

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: A67-02184
Date Received: 10/17/1989
Receipt No: C012291
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD M. HORMAECHEA 208-336-2200
Address: C/O RMH COMPANY
P.O. BOX 6887
BOISE, ID 83707

AND/OR

Name: MARY B. HORMAECHEA 208-336-2200
Address: C/O RMH COMPANY
P.O. BOX 6887
BOISE, ID 83707

2. Date of Priority: DEC 29, 1947

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10N	05W	9	NE	SW			WASHINGTON

5. Description of diverting works:
SEE EXHIBIT A

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.000		
STOCKWATER	01/01	12/31	1.000		
COMMERCIAL STORAGE	01/01	12/31			3.45
COMMERCIAL FROM STORAGE	03/15	12/15			3.45
DIVERSION TO STORAGE	01/01	12/31	0.500		

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

A.F.A.

8. Total consumptive use is 353.0 Acre Feet Per Annum.

A67-02184

Page 1

Date: 11/16/89

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9. Non-irrigation uses:
SEE REMARKS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	05W	9	NE	SW		IRR	38.0
			SE	SW		IRR	20.0
Section Acres							58.0
Total Acres							58.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
2 APPLICATIONS FOR PERMIT

14. Remarks:

TWO POINTS OF DIVERSION IN NE OF SW, SEC. 9, TWP. 10 N.,
RGE. 5 W.

FOUR WELLS LOCATED ON THE PROPERTY ARE THE WATER SOURCES FOR AN
INTERCONNECTED SYSTEM WHICH PROVIDES STOCKWATER TO APPROXIMATELY
8000 HEAD OF BEEF CATTLE AND DUST ABATEMENT FOR THE 60-ACRE
FEEDLOT. THE TWO WELLS UNDER THIS WATER RIGHT ALSO PROVIDE
WATER FOR 58 ACRES OF FARMLAND.

|

EXHIBIT A

WELL NO. 1 IS APPROXIMATELY 35 FEET DEEP, 15-INCH DIAMETER CASING
20 HP TURBINE PUMP WITH 6-INCH DIAMETER DISCHARGE LINE. WELL NO.
2 IS APPROXIMATELY 34 FEET DEEP, 12-INCH DIAMETER CASING, 5 HP
SUBMERSIBLE PUMP WITH A 4-INCH DIAMETER DISCHARGE LINE. WELL NO.
2 IS CONNECTED TO WELL NO. 1.. THE DISCHARGE LINE FROM WELL NO. 1
IS CONNECTED TO A STOCKWATER DISTRIBUTION SYSTEM (DESCRIBED
BELOW) AND A 5-INCH DIAMETER MAINLINE IRRIGATION PIPE. THIS
MAINLINE HAS TWO WHEELINES CONNECTED TO IT WITH 24 SPRINKLERS
ON EACH LINE.

STOCKWATER SYSTEM: WELL NO. 1 AND WELL NO. 2 ARE CONNECTED TO A
STOCKWATER SYSTEM WHICH HAS TWO ADDITIONAL WELLS CONTRIBUTING TO
IT. THESE WELLS ARE BOTH LOCATED IN THE NW1/4 OF SW1/4 OF
SECTION 9, TWP. 10 N., RGE. 5 W. THE FOUR WELLS ARE CONNECTED TO
A SERIES OF FIFTY 100-GALLON CAPACITY WATERING TROUGHS BY A
2-INCH DIAMETER PIPELINE. THE SYSTEM IS A CONTINUOUS SYSTEM.
THE CONTINUOUS FLOW IS NECESSARY TO HELP PREVENT FREEZE-UP DURING
THE WINTER MONTHS.

EACH WATER TROUGH HAS A 4-INCH DIAMETER OVERFLOW DISCHARGE PIPE.

14. Remarks: Continued

THE OVERFLOW WATER IS CONVEYED TO A HOLDING POND, APPROXIMATELY 3.45 ACRE FEET IN CAPACITY. WATER IS WITHDRAWN FROM THE POND FOR DUST CONTROL OVER THE 60-ACRE FEEDLOT. WATER IS PUMPED FROM THE POND TO A WATER TRUCK WHICH SPRINKLES THE FEEDLOT. WATER IS PUMPED TO A "BIG SQUIRT" SPRINKLER, WHICH IS A MOBILE SYSTEM CONNECTED TO A 40 HP PUMP IN THE POND WITH A 6-INCH DIAMETER DISCHARGE LINE.

UP TO 1.0 ACRE FOOT OF WATER IS WITHDRAWN EVERY 24 HOURS FROM MARCH 15 TO DECEMBER 15 FOR DUST ABATEMENT USE. WHILE THE TOTAL VOLUME CAPACITY OF THE STORAGE POND IS 3.45 ACRE FEET, THE POND IS REFILLED CONSTANTLY.

15. Basis of Claim: LICENSE

Water Right Number: 20243

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN 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 67-2184

Date Received

Receipt Number

10-17-89

C0122891

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
OCT 16 1989

Deno... sources

Please type or print clearly

1. Name of Claimant (s) Richard M. and/or Mary B. Hormaechea Phone (208) 336-2200Mailing Address c/o RMH Company, P.O. Box 6887, Boise, Idaho Zip 837072. Date of Priority (Only one (1) per claim) December 29, 19473. Source of water supply (a) groundwater
which is tributary to (b) N/A4. a. Location of existing point of diversion is: Township 10 N. Range 5 W. Section 9,
1/4 of NE 1/4 of SW 1/4, Govt. Lot, B.M., County of WashingtonAdditional points of diversion if any: Two diversion points in NE of SW, Sec. 9, Twp. 10 N., Rge. 5 W.

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. SEE EXHIBIT A

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OCT 01 1989

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

	(both dates are inclusive)	(cfs)	(acre feet)
For <u>irrigation</u> purposes from <u>March 15</u> to <u>Nov. 15</u> amount <u>1.0</u> or _____			
For <u>stockwater</u> purposes from <u>Jan. 1</u> to <u>Dec. 31</u> amount <u>1.0</u> or _____			
For <u>storage for commercial</u> purposes from <u>Jan. 1</u> to <u>Dec. 31</u> amount _____ or <u>3.45*</u>			
For <u>commercial from storage</u> purposes from <u>March 15</u> to <u>Dec. 15</u> amount _____ or <u>3.45*</u>			

7. Total quantity claimed (a) 1.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is irrigation: 203 acre feet per annum.
commercial: 150

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) *See item 5 above and item 14 below

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
10 N	5 W	9									38	S,C	S,C	20					58

Total number of acres irrigated 58

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
Applications for water rights for 2 additional wells are being filed with the Department or None ()

14. Remarks: Four wells located on the property are the water sources for an interconnected system which provides stockwater to approximately 8000 head of beef cattle and dust abatement for the 60-acre feedlot. The two wells under this water right also provide irrigation water for 58 acres of farmland.

