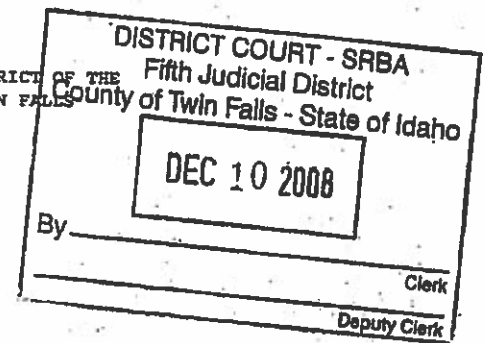


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-21846



NAME AND ADDRESS: GERALD J HENGGELE
RT 1 WHITLEY DR
FRUITLAND, ID 83619

ROBERT M HENGGELE
5144 ELMORE RD
FRUITLAND, ID 83619

SOURCE: HURD GULCH CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.74 CFS
391.50 AFY

PRIORITY DATE: 04/01/1923

POINT OF DIVERSION: T07N R05W S20 NESENE Within Payette County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	1.74 CFS 391.50 AFY

PLACE OF USE:	Irrigation	Within Payette County
	T07N R05W S20	LOT 1 (NWNE) 31.0
	LOT 2 (SWNE) 5.0	SENE 16.0
	LOT 1 (NENW) 8.0	
	87.0 Acres Total	

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

DEC 10 2008

John M. Melanson
SPECIAL MASTER

RECEIVED

JUL 07 2008

DEPARTMENT OF
WATER RESOURCES

2008 JUL 02 PM 06:19
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

) ORDER SETTING STATUS
) CONFERENCE

) SUBCASE NOS: 63-03081 ✓ 63-04224A ✓
63-21846 ✓ 63-30028 ✓

all vvm

Please be advised that Special Master THEODORE R. BOOTH
has set a Status Conference in the above subcase(s)
as follows:

TUESDAY, OCTOBER 28, 2008 at 10:00 AM (MT)

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number
225-383-1099 and when prompted entering the code 675342.

IT IS SO ORDERED.

Dated: JULY 02, 2008

/S/ THEODORE R. BOOTH

Special Master

Snake River Basin Adjudication

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Page 1 7/01/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on JULY 02, 2008, with sufficient first-class postage to the following:

BLACK CANYON IRRIGATION DIST

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

LA VAR SPENCER

KAYSVILLE, UT 00000

BLACK CANYON IRRIGATION DIST

P O BOX 226
NOTUS, ID 83653
Phone: 208-459-4141

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

DUEANE SPENCER

ROYAL CITY, WA 00000

GERALD J HENGGELE

RT 1 WHITLEY DR
FRUITLAND, ID 83619
Phone: 208-452-3374

NEAL SPENCER

12776 PURPLE SAGE
MIDDLETON, ID 83644

DONNA C WARD

13498 PURPLE SAGE RD
CALDWELL, ID 83605
Phone: 208-585-2713

BLAINE OVERMAN

SUZANNE OVERMAN
25454 FREEZE OUT RD
CALDWELL, ID 83605
Phone: 208-459-6016

BERNETTA HASTINGS

2910 E VICTORY RD
MERIDIAN, ID 83642
Phone: 208-888-3874

LARRY H LEMONS

4607 BERTS LN
FRUITLAND, ID 83619
Phone: 208-452-5037

ROBERT M HENGGELE

5144 ELMORE RD
FRUITLAND, ID 83619
Phone: 208-452-3201

Music, Vicky

From: Music, Vicky
Sent: Tuesday, June 24, 2008 2:21 PM
To: 'tbooth@srba.state.id.us'; 'ddelaney@srba.state.id.us'
Cc: Williams, Ray; Spencer, Nick
Subject: Chuck McDevitt's motion to amend objection to 63-4021

On 6/19/08, an initial hearing was held at 4:45 for subcases with a Hurd Gulch source. During the informal discussion among parties prior to the hearing, Mr. McDevitt, representing Black Canyon Irrigation District [BCID] referred to an objection to 63-4021 filed by BCID and owned by Gerald and Robert Henggeler. He had also filed an Motion to Amend Opposition to Water Right 63-4021. There was some confusion because 63-4021 was not set for initial hearing and IDWR and the Court did not have information about this subcase.

I did a little research re 63-4021. IDWR has no record of an SRBA claim for this number. No Director's Report was filed with the Court for this number and there is no information about this right in our water right database.

A search of our document database revealed 2 scanned documents for this number: [1] the Motion to Amend Opposition to Water Right filed by Mr. McDevitt, and [2] an old statutory claim filed by Monica Edsall for a domestic right from a spring trib to Clear Creek in Boise County. Legal is 5N 4E S29.

I believe Mr. McDevitt intended to file the objection to 63-21846 claimed by Gerald and Robert Henggeler. This claim was set as an uncontested overlap to the Hurd Gulch subcases.

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau
IDWR/Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

Tracking:

Recipient

'tbooth@srba.state.id.us'
'ddelaney@srba.state.id.us'
Williams, Ray
Spencer, Nick

Delivery

Delivered: 6/24/2008 2:21 PM
Delivered: 6/24/2008 2:21 PM

Music, Vicky

From: Spencer, Nick
Sent: Tuesday, August 26, 2008 4:06 PM
To: chas@mcdevitt-miller.com
Cc: Williams, Ray; Music, Vicky
Subject: FW: 63-4021/63-21846 (Robert Henggeler)

Hi Judge. Do you recollect the confusing situation with Robert Henggeler that arose during the initial hearings in June on Black Canyon Irrigation District's objections to rights in Hurd Gulch? It is discussed in the e-mail thread below. Henggeler is faxing me documents and leaving me messages based upon his erroneous assumption that I somehow can resolve Black Canyon's dispute with him. I read Special Master Booth's reply to my e-mail, below, essentially as saying that the Court does not believe there is yet before it an objection by Black Canyon to Henggeler's right, and so, technically, there isn't yet even a dispute to be resolved. I need to call Henggeler back, but before I do I would very much appreciate hearing your thoughts on how to proceed here. Thank you very much. NBS

From: Ted Booth [mailto:tbooth@srba.state.id.us]
Sent: Thursday, August 21, 2008 3:55 PM
To: Spencer, Nick; Diana Delaney
Cc: Williams, Ray; Music, Vicky
Subject: RE: 63-4021/63-21846 (Robert Henggeler)

Nick,

I don't know the answer (I'm not sure I even know the question), but here is what I do know: In the Court's file for water right 63-30028 (claimant Larry H. Lemons) there are two (2) objections filed by Black Canyon Irrigation District. One of the objections correctly lists the owner as "Larry H. Lemons," and the other objection incorrectly lists the owner as Robert M. Henggeler. My guess is that Black Canyon intended to object to a water right claim by Mr. Henggeler, but somehow put the wrong number on the objection.

Robert M. Henggeler is one of the claimants of water right 63-21846 (along with Gerald J. Henggeler), which has been identified as an uncontested overlap to the Lemons right 63-30028. As to water right number 63-4021, the Court has no record of such a number. However, there is a water right 03-4021 that was partially decreed on July 9, 2007 (uncontested). The claimants of 03-4021 are Robert M. Henggeler and Gerald J. Henggeler. Also, 03-4021 has a combined diversion rate remark with 63-21846. There is no corresponding combined diversion rate remark in 63-21846.

Perhaps Black Canyon intended to object to 63-21846, but put the wrong number (63-30028) in the caption of the objection. As to Black Canyon's motion to amended its objection in 63-4021, perhaps that number has been confused with 03-4021.

The Court can't do anything to fix these issues, because again, I'm just guessing as to what may have happened. It would be helpful if someone could look into this prior to the October 28, 2008 status conference.

Theodore R. Booth
Special Master
Snake River Basin Adjudication

Eliminate annoying spam!

My mailbox is protected by iHateSpam, the #1-rated spam buster.
<http://www.ihatespam.net>

8/27/2008

From: Spencer, Nick [mailto:Nick.Spencer@idwr.idaho.gov]
Sent: Thursday, August 21, 2008 2:35 PM
To: Diana Delaney; Ted Booth
Cc: Williams, Ray; Music, Vicky
Subject: 63-4021/63-21846 (Robert Henggeler)

Hi you guys.

If you remember this is the situation where Charles McDevitt on behalf of Black Canyon Irrigation District had filed a motion to amend his objection to 63-4021, but had failed to file an objection to 63-4021 in the first place. Vicky Music did some checking and determined that in all probability Black Canyon intended to object to 63-21846, because Black Canyon had filed wastewater objections to the other wastewater rights in Hurd Gulch, and 63-21846 is Mr. Henggeler's right from Hurd Gulch, and it overlaps one of the other Hurd Gulch rights that Black Canyon objected to.

Anyway, 63-21846 has been set for a status conference on October 28th, along with three other subcases. Mr. Henggeler is trying to get Black Canyon's dispute with him resolved, and to that end he is faxing me historical documents, etc. I need to respond to him but I am unsure of the status of the subcase. Is the SRBA Court treating Black Canyon's motion to amend the objection it never filed in 63-4021 as an objection by Black Canyon to 63-21846? Or are we waiting for Black Canyon to file a late objection? I seem to remember that we reached some kind of consensus on how to deal with this peculiar situation, but I failed to get it written into my notes, and now I cannot remember for sure.

