

1998 MAY -8 PM 2: 47

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHOIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE PROCEEDINGS
Case No. 39576	)	
	)	
_____	)	SUB CASE NO. 45-10955

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

FROM: Claimant/Seller(s):
Name and Address of Claimant/Seller(s):
James K Davis
Vicki Davis
Rt 3 Box 3036
Burley ID 83318
Phone:

TO: Claimant/Purchaser(s):
Name and Address of Claimant/Purchaser(s):
Harvey Neiwert
Nancy Neiwert
339 S 50 E
Burley ID 83318
Phone: 678-3029

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

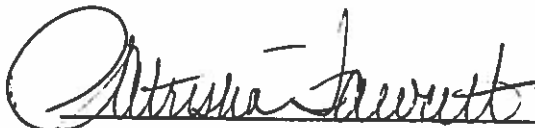
DATED: 5/6/98


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 5-8, 1998, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

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:
Claimant/Seller for Substitution of Party or attorney of record:
James K Davis
Vicki Davis
Current Address Unknown
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Harvey Neiwert
Nancy Neiwert
339 S 50 E
Burley ID 83318
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: MAY-5-1998
PAGE: A-16-----
RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 45-10955

NAME & ADDRESS: HARVEY NEIWERT
NANCY NEIWERT
339 S 50 E
BURLEY ID 83318

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 12/01/1987

POINT OF DIVERSION: T11S R23E S09 SWNW Within CASSIA County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.04 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.02 CFS

PLACE OF USE:	STOCKWATER	Within CASSIA County
	T11S R23E S09	SWNW
	DOMESTIC	Within CASSIA County
	T11S R23E S09	SWNW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. 11S23E093900
STOCKWATER, 8 HORSES



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

May 8, 1998

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

HARVEY NEIWERT
NANCY NEIWERT
339 S 50 E
BURLEY ID 83318

RE: SRBA Claim(s): 45-10955

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

AJ5809NP
No. 45-10955

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/29/98
PAGE: 9

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HARVEY NEIWERT	12/01/1987	STOCKWATER	01-01 12-31	0.04 CFS	
C	NANCY NEIWERT		DOMESTIC	01-01 12-31	0.02 CFS	
	339 S 50 E					
	BURLEY ID 83318					
	(208) 678-3029			TOTAL DIVERSION:	0.06 CFS	

D JAMES K DAVIS
D VICKI DAVIS
RT 3 BOX 3036
BURLEY ID 83318
(208) 678-1705

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T11S R23E S09 SWNW CASSIA County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac
---	---	---	: -----	: -----	: -----	: -----	: -----	: -----	: -----	: -----	: -----	: -----	: -----	: -----	: -----
11S	23E	9	:	:	S	:	:	:	:	:	:	:	:	:	:

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac
---	---	---	: -----	: -----	: -----	: -----	: -----	: -----	: -----	: -----	: -----	: -----	: -----	: -----	: -----
11S	23E	9	:	:	D	:	:	:	:	:	:	:	:	:	:

POU County: CASSIA

Non-Irrigation Uses: 1 HOME

Other Rights: BURLEY IRR DIST.

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. 11S23E093900
STOCKWATER, 8 HORSES

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

RECEIVED

APR 02 1998

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 01 1998

Department of Water Resources
Southern Region

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

1. Water Right No(s).: _____
Adjudication Claim No(s).: A45-10955
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant

Jim + Vickie Davisaddress - unknown

4. New Owner/Claimant(s)

Harvey or Nancy NewertName Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

339 S. 50E

City, State and ZIP Code

Burley Id 83318

New Telephone Number

(208) 678-3029

5. Date you acquired the property

June 13, 1992

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s)

Harvey Newert
Nancy Newert

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

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

Newert
339 S. 50E
Burley Id
83318

219173

WARRANTY DEED

FOR VALUE RECEIVED, JAMES DAVIS and VICKI DAVIS, husband and wife, of Burley, Idaho, the Grantor, does hereby grant, bargain, sell and convey unto HARVEY NEIWERT and NANCY NEIWERT, husband and wife, the Grantee whose current address is Route 2 Box 2530, Burley, Idaho 83318, the following described premises, located in Cassia County, Idaho, to wit:

PARCEL NO. 1:

TOWNSHIP 11 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 9: Part of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, more particularly described as follows:

Beginning at the West quarter section corner of said Section 9, said corner marked by a 3 inch Cassia County survey cap; thence North 0°15'00" West along section line for 294.18 feet to a P.K. Nail which shall be the Point of Beginning; Thence North 0°15'00" West along section line for 256.19 feet to a P.K. Nail; Thence South 87°51'57" East for 129.96 feet to a $\frac{1}{2}$ inch rebar; Thence South 69°40'45" East for 160.93 feet to a $\frac{1}{2}$ inch rebar; Thence South 0°15'00" East for 197.55 feet to a $\frac{1}{2}$ inch rebar; Thence North 89°34'26" West for 280.54 feet to the Point of Beginning.

SUBJECT TO a 25 foot wide county road right-of-way along the West side and a 25 foot wide irrigation ditch lateral lying immediately East of the East right-of-way of the said county road right-of-way. TOGETHER WITH a 20 foot wide non exclusive easement for ingress and egress being more particularly described as follows:

Beginning at the West quarter section corner of said Section 9, said corner marked by a 3 inch Cassia County survey cap; thence North 0°15'00" West along section line for 550.37 feet to a P.K. Nail which shall be the Point of Beginning; Thence North 0°15'00" West along section line for 20.02 feet to a point; Thence South 87°51'57" East for 134.00 feet to a point; Thence South 69°40'45" East for 156.62 feet to a point; Thence South 0°15'00" East for 21.36 feet to a ½ inch rebar; Thence North 69°40'45" West for 160.93 feet to a ½ inch rebar; Thence North 87°51'57" West for 129.96 feet to the Point of Beginning.

PARCEL NO. 2:

TOWNSHIP 11 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 9: Part of the SW¼NW¼ of Section 9, more particularly described as follows:

Beginning at the West quarter section corner of said Section 9; said corner marked by a 3 inch Cassia County survey cap which point shall be the Point of Beginning; Thence North 0°15'00" West along section line for 294.18 feet to a P.K. Nail; Thence South 89°34'26" East for 280.54 feet to a ½ inch rebar; Thence South 0°15'00" East for 295.23 feet to a ½ inch rebar on the quarter section line; Thence North 89°21'34" West along the quarter section line for 280.55 feet to the Point of Beginning.

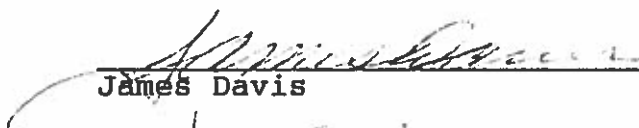
SUBJECT TO a 25 foot wide county road right-of-way along the West

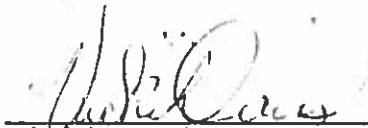
side and a 25 foot wide irrigation ditch lateral lying immediately East of the East right-of-way of the said county road right-of-way, ALSO SUBJECT TO a 10 foot wide irrigation ditch easement along the South side.

TOGETHER with the benefits and burdens of a Joint Well Use Agreement and Easement between Frank David Toner and Susan Toner, husband and wife, and James Davis and Vicki Davis, husband and wife, dated August 2, 1988 and recorded August 4, 1988 as Instrument No. 196887 on Film No. 200, records of Cassia County, Idaho.

To have and to hold the said premises with their appurtenances to the said Grantee, their heirs and assigns forever. And the Grantor does hereby covenant to and with the Grantee that Grantor is the owner in fee of said premises, that said premises are free from all encumbrances and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 24 day of September, 1991.


James Davis


Vicki Davis

STATE OF IDAHO)
) ss.
County of Cassia)

On this 24th day of September, in the year of 1991, before me the undersigned notary public in and for said state, personally appeared JAMES DAVIS and VICKI DAVIS, husband and wife, 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.

