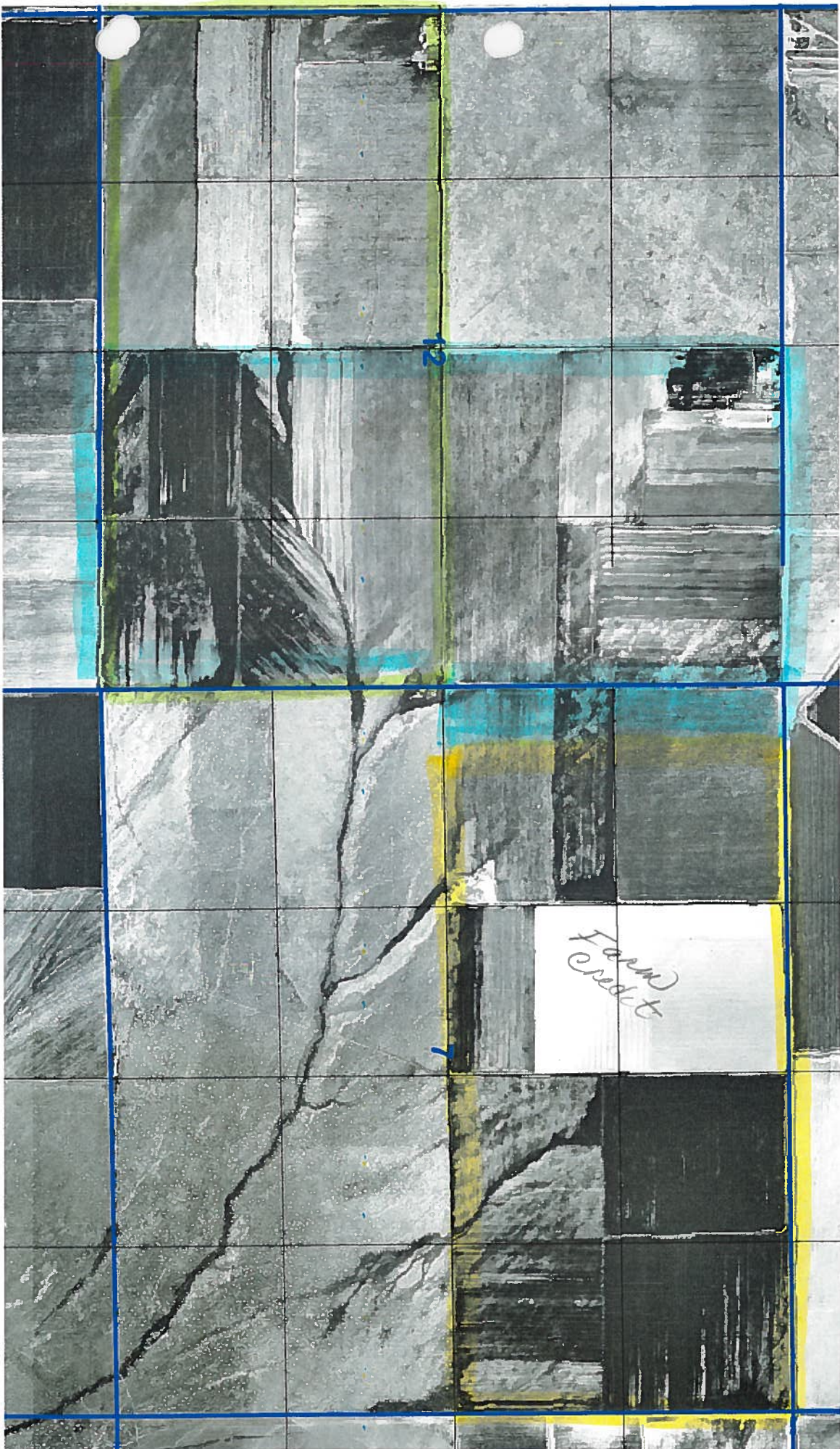
TWP 11S, RNG 26E & 27E

R26E
R27E

1987 AERIAL PHOTOGRAPHY

4.25 yrs 320 ac
3.68 yrs 184 ac
43-2346A & -2442A EG
43-2442
& Exp claim 43-12490

HS CLAIMED



TWP 11S, RNG 26E & 27E

R26E

R 27E

1962 AERIAL PHOTOGRAPHY



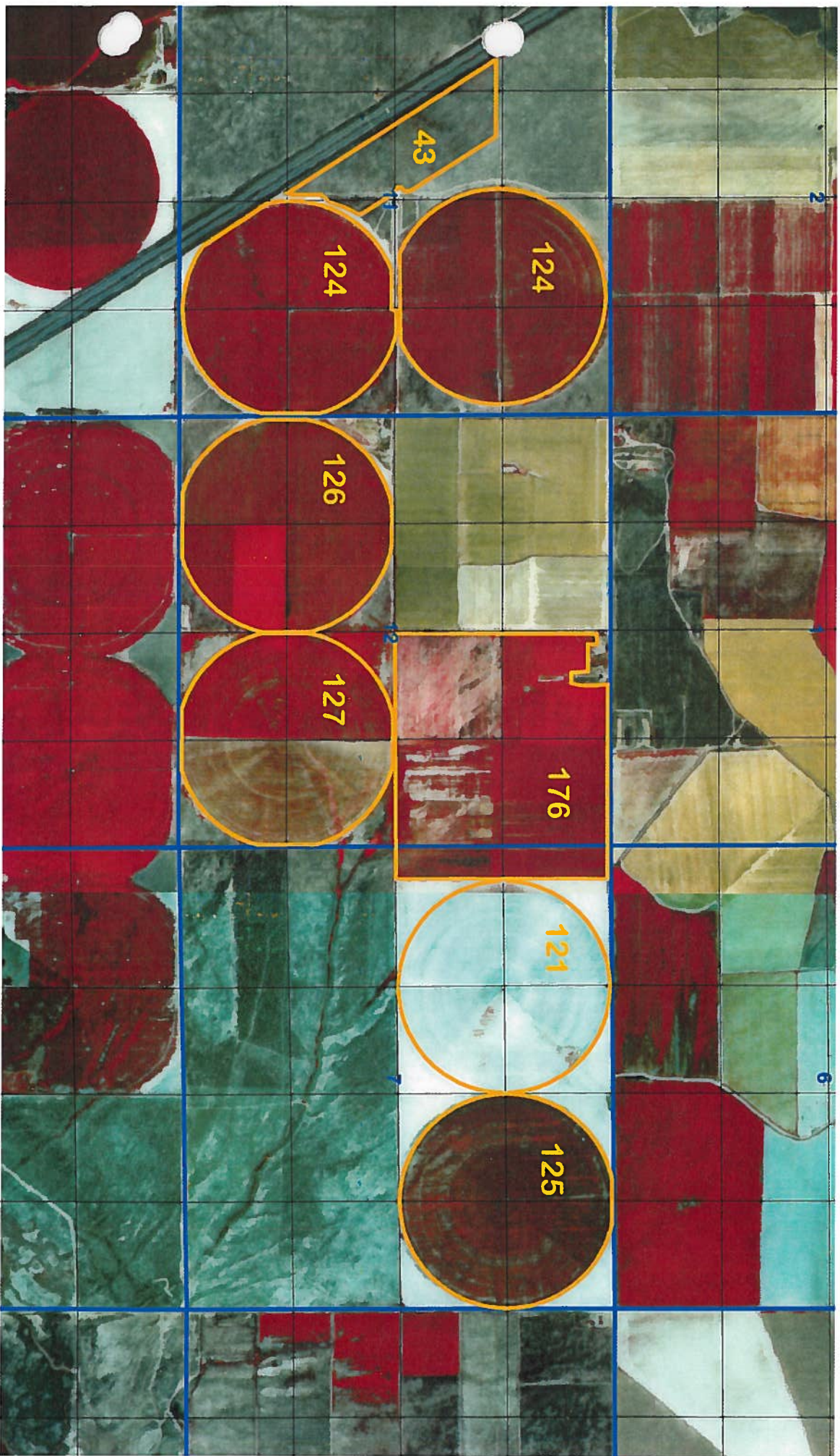
2396 & 2442A (FC)
2442 (matthews)
2338 (matthews)