If you could let me know your thoughts on this one I would very much appreciate it. Thank you. NBS

8/27/2008

Music, Vicky

From: Music, Vicky
Sent: Tuesday, June 24, 2008 2:21 PM
To: 'tbooth@srba.state.id.us'; 'ddelaney@srba.state.id.us'
Cc: Williams, Ray; Spencer, Nick
Subject: Chuck McDevitt's motion to amend objection to 63-4021

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I did a little research re 63-4021. IDWR has no record of an SRBA claim for this number. No Director's Report was filed with the Court for this number and there is no information about this right in our water right database.

A search of our document database revealed 2 scanned documents for this number: [1] the Motion to Amend Opposition to Water Right filed by Mr. McDevitt, and [2] an old statutory claim filed by Monica Edsall for a domestic right from a spring trib to Clear Creek in Boise County. Legal is 5N 4E S29.

I believe Mr. McDevitt intended to file the objection to 63-21846 claimed by Gerald and Robert Henggeler. This claim was set as an uncontested overlap to the Hurd Gulch subcases.

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau
IDWR/Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

Tracking:	Recipient	Delivery
	'tbooth@srba.state.id.us'	
	'ddelaney@srba.state.id.us'	
	Williams, Ray	Delivered: 6/24/2008 2:21 PM
	Spencer, Nick	Delivered: 6/24/2008 2:21 PM

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

RIGHT NUMBER: 63-21846

NAME AND ADDRESS: GERALD J HENGGELE
RT 1 WHITLEY DR
FRUITLAND ID 83619

ROBERT M HENGGELE
5144 ELMORE RD
FRUITLAND ID 83619

~~BOX 6633 WHITLEY DR~~
~~FRUITLAND ID 83619~~

SOURCE: HURD GULCH CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.740 CFS
391.500 AFY

PRIORITY DATE: 04/01/1923

POINT OF DIVERSION:

T07N R05W S20 NESENE Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.740 CFS 391.50 AFY

PLACE OF USE: IRRIGATION in PAYETTE County

T07N R05W S20	NENE	27.00	T07N R05W S20 Lot 1 NWNE	31.00
T07N R05W S20 Lot 2	SWNE	5.00	T07N R05W S20	SENE 16.00
T07N R05W S20 Lot 1	NENW	8.00		

87 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CERTIFICATE OF MAILING

I certify that on February 7, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐ overnight mail
Snake River Basin Adjudication	☒ regular mail
P.O. Box 2707	☐ hand-delivered
Twin Falls, ID 83303-2707	☐ facsimile

2. Copies to:

Clive Strong	☐ overnight mail
Off ice of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

United States Dept of Justice	☐ overnight mail
Environment & Natural Resource Div	☒ regular mail
550 West Fort Street MSC 033	☐ hand-delivered
Boise ID 83724	☐ facsimile

3. Copies to all parties to the subcase:

Robert M. Henggeler	☐ overnight mail
Henggeler Bros Inc	☒ regular mail
5144 Elmore Rd	☐ hand-delivered
Fruitland ID 83619	☐ facsimile

☐	overnight mail
☐	regular mail
☐	hand-delivered
☐	facsimile


Signature of person mailing this document

Henggeler Address Change:

63-7955A

63-7955B

63-8311

63-9818A

63-9818B

63-10364A

63-10364B

63-21846



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

February 7, 2008

ROBERT M HENGGELE
HENGGELE BROS INC
5144 ELMORE RD
FRUITLAND ID 83619

Re: Water Right Nos. 63-7955A, 63-7955B, 63-8311, 63-9818A, 63-9818B, 63-10364A,
63-10364B, 63-21846

Dear Mr. Henggeler:

Enclosed are copies of the above referenced water rights which reflect your change of address. Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

LH:l
Enclosures

RECEIVED

MAY 26 2008
DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 01:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA	)	ORDER SETTING SUBCASE(S)	
	)	FOR INITIAL HEARING	
Case No. 39576	)		
		SUBCASE NOS: 63-03081	63-04224A
		63-21846	63-30028

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

THURSDAY, JUNE 19, 2008 at 04:45 PM (MT)
IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO **AMEND** YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
JUNE 16, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Page 1 5/22/08

(continued)

Dated: MAY 23, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 23, 2008, with sufficient first-class postage to the following:

BLACK CANYON IRRIGATION DIST

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

LA VAR SPENCER
KAYSVILLE, UT 00000

BLACK CANYON IRRIGATION DIST

P O BOX 226
NOTUS, ID 83653
Phone: 208-459-4141

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

DUEANE SPENCER
ROYAL CITY, WA 00000

GERALD J HENGgeler
RT 1 WHITLEY DR
FRUITLAND, ID 83619
Phone: 208-452-3374

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13498 PURPLE SAGE RD
CALDWELL, ID 83605
Phone: 208-585-2713

BLAINE OVERMAN
SUZANNE OVERMAN
25454 FREEZE OUT RD
CALDWELL, ID 83605
Phone: 208-459-6016

BERNETTA HASTINGS
2910 E VICTORY RD
MERIDIAN, ID 83642
Phone: 208-888-3874

LARRY H LEMONS
4607 BERTS LN
FRUITLAND, ID 83619
Phone: 208-452-5037

ROBERT M HENGgeler
5144 ELMORE RD
FRUITLAND, ID 83619
Phone: 208-452-3201

SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM

Water Right Number(s): ROBERT M. HENGGLER

Previous Mailing Address: P.O. Box 10633

FRUITLAND, ID 83619

New Mailing Address:

ROBERT M. HENGGLER

5144 ELMORE RD.

FRUITLAND, ID

Telephone Number:

208) 452-3201 - HOME

Signature of all Claimant(s):

Robert M. Henggeler

Please print your name below your signature.

ROBERT M. HENGGLER

Please mail or FAX this completed form to the office nearest you:

Adjudication Bureau
Idaho Dept. of Water Resources
1910 Northwest Blvd., Ste. 210
Coeur d'Alene, ID 83814-2615
Ph. 208/769-1450 or
FAX 208/769-1454

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380
Ph. 208/525-7161 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653
Ph. 208/736-3033 or
FAX 208/525-7177

Adjudication Bureau
Idaho Dept. Of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, Id 83720-0098
Ph 208/287-4800
FAX 208/287-6701

05/23/2006

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

RIGHT NUMBER: 63-21846

NAME AND ADDRESS: GERALD J HENGGELE
RT 1 WHITLEY DR
FRUITLAND ID 83619

ROBERT M HENGGELE
BOX 6633 WHITLEY DR
FRUITLAND ID 83619

SOURCE: HURD GULCH CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.740 CFS
391.500 AFY

PRIORITY DATE: 04/01/1923

POINT OF DIVERSION:

T07N R05W S20 NESENE Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.740 CFS 391.50 AFY

PLACE OF USE: IRRIGATION Within PAYETTE County

T07N R05W S20	NENE	27.00	T07N R05W S20 Lot 1 NWNE	31.00	
T07N R05W S20 Lot 2	SWNE	5.00	T07N R05W S20	SENE	16.00
T07N R05W S20 Lot 1	NENW	8.00			

87 ACRES TOTAL

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

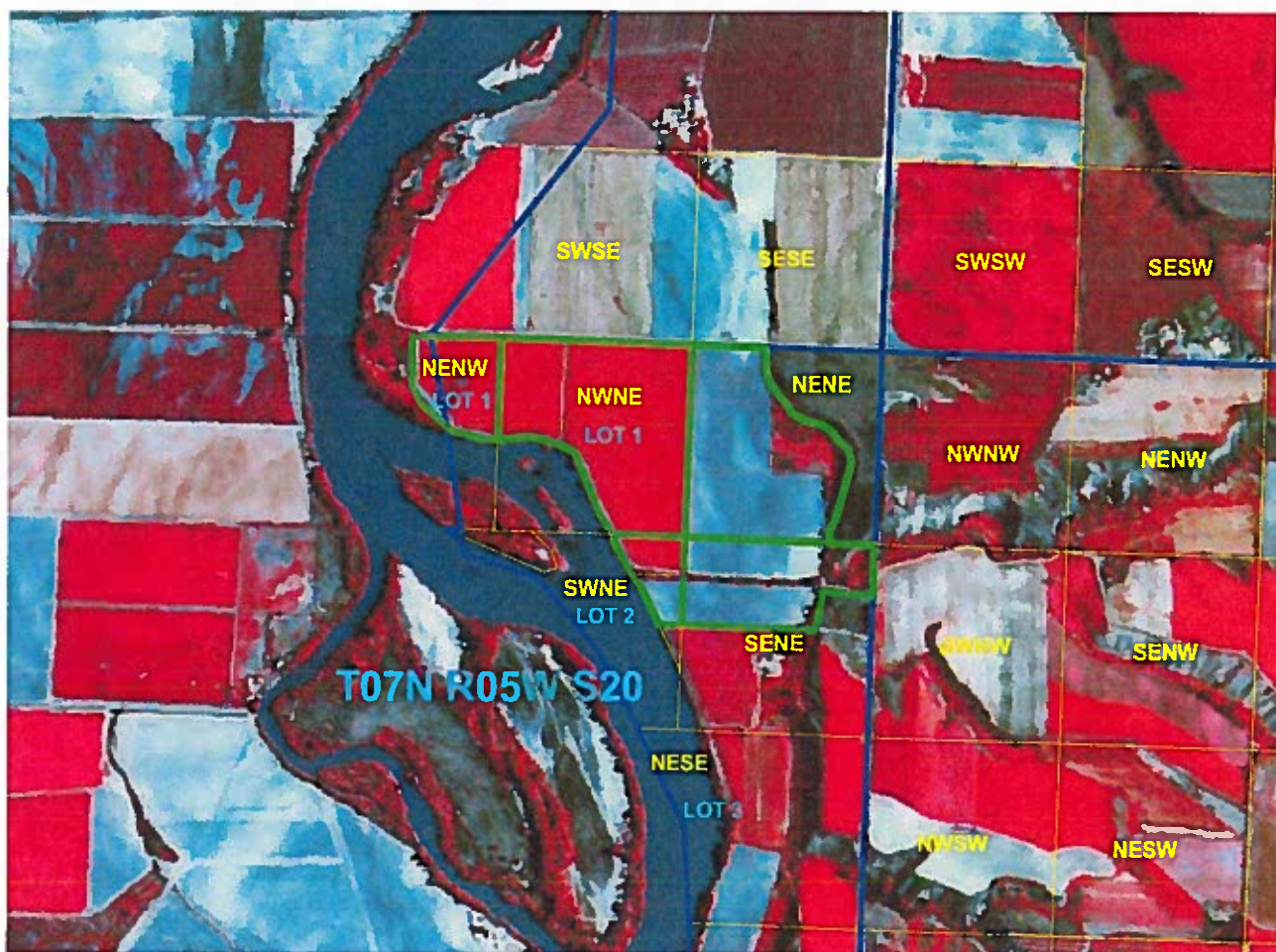
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