Last Name Hormaechea Ident No. _____

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 Copies: White-State, Yellow-Claimant
OCT 01 1992

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

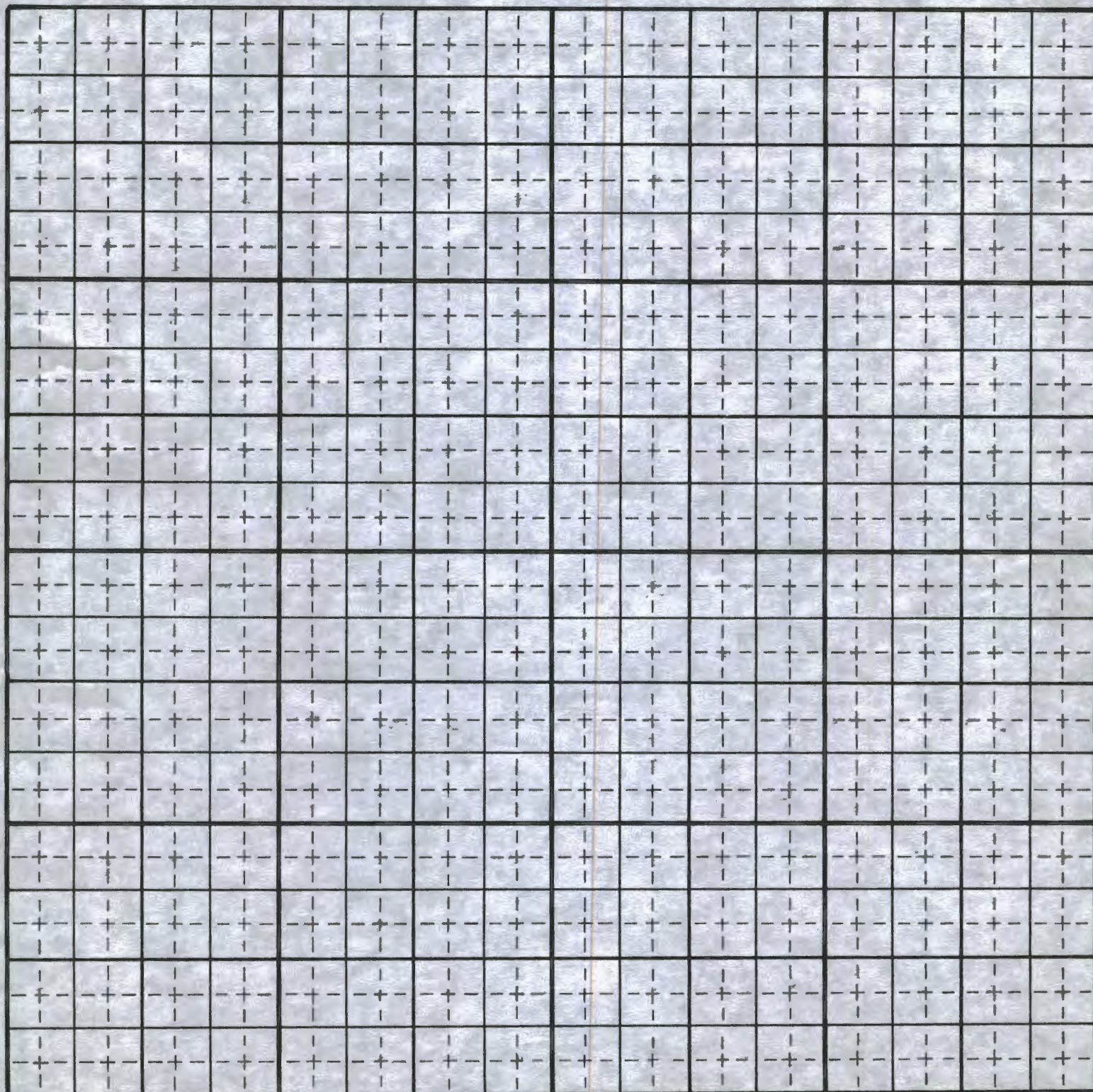
The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

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

Scale: 2 inches equals 1 mile

SEE EXHIBIT B



Last Name

Hormaechea

Ident No.

Copies: *White State, Yellow Chairman*

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OCT 01 1992

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License XX Permit _____
Decree _____
If applicable provide IDWR Water Right Number 67-02184
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not XX
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 2

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

Signature of Claimant (s) [Signature] Date 10/11/89

Date _____

For Organizations: I do solemnly swear or affirm that I am _____
Title _____
of _____, that I have signed the foregoing
Organization _____
document in the space below as _____ of _____
Title _____ Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 11th day of October 19 89

SEAL

Notary Public [Signature]

Residing at Boise, Idaho

My Commission Expires 11-01-93

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, Scott L. Campbell will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address P.O. Box 1539, Boise, ID 83701

Date _____

Last Name Hormaechea Ident. Number _____

MICROFILMED
Copies White State Yellow Claimant

OCT 01 1992

EXHIBIT A

Well No. 1 is approximately 35 feet deep, 15-inch diameter casing, 20 h.p. turbine pump with 6-inch diameter discharge line. Well No. 2 is approximately 34 feet deep, 12-inch diameter casing, 5 h.p. submersible pump with a 4-inch diameter discharge line. Well No. 2 is connected to Well No. 1. The discharge line from Well No. 1 is connected to a stockwater distribution system (described below) and a 5-inch diameter mainline irrigation pipe. This mainline has two wheellines connected to it with 24 sprinklers on each line.

Stockwater system: Well No. 1 and Well No. 2 are connected to a stockwater system which has two additional wells contributing to it. These wells are both located in the NW1/4 of SW1/4 of Section 9, Twp. 10 N., Rge. 5 W. The four wells are connected to a series of fifty 100-gallon capacity watering troughs by a 2-inch diameter pipeline. The system is a continuous flow system. The continuous flow is necessary to help prevent disease from stagnant water and to prevent freeze-up during winter months.

Each watering trough has a 4-inch diameter overflow discharge pipe. The overflow water is conveyed to a holding pond, approximately 3.45 acre feet in capacity. Water is withdrawn from the pond for dust control over the 60-acre feedlot. Water is pumped from the pond to a water truck which sprinkles the feedlot. Water is also pumped to a "big squirt" sprinkler, which is a mobile system connected to a 40 h.p. pump in the pond with a 6-inch diameter discharge line.

Up to 1.0 acre foot of water is withdrawn every 24 hours from March 15 to December 15 for dust abatement use. While the total volume capacity of the storage pond is 3.45 acre feet, the pond is refilled constantly.