WARRANTY DEED
PAGE 3
2446.WD/jm

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year first above written.

(SEAL)

Samuel H. Chisholm
Notary Public
Residing at Kuyant
My Commission expires 2 yrs

RECORDED AT THE REQUEST OF
FILM 235

1992 MAY 21 P 4:38

IDAHO COUNTY, IDAHO
CLARENCE B. KEARNS
RECORDER

12.00 DEPUTY JD

219173

LOCATION MAP-SUBJECT AND COMPARABLES

PLAT MAP

11525 LUI

RECEIVED

APR 01 1998

Section 9 Township 11 Range 23

Department of Water Resources

300
1501

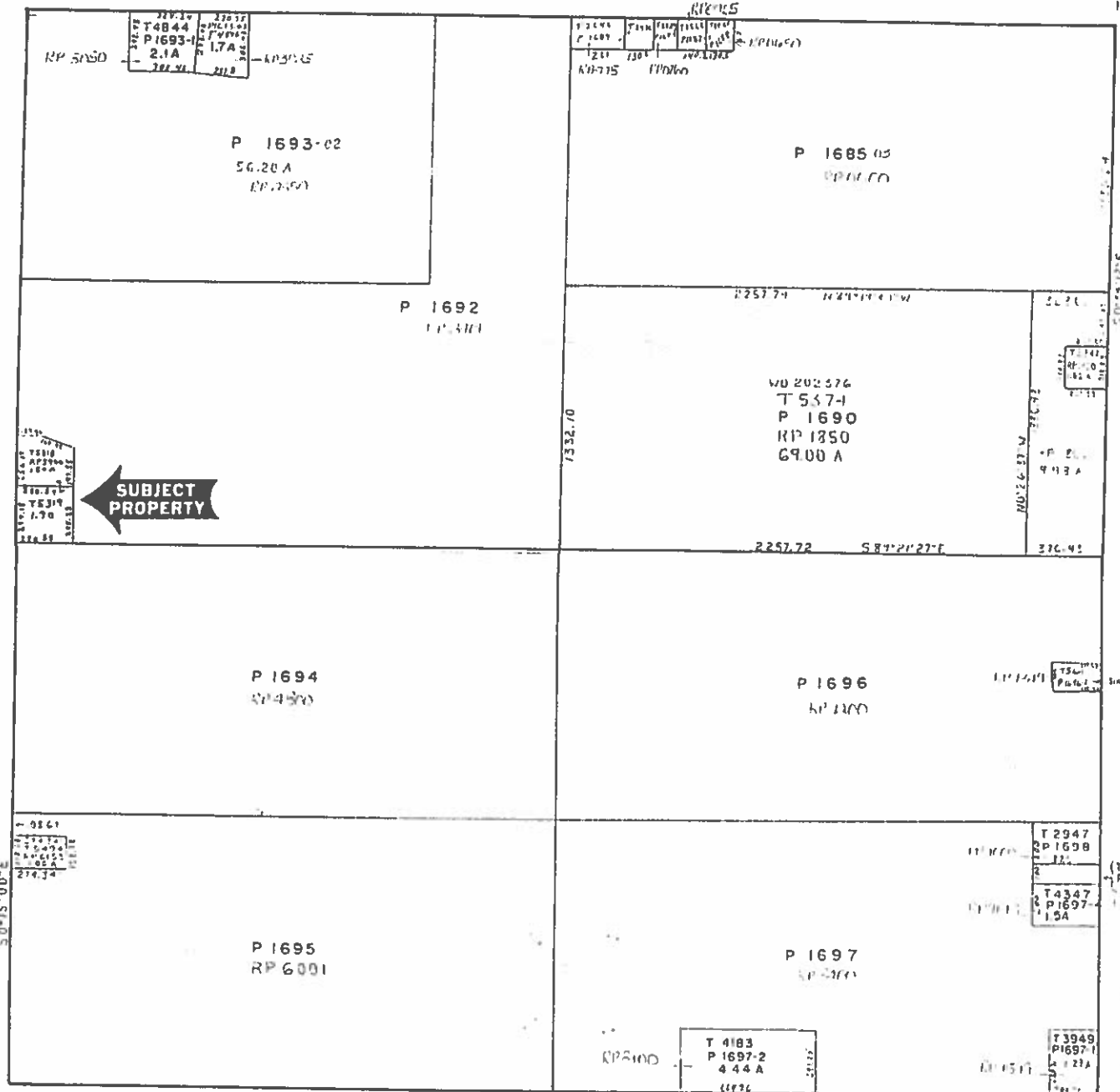


EXHIBIT "A"