Over lap
 2492 & 2396
 240 ac

1962 AERIAL PHOTOGRAPHY

Color	Label	Value	Year	Group	
Yellow	L1C	2396	1953	}	
Blue	-	2492	1960		
Blue	-	2338	1944		
Green				AS	L1C

Temple Lake



TWP 11S, RNG 26E & 27E

R26E
R 27E

1987
AERIAL PHOTOGRAPHY

43-23308, 43-2394

43-2442 AS RELOCATED

1987 ROAD PHOTO

**ANALYSIS OF LICENSED AND EXPANSION ACRES
T11S, R26E SECTIONS 11 & 12, AND T11S, R27E, SECTION 7**

From: V. Hancock

3-14-2001

HISTORY

1949 Permit for License 43-2338 is issued. 1956 FE finds 320 acres irrigated in the S½ Section 12, POD well located in NWSE Section 12. 6cfs allowed. Licensee = G T Matthews

1953 Permit for license 43-2396 is issued. 1955 field exam finds 464 acres irrigated in N½ Section 7 and N½ NE & SENE Section 12. 6 cfs allowed. POD well in NWNE Sec 12. Licensee = H C Matthews

1967 H C Matthews is granted a DLE patent for the SWNE Sec 12. Transfer 894 adds this 40 acres to the licensed place of use making it 504 acres. No change in diversion amt. Div Rate = 0.012 per acre.

1960 Permit for license 43-2492 issued for 400 acres in the NE ¼ and N½ NW Sec 7 and the NW ¼ Section 8. Application stated that 160 inches were for new lands and 140 inches were supplemental to existing rights. Permit later amended to remove 160 acres in the NW¼ section 8 and add the E½ SW Section 7 making a total of 320 acres. FE in 1965 found 240 acres irrigated in the NE¼ and E½ NW Section 7 and allowed 3.83 cfs. The POU entirely overlapped license 43-2396, which was not mentioned. The supplemental right increased the diversion rate per acre to 0.026 cfs on the appurtenant 240 acres. POD well in NENW Sec 7. Licensee = estate of G.S. Matthews.

1968 Aerial photos show irrigation of the SE¼ Section 11 with no associated water right. Land is assumed to be owned by Matthews at this time.

1971 HC Matthews sells NE ¼ Sec 12 and N ½ Section 7 to Burton Anderson.

1975 Anderson applies for a transfer to add a point of diversion to 43-2396. He adds the well in NENW Section 7 that was licensed to 43-2492. Reason for the transfer states the land has been split by ownership and a point of diversion is needed on included lands.

1975 Anderson sells to Fridel the N½ Section 7 except the west 24 acres. This parcel includes 320 acres.

1976 Anderson sells to Matthews the NE¼ section 12 and 24 acres in the W½ W½ NW¼ Section 7 (portions of lots 1 and 2). This parcel includes 184 acres.

1980 Matthews installs two pivots in the S½ Section 12 and transfers the corner acres to the NE ¼ Section 11.

1987 Farm Credit forecloses on Fridel acquiring his property in the N½ Section 7.

1987 Claims are filed in the SRBA:

- Matthews files claim based upon 43-2338 on 264 acres in the S½ section 12 (the original licensed place of use) and 294 acres in the E½ section 11. (Total 558 ac). This would be an expansion of 238 acres over 1980 transfer 2382, all in the E½ section 11. 416 acres are paid for under this claim.
- Matthews files claim based upon 43-2492 on 344 acres in the E½ Section 12 asserting that the claim is based upon a contract agreement giving 3.83 cfs under license 43-2492 to him for use in Section 12. This claim overlaps 132 acres in the SE ¼ Sec 12 also claimed under 43-2338. 344 acres are paid for with this claim.
- Farm Credit files claim A43-2492A based upon license 43-2492 for 3.83 cfs on the original 240 acre place of use in Section 7.
- Farm Credit files claim based upon 43-2396 for 6 cfs on 344 acres in the N½ Section 7. It is later found that they have an ownership/security interest only on the 320 acres that had been owned by Fridel. A total of 344 acres are paid for by Farm Credit on the two claims.
- No claim is filed on lands irrigated in the SE ¼ Section 11.

1990 Heward purchases the Fridel land in N½ Section 7. Farm Credit holds security interest.

1995 Matthews transfers 132 acres of the POU of 43-2338 entirely off the SE¼ of section 12 onto various places in Section 11 including the SE¼. Remarks included in transfer #4490 state that this administrative action acknowledges changes in POU that occurred after 1980 transfer #2382 but were not recorded with IDWR. Overlapping POU of claim 43-2492 is addressed only indirectly by "pending Adjudication review". Expansion claim 43-11132 for 106 acres in conjunction with the transfer is filed at this time by Matthews.

1996 Matthews sells SE¼ and also the NE¼ Section 12 plus 24 acres of W½NW¼ Section 7 to Heward. Water right adjudication claim 43-2492 is referenced in both deeds conveying the individual parcels.

ANALYSIS

43-2492, 43-2492A & 43-2396A The contract agreement between Anderson, Matthews and Fridel that is referenced in claim 43-2492, and which pertains to the split of property originally covered by License 43-2396 and the overlapping license 43-2492, is not in our files. It appears that the agreement awards license 43-2492 to Matthews for use in Section 12 and on 24 acres in the W½ NW ¼ Section 7. It is supposed that license 43-2396 for 6 cfs was to be used on the remaining 320 acres in N½ Section 7.

Matthews SRBA claim 43-2492 is on 344 acres which includes the SE ¼ section 12 as an accomplished transfer. Any use of this right in the SE¼ of section 12 would be an un-stacking of overlapping licensed rights and would not be allowed by IDWR, despite the private contract agreement. If both licensed rights must stay within the original 504 acres, awarding the entire claim based on 43-2492 to either Farm Credit or Heward would unevenly distribute water on the place of use, therefore a portion of 43-2492 should be owned by Farm Credit, or a portion of 43-2396 should be owned by Heward.

A total of 504 acres were irrigated under the combined licenses 43-2492 and 43-2396, with a combined diversion rate of 9.83 cfs. It seems that the fair thing to do would be to combine the diversion rates of the two licenses, calculate the rate per acre on 504 acres (0.019 cfs) and divide by ownership. I believe this was the intent of the parties who split ownership of the property when Anderson sold to Matthews and Fridel.

$$9.83/504 \times 184 = 3.59 \text{ cfs} \quad 9.83/504 \times 320 = 6.24 \text{ cfs}$$