9

1957

Student
P. 144

2014

5/20/14

2.

2. Pump

Long
Place

base
sect.

2014

SE/45

House Well
Red Cole Plas

8

WILSON, J. H. 1953. The ecology of the
forest floor in the Adirondacks.

EXHIBIT

B

5110

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Hormaechea

CLAIM IDENT. NO.

A67-02184

DATE RECEIVED

10-16-89

CK #

4102

AMOUNT \$

472⁰⁰

YES

NO

Required
Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☒ YES ☐ NO N/A ☒ YES ☐ NO *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO *
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO *
8. If required is a consumptive use entered? ☒ YES ☐ NO N/A ☒ YES ☐ NO ?
- Is the consumptive use correct? ☒ YES ☐ NO N/A ☒ YES ☐ NO ?
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO N/A ☒ YES ☐ NO *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO N/A ☒ YES ☐ NO *
15. Is the basis of the claim indicated? ☒ YES ☐ NO *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO N/A ☒ YES ☐ NO *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? ☒ YES ☐ NO Exempt ☒ YES ☐ NO *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/A ☒ YES ☐ NO *
22. Should this claim be data entered? ☒ YES ☐ NO *

Claim checked by:

CA

Date:

11-2-89

Claim must be returned to claimant:

☐ (Yes) ☐ (No)

Claimant must be notified of modifications:

☐ (Yes) ☐ (No)

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date:

Date:

Checked by:

Date:

Comments:

ExpandedModificationletter 0.5 cfs diversionto storage

MICROFILMED

OCT 01 1992

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

RECEIVED
 DEC 18 2006
 DEPARTMENT OF
 WATER RESOURCES

d.e 1-30-07
 SK

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
AJ 67 62-2184					

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) RICHARD M. HORMAECHEA
MARY B. HORMAECHEA
4. New Owner/Claimant(s) HORMAECHEA LIMITED PARTNERSHIP
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. BOX 6887
- City, State and ZIP Code BOISE, ID 83707
- New Telephone Number (208) 336-2200
5. Date you acquired the property 4/15/2002

SCANNED

DEC 18 2006

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

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

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

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

GENERAL PARTNER

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

For Office Use Only

Received by AMB Date 12-15-06 Fee \$ 25.00
 Received by AMB Date 12-15-06 Receipt No. 0082843
 Processed by _____ AJ Date _____ WR _____ Date _____

SCANNED

DEC 18 2006

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

THORNTON BYRON LLP
1101 WEST RIVER STREET, SUITE 340
POST OFFICE BOX 7156
BOISE, ID 83707-1156
208-344-8600

Instrument # 185804

WEISER, WASHINGTON, IDAHO
2002-04-15 08:45:00 No. of Pages: 2
Recorded for: THORNTON BYRON LLP
SHARON WIDNER Fee: 6.00
Ex-Officio Recorder Deputy *Sharon Widner*
Index to: DEED

(SPACE ABOVE LINE FOR RECORDER'S USE)

BARGAIN AND SALE DEED

FOR VALUE RECEIVED, RICHARD M. HORMAECHEA, D/B/A DOUBLE R CATTLE COMPANY, and MARY B. HORMAECHEA, his wife, Grantors, do hereby grant, bargain, sell and convey to HORMAECHEA LIMITED PARTNERSHIP, an Idaho limited partnership, whose current address is PO Box 6887, Boise, Idaho 83707, Grantee, all of their right, title and interest in and to certain real property located in Washington County, Idaho, more particularly described as follows:

Township 10 North, Range 5 West of the Boise Meridian:

Section 9: S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, excepting therefrom a strip of land 40 feet wide off the east side.

TOGETHER WITH all improvements, easements, hereditaments and appurtenances thereto, and subject to such other rights, easements, covenants, restrictions and zoning regulations as appear of record or based upon the premises.

IN WITNESS WHEREOF, Grantors have hereunto subscribed their names to this instrument effective the first day of January, 2002.

GRANTORS:

Richard M. Hormaechea

RICHARD M. HORMAECHEA,
D/B/A DOUBLE R CATTLE COMPANY

Mary B. Hormaechea

MARY B. HORMAECHEA

SCANNED
DEC 18 2006

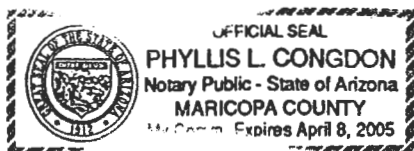
STATE OF ~~IDAHO~~ Arizona

SS.

COUNTY OF ~~ADA~~ Maricopa

On this 29 day of March, 2002, before me, the undersigned Notary Public in and for said State, personally appeared RICHARD M. HORMAECHEA, D/B/A DOUBLE R CATTLE COMPANY, and MARY B. HORMAECHEA, his wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same for the uses and purposes therein mentioned.

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



Phyllis L. Congdon
 NOTARY PUBLIC, State of ~~Idaho~~ Arizona
 Residing at: The Boulders
 Commission expires: April 8, 2005

SCANNED

DEC 18 2006

Idaho Department of Water Resources Receipt

Receipt ID C082843

Payment Amount Date Received Region Status

Payment Type Check Number

Payer Comment

Fee Detail

Amount Description

Fund FD PCA SO

\$25.00 OWNERSHIP CHANGES/SECURITY INTERESTS 0229 21 56140 1155



Signature Line (Dept. Representative)

RECEIVED

JUN 20 2003

WATER RESOURCES
WESTERN REGION

RECEIVED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

JUN 26 2003

WATER RESOURCES
WESTERN REGION

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
P.D.→ 67-11211	Entire Right	- Done 6/3-11-05	cc: W.A. 3-11-05		
67-2184	Part				
67-7811	Entire Right	- Done 6/3-11-05			

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) The Benedictine Monks of Idaho & See below**
541 East 100 South, Jerome, Idaho 83672
4. New Owner/Claimant(s) Seth Matthews - Matthews Sunnyside Feedlot
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 447 Riverdock Road
- City, State and ZIP Code Weiser, Idaho 83672
- New Telephone Number (208) 549-2515
5. Date you acquired the property January 29, 2001

SCANNED

APR 11 2005

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

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

For Office Use Only

Received by DH Date 6-20-03

Receipted by DH Date 6-26-03

Processed by _____ AJ Date _____

Fees \$25- For 67-11211 + \$25- For 67-09811

Receipt No. W030643

WR _____ Date _____

Do not change 67-02184

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Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

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

SCANNED

APR 11 2005

For Office Use Only

Received by *DH* Date *6-20-03* Fee *\$25- For 67-11211 + \$25- For 67-09811*
 Receipted by *DH* Date *6-26-03* Receipt No. *W030643*
 Processed by AJ Date WR Date