State of Idaho
Idaho Department of Water Resources
Western Region

T7N R5W SECTION(S) 20
WATER RIGHT(S) : 63-21846



0.5 0 0.5 1 Miles

- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

Total Irrigated Acres = 87 acre(s)

GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: May 2006



MEMORANDUM

TO: ADJUDICATION CLAIM FILE 63-21846

FROM: DANIEL A. NELSON

DATE: 5/23/06

SUBJECT: CLAIM REVIEW

This claim is based on water right license 63-3628, except for the priority date. The applicant wanted to file for an earlier priority date, since the water was first put to use on 4-1-1923, but was not licensed until 6-28-1948. This is a very common practice to license a water right after it has been used for several years. The claimant has an affidavit that was signed and notarized on 6/8/1978 that the water was first put to use in 1923. Therefore, the priority date of 4-1-1923 is acceptable for this right. Therefore, this right replaces water right 63-3628. The remainder of the right will be recommended as licensed.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21846 V1

WATER RIGHT NUMBER: 63-21846 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GERALD J HENGGELE RT 1 WHITLEY DR FRUITLAND, ID 83619 (208)452-3374
Current Owner	ROBERT M HENGGELE BOX 6633 WHITLEY DR FRUITLAND, ID 83619 (208)452-3201

Priority Date: 04/01/1923

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
HURD GULCH CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	1.740 CFS	391.50 AF
	<u>Total Diversion:</u>	1.740 CFS	391.50 AF

Location of Point(s) of Diversion

HURD GULCH CREEK	NE1/4SE1/4NE1/4	Sec. 20, Twp 07N, Rge 05W, B.M.
PAYETTE County		

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 05W 20	27.0	31.0	5.0	16.0	8.0												87.0
		L 1	L 2		L 1												

Total Acres: 87

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21846 V1

Comments:

1. dnelson 5/23/2006 Claim Review

Comment: This claim is based on water right license 63-3628, except for the priority date. The applicant wanted to file for an earlier priority date, since the water was first put to use on 4-1-1923, but was not licensed until 6-28-1948. This is a very common practice to license a water right after it has been used for several years. The claimant has an affidavit that was signed and notarized on 6/8/1978 that the water was first put to use in 1923. Therefore, the priority date of 4-1-1923 is acceptable for this right. Therefore, this right replaces water right 63-3628. The remainder of the right will be recommended as licensed.

2. dnelson 5/23/2006 Claimant Remarks

Comment: THIS B/U RT. IS CLAIMED FOR A RT. DEVELOPED FROM HURD GULCH WITH A PRIORITY OF APRIL 1, 1923 AS SHOWN BY ACCOMPANYING DOCUMENTATION. THERE WAS A LICENSE ,63-3628, ISSUED TO CLYDE HURD WITH A PRIORITY OF 06/28/1948 AND A PRIOR CLAIM FILING BY THE HENGLERS WHICH IS BEING LEFT AS IS, SINCE THIS FILING MORE CORRECTLY DESCRIBES THE RT. AS IT HAS ALWAYS BEEN USED.

Dates and Other Information:

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

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			04/10/2006	scurtis	Active
Contacts	5/23/2006 3:12:17 PM	dnelson			Active
Priority Date	5/23/2006 3:13:30 PM	dnelson			Active
POD	5/23/2006 3:14:52 PM	dnelson			Active
Source	5/23/2006 3:15:50 PM	dnelson			Active
POU	5/23/2006 3:17:57 PM	dnelson			Active
Use	5/23/2006 3:18:37 PM	dnelson			Active
Season	5/23/2006 3:19:57 PM	dnelson			Active
Quantity	5/23/2006 3:21:02 PM	dnelson			Active
Summary			05/23/2006	dnelson	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21846 V1

Summary	4/10/2006 1:30:00 PM	scurtis	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?
Contacts	5/23/2006 3:12:18 PM	dnelson	(No) 1. Do you want to schedule an appointment? Comment for 1: Claim being recommended as licensed under 63-3628, except for priority date.
General	5/23/2006 3:13:30 PM	dnelson	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - 1978 affidavit from Buel Clement.
POD	5/23/2006 3:14:23 PM	dnelson	Updated shape
POD	5/23/2006 3:14:53 PM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POU	5/23/2006 3:17:47 PM	dnelson	Updated shape for Active POU
Season	5/23/2006 3:19:57 PM	dnelson	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (Yes) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21846 V1

Quantity	5/23/2006 3:21:02 PM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Claim being recommended as licensed under 63-3628, except for priority date. Description for Question 10 - 87 acres X 4.5 afa per acre standard = 391.5 afa
Summary	5/23/2006 3:22:23 PM	dnelson	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Source	5/23/2006 3:15:50 PM	dnelson	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Claim being recommended as licensed under 63-3628, except for priority date.
POU	5/23/2006 3:17:58 PM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Claim being recommended as licensed under 63-3628, except for priority date.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21846 V1

Use	5/23/2006 3:18:38 PM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Claim being recommended as licensed under 63-3628, except for priority date.
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Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-21846

WATER RIGHT NUMBER: 63-21846

Owner Type Name and Address
 Current Owner GERALD J HENGGELE
 RT 1 WHITLEY DR
 FRUITLAND, ID 83619
 (208)452-3374
 Current Owner ROBERT M HENGGELE
 BOX 6633 WHITLEY DR
 FRUITLAND, ID 83619
 (208)452-3201

Priority Date: 04/01/1923

Basis: Beneficial Use

Status: Active

Source

HURD GULCH CREEK

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

1.740 CFS

Annual Volume

87 Acres x 4.5 = 391.5 AF

Total Diversion:

1.740 CFS

Location of Point(s) of Diversion

HURD GULCH CREEK

NE1/4SE1/4NE1/4

Sec. 20, Twp 07N, Rge 05W, B.M.

PAYETTE County

Place of UseIRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07N	05W	20	26.0	48.0	4.0	9.0	8												87.0
			27	L1	L2		LT1												OK.
				31	16														
					5														

Total Acres: 87

Conditions of Approval:

- THIS B/U RT. IS CLAIMED FOR A RT. DEVELOPED FROM HURD GULCH WITH A PRIORITY OF APRIL 1, 1923 AS SHOWN BY ACCOMPANYING DOCUMENTATION. THERE WAS A LICEMSE ,63-3628, ISSUED TO CLYDE HURD WITH A PRIORITY OF 06/28/1948 AND A PRIOR CLAIM FILING BY THE HENGGLERS WHICH IS BEING LEFT AS IS, SINCE THIS FILING MORE CORRECTLY DESCRIBES THE RT. AS IT HAS ALWAYS BEEN USED.

ADD
TO
COMMENTDates and Other Information:

Claim Received Date: 4/9/1990
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-3628

WATER RIGHT NUMBER: 63-3628

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CLYDE HURD
	, ZZ
Current Owner	J L ARMENT
	822 NE 9TH ST
	PAYETTE, ID 83661

Priority Date: 06/28/1948

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
HURD GULCH CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	1.740 CFS	
	<u>Total Diversion:</u>	1.740 CFS	

Location of Point(s) of Diversion

HURD GULCH CREEK	SE1/4NE1/4	Sec. 20, Twp 07N, Rge 05W, B.M.
PAYETTE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	05W	20	26.0	48.0		13.0													87.0
				L 1															

Total Acres: 87

Conditions of Approval:Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-3628

Licensed Date: 6/3/1985
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Box 024, Federal Building, Boise, Idaho 83724

65-2496A

April 11, 1973

Mr. Robert M. Henggler
Route 1
Fruitland, Idaho 83649

Dear Bob:

As you requested I have analyzed the water needs for your farm located south of Fruitland near the Snake River in sec. 20, T.7N., R.5W., B.M.

The soils on your farm include the Haw loam and the Letha fine sandy loam. This comprises a total of about 87 irrigable acres with the acreage about evenly divided between the two soils. Due to intensive land leveling that has been done on your farm actual identity of the soils has been destroyed. As a result heavy cut areas are now mostly sandy textured soils, with low water holding capacity.

Because of the sandy texture in the Letha soils as well as the alkali condition that exists the water requirements for these soils has been calculated as shown on the attached sheet. If leaching of salts in the soils should be necessary slightly more water could be required than the 1.39 minors inches as calculated.