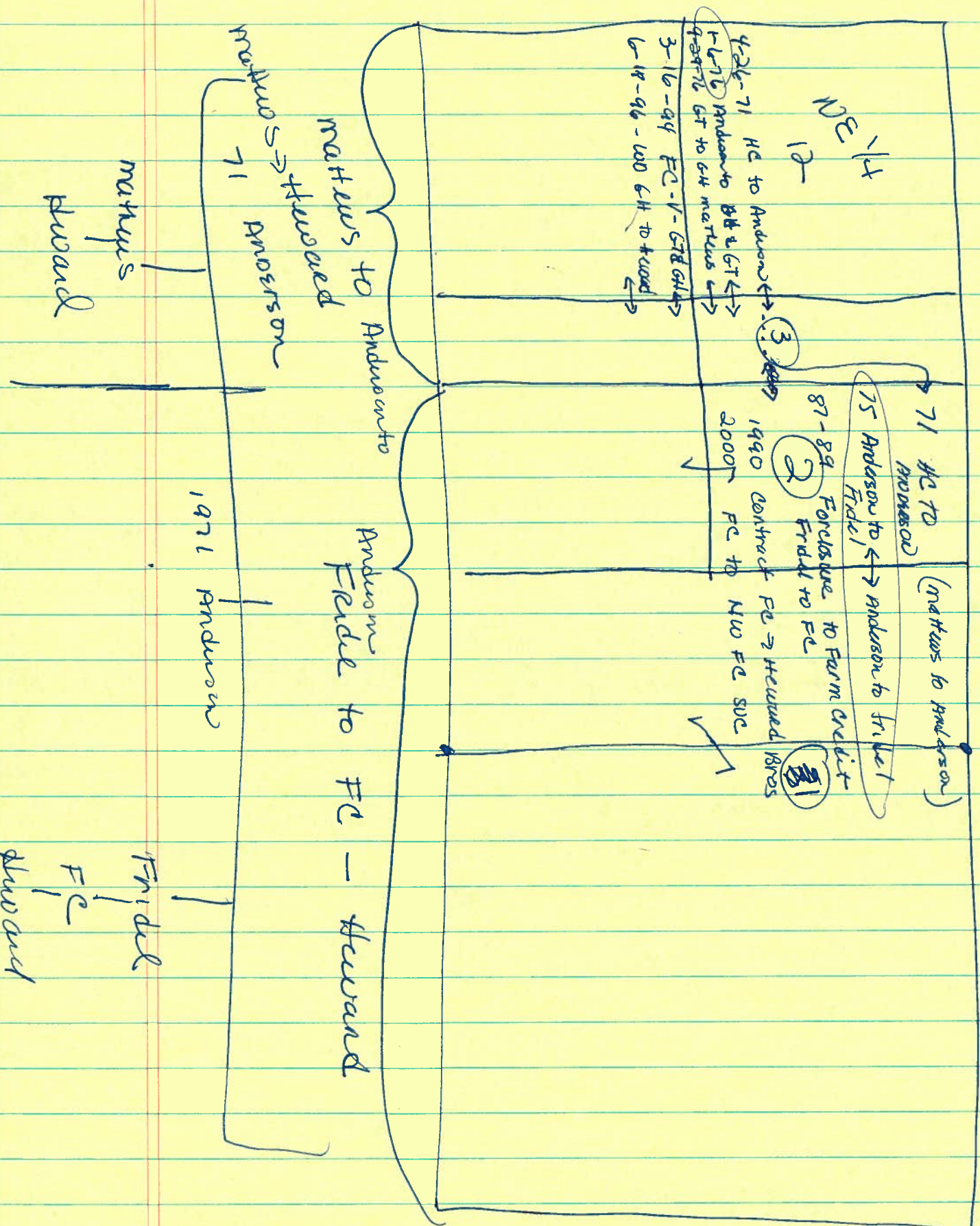
43-2492 represents 184 of the licensed acres and should be awarded to Heward with a diversion rate of 3.59 cfs. POD NWNE Sec 12.

43-2492A, filed by Farm Credit, would represent the remaining acres and diversion rate awarded under the original overlapping license. $240 - 184 = 56$ acres. $3.83 - 3.59 = 0.24$ cfs. Combined POU limits with 43-2396A would apply. POD NENW Sec 7.

43-2396A was also filed by Farm Credit for 6 cfs on 344 acres in the N½ Section 7. It has been determined that they only own 320 acres exempting the West 24 acres of the NW¼. Nevertheless, they have a valid claim on 320 acres based upon license 43-2396 for 6 cfs. Combined POU limits with 43-2492A apply. POD NENW Sec 7.

43-12990 Because it has been determined that 43-2338 was transferred from the SE¼ of Section 12 prior to the adjudication(see below), an expansion of license 43-2492 may be filed by Heward to

cover those acres irrigated by the well in the NE Section 12 in 1987, but not included in the recommendation for claim 43-2492. It appears that there are approximately 127 acres irrigated by pivot in the SE¼ Section 12. These acres were paid for by Matthews at claim filing. Expansion claim was filed by Heward for 130 acres on 3-15-01. **43-2338** Matthews' original claim included the licensed POU, which overlapped his SRBA claim 43-2492 on the SE¼ of Section 12. When he transferred the POU from the SE¼ section 12 to the SE¼ section 11 he stated that this represented a transfer that had been accomplished prior to 1987. It is possible that he was given direction at the time of claims filing to identify this right as licensed and not how it was currently being used, as when the claim was amended in 1994 remarks were added that the acres in SE Sec 12 were served by the well on claim 43-2492. This claim should be recommended as described in transfer 4490 which included 320 acres in sections 11 and 12. And pods in NWSW 12 and SWNW 11. Expansion claim **43-11132** was also filed in conjunction with transfer 4490 and included 106 acres, listing both pods described above. 43-2338 and 43-11132 should be recommended as filed which is a PPU of 426 acres.



Highway

Cement ditch

Manure line

Boiler
apart

Cement ditch

Manure line

Wiggly dirt

Ditch

Water

7.1547
8.0
6.1

5
6.9
6
129.4
7
6.3

4
129.3

18999

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129.0

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Pete Matthews "Home
Well" - Sold to Heward
1996.

Photos 8-17-1994 by
J. Robertson

Pete Matthews

Winthrose
ser. 970:

Pete Matthews
"Home Wall"

MODE SELECT
INPUT

OUTER DIAMETER
12.8913 IN

PIPE MATERIAL
? CS, SS

WALL THICKNESS
0.3200 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
10.347 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