A. U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT SETTLEMENT STATEMENT		B. TYPE OF LOAN: 1. ☐ FHA 2. ☐ FmHA 3. ☐ CONV. UNINS. 4. ☐ VA 5. ☐ CONV. INS. 6. FILE NUMBER: 2001-010 7. LOAN NUMBER: _____ 8. MORTGAGE INS CASE NUMBER: _____	
C. NOTE: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "[POC]" were paid outside the closing; they are shown here for informational purposes and are not included in the totals. 1.0 3/98 (MATTHEWSMONKS.PFD/2001-010/4)			
D. NAME AND ADDRESS OF BORROWER: SETH M. MATTHEWS and KRISTI E. MATTHEWS 426 KRAUSE RAOD WEISER, ID 83672		E. NAME AND ADDRESS OF SELLER: THE BENEDICTINE MONKS OF IDAHO 541 EAST 100 SOUTH JEROME, ID 83338	
G. PROPERTY LOCATION: 447 & 462 RIVERDOCK ROAD WEISER, ID 83672 Washington County, Idaho		H. SETTLEMENT AGENT: Weiser Valley Title, Inc. PLACE OF SETTLEMENT 128 East Main Weiser, Idaho 83672	
I. SETTLEMENT DATE: January 29, 2001			

J. SUMMARY OF BORROWER'S TRANSACTION <table style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">100. GROSS AMOUNT DUE FROM BORROWER:</td> </tr> <tr> <td>101. Contract Sales Price</td> <td style="text-align: right;">341,000.00</td> </tr> <tr> <td>102. Personal Property</td> <td></td> </tr> <tr> <td>103. Settlement Charges to Borrower (Line 1400)</td> <td style="text-align: right;">227.00</td> </tr> <tr> <td>104.</td> <td></td> </tr> <tr> <td>105.</td> <td></td> </tr> <tr> <td colspan="2"><i>Adjustments For Items Paid By Seller in advance</i></td> </tr> <tr> <td>106. City/Town Taxes to</td> <td></td> </tr> <tr> <td>107. County Taxes to</td> <td></td> </tr> <tr> <td>108. Assessments to</td> <td></td> </tr> <tr> <td>109.</td> <td></td> </tr> <tr> <td>110.</td> <td></td> </tr> <tr> <td>111.</td> <td></td> </tr> <tr> <td>112.</td> <td></td> </tr> <tr> <td>120. GROSS AMOUNT DUE FROM BORROWER</td> <td style="text-align: right;">341,227.00</td> </tr> <tr> <td colspan="2">200. 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519.																																																																																																																																																																					
520. TOTAL REDUCTION AMOUNT DUE SELLER	313,350.04																																																																																																																																																																				
600. CASH AT SETTLEMENT TO/FROM SELLER:																																																																																																																																																																					
601. Gross Amount Due To Seller (Line 420)	341,000.00																																																																																																																																																																				
602. Less Reductions Due Seller (Line 520)	(313,350.04)																																																																																																																																																																				
603. CASH (X TO) (FROM) SELLER	27,649.96																																																																																																																																																																				

SCANNED

APR 11 2005

PROMISSORY NOTE

\$291,000.00

Weiser, Idaho
January 21, 2001

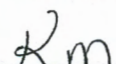
FOR VALUE RECEIVED, we promise to pay to the order of The Benedictine Monks of Idaho, Inc., a corporation, the sum of Two Hundred Ninety One Thousand Dollars (\$291,000), together with interest thereon at the rate of eight and one-half (8 ½%) percent per annum from the date hereof, payable as follows: \$2,500 due February 18, 2001, and like sum on the 18th day of each and every month thereafter until January 18, 2006, at which time the payments shall increase to \$3,000 per month to commence February 18, 2006, and like sum on the 18th day of each month thereafter, until January 18, 2011, at which time the entire balance of principal and accrued interest will become due.

If default be made in the payment of any of the several installments of principal or interest aforesaid, then the said principal, or the unpaid balance thereof, together with the interest accrued thereon, shall at the election of the legal holder hereof, and without notice of such election, become due and payable at once, and all costs and expenses of collection, with or without suit, including a reasonable attorney's fee, shall be added to and become a part of this indebtedness.

This note is secured by a mortgage on real estate in Washington County, Idaho, bearing even date herewith, duly recorded and is subject to all of the conditions and obligations in said mortgage contained.



SETH M. MATTHEWS



KRISTI E. MATTHEWS

SCANNED

APR 11 2005

EXHIBIT A

PARCEL 1

Beginning at a point 4 rods north of the northeast corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, Township 10 North, Range 5 West of the Boise Meridian; thence West 290 feet; Thence South 709 $\frac{1}{2}$ feet; thence East 290 feet; thence North 709 $\frac{1}{2}$ feet to the point of beginning. Including the exclusive use of the irrigation well now established just west of the west line of the above-described tract and approximately 200 feet north of the south boundary line of the N $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$; AND ALSO

PARCEL 2

The W $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, Township 10 North, Range 5 West of the Boise Meridian; EXCEPTING THEREFROM the following tract: #1

Beginning at the Southwest corner of Section 9, thence North 859.44 feet along the west line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 9;

Thence South 59°31'25" East 114.60 feet;

Thence South 35°53'49" East 609.64 feet;

Thence North 89°04'34" West 91.69 feet;

Thence South 5°17'51" East 311.17 feet to a point on the south line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Thence North 89°52'13" West 393.26 feet along the south line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ to the POINT OF BEGINNING;

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

EXCEPTING FURTHER THEREFROM the following tract: #2

Beginning at the Southwest corner of Section 9, Township 10 North, Range 5 West, Boise Meridian;

Thence South 89°52'13" East 393.26 feet along the South line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ to the True Point of Beginning;

Thence North 5°17'51" West - 311.17 feet;

Thence South 89°04'34" East - 91.69 feet;

Thence South 89°52'13" East parallel to the South line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 972.62 feet, more or less to the East line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Thence South along the East line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 308.6 feet to the Southeast corner of said SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Thence North 89°52'13" West along the South line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 1035.565 feet, more or less to the TRUE POINT OF BEGINNING.

Together with all water rights, licenses and permits appurtenant to the described real property.

SCANNED
APR 11 2005

Weiser Valley Title

TIME COLLECTION

NO. 2001-010

RECEIPT FOR DOCUMENTS

DATE: JANUARY XX 2001

Received From: THE BENEDICTINE MONKS OF IDAHO, INC.