PARCEL NO. 1:

TOWNSHIP 11 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 9:

Part of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, more particularly described as follows:

Beginning at the West quarter section corner of said Section 9, said corner marked by a 3 inch Cassia County survey cap; thence North 0°15'00" West along section line for 294.18 feet to a P.K. Nail which shall be the Point of Beginning; Thence North 0°15'00" West along section line for 256.19 feet to a P.K. Nail; Thence South 87°51'57" East for 129.96 feet to a 1/2 inch rebar; Thence South 69°40'45" East for 160.93 feet to a 1/2 inch rebar; Thence South 0°15'00" East for 197.55 feet to a 1/2 inch rebar; Thence North 89°34'26" West for 260.54 feet to the Point of Beginning.

SUBJECT TO a 25 foot wide county road right-of-way along the West side and a 25 foot wide irrigation ditch lateral lying immediately East of the East right-of-way of the said county road right-of-way. TOGETHER WITH a 20 foot wide non exclusive easement for ingress and egress being more particularly described as follows:

Beginning at the West quarter section corner of said Section 9, said corner marked by a 3 inch Cassia County survey cap; thence North 0°15'00" West along section line for 550.37 feet to a P.K. Nail which shall be the Point of Beginning; Thence North 0°15'00" West along section line for 20.02 feet to a point; Thence South 87°51'57" East for 134.00 feet to a point; Thence South 69°40'45" East for 156.62 feet to a point; Thence South 0°15'00" East for 21.36 feet to a 1/2 inch rebar; Thence North 69°40'45" West for 160.93 feet to a 1/2 inch rebar; Thence North 87°51'57" West for 129.96 feet to the Point of Beginning.

PARCEL NO. 2:

TOWNSHIP 11 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 9: Part of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, more particularly
described as follows:

Beginning at the West quarter section corner of
said Section 9, said corner marked by a 3 inch
Cassia County survey cap which point shall be the
Point of Beginning;
Thence North 0°15'00" West along section line for
294.18 feet to a P.K. Nail;
Thence South 89°34'26" East for 280.54 feet to a
1/2 inch rebar;
Thence South 0°15'00" East for 295.23 feet to a
1/2 inch rebar on the quarter section line;
Thence North 89°21'34" West along the quarter sec-
tion line for 280.55 feet to the Point of
Beginning.

SUBJECT TO a 25 foot wide county road right-of-way
along the West side and a 25 foot wide irrigation
ditch lateral lying immediately East of the East
right-of-way of the said county road right-of-way,
ALSO SUBJECT TO a 10 foot wide irrigation ditch
easement along the South side.

REC'D
LAND TITLE & ESCROW
FILED 20
AUG 4 1:30 PM 1988
CASSIA COUNTY, IDAHO
FRANK REAHS
REC'D
FEE 2.00
LAND TITLE & ESCROW

196885



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

February 27, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

45-10955
JAMES K DAVIS
VICKI DAVIS
RT 3 BOX 3036
BURLEY ID 83318

RE: Domestic and/or Stockwater Rights in Basins 41, 43 and 45
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your domestic and/or stockwater water right(s) in basins 41, 43 and 45. We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended domestic and stockwater right(s) in your area. Water rights for irrigation and other purposes in these basins will be recommended in a later process.

Note that you have 120 days in which to file any objection to our recommendation and to review the domestic and stockwater water rights of other claimants, including those of the United States. Information on the other water rights can be found at the county courthouses in American Falls, Malad City, Burley and Twin Falls, and at all of the Idaho Department of Water Resources offices (see addresses in enclosure).