08-17 11:1100 *R
+ 2.046E 3GPM

08-17 11:1100 *R
+001.80 % AI2

MODE SELECT
T0 CHECK

0464.8 MMSEC
101.54 % T0

08-17 11:1300 *R
+ 2.029E 3GPM

08-17 11:1300 *R
+ 2.040E 3GPM

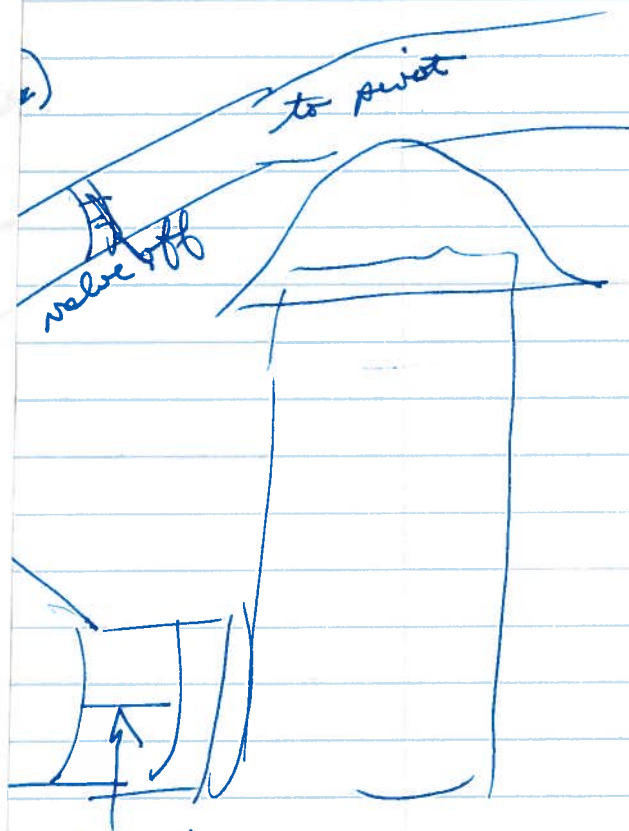
MODE SELECT
INPUT

OUTER DIAMETER
12.8913 IN

PIPE MATERIAL
? CS, SS

pole # 8031

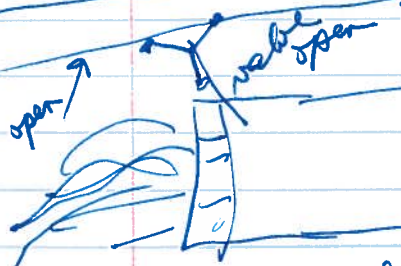
U.S. Motor 150 h.p.
ser. 879649



polysonic
loc. #2

loc. #1
4.53 ps average

Cement ditch



Cement hold
poly
loc. #

Cement ditch
closed

roll 36 - 4 pi



Pete Mathews Booster to Pivot
Sold to Howard 1996.
Photos 8-18-1994 J. Robertson



Pete Matthews Booster

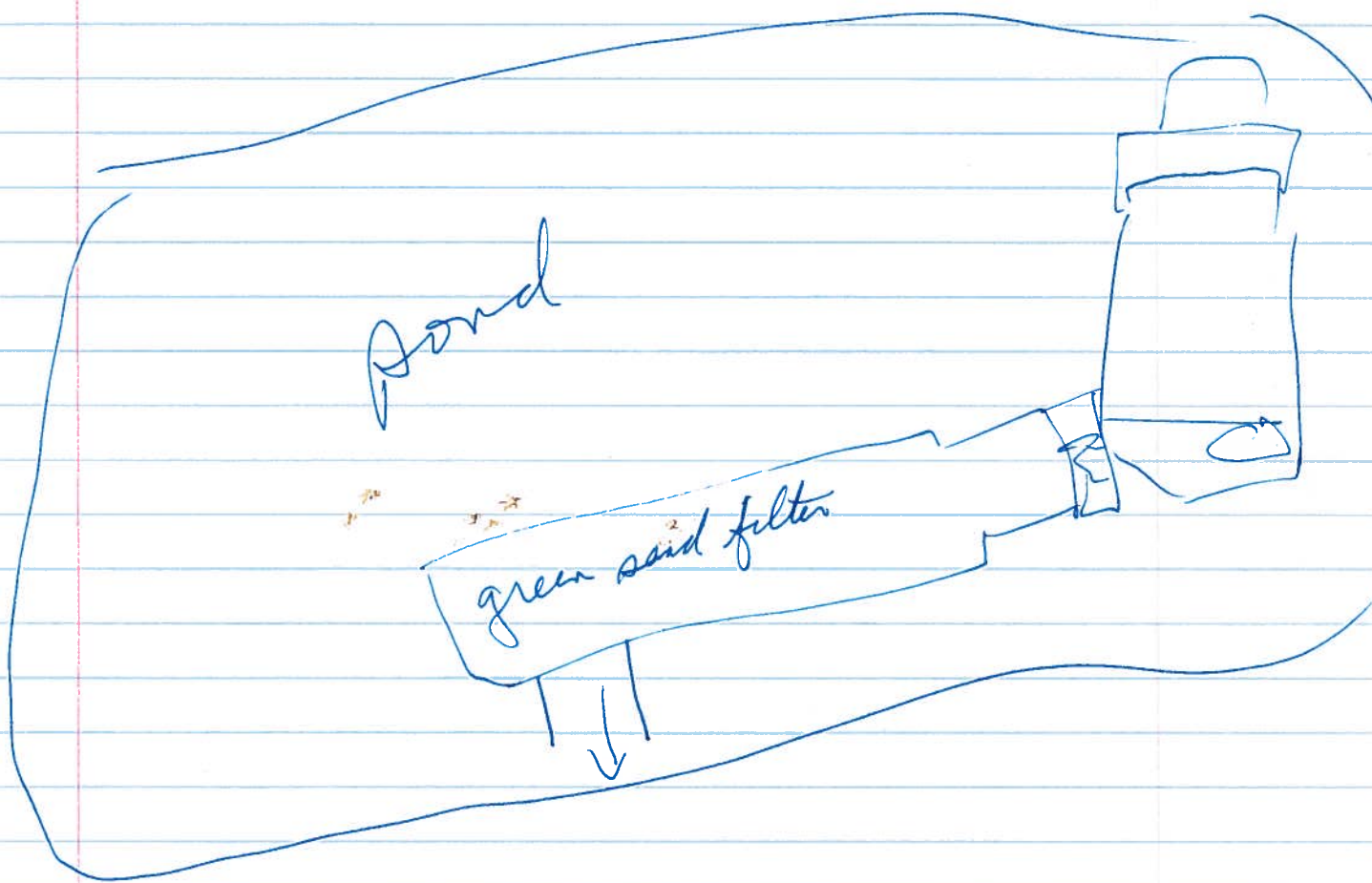
Pete Matthews - Booster to Pivot

plc # 8076

Verti-Line Pump
mod 12 RML
ser. D30750

50 h.p.
U.S. Motor (Hollaschaft)
2-1782-01-263
ser 22014941

not running today (8/18/94)



roll 38: 8 pics 5, 6, 7, 8, 9, 10, 11, 12, 12A

IDAHO
CASSIA
Report ID: ASCS-156EZ

U.S. Dept. of Agriculture
Agri. Stab. & Conserv. Svc.
Abbreviated 156 Farm Record

FARM 3196

Prepared: 04/04/94
Crop Year: 94
Page: 2

No. of Tracts: 10

Current Year

TRACT NO.	FARMLAND	CROPLAND	IRRIGATED CROPLAND	HEL	Ø27	AØ27	W	CW	FW	PC	AW	MW	RW	MG	CWTE	CWNA	PCW
8215	200.0	193.8	193.8	N	N	N	N	N	N	—							N
IDENTIFIER		DD18 S1 T12 R26															
OWNER		1 - JOHN T KOBE															
8216	320.0	313.9	313.9	N	N	N	N	N	N	—							N
IDENTIFIER		DD18.20 S12 T12 R26															
OWNER		1 - VICTOR R KOBE, 2 - EDWARD KOBE															
8217	80.0	77.2	77.2	N	N	N	N	N	N	—							N
IDENTIFIER		DD20 S11 T12 R26															
OWNER		1 - JOHN T KOBE															
8348	162.0	161.1	161.1	N	N	N	N	N	—								N
IDENTIFIER		CC14 S11 T11 R26															
OWNER		1 - G H MATTHEWS															
8349	470.0	422.8	422.8	N	N	N	N	N	—								N
IDENTIFIER		CC14 S11 T11 R26															
OWNER		1 - G H MATTHEWS															
8697	320.0	316.1	316.1	N	N	N	N	N	N	+							N
IDENTIFIER		S-10 T-11 R-26 CC-14															
OWNER		1 - JANN MOSS, 2 - DANIEL MOSS															
8707	304.0	149.4	149.4	Y	Y	Y	N	N	N								N
IDENTIFIER		V14 S-14 T-11 R-24															
OWNER		1 - DANIEL MOSS															
8829	70.0	47.2	47.2	Y	Y	Y	N	N	N	—							N
IDENTIFIER		S-15 T-11 R-26 CC-14															
OWNER		1 - SEIJI ENDOW															
8830	170.0	167.7	167.7	N	N	N	N	N	N	—							N
IDENTIFIER		S-14.15 T-11 R-26 CC-14															
OWNER		1 - SEIJI ENDOW															
8998	160.0	152.5	152.5	N	N	N		N	—								N
IDENTIFIER		DD14 S12 T11 R26															
OWNER		1 - G H MATTHEWS															

Memorandum

To: A43-02396A, A43-02492, and A43-02492A

CC: Files

From: Jeanie Robertson

Date: 03/28/00

Re: Recommendations

43-02396, 6/30/1953, was originally licensed for 6 cfs from a well in section 12 on 464 acres; the north half of section 7 and all but the SWNE of the NE ¼ of section 12. (The licensing field exam looks like it actually included the SWNE and the license should have been for 504 acres total. Letters in the file attempted to correct this and a subsequent approved transfer in 1975, which added a well from Section 7, **added these 40 acres for the 504 acre total.**) 0.011 cfs/ac

43-02492, 3/18/1960, was originally licensed for 3.83 cfs from a well in Section 7 on 240 acres, the NE ¼ and the east half of the NW ¼ of Section 7. (These 240 acres were totally within the place of use of 43-02396.) 0.015 cfs/ac

The approved transfer from 1975, mentioned above, tied the two wells together on 504 acres, although the transfer did not mention right 43-02492.