FOR COLLECTION

ACCOUNT OF: SAME

SOCIAL SECURITY NUMBER OR TAX ID:

ADDRESS: 541 EAST 100 SOUTH, JEROME, ID 83338

PHONE:

PAYOR: SETH M. & KRISTI E. MATTHEWS

SOCIAL SECURITY NUMBER OF TAX ID:

ADDRESS: 426 KRAUSE ROAD, WEISER, ID 83672

PAPERS DEPOSITED: CONTRACT OF SALE; NOTE; MORTGAGE; SATIS OF MORT; MH TITLE

ORIGINAL AMOUNT \$ 291,000.00 PRESENT BALANCE DUE \$ 291,000.00

INT. RATE 8.5 % PER ANNUM FROM 01/29/01 ☒ INT. DED. FROM PYMT. ☐ INT. PAID IN ADD. TO PYMT.
INTEREST COMPUTED ON UNPAID BALANCE TO DATE OF EACH PAYMENT

DATE OF INSTRUMENT 1/29/01 TERMS:
\$2,500.00/MONTH BEGINNING 2/18/01 AND CONTINUING
UNTIL PAID IN FULL.

DISPOSITION OF FUNDS: ☐ CHECK A/C ☐ SAV. A/C ☐ REMIT

IT IS UNDERSTOOD AND AGREED BY THE DEPOSITOR THAT THE ESCROW HOLDER UNDER THIS AGREEMENT SHALL MERELY RECEIVE AND RECEIPT FOR THE PAYMENTS MADE AND SHALL MAKE NO EFFORT TOWARD COLLECTION OF ANY PAYMENTS FROM THE DEBTOR, BUT WILL CERTIFY AND FORWARD A DEFAULT NOTICE.

WEISER VALLEY TITLE

BY

COLLECTION FEE PAID BY:

☐ SELLER

☐ BUYER

☐ SPLIT

SPECIAL INSTRUCTIONS:

ASSUMABLE WITH SELLER'S WRITTEN CONSENT.

THE UNDERSIGNED DEPOSITOR(S), OR AGENT OF THE DEPOSITOR(S), HAS READ THE FOREGOING INSTRUCTIONS AND STATES THAT THEY ARE CORRECT TO THE BEST OF HIS KNOWLEDGE, AND AGREES AS FOLLOWS:

IN THE CONSIDERATION OF THE PREMISES AND THE CONSENT OF WEISER VALLEY TITLE TO ACT AS HOLDER OF THE TIME COLLECTION DEPOSITED HERewith SHALL RECEIVE COMPENSATION FOR ACTING AS COLLECTION

AGENT AN INITIAL FILING FEE OF \$ N/A AND AN ANNUAL COLLECTION CHARGE OF 1/10 OF 1% OF THE MONIES PAID ON SAID COLLECTION. THE MINIMUM CHARGE SHALL BE \$5.50 PER PAYMENT

and an ADDITIONAL MINIMUM CHARGE OF \$1.00 SHALL BE ALLOWED FOR EACH DIVISION OF EACH PAYMENT.

SIGNATURE THE BENEDICTINE MONKS OF IDAHO, INC.

BY:

Seth M. Matthews

SETH M. MATTHEWS

Kristie E. Matthews

KRISTIE E. MATTHEWS

- That you shall not be liable for any error or mistake in fact or in law in delivering or paying over said documents or property or any funds received hereunder or in determining whether ground therefor exists or the rights of the respective parties thereto, nor for any other act or omission whatever under this agreement or in connection herewith if done in good faith, excepting only your own willful misconduct;
- That you act hereunder as a depository only, and are not responsible or liable in any manner whatever for any act to be performed hereunder on the part of either the Grantor or the Grantee, or for any failure to perform by either, or for the sufficiency, correctness, genuineness or validity of any instrument deposited with you hereunder, or with respect to the form or execution of the same, or the identity, authority or rights of any person executing or depositing the same.
- That except as herein otherwise expressly provided, you shall be under no obligation whatever to give any notice concerning any payment or any default hereunder, or any other notice;
- That you shall not be liable in acting upon any notice, request, waiver, consent, receipt or other paper or document believed by you to be genuine and to be signed by the proper party or parties;
- That you shall not be answerable for the default or misconduct of any agent, attorney or employee appointed by you if such agent, attorney or employee shall have been selected with reasonable care;
- That you may advise with legal counsel with respect to the construction of the foregoing instructions, or your duties thereunder, and you shall not be liable in any respect for following such advice;
- The undersigned jointly and severally agree to pay all costs, expenses and/or attorney's fees you may incur hereunder, for all of which, together with your own compensation, you shall have, and are hereby granted, a first lien on the documents and property above described, and all funds coming into your hands hereunder, and you shall be under no obligation to deliver any of said documents, property, or funds until such lien has been paid and discharged, anything herein contained to the contrary notwithstanding.
- That, anything herein contained to the contrary notwithstanding, you are hereby expressly authorized and directed to disregard, in your sole discretion, any and all notices and warnings that may be given by any of the parties hereto, or by anyone else, excepting those for which express provision is herein made, and you are hereby expressly authorized to comply with and obey any and all orders, judgments and decrees of any court, made, filed, entered or issued, whether with or without jurisdiction; and in case you shall obey, or comply with any such order, judgment, or decree, you shall not be liable to any of the parties hereto, or to anyone else or otherwise by reason of any such compliance, notwithstanding the fact that any such order, judgment, or decree may be subsequently reversed, modified, annulled, set aside or vacated.

I) YOU ARE NOT LIABLE FOR COLLECTION OF NON-SUFFICIENT FUNDS CHECKS. BORROWER SHALL PAY

SCANNED

APR 11 2005

67-2184
Sunnyside Feedlot

10N 5W

 **Parcel 1 and
Exceptions**

 **Section Line**

QQ Line



0 0.06 0.12 Miles



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 23, 2003

SETH MATTHEWS
MATTHEWS SUNNYSIDE FEEDLOT
447 RIVERDOCK RD
WEISER ID 83672

RE: Notice of Change of Water Right Ownership No. 67-2184, 67-7811 & 67-11211

Dear Property Owner(s):

Enclosed is a copy of your Notice of Change of Water Right Ownership form that you recently submitted to our office. However, we cannot continue to process the ownership change without the appropriate filing fees and a signature. Effective July 1, 2000, there is a filing fee of \$25 *per water right*, in which the Partial Decree has been issued by the SRBA Court; or in which the water right is not currently pending in the SRBA. In this particular case, the fee applies to water right numbers 67-11211 and 67-7811.

Please submit the \$50 filing fee, and sign the back of the ownership change form, and we will be able to complete the ownership change. All other information submitted appears to be sufficient, and you will receive copies when the changes have been made.

Thank you for your patience and cooperation, as we have had several ownership changes to process. Feel free to contact our office if you have any questions concerning this letter.

Sincerely,

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region
(208) 334-2190

DH: dh

Enclosures

SCANNED
APR 11 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 18, 2005

SETH MATTHEWS
447 RIVERDOCK RD
WEISER ID 83672

RE: Snake River Basin Adjudication (SRBA)
Notice of Change in Water Right Ownership – #67-2184

Dear Claimants:

We are returning the Notice of Change in Water Right Ownership you submitted for your property in Washington County.