I hope this provides the information you need for filing purposes.

Sincerely yours,

R. L. Kane

R.L. KANE
District Conservationist

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SEP 08 1992



UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION
Central Snake River District
214 Broadway - Boise, Idaho

June 22, 1948

To: Irrigation Manager, Payette Division, Notus

From: District Manager

Subject: Policy on private diversions from Government wasteways--
Payette Division, Boise Project.

1. This will reply to your letter of June 11, explaining the requests of Mr. Theodore Reins and Mr. Clyde Hurd, to be allowed to make diversions from a Government wasteway in the Black Canyon District.

2. In the case of Mr. Reins, it appears he owns five 40-acre legal subdivisions within which are only 56 irrigable acres and these acres are badly scattered and some of them located across a wasteway channel from the turnout provided for the ownership. Mr. Reins proposes in lieu of attempting to use the turnout the Government provided, to build a small dam across the wasteway which will create a pond from which water will be pumped to the irrigable areas within the ownership. It further appears that the low dam or dike which Mr. Reins might build would be carried out in case it becomes necessary to spill water down this wasteway channel. To date this action has never been necessary and it appears improbable that such a spill would ever be made. The dam in question would be so small and weak that it would be immediately washed out without damage to the wasteway channel.

3. In general the motive is laudable - it is desirable to conserve water and use any possible which otherwise will waste into Snake River. However, these farmers who may exhibit considerable ambition and energy in starting extra work on their own initiative, frequently change the tenor of their advances and offers when the project manager is compelled to do something in the course of operation which interferes with or damages irrigation works they may have privately constructed. Or a succeeding owner protests violently over a necessary operating action which interferes with private irrigation works constructed on or in the projects' ditches.

4. I believe it is all right to go ahead with the Reins' matter as you propose - but I think you should have in writing from him a waiver of any and all claims arising from necessary project operations. The waiver should likewise bind any and all successors in interest.

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SEP 0 8 1992

5. Anent the Hurd case, as you state, there appears here to be a recognition of irrigation works constructed and existing prior to building the Black Canyon project.

6. I believe the first two paragraphs of your proposed letter to Mr. Hurd are all right, but I have a little misgiving as to paragraph 3. While the facts and prospects regarding diversion of the return flow are probably as you state, yet in case of any change in conditions which resulted in a diversion of all or part of the return flow and culminating in claims or litigation, all but the first sentence of paragraph 3 could be used against the project.

7. I would suggest paragraph 3 be limited to its first sentence only. Then we are not placed in the position of making forecasts about the future flow in this wasteway. I understand your motive in making as strong a representation as possible regarding the probable amount of water which will flow in the wasteway, but I think we should be very careful in going on record in the matter.

8. The letter addressed to Mr. Hurd is returned herewith.

Geo. M. Carter

Enclosure

CC - Reg. Dir., Boise - Attn: Legal
(w/o encl.)



UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION
Central Snake River District
Payette Division O & W Office
Notus, Idaho
June 11, 1948

Mr Clyde Hurd
HFD # 1
Payette, Idaho

Dear Mr. Hurd:

In answer to your request for a statement of the conditions of your irrigation system at the time of the construction of the wasteway through your farm by Government forces, and provisions made so that you would not be deprived of water due to that construction, I submit the following:

- Under*
1. In 1939 Government forces straightened and excavated where necessary, a channel which had been caused by flash storms and spring run-off, to provide an emergency outlet to Snake River for water from the "A" Canal of the Payette Division. This wasteway headed at a check and turnout structure in mile 18 of the above canal approximately 4 miles east of where it enters Snake River at your farm.
2. In approaching your farm it was necessary to excavate to a depth of from 5 to 6 feet to go under your outlet road, and to more closely reach the average level of Snake River so that costly drop structures would not be necessary. In doing so your irrigation system which headed at some springs rising on and directly above your farm was destroyed. To offset this, and to provide for the continued irrigation of your farm, bolts were set in the inlet transition to the road crossing for check stops, and walls were constructed with adequate length to provide sufficient overflow area to accomodate any waste which may be necessary from the canal, after you had checked the inlet to sufficient height to raise the water so it would again flow in your ditch system. Further recognition and consideration was given to your irrigation system in the construction of two or three flumes across the wasteway channel between the road crossing and the river.
3. Since this construction took place most of the lands between your farm and the "A" Canal have been brought under irrigation, and the channel carries considerable return flow during the irrigation season. It is very doubtful that the Bureau of Reclamation or any land owner whose farm this channel crosses would ever divert and put to beneficial use enough of this water to diminish the supply so that you would not have sufficient

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SEP 08 1992

water-irrigate your farm. Because of the possibility of its
use as an emergency wasteway, operating forces would not permit
diversion dikes or structures further upstream in the channel,
and the amount of water which could be taken out without such
structures would be very small.

Hopefully this covers the information you desired, and assuring you
we shall be glad to give you any further information we may have in
helping you to clarify your water right, I am

Very truly yours,

Theodore Nelson

Theodore Nelson, Irrigation Div.

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SEP 08 1992

DECLARATION

STATE OF IDAHO

SS:

COUNTY OF PAYETTE

Buel Clement, residing at Route #2

New Plymouth, Idaho. Being first duly sworn upon his oath

deposes and says:

I, Buel Clement, being asked about the water used on Lot 1, NE $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 20, Township 7N, Range 5W, Boise Meridian, can remember it back as far as 1923 to 1926. At this time, the farm was owned by Clyde Hurd. Clyde would divert the water out of Hurd Gulch by putting in a dirt dam with a team of horses.

In later years, when the Black Canyon Project was coming in, (1939-1941) the Bureau of Reclamation replaced the dirt dam with a cement structure that is used today.

I remember this area because my uncle owned the neighboring farm from 1906 to 1917 and I bought it from Earl Hurd in 1944. I owned the South 22 acres of SE $\frac{1}{4}$, NE $\frac{1}{4}$ of Section 20 and the North 18 acres of this section was watered from Hurd Gulch.

Buel Clement
Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS 8th day of June, 1978

Mary M. Staples
NOTARY PUBLIC FOR THE STATE OF IDAHO

Residing at Fruitland

My commission expires July 9, 1978

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Cost to Clyde - The water right went with the place. I hope this may help straighten the matter out.

F Grant Hurd
2745 N 31st
Springfield Oregon
97477

State of Oregon ss
County of Lane

On the 4th day of June, 1973, personally appeared F. Grant Hurd, to me known, and known to me to be the same person who executed the within instrument and he acknowledged to me that he executed the same freely and voluntarily.

Nancy H. Chavely
Notary Public for Oregon

My Commission Expires: August 6, 1974

Running over his headgate at the bridge over the westway. This was over his headgate - not at foot of westway. Black Canyon Irrigation District did all the excavation and construction of a bridge and headgate with plans and which could be removed in the winter. No construction charges on this water. Clyde had tried other irrigation ventures and this was a real boon to his ground. Another of my uncles - J. L. Amest bought this place and I know he had some trouble over his water but it was straightened out. Again I say this water was his water and to be delivered at the headgate on the Hurd place. I know

June 10-73
To whom it may concern - My sister, Mrs. George Boly was here May 13-1973 and told me of some difficulty concerning water rights to the place known in the early 1900s to about 1950 as the Clyde Hurd place. Clyde was my uncle and lived next door. When Black Canyon Irrigation District did all their canal excavation and construction they needed water ways to take care of excess water. One of these came when the dam then Clyde's place. Clyde was talked to and in exchange for a right of way thru his place to the Snake River was given. I believe 75" water - on Chas. to that

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SEP 08 1992

DECLARATION

Serial No. _____

STATE OF IDAHO)

COUNTY OF CANYON)

SS:

ED MERONEY, residing at 1723 1/2 MARSHALL AV
CALDWELL IDAHO, Being first duly sworn upon his oath

deposes and says:

I Ed Meroney, age 78, worked for Payette County road Department from 1940 to 1944. I was appointed road overseer Jan 27, 1941. During the four years I worked for the county road Department we built the county roads in Black Canyon area between the city of Fruitland and Parma.

Through the building of the roads is how I first worked in Hurd Gulch. Two of the county roads built crossed Hurd Gulch.

Curley Manser (District road Manager) and I cleaned Hurd Gulch every year from 1940 to 1944. We cleaned from the main Black Canyon ditch to Clyde Hurds' diversion to prevent the road culverts from plugging up with silt, weeds and other trash. The process used to clean the gulch was pulling a patrol with a caterpillar. At that time there were not any ponds, check boxes or dams except for Clyde Hurds' water diversion.

When asked the question how much water was running in the gulch and where the water was coming from I remember that we had to put in a 10 in. tin whistle to carry the spring water. The spring would just about fill the 10 in. pipe to full capacity. The springs were running between highway 95 and Hurds' diversion dam. The first two years I worked for Payette County the only water in the draw was spring water because Black Canyon irrigation didn't start irrigating until 1941. The water started in 1940 but it was too late to irrigate.

Grant Hurd was the first ditch rider for Black Canyon ditch in this area.

Ed Meroney
Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS 12 day of APRIL, 1974

[Signature]
NOTARY PUBLIC FOR THE STATE OF IDAHO

Residing at CALDWELL, IDAHO

My commission expires 25 APRIL 1977

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SEP 08 1992

ROAD OVERSEER: Ed Meroney

IT IS HEREBY ORDERED that Ed Meroney be and hereby is appointed Road Overseer in Special Road District No. 38.