2396A	184Ac.	$\left(\frac{184}{504}\right) 6 \text{ cfs}$	5.03	$\frac{6.24}{9.83} \text{ total}$
2396B	320Ac.	$\left(\frac{320}{504}\right) 6 \text{ cfs}$	.97	

240A
 $320 \text{ Ac.} = 6.24 \text{ cfs}$
 $184 \text{ Ac.} = 3.59 \text{ cfs}$
 $\frac{6.24}{9.83}$

A43-02396A was claimed by Farm Credit for 6 cfs from the well in section 12 for 344 acres in the north half of section 7. Remarks state that they own the land in section 7 but are not sure of the actual water rights involved and refer to a contractual agreement from 1978, a copy of which I do not have. It seems this agreement split the 504 acres and gave the 6 cfs to section 7 and 3.83 cfs to section 12.

According to the map submitted with the claim, the point of diversion is actually from the well in section 7 and should be for 320 acres, not 344 acres. A copy of the warranty deed Farm Credit is holding also indicates that they only own 40 acres each of government lots 1 and 2, which are 52 acres lots. 0.018 cfs/ac

A43-02492 was claimed by Matthews for 3.83 cfs from the well in section 12 on 344 acres. Remarks again mention the so-called contractual agreement. It moved licensed right 43-02492 from section 7 to part of section 12, and a 24 acre strip along the west edge of the NW ¼ of section 7 (12 acres each from the 52 acre government lots 1 and 2). This was apparently through an accomplished transfer. It also expanded the right by 104 acres. 0.011 cfs/ac

A43-02492A was claimed by Farm Credit. It claimed the right as previously licensed, but mentioned in Remarks about the water rights being undetermined and referred to the contractual agreement.

This right should be disallowed and recommended as 43-02492.

Some questions for recommendation remain, however. One right (43-02396) has been reduced by 184 acres and the other (43-02492) has been expanded by 104 acres. Both are now owned (or at least in the process) by Hewards and the wells are not tied together... ???

Robertson, Jean

From: Skaggs, Pam
Sent: Tuesday, March 28, 2000 2:54 PM
To: Robertson, Jean
Subject: RE: 43-02396

Hi Jean,

I looked in the file. It appears that the right was licensed in 1955 for 464 specific acres and then two years later Transfer 894 was approved that changed the place of use to include the SWNE of Section 12, T11S, R26E. The number of actual acres was not identified in this transfer, only 6.00 cfs and the p/u description by half & quarter in each section. Transfer 1840 in 1975 identified acres in each of the quarter-quarters which add up to 504 (464 + 40 in the SWNE, S12.)

Glen recommended looking at the microfilm for any other information relating to the first transfer or maybe an explanation of the acres on the second one. Barring any reasonable explanation, Glen said it would be hard to remove acres once approved. It could be looked at as a very early permissible place of use, 464 within a 504 acre place of use. Hopefully you will find more explanation in the microfilm.

Good Luck. Pam.

-----Original Message-----

From: Robertson, Jean
Sent: Tuesday, March 28, 2000 2:08 PM
To: Skaggs, Pam
Subject: 43-02396

Hi Pam,

If this question should go to someone else, please forward it along...

This License was originally for 6 cfs on 464 acres. (According to the map with the licensing exam, it looks like it might actually should have been for 504 acres.) Anyway, a subsequent transfer in 1975, which added a point of diversion, enlarged the place of use to 504 acres. Is this Right now for 504 acres, OR 464 acres within a 504 acres PPU?

Thanks,
Jeanie Robertson

Robertson, Jean

From: Skaggs, Pam
Sent: Tuesday, March 28, 2000 5:01 PM
To: Robertson, Jean
Subject: RE: 43-02396

Well, they didn't always do things the way we do now. They probably didn't include the right because they weren't changing it. The rate of diversion is low on 43-02396, so it would seem logical to have an overlapping right. They just didn't address it in the transfer. They'll be looking back in 30 years wondering what the heck we were thinking too I guess!

GO HOME! I am. Pam.

-----Original Message-----

From: Robertson, Jean
Sent: Tuesday, March 28, 2000 4:39 PM
To: Skaggs, Pam
Subject: RE: 43-02396

Thanks, Pam. That's kinda what I thought happened. Another funny thing is that the second transfer in 1975 added the point of diversion in Section 7, a well that was associated with 43-02492, but that right wasn't addressed in the approved transfer. Actually, 43-02492 is totally within the place of use boundary of 43-02396. Any take on that?

-----Original Message-----

From: Skaggs, Pam
Sent: Tuesday, March 28, 2000 3:23 PM
To: Robertson, Jean
Subject: 43-02396

Hi Again.

I looked at T894 application & it basically requested the addition of the QQ he had a DLE for and that all the lands could be retained in production. Looks like we approved an expansion of the right and would say that 504 acres are now associated with this right.

Pam

CLAIM NUMBER _____

DATE _____
AGENT _____

A43-02396A 320 Ac.
A43-02492 344 Ac.
A43-02492A 240 Ac. (disallow)



DEPARTMENT OF WATER RESOURCES

R26E R27E

CC32
1976
photo

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

113° 22' 30"
42° 30'