According to the evidence you submitted, neither the licensed nor claimed Place of Use are located on the lands you purchased.

Sincerely,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Technical Section

CLS:ss

Enclosure:

Notice of Change in Water Right Ownership

Memorandum

Date: March 21, 2005

To: Sally

From: Craig

Subject: No change of ownership for 67-02184 and letter of denial.

Ok Sally,

Long Story:

A change of ownership was submitted from Seth Matthews of Matthews Sunnyside Feedlot. I think there was confusion on his submittal as the two points of diversion under this right are also used for right 67-07811, or at least were whether it was legal or not. Rob Whitney sent them a letter stating that they better stop or they would get a notice of violation. Anyway, neither the licensed nor the claimed POU fall on any of Mr. Matthews land. BUT: Part of the land under this right is now owned by Champion Enterprises Inc. A change of ownership form needs to be filed by Champion Enterprises Inc, but we don't need to mess with that. I went ahead and recommended the claim under name listed on claim (Hormaechea, Richard).

Short Story for the letter:

If we could just put something together like; ***"IDWR has reviewed your submittal for change of owership for SRBA claim 67-02184. According to the evidence you submitted, this right is not applicable to the lands you purchased and therefore the ownership will not be changed by the department unless further evidence is received."***

That sounds crappy as I read through it, but maybe we could send something along those lines. I think you are better that it than me. Anyway, I don't think we need to go into the whole history of it, I can do that on the phone if they call back later.

Let me know if this is a problem. And thanks again.

You can give the file back to me. I already B-coded it to Drawer #3 (which is where I will be keeping claims where the recommendation is completed – FYI).

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SETH MATHEWS
SUNNYSIDE FEEDLOT
447 RIVERDOCK RD
WEISER ID 83672

2. Article Number
(Transfer from service label)

will cost
7099 3220-0006 2264-1502

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1035

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

Cindy Cleveland

C. Date of Delivery

8-6-03

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

This stack of papers is from the complaint file that Rob has. There's also a large map in Rob's file.

UNITED STATES POSTAL SERVICE

all
es Paid
10

RECEIVED
Please print name and address

AUG 07 2003

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

DB 8/04

08



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 67-07811

Priority: November 30, 1989

Maximum Diversion Rate:

1.50 CFS

Maximum Diversion Volume:

387.3 AF

This is to certify, that RICHARD M HORMAECHER
MARY B HORMAECHER

C/O RMH CO
PO BOX 6887
BOISE ID 83707

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 30, 1989; and has submitted Proof of Beneficial Use on April 13, 1990. An examination indicates that the works have a diversion capacity of 2.800 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	1.50 CFS	107.2 AF
COMMERCIAL	08/15 to 12/15	0.50 CFS	276.0 AF
COMMERCIAL STORAGE	01/01 to 12/31		3.5 AF
COMMERCIAL FROM STORAGE	08/15 to 12/15		3.5 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
DIVERSION TO STORAGE	01/01 to 12/31	1.00 CFS	
Totals		1.50 CFS	387.3 AF

LOCATION OF POINT(S) OF DIVERSION:

NESW, Sec. 9, Township 10N, Range 05W
NWSW, Sec. 9, Township 10N, Range 05W
WASHINGTON County

PLACE OF USE: STOCKWATER

TWN RGE SEC

10N 05W 9 NWSW

PLACE OF USE: COMMERCIAL

TWN RGE SEC

10N 05W 9 NWSW SWSW

PLACE OF USE: COMMERCIAL STORAGE

TWN RGE SEC

10N 05W 9 NWSW

PLACE OF USE: COMMERCIAL FROM STORAGE

TWN RGE SEC

10N 05W 9 NWSW SWSW

PLACE OF USE: DOMESTIC

TWN RGE SEC

10N 05W 9 NWSW

SCANNED

AUG 27 2003

Post-It Fax Note 7671

Date	1-12-01	# of pages	2
To	Rob Whitney	From	KAY
Co./Dep.	Western	Co.	
Phone #		Phone #	
Fax #		Fax #	

PAGE 2

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 67-07811

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Two points of diversion are located in each of the NESW and NWSW, S09, T10N, R05W.
6. Right 67-02184 is also diverted at the points of diversion described above.
7. Commercial use is for dust abatement.
8. Domestic use is for 1 office.
9. Stockwater use is for 8,000 range cattle.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 15TH
day of JANUARY, 1996.

Acting for

KARL J. DREHER, Director

JAN 25 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

August 4, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Seth Mathews
Sunnyside Feedlot
447 Riverdock Rd
Weiser ID 836772

RE: Use of Water For Feedlot

Dear Mr. Mathews:

Pursuant to our previous discussions regarding the use of wells at your Sunnyside feedlot and in response to complaints from neighbors of the feedlot, the Department of Water Resources (department) has reviewed the appurtenant water right files. After review of the files, it appears that the feedlot is using more wells to supply water to the feedlot than authorized by the appurtenant water rights.

Water right No. 67-07811 appears to be the primary right covering water use at your feedlot. As we discussed, this water right allows use from a total of four wells. Two of the authorized wells are located on property to the east of the feedlot, apparently owned by Champion Homes and two wells located on your feedlot. After meeting with you at the feedlot and locating the wells being used, it appears that there are two wells in use at the feedlot that are not authorized by a water right. These wells are specifically located in the NW1/4 of the SW1/4 of Section 9; one of these wells was drilled in July of 2002 by Dallas drilling as an exempt "Domestic" well. Since the use of water from this well is associated with the feedlot, the department concludes that it is not exempt and must be covered by a water right.

The department requires that Mathews Sunnyside Feedlot take the necessary steps to ensure that their water use is within the parameters authorized by their water rights.

As we have previously discussed, there may be several options to consider that will allow the feedlot to operate within the confines of their water rights. At this point, the feedlot may only use wells authorized by the existing water right and is required to discontinue using any unauthorized wells immediately.

Please respond to this office within 10 days of the date of this letter with a plan to bring the feedlot into compliance with respect to their use of water. The plan should include a description of the wells that will be disconnected from the water system or that will be abandoned and any application for water right or application for transfer that may be necessary if all of the existing wells are intended to be used. Failure to comply with these requirements may be cause for the department to issue a Notice of Violation and seek civil penalties.

This office will be happy to continue to assist you in addressing this situation and to resolve any problems associated with your use of the states water resources. Please contact me at this office for assistance.

Respectfully,

A handwritten signature in black ink, appearing to read "R.B. Whitney", written over the typed name.