SETTLEMENT BETWEEN TAX COLLECTOR AND AUDITOR:

The Settlement between the Tax Collector and County Auditor as per Sections 61-1010 and 61-1011 relative to the 1940 Real Property Tax Roll is read, accepted and ordered filed as follows:

Taxes charged to Tax Collector 1940 Real Tax Roll,	\$221,185.35
Personal Property Taxes transferred to and Adjustments on Real Roll.-Adj. Vouchs. Nos. 1, 9, 10, 13 and 15.	605.89
1940 Taxes collected at 1st Coll.	\$115,597.04
1940 Taxes delinquent at 1st Coll.	13,756.55
1940 Taxes to be collected at second collection,	92,288.26
Adj. Vouchs. Nos. 2 to 8, Inc., and Nos. 10, 11, 12, 14 and 15,-Credits on Real Roll,	149.39
	<u>\$221,791.24</u>

Jan 27, 1941 Page 73
Book II

1940 per 574

July 11, 1941
Page 73

Jan 27, 1941
Page 73

County read if minutes

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SEP 8 1992

State of Idaho

License and Certificate of Water Right

Water License No. 80516

Amount 1.74 second feet

Water District No.

Priority June 28, 1948

THIS IS TO CERTIFY that

OLYDE RUED

of Payette, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 28, 19 48; that Permit No. 80516 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.74 second feet, was issued thereunder on June 28, 19 50, showing that said works were completed on the 21st day of June, 19 50; and that on the 21st day of October, 19 50,

J. L. ARMOURT, Assignee,

of Payette, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Burd Gulch, a tributary of Snake River, for the purpose of Irrigation, under Use Permit No. 80516 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 8 of Licenses at page 4706, on the 5th day of February, 19 51:
The right hereby confirmed dates from June 28, 19 48;

The Point of Diversion is located

in the SE 1/4 NE 1/4 Sec. 20, Twp. 7 N., R. 5 W., B. M. Payette 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 1.74 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Fort, or Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
<u>7 N.</u>	<u>5 W.</u>	<u>20</u>	<u>NE 1/4 NE 1/4</u>	<u>25</u>	<u>26</u>
			<u>Lot 1</u>	<u>50</u>	<u>48</u>
			<u>SE 1/4 NE 1/4</u>	<u>12</u>	<u>13</u>
Number of Acres Actually Irrigated				-	<u>87</u>

The right to the use of the water aforesaid hereby confirmed is restricted to the lands 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 Boise, Idaho, this

5th day of February, 19 50.

MAPK B. KULP

State Reclamation Engineer

(SEAL)

63-3625
65-2496

No 20516
65-2496

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 28150
PERMIT No. 20516
DISTRICT No.

1. Name of Applicant: CLYDE HURD

Postoffice address: Route 1, Payette

County: Payette

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(b) Treasury stock:

(d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: 1.74

cubic feet per second.

3. Source of water supply: Hurd Gulch

which is a tributary of Snake River

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B.M., and is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$

of Section 20 , T. 7 N. , R. 5 W. , B.M., County of Payette

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water:

feet distant from

corner of Section

T. , R. , B.M., in the

of Section

, T. , R. , B.M.

(b) Amount of power generated:

H.P., under

feet head.

(c) Water is to be returned to

at a point

feet

distant from the

corner of Section

, T. , R. , B.M., in the

of Section

, T. , R. , B.M.

7. Estimated cost of works: \$ 3,000.00

8. Kind of works: Ditches and land levelling

9. Height of dam 2

feet; length of dam at top 10

feet; length of dam at bottom

feet; material used in dam: Concrete and wood

10. Size of headgate: Width 2

feet; height 3

feet.

11. Ditch: Width at bottom 2

feet; width at water line 5

feet; depth of water 0.7

feet;

dimensions of flume:

Diameter of pipe

inches; length of conduit

miles.

Average grade per mile 7

feet.

12. The time required for the completion of such work is Five (5)

years.

13. The time required for the complete application of the water to the proposed use is Six (6)

additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

CLYDE HURD *Applicant.*

By *Agent.*

Date of first receipt at Department of Reclamation: 9:00 A. M. June 28, 1948

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 20516
Recorded in Book 74 Page 20516 Approved July 3, 1948
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before September 3, 1948 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before January 3, 1951
The whole of said work to be completed on or before July 3, 1953
Beneficial use of water appropriated in accordance herewith, to be made on or before July 3, 1959

WITNESS My hand this 3rd day of July, 1948

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho, and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 3rd day of July, 1948.

STATE OF IDAHO

Countersigned:

(SEAL)

By J. D. "CY" PRICE

By C. A. ROBINS

Governor.

Secretary of State.

REMARKS: Water from Hurd Gulch has been used to irrigate a portion of this land for about 30 years

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7 N.	5 W.	20	25	50	12														87
Lot 1																			
Permit No. 20516																			
CERTIFICATE OF COMPLETION OF WORKS																			
TO ALL WHOM IT MAY CONCERN: This is to certify that CLYDE HURD of Route 1, Payette, County of Payette, and State of Idaho, the holder of Permit No. 20516 issued upon Application No. 28150 bearing date of priority of June 28, 1948, authorizing the diversion of 1.74 second feet of the waters of Hurd Gulch, a tributary of Snake River, County of Payette, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.74 second feet of the waters of Hurd Gulch. That proof of completion of works has been made by J. L. Arment, contract holder; that the point of diversion of said waters is in the NE¼, SE¼, NW¼, Section 20, Township 7 North, Range 5 West, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NE¼, NW¼, SE¼, NW¼ and Lot 1, Section 20, Township 7 North, Range 5 West, B.M. Witness my hand this 26th day of June, A. D. 1950. Proof of Completion of Works made June 21, 1950. Certificate of Completion of Works issued June 26, 1950.																			
																MARK R. KULP State Reclamation Engineer			

WARRANTY DEED

THIS INDENTURE, Made this 10th day of November in the year of our Lord one thousand nine hundred and forty-eight, between Clyde E. Hurd, a divorced Widower, of Payette, County of Payette, State of Idaho, the party of the first part, and J. L. Arment and Dollie B. Arment, husband and wife, of Payette, County of Payette, State of Idaho, the parties of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Ten THOUSAND and No/100 DOLLARS, lawful money of the United States of America, to him in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in Payette, County of Payette, State of Idaho, to-wit:

Lot 1, NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the North 18 acres of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, in Section 20, Township 7 North, Range 5 West of the Boise Meridian, together with all water and water rights thereunto belonging, including but not limited to, rights acquired under Permit No. 20516 issued by the State of Idaho, Department of Reclamation approved July 3, 1948.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever and the said party of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said party of the first part, and his heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

JOHN H. MORRIS

CLYDE E. HURD (SEAL)

STATE OF IDAHO)
County of Payette) ss

On this 13th day of November, in the year 1948, before me, the undersigned, a Notary Public in and for said State, personally appeared CLYDE E. HURD, a divorced Widower, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

(SEAL)

JOHN H. MORRIS
Notary Public for the State of Idaho,
Residing at Payette, Idaho

Received and recorded in State Department of Reclamation
September 16, 1950

LICENSE ISSUED FOR 476 SEP. 71.
Page 4706

6/21/83

August 5, 1983

Robert & Gerald Benggeler
Whitley Dr.
P.O. Box 1472

Gentlemen:

We have received the application for permit filed on water from the Snake River.

However, Since this water right is covered by License No. 20516/13-3628, it is not required that an additional water right be filed.

If you have been using the same point of diversion for more acres and more water than the license covers an application for permit should be filed. The license is still valid as long as the water is being used and no re-filing is necessary.

I am returning the application for permit to you. If there is excess water and acreage to be filed on please notify us and another application form with a set of instructions showing the fee schedule can be mailed to you. If you have any questions, please contact us.

Sincerely,

Jan Grover
Sr. Water Resource Agent

JG:tw

Enclosure

65-2446

April 9, 1974

Mr. Robert M. Henggeler
Route #1
Fruitland, ID 83619

Dear Mr. Henggeler:

A review of our files indicates the following surface water rights are entered in our records.

Permits and Licenses

<u>Number</u>	<u>Name</u>	<u>Priority</u>	<u>Amount</u>
65-2496	Clyde Hurd	6/28/48	1.74 c.f.s.
65-7282	Don Bettencourt	6/19/72	3.00 c.f.s.

Claims Based on Usage

65-6882	Darwin G. Condie	4/1/51	.22 c.f.s.
65-2446	Raymond & Erma Sleight	4/27/55	.24 c.f.s.

Please note that these are the water rights of record. No record of use rights is required to develop a water right in the past and therefore I am sure there are many surface and ground water rights which do not show on the record.

If I may be of further assistance to you, please write or call me.

Sincerely,

KENNETH H. FOIT, P. E.
Western District Engineer

KHF:df

MICROFILMED

L. GORRONO
ATTORNEY AT LAW
105 NORTH HAYES
P.O. BOX 637
EMMETT, IDAHO 83617
(208) 365-2421

February 1, 1974

Mr. Kenneth H. Foit
Western District Engineer
State house
Boise, Idaho

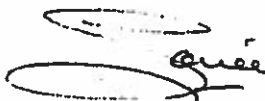
Dear Mr. Foit:

65-2996

I represent the Henggeler's at New Plymouth and area. We would like to set up an appointment to meet with you, on the site, in an attempt to avert some water problems in the coming season. Our request for help refers to water permit #20516, issued to Clyde Hurd, the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, Twp. 7 N., R. 5 W. B. M. We would like to meet with you in March, 1974.