4707000m N

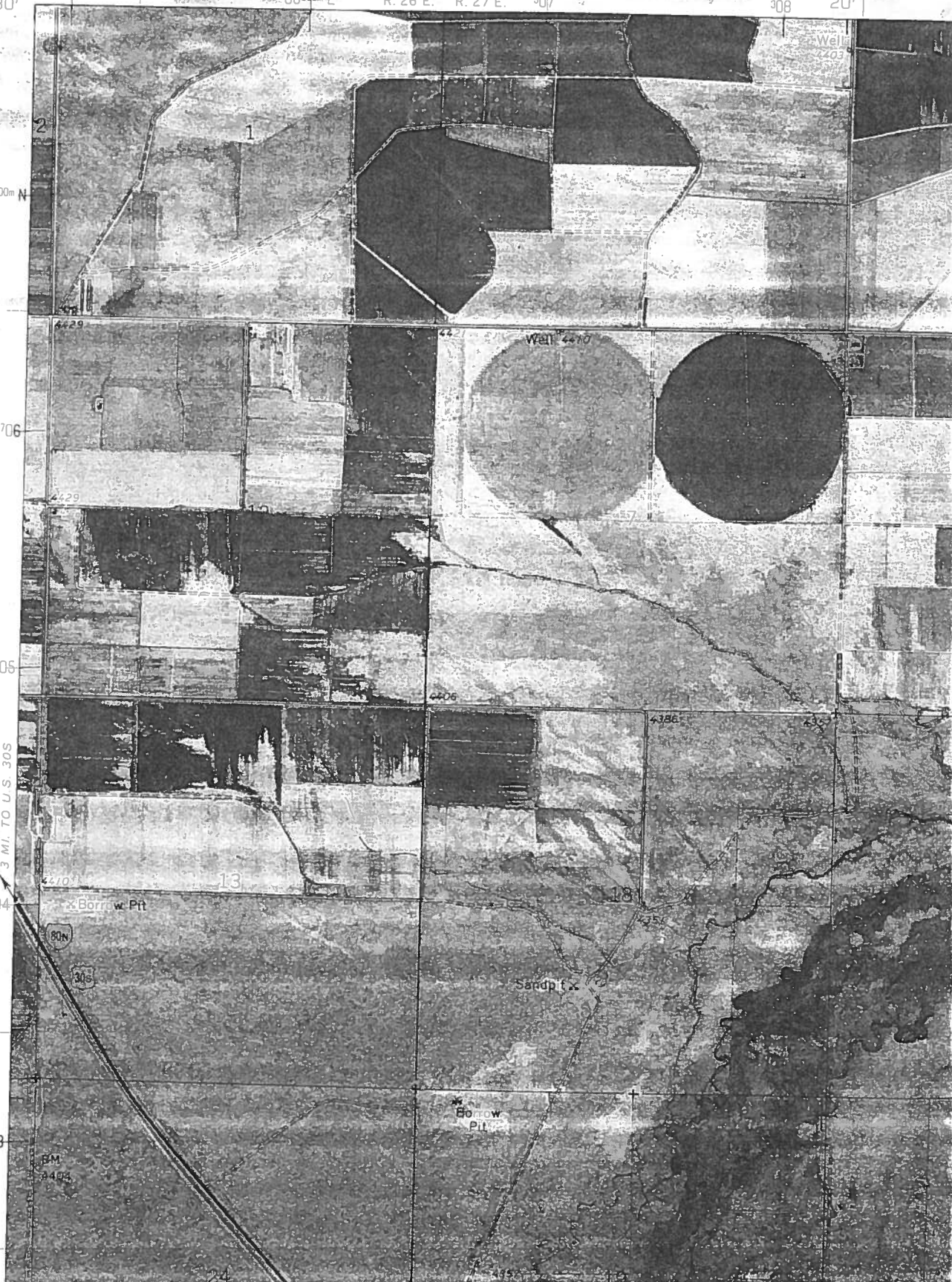
4706

4705

4704

27' 30"

4703



Memo To Files: A43-02396A, A43-02492, A43-02492A
Date: 3-28-00

From: Jeanie Robertson

There are several weird things about these claims.

A43-02492 was originally filed by Matthews ^{pod in Sec 7} in 1989 for 3.83 cfs on 344 Ac.; the east half of Section 12 and and a 24 Ac. strip along the west side of the NW $\frac{1}{4}$ of Section 7. The Remarks state that the claim is based on a contractual agreement that put the 3.83 cfs on these lands. ~~It~~ found no copy of the said agreement but assume this could be considered an accomplished transfer as of 1978.

43-02492 was originally licensed for 3.83 cfs on 240 Ac. in Section 7, the NE $\frac{1}{4}$ and the east $\frac{1}{2}$ of the NW $\frac{1}{4}$. ^{even tho it} ~~It~~ was licensed after 43-02396 for some of the same lands in Section 7, but the Proof of B.U. submitted states that there are no other W.R. appurtenant to the land. Licensing field exam was done in July of '65. ^{#3} It looks like the exam also identified the East $\frac{1}{2}$ of the SW $\frac{1}{4}$ and identified a total of 320 Ac. This was crossed out and changed to 240 Ac, however.)

43-02396 was originally licensed for 6 cfs on 464 Ac, ^{pod in Sec. 12} the north $\frac{1}{2}$ of Section 12 and the NE $\frac{1}{4}$ of Section 12. The exam looks like it left off a 40 Ac. in the NE $\frac{1}{4}$ of 12 and really should have been for 504 Ac. leaving SWNE by mistake? Based on letters in the file, it appears attempts were made to correct this and it was later

State of Idaho License and Certificate of Water Right

Water License No. G-28549

Amount 3.83 c.f.s.

Water District No. _____

Priority March 18, 1960

THIS IS TO CERTIFY that
of Declo, Idaho

G. S. MATTHEWS ESTATE

public waters of the State of Idaho, dated

March 18, 1960; that Permit No. G-28549

was issued under said application; that Certificate of Completion of work, with a carrying capacity of

3.83 second feet, was issued thereunder on September 15, 1965, showing that said work

were completed on the 5th day of May

1965; and that on the 5th

day of May, 1965,

G. S. MATTHEWS ESTATE

of Declo

, State of Idaho

, made proof to the satisfaction of the

State Reclamation Engineer

of Idaho, of the right to use the waters of a well

, a tributary of subterranean flow, for the purpose of irrigation

, under Use Permit No. G-28549 of the Department of Reclamation

and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,

and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

13 of Licenses at page 8258, on the 15th day of September, 1965;

The right hereby confirmed dates from March 18, 1960;

The Point of Diversion is located

in the NE 1/4 NE 1/4 Sec. 7, Twp. 11S, R. 27E, B. M. Conrad County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 3.83 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
<u>11 S</u>	<u>27 E</u>	<u>7</u>	<u>NE 1/4</u>	<u>80</u>	<u>80</u>
			<u>SE 1/4</u>	<u>160</u>	<u>160</u>
Total number of acres to be irrigated:					<u>240</u>

The right to the use of the water aforesaid hereby confirmed is restricted to the use or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Declo, Idaho, this 15th day of September, 1965.

RALPH W. THOMAS

Deputy State Reclamation Engineer

(SEAL)

43-2492

R.E. allowed
April 9, 1954

Patent issued 1963

Deceased

E. T. Matthews Admin

200 Miller Ave

Burley

Pre can to

28549

APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

Application No. 42
Permit No. 42
District No.

1. Name of Applicant: See page 2

Post-office address: See page 2 County See page 2 State See page 2

2. Quantity of water claimed:

(a) Rate of withdrawal of its cubic feet per second See page 2 of Idaho
Miners' inches See page 2 or See page 2 per minute

(b) Annual withdrawal in acre feet per annum See page 2

3. Source of water supply: See page 2

4. Location of point of diversion on or in the See page 2 of the See page 2 of Section See page 2
Twp. See page 2 Rge. See page 2 in the See page 2 of the See page 2

5. Water is to be used for: See page 2

6. If for municipal, industrial or domestic purposes, give:

(a) Point of use of water is on the See page 2 of the See page 2 of Section See page 2
Rge. See page 2 in the See page 2

(b) Water water or waste effluent is to be returned to
at a point in the See page 2 of the See page 2 of Section See page 2
Twp. See page 2 Rge. See page 2 in the See page 2

7. Kind of works: See page 2

8. Estimated cost of works: \$ See page 2

9. (a) Is reservoir to be used? See page 2

(b) Capacity of reservoir: See page 2

10. The time required for the completion of such work and complete application of the water: the first period is See page 2 years.

11. If applicant is a corporation, give:

I. (a) Date and place of incorporation: See page 2

(b) Amount of capital stock: \$ See page 2

(c) Amount paid in: \$ See page 2

(d) Names and addresses of directors: See page 2

II. The financial resources of the applicant are: (a) Cash on hand: \$ See page 2

(b) Treasury stock: See page 2

(c) Bonds to be issued: See page 2

(d) Other resources: See page 2

12. The land to be irrigated is described on the following map: See page 2

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: See page 2

(a) See page 2 (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

(b) See page 2 (cubic feet per second, inches or gallons per minute) is for new lands.