R.B. Whitney
Sr. Water Resource Agent
Western Region

Cc: Spackman, Peppersack, Kathy Stone

MATTHEWS' SUNNYSIDE FEEDLOT

CUSTOM FEEDING
FROM START TO FINISH

Come See Us At:

447 Riverdock Road
Weiser, Idaho 83672

Owners:

Seth Matthews

FAX # (208) 549-2615

Phone: (208) 549-2615

Cell #: (208) 707-1266

October 28, 2003

Robert B. Whitney
Idaho Dept. of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED

OCT 30 2003

WATER RESOURCES
WESTERN REGION

Dear Robert,

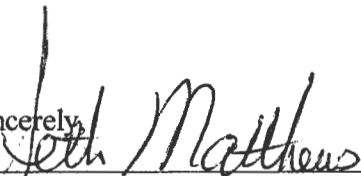
The partial number that had a well on it, the one we could not determine who or where, is owned by Mr Richard Hormachea. The property is the 60th acres located to the east of the feedlot. The property has been split and 20 acres was sold off. To my knowledge, the remaining 40 acres has 2 irrigation wells and 1 domestic well on it I do not know if the 20 acres that was sold had any wells on it. In 1992 the partial numbers were changed. I have included a copy of the changes/legals for that property. Let me know if I can be of help with this.

I am setting up a time to weld the casings and fill with dirt around the two wells we will no longer use. Once I have the times set, I will let you know in advance.

Could you please send me a copy of the waer right that states no water meters were required on these wells.

Thank-you in advance for your help in this natter.

Sincerely,


Seth Matthews

440 Clabby Rd

SUB - SYSTEM SUMMARY

TIME: 9:52:38

DATE: 5/15/1998

PARCEL #: RP 10N05W094800 A

1992

PROPERTY ADDRESS: 1433

SUNNYSIDE RD

83672

RP002389A

NAME: HORMAECHEA, RICHARD M

LEGAL: NESW N1/2SESW

TAX CODE: 05100

P O BOX 6887

S9T10R5

INSP YEAR: 1995

60 ACRES

MAP NO: 10N05WQ2

BOISE

ID 83707

PHOTO NO:

RURAL INVESTMENT LAND

CLASSIFICATION	QUANTITY	BASE VALUE	DOLLAR ADJ%	NET VALUE	MARKET VALUE	MKT VALUE
CAT LOC CLASS TYPE		PER ACRE	ADJS		PER ACRE	
01 SS 03	56.0	984.00				55,104
05 SS 03	2.0	23.20				46
10 SS 00	1.0	9,000.00				9,000
19 SS	1.0					
TOTAL QUANTITY CAT 1	56.000			TOTAL VALUE CAT 1		55,104
TOTAL QUANTITY CAT 5	2.000			TOTAL VALUE CAT 5		46
TOTAL QUANTITY CAT 10	1.000			TOTAL VALUE CAT 10		9,000
TOTAL QUANTITY CAT 19	1.000			TOTAL VALUE CAT 19		
**** TOTAL QUANTITY	60.000			**** TOTAL VALUE		64,150

RESIDENTIAL CHARACTERISTICS

USE CODE 3122	TENANT/1 STY/BS					
BASE COST	111,357 LCM 1.00	QUAL 1.00	MRKT .60	%COMP		66,814
GARAGE						
BASE COST	LCM 1.00	QUAL 1.00	MRKT 1.00	%COMP		
GARAGE						
BASE COST	LCM 1.00	QUAL 1.00	MRKT 1.00	%COMP		
OTHR IMP'S BASE COST	10,608					
SUMMARY SHT #	HOUSE	GARAGE/CARPORT	GARAGE/CARPORT	OTHER IMPRVMT	TOTALS	
001	66,814			6,895	73,709	
				TOTAL LAND VALUE		\$64,150
				TOTAL IMPROVEMENT VALUE		\$73,709
				TOTAL PARCEL VALUE		\$137,859

MATTHEWS' SUNNYSIDE FEEDLOT

CUSTOM FEEDING FROM START TO FINISH

Come See Us At:
447 Riverdock Road
Weiser, Idaho 83672

Owner:
Seth Matthews

FAX # (208) 549-2615

Phone: (208) 549-2615
Cell # (208) 707-1266

RECEIVED

SEP 10 2003

WATER RESOURCES
WESTERN REGION

September 8, 2003

R.B. Whitney
Sr. Water Resource Agent
Western Region

In reply to your letter of August 4, 2003, - I am not sure that the 4 wells covered by Water Right #67-07811, are located where you have stated.

There are a total of 6 wells located on the feedlot property. One of these wells is a hand dug well, not in use at this time. One is the well we had drilled in July 2002. One is located in the North East corner of the feedlot and is not presently being used. The last 3 are located on the West side of the feedlot, by the entrance, between the scale house and the feed bays. Only 1 of these last 3 wells is being used at this time.

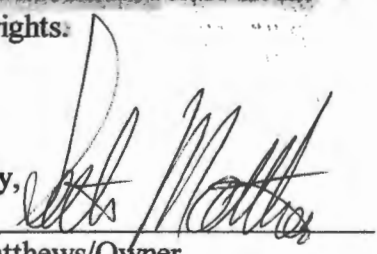
As I mentioned earlier, the well in the N. E. corner is NOT being used and has not been for several months. When this well was in use it was being pumped with a 10 HP pump. The only 2 wells in use in right now (the new well-July 02, & 1 by the entrance) have 1 HP pumps installed. As you can see, our water use is down considerably, MUCH less than when we were using the 10 HP pump by itself.

There are 2 wells located to the East of the Feedlot, on property owned by Mr. Richard Hormachea. One well is used for irrigation, the other has been abandoned for quite some time. To my knowledge the property now owned by Champion Home Builders (Redman Homes) has no irrigation wells.

Before a plan can be submitted, I think a clearer picture needs to be obtained as to which wells are under the current water right and why there are old established wells not shown under the water right.

I would like to meet with you again and try to find records that determine the exact location of wells listed under the water right and find out why some wells are not listed. Please let me know when we can set up a meeting to review the wells and water rights.

Sincerely,


Seth Matthews/Owner

July 9, 2003

To: Mr. Robert B. Whitney
Sr. Water Resource Agent
Idaho Department of Water Resources-Western Regional Office
2735 Airport Way
Boise, Idaho 83705-5082
Fax:334-2348

Dear Mr. Whitney,

I contacted you January 2, 2003 with concerns about water usage at Matthews Sunnyside Feedlot in Weiser, Idaho. In the context of a fax sent to you January 3, I requested to receive information on how the feedlot's water usage was measured. On March 14, 2003, I came to your Boise office. As you were not available, Mr. Howerton provided me with assistance. From that visit and information received from Idaho Department of Water Resource records, I understand that as a condition of the transference of water right 67-2184 on the 15th of August, 1972, "A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works". Further investigation of communications between your office and the parties concerned, show there were questions over two wells which had been established for irrigation use only, being diverted for feedlot stock water and dust abatement purposes. Accordingly, the modification for this claim was justified using Idaho Code Section 42_1416(2) and Idaho Code Section 42-1416A. The feedlot was gifted December 23, 1994 to Mt. Angel Abbey, which made the above land parcel with water right 67-2184, no longer a contiguous holding of the feedlot which would forfeit any water usage from the two irrigation wells located on the adjoining property retained by Mr. & Mrs. Hormaechea.