I shall appreciate hearing from you.

Very truly yours,


L. Gorrono

LG/cmg

65-2496

May 2, 1973

Robert Henggeler
Henggeler Packing Co., Inc.
P. O. Box 313
Fruitland, Idaho 83619

Dear Mr. Henggeler:

In answer to your letter of April 16, 1973, we are unable to locate any water right with the assigned number 65-2496.

Our records indicate that 87 acres in Sec. 20, T. 7 N., R. 5 W., B.M. are assigned to J. L. Arment, License No. 65-2496.

In any case, it is not possible to increase the amount of water applied for on the permit. It will be necessary for you to file a new permit for the additional amount. We are enclosing an application form along with instructions.

If we can be of further assistance in this matter, please feel free to contact this Department.

Sincerely,

GARY L. PAGE
W. R. Supervisor

GLP:df

Enclosure

Letter corrected 5-5-73 65 2496

Packers and Shippers

Fortress Brand

Apples and Prunes

Henggeler Packing Co., Inc.

Phone 452-1212
P.O. Box 919 Fruitland, Idaho 89619

April 16, 1973

Mr. Kenneth W. Feit
Western District Engineer

Dear Mr. Feit

Would you please put these two water analysis papers with water right
No. 65-2416A.

I would appreciate a confirmation from your office if this would entitle
water right file No. 65-2416A 120.93 miner inches.

Thank you,

Robert Henggeler
Robert Henggeler
452-3201

65 2416A

Idaho

R. Kane

4-11-73

Robert Hengeler farm

Total Diversion Requirements

Known:

Crops - Row crop production

Peak daily con. use - 0.30

Ave. water holding capacity 10.0"

Replacement per irrigation = 50% = 5.0"

Frequency of irrig $\frac{5.0}{0.30} = 16.7 \text{ days}$

Assumed Efficiency = 45%

Volume requirements:

$$\frac{5.0}{.45} = 11.1 \text{ inches}$$

$$\frac{11.1}{16.7} = 0.666 \text{ in./day}$$

Actual requirement = 0.666 cfs/hr.

$$\frac{0.666}{24} = 0.0277 \text{ cfs cont. flow}$$

or

$$(0.0277)(50) = \underline{\underline{1.39 \text{ Mi. in cont. flow/ac.}}}$$

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Box 024, Federal Building, Boise, Idaho 83724

RECEIVED

Department of Agriculture
April 11, 1973

Mr. Robert M. Henggler
Route 1
Fruitland, Idaho 83649

Dear Bob:

As you requested I have analyzed the water needs for your farm located south of Fruitland near the Snake River in sec. 20, T.7N., R.5W., B.M.

The soils on your farm include the Haw loam and the Letha fine sandy loam. This comprises a total of about 87 irrigable acres with the acreage about evenly divided between the two soils. Due to intensive land leveling that has been done on your farm actual identity of the soils has been destroyed. As a result heavy cut areas are now mostly sandy textured soils, with low water holding capacity.

Because of the sandy texture in the Letha soils as well as the alkali condition that exists the water requirements for these soils has been calculated as shown on the attached sheet. If leaching of salts in the soils should be necessary slightly more water could be required than the 1.39 minors inches as calculated.

I hope this provides the information you need for filing purposes.

Sincerely yours,

R. L. Kane

R. L. KANE
District Conservationist

65 2426



✓
February 8, 1951

Re: Permit No. 20516

Mr. J. L. Arment
Route 1
Payette, Idaho

Dear Mr. Arment:

We enclose License and Certificate of Water Right issued under Permit No. 20516, confirming your right to the use of 1.74 second feet of water from Hurd Gulch, with priority of June 28, 1948, point of diversion being in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, Township 7 North, Range 5 West, B.M. and the water to be used for the irrigation of 87 acres in the E $\frac{1}{2}$ NE $\frac{1}{4}$ and Lot 1 of said Section 20.

We also enclose Departmental Receipt No. 23062 for the \$6.00 fee paid in connection with this proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn
Enc.

20516



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

January 31, 1951

Re: Permit No. 20516

Mr. J. L. Arment
Route 1
Payette, Idaho

Dear Mr. Arment:

The report of our Field Engineer on examination for beneficial use under your Permit No. 20516 shows that you have irrigated 87 acres of land in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and Lot 1 of Section 20, Township 7 North, Range 5 West, B.M.

Therefore, upon receipt of the statutory fee of \$6.00, a license will be issued for 1.74 second feet of water from Hurd Gulch.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Jeanne L. Anderson
Chief Clerk

A: bh

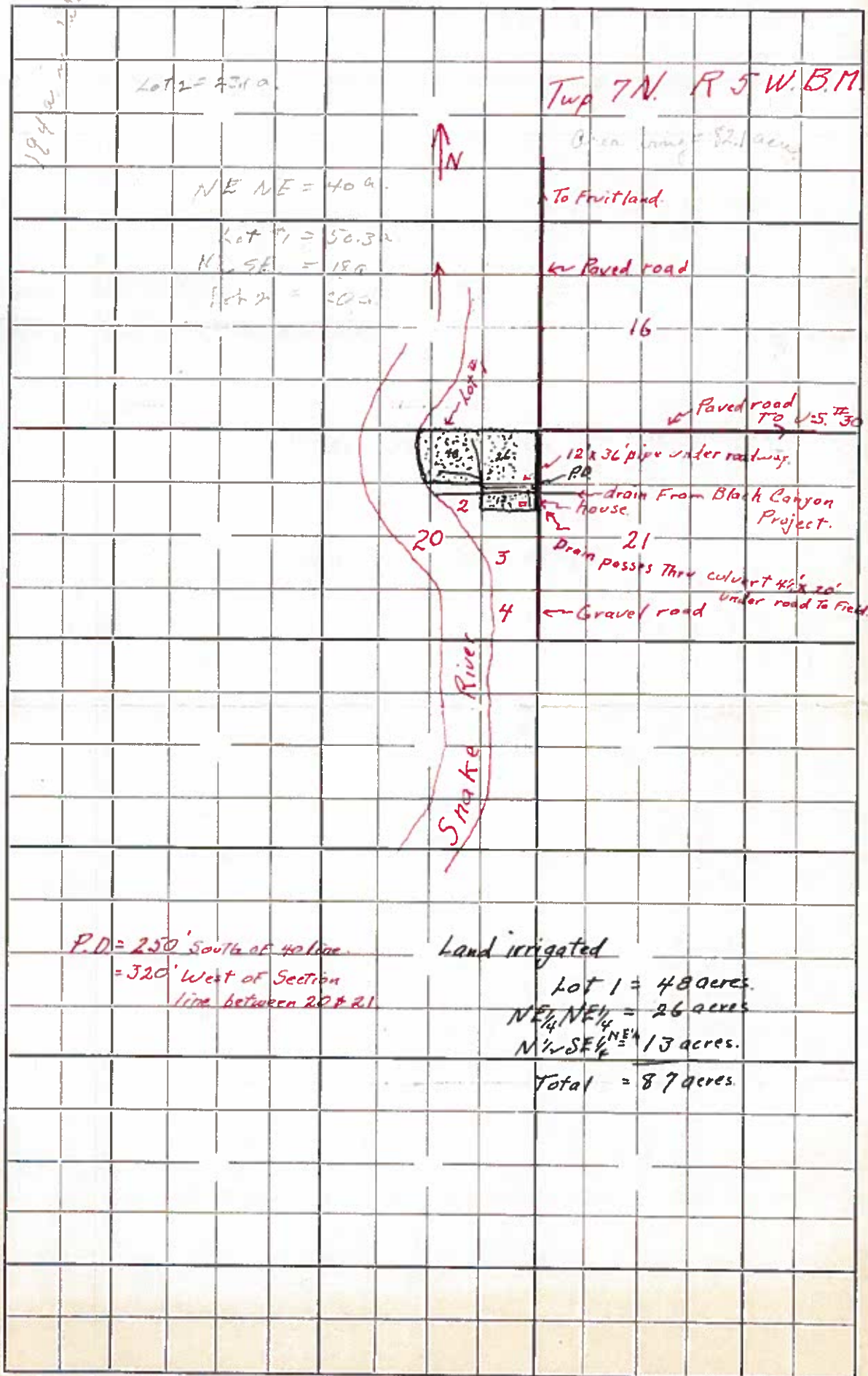
Thanks.

J. L. Arment

RECEIVED
FEB 5 1951

Department of Reclamation

20516



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 20516

REPORT ON PROOF OF Beneficial use

174 cfs
max

app. 1.74 c.f.s.

87 acres
3-40's

J. L. Arment

Route 1, Payette, Idaho

Permit No. 20516

Examination for Beneficial use

County... Payette

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
JAN 30 1951
Department of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 20516This proof is for Beneficial use

In Water District No. _____

1. Name of applicant J. L. Arment, Route 1, Payette, Idaho
2. Source of water supply: Hurd Gulch, a tributary of Snake River.
3. Location of point of diversion: Is in the SE 1/4 NE 1/4 of Section 20
T. 7 N. R. 5 W. County of Payette
4. Describe works as they exist, giving dimensions and capacities of same: Water is diverted from a large drain extending thru farm to Snake River. Originally it obtained some irrigation water from springs in area to the East thru which the drain extends. The U.S.B.R. dug the drain, installed a concrete heading and culvert as indicated. A plank dam is across the heading in the drain, high enough to divert the water into the distribution system.
5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: Yes.
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):
NE 1/4 NE 1/4, SE 1/4 NE 1/4 and Lot 1, Section 20, Township 7 North, Range 5 West, B.M.