42-2401 See page 2 of 2

Stage: LICENSE

CASSIA County

MS

Other Rights: A43-02338

***** RMV 3/17/94 *****
10/10/96 TF; OWNERSHIP CHANGE MATTHEWS TO HEARD PER WARRANTY
DEED.

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag: Presumption Flag:	
Audit:	06/08/89 STANTON	03/17/94 WORSTELL 03/30/95 POST-STD	10/10/96 TFANCETT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4490
WATER RIGHT NO. 43-02338

RECEIVED

MAY 05 1995

This is to certify that: G H MATTHEWS
G T MATTHEWS
STAR RT
DECLO ID 83323

Department of Water Resources
Southern Region

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	6.00 CFS	1280.0 AF

SOURCE

GROUNDWATER

Priority: 12/17/1949

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 11, Township 11S, Range 26E
NWSW , Sec. 12, Township 11S, Range 26E
CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S	26E	11	NENE 30.0	NWNE 30.0	SWNE 30.0	
			SENE 30.0	NENW 25.0	NESE 27.5	
			NWSE 27.5	SWSE 27.5	SESE 27.5	255
		12	NESW 16.3	NWSW 16.2	SWSW 16.2	
			SESW 16.3			65

Total number of acres irrigated: 320

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
2. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

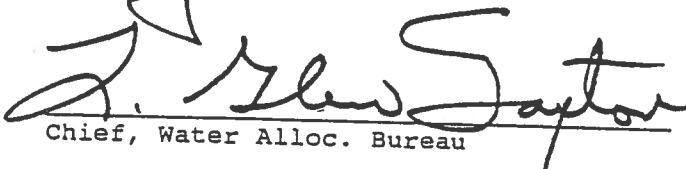
TRANSFER NO. 4490
WATER RIGHT NO. 43-02338

CONDITIONS/REMARKS:

4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. 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.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4490 shall not exceed 6.00 cfs, nor total combined annual volume of 1,280 af.

Dated this 2nd day of

may, 1995.


Chief, Water Alloc. Bureau

DEC 23 1994

MEMORANDUM TO FILE

FROM: MEL SCHULTE

DATE: OCTOBER 3, 1994

RE: G.T. & G.H. MATTHEWS
TRANSFER APPLICATION 43-02338

1. The Place of Use in this transfer is in the Raft River Critical Ground Water Management Area.
2. The Place of Use for license 43-02338 has been changed and expanded without proper approvals since T2382 was approved in 1980.
3. The additional acres and water needed to fill out the quarter circle pivots described in the land list proposed in this transfer are covered by the SRBA expansion claim A43-11132.
4. A more practical and workable approach to the Place of Use proposed in this transfer would be to make the SW 1/4 of S12 a 1/2 circle pivot and the SE 1/4 of S11 a 3/4 circle pivot. The applicant, however, wants to file the transfer application as written and the SRBA claims as they are currently filed.

T #4490

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4490

SEP 30 1994 APPLICATION FOR TRANSFER OF WATER RIGHT

Department of Water Resources
Southern Region Office

PART 1

Name of applicant G.T. for G.H. Matthews Phone (208) 349-5722Post Office address Star Rt. Deco, ID 83323**A. PURPOSE OF TRANSFER**

OCT 19 1994

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Split

2. Describe the reason for the proposed changes To reorganize water rights under existing delivery system, correct legal description of existing well (Sec 11)

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>43-2338</u>	<u>12/17/49</u>	<u>6.0</u>	<u>Irrigation</u>	<u>4/1</u> to <u>10/31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 6.0 cubic feet per second and/or 1280 acre-feet per annum.

3. Source of water Ground Water tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SW	NE	11	11S	26E	Cassia	
	NW	NW	SW	12	11S	26E	Cassia	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11S	26E	11	30	30	30	30	25								27.5	27.5	27.5	27.5	255
		12									16.3	16.2	16.2	16.3					65

Total acres 320

PART 1

6. General Information:

a. Description of diversion system Drilled wells, vertical turbine pump
mainline, pivot

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? XXX Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
No change pending results of SBA proceedings

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
 And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____
 in case of _____ vs. _____
 dated _____ in _____ county of _____

b. License No. 43-2338 issued by the Idaho Department of Water Resources.

c. Claim No. _____ on file with the Idaho Department of Water Resources.

d. Transfer No. 2382 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Ground water tributary to _____

4. Date or priority 12/17/49

5. Water is used for the following purpose:

amount 6.00 for Imm. purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for Dom. purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 6.00 cubic feet per second and/or 1280 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SE	11	11S	26E	Cassia	
		NW	SW	12	11S	26E	Cassia	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11S	26E	12									33	33	33	33	33	33	33	33	264
		11	28			28													56

Total acres 320

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

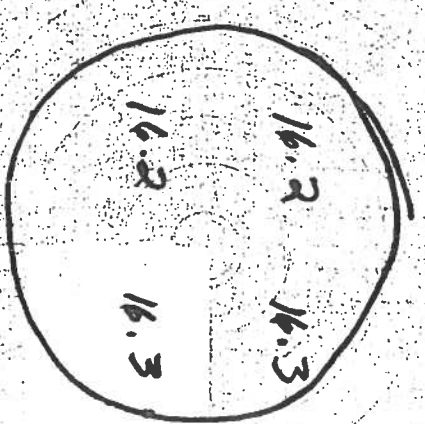
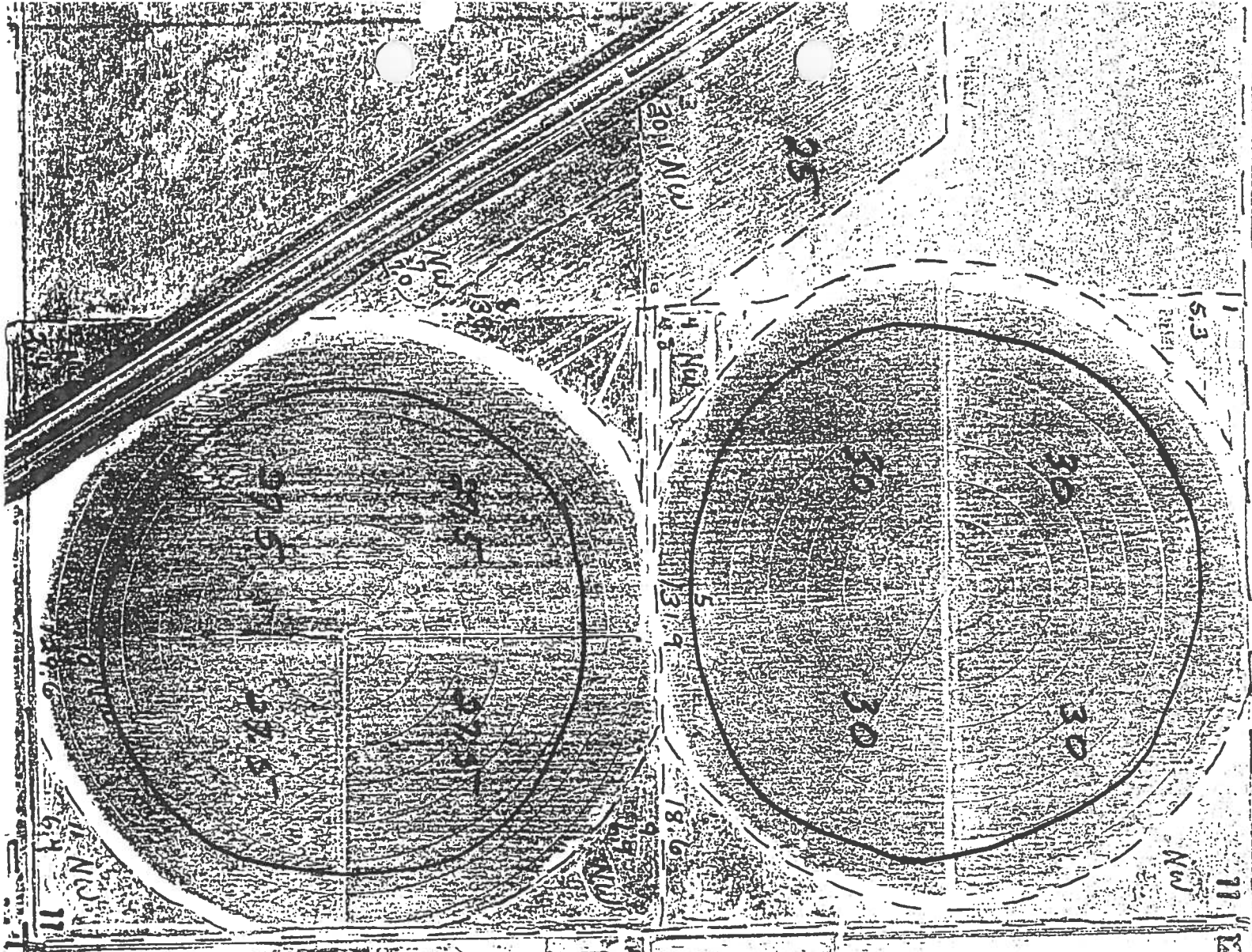
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____