If the Court does not receive an objection from you about our recommendation, and no other party objects to your water right, your water right will be decreed later this year as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions that you have about your water right(s) or this adjudication process.

Sincerely,

Karl J. Dreher
Director

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-10955

NAME AND ADDRESS: JAMES K DAVIS
VICKI DAVIS
RT 3 BOX 3036
BURLEY ID 83318

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY-DATE: 12/01/1987

POINT OF DIVERSION T11S R23E S09 SWNW Within CASSIA County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.04 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.02 CFS

PLACE OF USE: STOCKWATER Within CASSIA County
T11S R23E S09 SWNW

DOMESTIC Within CASSIA County
T11S R23E S09 SWNW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. 11S23E093900
STOCKWATER, 8 HORSES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

RETURN SERVICE REQUESTED

*Davis:
both out
of country
per P.D. Barker
3-11-98*

IMPORTANT WATER RIGHT INFORMATION

*Harvey Heinert Law owner
341 So. 50 East*

PRESORTED
FIRST CLASS



RECEIVED

MAR 16 1998

Department of Water Resources

83318+9304





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

March 12, 1998

KARL J. DREHER
DIRECTOR

RECEIVED

APR 02 1998

Department of Water Resources
Southern Region

HARVEY NEIWERT
341 S 50 E
BURLEY ID 83318

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim #A45-10955 - Domestic Well

Dear Claimant:

We have been advised you may be the owner of the property with the water right referenced above.

Before we can modify our records to reflect your ownership of the property and water right referenced above, we need Form 42-248/42-1409(6) completed and returned. I have enclosed this form for your use. Please return the completed form with warranty deed copy and map to my attention by April 13, 1998.

Please call me toll-free at 1-800/451-4129 if you have any questions.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:state
Enclosure:
Form 42-248/42-1409(6)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

RETURN SERVICE REQUESTED

*Davis:
of both ends
of country
per P.D. Burley
3-11-98*

IMPORTANT WATER RIGHT INFORMATION

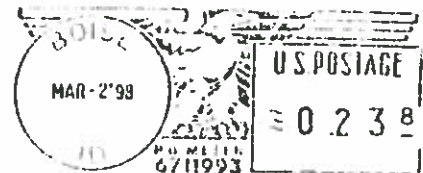
*Harvey Heiwert Lawowner
341 So. 50 East*

45-10955
JAMES K DAVIS
VICKI DAVIS
RT 3 BOX 3036
BURLEY ID 83318

45-10955

83318+9304

POSTED
FIRST CLASS



RECEIVED
MAR 02 1998
Department of Water Resources
Southern Region

RECEIVED
MAR 06 1998
Department of Water Resources

AJ5856NP

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

DATE: SEP-9-1997

PAGE: A-645

RIGHT NUMBER: 45-10955

NAME & ADDRESS: JAMES K DAVIS
VICKI DAVIS
RT 3 BOX 3036
BURLEY ID 83318

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 12/01/1987

POINT OF DIVERSION: T11S R23E S09 SWNW Within CASSIA County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.04 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.02 CFS

PLACE OF USE: STOCKWATER Within CASSIA County
T11S R23E S09 SWNW

DOMESTIC Within CASSIA County
T11S R23E S09 SWNW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. 11S23E093900
STOCKWATER, 8 HORSES

Claim proofread by: CM
9-22

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: A45-10955
Date Received: 6/13/1989
Receipt No: M003779
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES K. DAVIS 208-678-1705
Address: RT. 3 BOX 3036
BURLEY, ID 83318

AND/OR

Name: VICKI DAVIS 208-678-1705
Address: RT. 3 BOX 3036
BURLEY, ID 83318

2. Date of Priority: DEC 01, 1987

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	23E	9	SW	NW			CASSIA

5. Description of diverting works:
8" PIPE SUB. PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.040		
DOMESTIC	01/01	12/31	0.020		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 1 HOUSE, S/ 8 HORSES