(Submit map on attached plat, showing location and details of above description.)

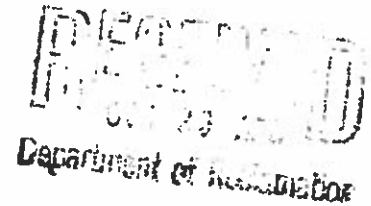
8. What large stream would the water here appropriated finally reach? _____
- Remarks: Dam is approximately ten feet long by five foot high. Main ditches are 21-31 wide on bottom and are in dikes or levees for the greater portion of their length. Crops are pasture and irrigated crops. Though not included in this filing, most of Lot #2 is also irrigated.

This examination was made on the 29th day of January, 1951(Signed) E. M. Humphrey Examiner.

20516

MCCLURE & MCCLURE
ATTORNEYS AT LAW
PAYETTE, IDAHO

October 21, 1950.



State of Idaho
Department of Reclamation
Boise, Idaho

Gentlemen: Re: Permit No. 20516 - Hurd - Arment

I am enclosing herewith deposition of J. L. Arment and two witnesses as to the above mentioned and numbered permit, and also proof of the publication of the taking of such proof, which proof was taken by me today in pursuance of such notice so published, each of the depositions being notarized by me.

Yours very truly,

W. R. McClure
W. R. McClure

20516

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 20516

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. J. L. Arment, Payette County, Idaho, farmer, Payette, Idaho, Rt. #1

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. No. 20516, date June 28, 1948

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Hurd Gulch, tributary of Snake River, point of diversion in SE 1/4 NE 1/4 Sec. 20, Twp. 7 N., R. 5 W., B.M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined.

Ans. Wood-concrete dam 10 ft. wide; 2 ft. high then a headgate 2 ft. wide; 3 ft. high, width at bottom 2 ft. width at water line 3 ft.; depth of water 0.7 feet, not named other than that it comes out of Hurd Gulch; capable of conveying considerably more than 1.74 cu. ft. per second.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation and on cultivated land; 12 a. in SE 1/4 NE 1/4; 50 a. in Govt. Lot 1; and 25 a. in NE 1/4 NE 1/4, all being in Sec. 20, Twp. 7 N., R. 5 W., B.M. all of which have been actually been irrigated from such works, such lands having been levelled for such irrigation and had not been irrigated before.

20516

1745

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. One inch per acre

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. By purchase of land involved from Clyde Hurd

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Used in 1949 and 1950 by the undersigned, for irrigation of the lands above described and in the full amount of 1.74 cu ft per sec. and at times have actually used more than such amount as the works will carry considerably more

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. None

(Sign) J. L. Arment

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Payette, County of Payette, State of Idaho, on this 21st day of October, A. D. 1950.,

My commission expires July 5, 1952

W. Amelune
Notary Public for Idaho,
Residing at Payette, Idaho

20516

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO**

Permit No. 20516

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Euel Clement, age 37, residence Payette, Idaho, farmer, address
Payette, Idaho, Rt. #1.

Ques. 2. Are you acquainted with J. L. Arment, the
holder of Permit No. 20516? How long have you known him and where does
he reside?

Ans. Yes. I have known him about 10 years, he resides in Payette County,
Idaho and his address is Payette, Idaho, Rt. #1.

Ques. 3. Have you read or heard read said Permit No. 20516, and are you
familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for con-
veying water from point of diversion to place of use.

Ans. Hurd Gulch, tributary of Snake River; place of diversion is in SE 1/4 NE 1/4
Sec. 20, Twp. 7 N., R. 5 W., B.M. Headgate width 2 ft, height 3 ft; ditch width
at bottom 2 feet, width at water line 3 ft; depth of water 0.7 feet
dam constructed of concrete and wood

Ques. 5. How many second feet of water do you estimate said works will safely con-
duct to place of use, and how much water have you seen being so conveyed?

Ans. 1.74 cu. ft. per second, the works will carry considerably more.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons
per minute have you seen the pump deliver, and how did you measure or estimate the
amount?

Ans. _____

20516

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Used for irrigation. 12 in SE 1/4; 50 a. in Govt Lot 1; and 25 a. in NE 1/4, all being in Sec. 20, Twp. 7 N., R. 5 W., B.M.

~~The said lands are now cultivated lands, having been levelled by applicant and his predecessor in title under this permit, and because of and due to the levelling of the land and construction of such irrigation system hereunder the land has been made producing lands under irrigation.~~

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. River bottom land, was some what rough requiring levelling, which has been done and construction of the irrigation ditches and laterals, and at least one inch per acre is required for reasonable irrigation

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No. _____

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Have seen all of the levelling done, and construction of ditches and laterals and have seen at least one inch per acre of such water actually used in the irrigation of such lands above described.

(Signed) Paul Clement

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Payette,
County of Payette, State of Idaho, on this 21st day of October,
A. D. 1950.

W. B. M. Cline
Notary Public.

My commission expires July 5, 1952.

20510

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO**

Permit No. 20516

**Proof of Application of Water to Beneficial Use
Deposition of Witness**

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Dan Butts, age 53, residence Payette County, Idaho, farmer, address
Payette, Idaho, Rt. No. 1.

Ques. 2. Are you acquainted with J. L. Arment, the
holder of Permit No. 20516? How long have you known him and where does
he reside? Yes.

Ans. Have known him 30 years, he resides at Payette County, Idaho, and his
address is Payette, Idaho, Rt. No. 1.

Ques. 3. Have you read or heard read said Permit No. 20516, and are you
familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for con-
veying water from point of diversion to place of use.

Ans. Hurd Gulch, tributary of Snake River; point of diversion in SE 1/4
of Sec. 20, Twp. 7 N., R. 5 W. S. M. Headgate width 2 ft; height 5 ft; ditch
width at bottom 2 ft; width at water line 3 feet; depth of water 0.7 ft
dam constructed of wood and concrete.

Ques. 5. How many second feet of water do you estimate said works will safely con-
duct to place of use; and how much water have you seen being so conveyed?

Ans. will carry considerably more than 1.74 cu ft per sec.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons
per minute have you seen the pump deliver, and how did you measure or estimate the
amount?

Ans. _____

20516

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Used for irrigation- 12 a. in SE 1/4 NE 1/4; 50 a. in Govt. Lot 1; and 25 a. in NE 1/4 NE 1/4, all being in Sec. 20 Twp. 7 N. R. 5 W. S.M. Such lands have been levelled by applicant and his predecessor in interest Clyde Hurd. The said 1/4 NE 1/4 has been levelled and the irrigation works constructed for irrigation thereof and the water applied thereunder, and such lands are actually under cultivation as a result of such irrigation and have been so reclaimed.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. River bottom land, was somewhat rough and required levelling, which has been done and construction of the irrigation works, including ditches and laterals, and at least one inch per acre is required for reasonable irrigation of said lands.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. no

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Have seen the levelling done by J.L. Arment but know from the appearance of the land that Hurd did levelling also, and that the land has been so improved and irrigated. Have known the land for many years and know that the land is now under irrigation and farmed as a result of such irrigation works under such permit.

(Signed) Dean D. Hutter

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Payette, County of Payette, State of Idaho, on this 21 day of October, A. D. 1950.

W. P. McClure

Notary Public.

My commission expires July 5, 1952.

20516

Permit No. 20516**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to certify that CLYDE HURD
 of Route 1, Payette, County of Payette, and State of
Idaho, the holder of Permit No. 20516, issued upon Application
 No. 28150 bearing date of priority of June 28, 1948, authorizing the diversion of
1.74 second feet of the waters of Hurd Gulch, a tributary of Snake River,

County of Payette, State of Idaho, for irrigation
 purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the
 proof of completion of the works of diversion set out and described in said Permit; that said works are
 adequate for diverting and conveying to the place of intended use 1.74
 second feet of the waters of Hurd Gulch.

That proof of completion of works has been made by J. L. Arment, contract holder,
 that the point of diversion of said waters is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, Township 7 North,
Range 5 West, R. M.

and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:
NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and Lot 1, Section 20, Township 7 North, Range 5 West, R. M.

Witness my hand this 26th day of June, A. D. 1950

Mark R. Kulp

State Reclamation Engineer.

20516

Permit No. 20516

**Certificate of Completion
of Work**

Dated June 26, 1950

Stream Hurd Gulch, a tributary of
Snake River.
County Payette

Amount 1.74 second feet

Date of Priority June 28, 1948

Recorded in Book 74
of Permits, page 20516

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the 21st day of October, 19 50
at Payette, County of Payette, State of Idaho, before
W. R. McClure, Notary Public, proof will be submitted of the
application to beneficial use of 1.74 cubic feet per second of the waters of Hurd Gulch, a trib-
utary of Snake River, in accordance with the terms and conditions of Permit No. 20516
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are.....
J. L. Arment, Route 1, Payette, Idaho.

The use to which said water has been applied is Irrigation.

The amount applied to beneficial use is 1.74 cubic feet per second.

The place where said water is used ~~(if for irrigation, give full and accurate description of the~~
~~lands irrigated)~~ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and Lot 1, Section 20, Township 7 North, Range 5 West,
B.M.