43-02338
 Matthews Transfer Application
 Proposed P14 after Transfer
 115,26E.
 CC14

11'12
NW

28

28

18.6

43-02338

G.T. & G.H. Matthews Transfer Application
P/M before Transfer

115, 26E

CC14

33

33

33

33

33

33

33

33

T 8999

NC

12913

97

30

HELT

65 NHELV

132.0

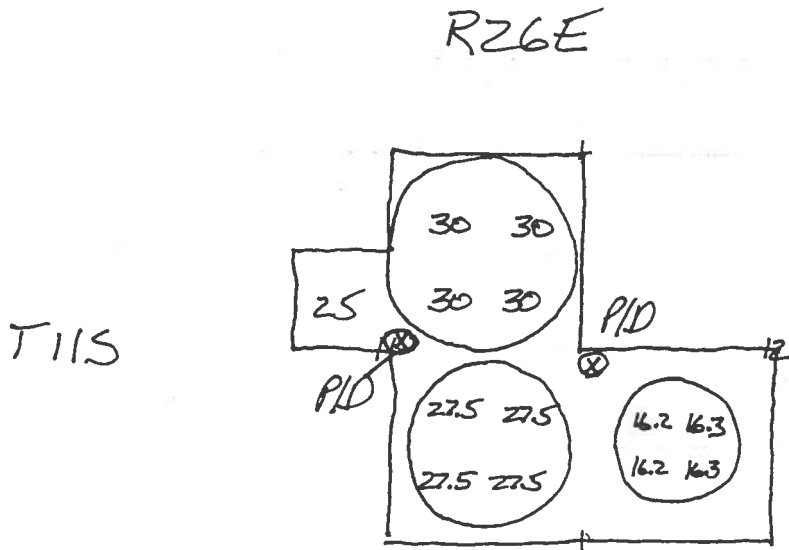
6.0

13 12 7 19

T #44

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3**B. CHANGES IN NATURE OF USE**

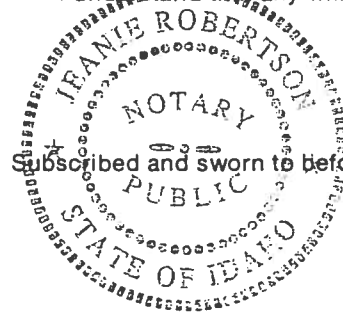
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

G. H. Matthews

(Signature of Applicant)

Subscribed and sworn to before me this 30th day of Sept., 19 94.Jeanie Robertson

(Notary Public)

My commission expires 9/23/2000

5 5 5 1 4

FOR DEPARTMENT USE ONLY**OCT 19 1994**Transfer contains 6 pages and 3 attachmentsReceived by DT Date 9/18/94Protest filed by NonePrelim. check by MTS Fee \$100 5017480Received by MB Replaces 75F Date 10-19-94Published in So. Id. PressPub. dates 11/28 + 12/5/94Watermaster recommendation requested on 11/4

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for ☒ approval ☐ denial

_____ rec'd. _____

by ADM

Copy of transfer sent to lien holder _____

AJ5809NP
No. A43-02492A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FARM CREDIT BANK OF SPOKANE PO BOX 288 TWIN FALLS ID 83303 (208) 733-2577	03/18/1960	IRRIGATION	03-15 11-15	3.830 CFS	
TOTAL DIVERSION:					3.830 CFS	

Water Source: GROUNDWATER
Point(s) of Diversion: T11S R27E S07
Tributary to: NENW
Stage: LICENSE
CASSIA County

Place of use Legal Description for: IRRIGATION											
NENE			NE			NW			SW		
T	R	S	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt
11S	27E	7	: 40	40	40	: 40	40	40	: 40	40	:
TOTAL ACRES										240.0	

POU County: CASSIA
Other Rights: A43-02396A

Remarks: GEN FARM'S WATER RIGHTS UNDETERMINED. SEE ATTACHED CONTRACTUAL AGREEMENT FROM MATHEWS CLAIM A43-02492.
Dates: Exam Made Date: Verified Date: Objection Filed Date:
Misc: Water District Number: Field Inspection Flag: Presumption Flag:
Audit: 06/13/89 WHITE 03/30/95 POST-STD

Old (D) Number - 28549

1
2
3
4
5
6
7

State- ID Zip- 83323

State- ID Zip-

Status - - - +

+

+	-----	Point of Diversion	-----	-----	-----
Twn	Ring	Sec	Tract	Lot	Rflg
					County
11S	27E	7	NE NW		(31) CASSIA
					Diversion Name
					Diversion Rate
					Diversion No.

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 -	IRRIGATION				3.830	

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Div. Capacity - +
3.830		

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
11S	27E	7	NE NE		40.0	01	IRRIGATION	(31) CASSIA
11S	27E	7	NW NE		40.0	01	IRRIGATION	(31) CASSIA
11S	27E	7	SW NE		40.0	01	IRRIGATION	(31) CASSIA
11S	27E	7	SE NE		40.0	01	IRRIGATION	(31) CASSIA
11S	27E	7	NE NW		40.0	01	IRRIGATION	(31) CASSIA
11S	27E	7	SE NW		40.0	01	IRRIGATION	(31) CASSIA
Total Acres:					240.0			

- + - - Diversion Means -
- + - - Non-Irrigation Use -
- + - - Other Rights for Same Use -

Data 2

WATER RIGHT

Remarks - -
No Remarks found.

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

Conditions of Approval - -
No Conditions of Approval found.

+ - Decree Date - +

00/00/0000

- - -Comments- - -
No Comments Found

227/89 CURTIS

Water Rights Dates and Flags Area

Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee	-
Approved/Denied	-	00/00/0000	Tested Date	-	00/00/0000	Swan Falls	-
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000	Temporary Right	-
Exam to S.O. Date	-	00/00/0000	Verified Date	-	03/12/1985	DLE/Carey Act	-
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	-
Licensed Date	-	06/28/1979	Appl Received	-	00/00/0000	Transfer/Amended	-
Decree Date	-	00/00/0000	Name Connector	-		POU Ownership Flag	-
Presumption Flag	-						