A45-10955

Page 1

Date: 06/13/89

MICROFILMED
MAR 18 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	23E	9	SW	NW		DOMEST	
			SW	NW		STOCK	

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:
BURLEY IRR DIST.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

A45-10955

Date Received

5/31/1989

Receipt Number

M003779

RECEIVED
MAY 31 1989NOTICE OF CLAIM
TO A
WATER RIGHT

Department of Water Resources

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Filing fee \$25

Please type or print clearly

1. Name of Claimant (s) James K. DAVIS or Vicki Phone () 1-208-678-1705Mailing Address Rt. 3, Box 3036, Burley, Idaho Zip 833182. Date of Priority (Only one (1) per claim) December 1, 19873. Source of water supply (a) Domestic well - ground water
which is tributary to (b) 4. Location of point of diversion is: Township 11S Range 23ESection 09, SW 1/4 of NW 1/4 of 1/4, Govt. Lot , B.M.,County of CassiaAdditional points of diversion if any: 5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. We use a domestic well, that
is run from a submerged pump, 8 inch pipe. The pipes go to
to the well house. The water is dispersed from there to the
animals and into the house from there6. Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See instructions)
door. also the house next

(Both dates are inclusive)

(cfs)

For Domestic purposes from 1-1 to 12-31 amount 0.08 0.04For Stockwater purposes from 1-1 to 12-31 amount 0.027. Total quantity claimed 0.06 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of
livestock) D/I households serviced 5/8 horses

MICROFILMED

MAR 18 1993

10. Place a "D" for domestic and "S" for stockwater use in the corresponding place of use below.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
115	23E	09							D									
									S									

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks: Irrig. Water from the Burley Irr. Dist.

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) Wick Davis Date May 31, 1989
_____ Date _____

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

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 31st day of May 19 89

SEAL

Notary Public Robert V. Zerstell

Residing at Twin Falls, Idaho

My Commission Expires 1/16/1995

Last Name _____ Ident No. _____

MICROFILMED
MAR 08 1990

Copies White-State, Yellow-Claimant

WATER RIGHT NUMBER - A45-10955

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - - CONDITIONS OF APPROVAL - - - - - +
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - +

+ - - - - DECREE DEFENDANT - - - +

+ - DECREE DATE - +
00/00/0000

+ - - AUDIT FIELDS - 06/13/89 CARLSON

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+-----COMMENTS-----+
NO COMMENTS FOUND

```

+ - - - - - - - - - - - - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - - +

| | | |
|-----------------------|---|------------|
| COURT REPORT FILING | - | 00/00/0000 |
| OBJECTION FILED DATE | - | 00/00/0000 |
| RESPONSE FILED DATE | - | 00/00/0000 |
| CLAIM RECEIVED DATE | - | 05/31/1989 |
| PROOF DUE DATE | - | 00/00/0000 |
| LICENSED DATE | - | 00/00/0000 |
| CLAIMS TAPE ERROR FLG | - | |
| FEE EXEMPT FLAG | - | |

```

FIELD INSPECTION MADE      - 00/00/0000
FIELD INSPECTION FLAG      -
VERIFIED DATE              - 00/00/0000
LAST AMENDED DATE          - 00/00/0000
PROOF MADE DATE            - 00/00/0000
RECEIPT NUMBER             - M003779
POU OWNERSHIP FLAG         - Y
NAME CONNECTOR             - AND/OR

```

| | | |
|-------------------------|---|-------|
| CIVIL CASE NUMBER | - | 39576 |
| OLD CASE NUMBER | - | |
| OLD JUDICIAL DISTRICT | - | |
| TEMPORARY RIGHT | - | P |
| WATER DISTRICT | - | |
| FEDERAL/STATE INDICATOR | - | S |
| PRESUMPTION FLAG | - | |
| NOTICE OF ERROR FLAG | - | |

11523E093900

DATA ENTRY

ENTERED 7/29/92 SW
CHECKED 2/7/93 AB

"Verified By"
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED
NOV 01 1991

PROOF
SEP 16 1991

CERTIFIED
DEC 23 1991
WATER EXAMINER