The name of the canal or ditch or other works by which said water is conducted to such place of
use is - - -

The right to take water from such works is based upon Permit No. 20516

The source of supply from which such water is diverted is Hurd Gulch

The date of priority which said user is prepared to establish is June 28, 1948

MARK R. KULP

State Reclamation Engineer.

20514

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE
INSTRUCTIONS
PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, July 22, 1950

Re: Permit No. 20516
Clyde Hurd
J. L. Arment, Contract holder

Mr. W. R. McClure
Notary Public
Payette, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 20516.....

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On August 1, 1950....., the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Payette, Idaho..... before W. R. McClure, Notary Public,.....
2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly.

MARK R. KULP
~~Commissioner of Reclamation~~
State Reclamation Engineer

20516

Permit No. 20516

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

ss.

County of Ada

J. L. ARMENT, being first duly sworn, upon his oath deposes and says:
First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 20516, and that his postoffice address is Route 1, Fayette, State of Idaho.

Second: That the name of the stream which said water is to be directed is Hurd Gulch, a tributary of Snake River.

Third: That the point of diversion of said water is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, Twp. 7 North, Range 5 East, B. M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by July 3, 1953.

Fifth: That the use for which said water is intended is irrigation.

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: Ditches and headgate and concrete and board check (Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam 2 feet, length of dam at top 10 feet, length of dam at bottom feet. Material used in construction Concrete and wood

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width 2 feet, height 3 feet.

(d) Conduit Ditch width at bottom 2 feet, width at water line 3 feet (State whether ditch, flume or pipe)

feet, depth of water 0.7 feet; diameter of pipe inches, average grade per mile is feet. Length of conduit is miles.

Seventh: That said works are capable of conducting to the place of intended use 1.7 second feet of water.

Eighth: That water appropriated under said permit is available for 87 acres of land described as follows: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and Lot 1, Section 20, Twp. 7 North, Range 5 East, B. M.

Ninth: Remarks: That

J. L. Arment
(Sign Here)

Subscribed and sworn to before me this 21st day of June, 1954

My commission expires Feb 16, 1953

Willon W. Lator
Notary Public

20516

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 2:00 P. M. on the 1st day of August, 1950,
at Payette, County of Payette, State of Idaho, before
W. R. McClure, Notary Public, proof will be submitted of the
application to beneficial use of 1.74 cubic feet per second of the waters of Hurd Gulch, a trib-
utary of Snake River, in accordance with the terms and conditions of Permit No. 20516
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
Clyde Hurd, Route 1, Payette, Idaho

The use to which said water has been applied is irrigation

The amount applied to beneficial use is 1.74 cubic feet per second

The place where said water is used (if for irrigation give full and accurate description of the
lands irrigated) NE¹ NE¹, SE¹ NE¹ and Lot 1, Section 20, Township 7 North, Range
5 West, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of
use is —

The right to take water from such works is based upon Permit No. 20516

The source of supply from which such water is diverted is Hurd Gulch

The date of priority which said user is prepared to establish is June 28, 1948

MARK R. KULP
State Reclamation Engineer.

20516

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) June 21, 1950
(P. O.) Boise, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Payette Enterprise of Payette, Idaho published in
the county in which the works are situated.

J. L. Arment

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

20516

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

Permit No. 20516 Date July 14, 1948

We enclose herewith the above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the
State Reclamation Engineer, on the fourth page.

Mr. Clyde Lund
Route 1
Payette, Idaho
Encl. Receipt # 20697

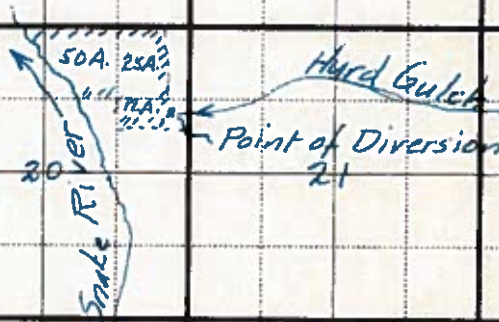
MARK R. KULP
State Reclamation Engineer

20516

NAME OF APPLICANT

Clyde Hurd

FORM No. 0



T1N R5W BM

Permit Map No. 30516
As Approved
MARK R. RALP
State Reclamation Engineer

SCALE: 2 INCHES EQUALS 1 MILE. DRAW PLAN IN INK.

20516

Idaho Dept. of Water Resources Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESW	NWSE	SWSE	SESE	Total
Rec	63 2878	BLACK CANYON IRRIGATION DIST.	ELIJAH DRAIN, WILSON DRAIN	07N05W20				X								X				0
Rec	63 2322	UNITED STATES OF AMERICA ACTING THROUGH,	ELIJAH SLOUGH, WILSON SLOUGH	07N05W20				X								X				0
Right	63 30032	LARRY H LEMONS,	GROUND WATER	07N05W20				X												0
Claim	63 21846	GERALD J HENGGELE, ROBERT M HENGGELE,	HURD GULCH CREEK	07N05W20	26	48	4	9												87
Rec	63 21846	GERALD J HENGGELE, ROBERT M HENGGELE,	HURD GULCH CREEK	07N05W20	26	48	4	9												87
Right	63 3628	J L ARMENT,	HURD GULCH CREEK	07N05W20	26	48		13												87
Rec	65 2433	UNITED STATES OF AMERICA ACTING THROUGH,	PAYETTE RIVER	07N05W20				X								X				0
Claim	3 4021	ROBERT M HENGGELE, GERALD J HENGGELE,	SNAKE RIVER	07N05W20	26	48	4	9												87
Rec	3 4021	ROBERT M HENGGELE, GERALD J HENGGELE,	SNAKE RIVER	07N05W20	26	48	4	9												87
Right	3 4021	GERALD HENGGELE, ROBERT HENGGELE,	SNAKE RIVER	07N05W20	25			12												37
Right	63 30031	LARRY H LEMONS,	SPRING	07N05W20				X												0
Claim	63 30028	LARRY H LEMONS,	SPRINGS	07N05W20	12			13												25
Claim	63 8311	GERALD J HENGGELE, ROBERT M HENGGELE,	SPRINGS	07N05W20	11															11
Rec	63 8311	GERALD J HENGGELE, ROBERT M HENGGELE,	SPRINGS	07N05W20	11															11
Right	63 4383	H BUEL CLEMENT, IRENE E CLEMENT,	SPRINGS	07N05W20				19								17		14		50
Right	63 8311	HENGGELE BROTHERS,	SPRINGS	07N05W20	11															11
Claim	65 2900	BLACK CANYON IRRIGATION DIST,	TUNNEL NO 2 DRAIN	07N05W20				X								X		X		0
Rec	65 2900	BLACK CANYON IRRIGATION DIST,	TUNNEL NO 2 DRAIN	07N05W20				X								X				0

Receipt Details for ID C016188

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
4/9/1990 5:17:10 PM	4/9/1990	State	\$469.00	Check
Payer		HENGGELE BROS., INC.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
4918			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$469.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	8311		\$61.00	Claim
63	21846		\$137.00	Claim
3	4021		\$50.00	Claim
63	7955	B	\$121.00	Claim
63	10364	B	\$50.00	Claim
63	9818	B	\$50.00	Claim

Print Report

MEMORANDUM

TO: LORI HARRIS
FROM: DANIEL A. NELSON
DATE: 5/4/06
SUBJECT: WATER RIGHT 63-3628

Lori, Adjudication claim A63-21846 was claimed in lieu of water right license 63-3628 so the claimant could file the claim using the earlier priority date. I have spoken with Jan and we are going to recommend A63-21846 with the earlier priority date. Jan wanted me to ask you to bring 63-3628 over to the adjudication database with a comment "not claimed, see water right A63-21846. If you could do this I would really appreciate it.

Thank you, Dan.

SEP 17 1951

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: A63-21846
Date Received: ~~3/26/1990~~ 4/9/90
Receipt No: C 218 188
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GERALD J. HENGgeler 208-452-3374
Address: RT1, WHITLEY DRIVE
FRUITLAND, ID 83619
OR
Name: ROBERT M. HENGgeler 208-452-3201
Address: BOX 6633 WHITLEY DRIVE
FRUITLAND, ID 83619

2. Date of Priority: APR 01, 1923

3. Source: HURD GULCH Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	05W	20	NE	SE	NE		PAYETTE

5. Description of diverting works:
DIV.DAM W/GRAVITY DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.740		

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

8. Total consumptive use is 304.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	05W	20	NE	NE		IRR	26.0
			NW	NE	1	IRR	48.0
			SW	NE	2	IRR	4.0
			SE	NE		IRR	9.0

Section Acres 87.0

Total Acres 87.0

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:
A63-004021

14. Remarks:

THIS B/U RT. IS CLAIMED FOR A RT. DEVELOPED FROM HURD GULCH WITH A PRIORITY OF APRIL 1, 1923 AS SHOWN BY ACCOMPANYING DOCUMENTATION. THERE WAS A LICEMSE ,63-3628, ISSUED TO CLYDE HURD WITH A PRIORITY OF 06/28/1948 AND A PRIOR CLAIM FILING BY THE HENGGLERS WHICH IS BEING LEFT AS IS, SINCE THIS FILING MORE CORRECTLY DESCRIBES THE RT. AS IT HAS ALWAYS BEEN USED.

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: one

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): Robert Hengge Date: 4/9/90
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of Apr 1990

Seal

Forrest E. Luthy
Notary Public
Forrest E. Luthy, Notary Public

Residing at Bo Residing at Boise, Idaho
~~My Commission Expires Nov 8, 1994~~
My Commission Expires _____