After Mr. & Mrs. Hormaechea purchased the real property to which Water Right No 67-02184 is appurtenant, the recorded communications go on to state, "Shortly thereafter, because of the adjacent location of the new parcel to the existing feedlot operation, the Hormaecheas connected the two wells on the new parcel to the feedlot stock water and dust abatement water system."

I am requesting information on the status of such connection of these wells to the Matthews Sunnyside Feedlot water system. Specifically I request to know if the terms of the transference were met with a water measuring device permanently attached and maintained as part of the diversion, if this connection of the two off site wells has been severed, the date of such severance and accompanying evidence that substantiates the determination of the same.

Thank you for your cooperation and assistance in this matter. Please reply to:

Kathy Stone
378 Krause Road
Weiser, Idaho
83672

Sincerely,

Kathy Stone

549-2517
-2316

Drilling Permit No. 872808-781871
Drilling Permit Tag No. D0025467
Water Right Permit No. 67-7811
Injection Permit NO. _____

copy

State of Idaho Department of Water Resources
APPLICATION FOR DRILLING PERMIT
(FOR THE CONSTRUCTION OF A WELL)

1. Owner (please print): Matthew Sunnyside Feedlot
2. Mailing Address: 447 Riverdock Rd
City: Weiser State: ID Zip Code: 83672 Telephone: 208-549-2611
3. Proposed Well Location: Twp: 10 N Rge: 5 W Sec: 9 W 1/2 1/4 SW 1/4
Gov't Lot No. _____ County: Washington Lat. _____ : _____ : _____ Long. _____ : _____ : _____
Street Address of Well Site: 447 Riverdock Rd City: Weiser
Lot, block and subdivision: _____
Give at least the name of Road and Distance to Road or Landmark

4. Proposed Use of Well:

☒ Domestic: The use of water for homes, organization camps, public campgrounds, livestock (1,000 head or less) and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

NON-DOMESTIC: ☐ Irrigation ☐ Municipal ☐ Industrial
☐ Stock ☐ Test ☐ Other _____
(Over 1,000 Head) (Describe)

☐ INJECTION

☐ MONITORING: A well bore schematic and map is required for each blanket permit.
Number of proposed wells: _____

5. Well Construction Information:

- A. ☒ New well ☐ Modify ☒ Replace
B. Proposed Casing Diameter 6" Proposed Maximum Depth 151'
C. Anticipated bottom hole temperature:
☒ 85°F or less ☐ 85°F to 212° ☐ 212° F or more
(Cold water well) (Low temp. geo. well) (Geothermal well)

6. Construction Start Date: 7-30-02

7. Anticipated Well Driller: Dallas Drilling Driller's Lic. No. 445
NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's Signature: Matthew Date: 7-28-02

Address (if different than owner): Same as above

City: _____ State: _____ Zip Code: _____ Telephone: _____

Title: Owner

(Owner, Firm Representative, Other)

RECEIVED

JUL 30 2002

WATER RESOURCES
WESTERN REGION

SCANNED

JUL 30 2002

ACTION OF THE DEPARTMENT OF WATER RESOURCE

This Permit is **APPROVED**

Date

7/30/02

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. **READ CAREFULLY!****GENERAL CONDITIONS:**

1. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well. All wells must be drilled a minimum distance of 100 feet from a drain field. Domestic and Public Water Supply wells must be drilled a minimum of 50 feet and 100 feet respectively from a septic tank.
3. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
4. Approval of this drilling permit does not authorize trespass on the land of another party.
5. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
6. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
7. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
8. Idaho Code, S 55-2201 – 55-2210 requires the applicant and/or his contractors to contact "Digline" (Digline is a one-call center for utility notification) not less than 2 working day prior to the start of any excavation for this project. The "Digline" number for your area is 1-800-342-1585.

SPECIFIC CONDITIONS:

The well being replaced shall be properly Abandoned



Signature of Authorized Department Representative

MANAGER
WESTERN REGIONAL OFFICE

Title

Presold Tag # 25467 \$75
 Receipt No. WD 31010 Received by KG Fee \$25 Date 10/9/03
\$200

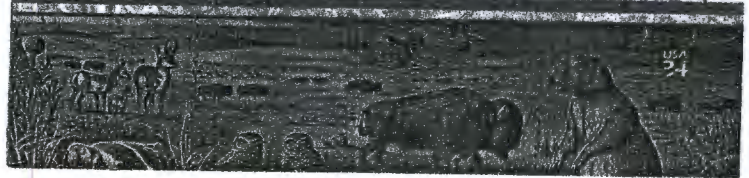
EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension expires: _____

Rob,

Seth says that
the whole feed lot
will not use over
(13,000 gpm) at this time.
I told him if his
feed lot starts doing
better he would
need a water right.
If possible I would
like to use the 7



for we bought
for the Sweet
Job on this Well
- Thanks -
Stephanie

Idaho Department of Water Resources Receipt

Receipt ID W029490

Payment Amount Date Received Region Status
Payment Type Check Number

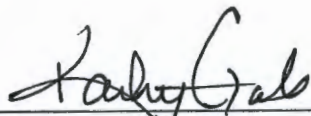
Payer
Comment

Mathews Sunny Side Feed Lot

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$75.00	DRILLING PERMITS	0229	21	62134	1205

*I can't change
the receipt
because it has
been deposited
JF 7/9*


Signature Line (Dept. Representative)

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only
Inspected by _____
Twp _____ Rge _____ Sec _____
_____ 1/4 _____ 1/4 _____ 1/4
Lat: _____ Long: _____

1 WELL TAG NO. D D0025467

DRILLING PERMIT NO. _____
Other IDWR No. 872808-791971

2. OWNER:
Name Matthews Sunnyside Feedlot
Address 447 Riverdock Rd
City Weyler State Id Zip 83672

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.



Twp. 10 North ☒ or South ☐
 Rge. 5 East ☐ or West ☒
 Sec. 9 1/4 NW 1/4 SW 1/4
 Gov't Lot _____ 10 acres 40 acres 160 acres
 County Washington
 Lat. : : Long. : :
 Address of Well Site 447 Riverdale
 City Weiser

Lt. _____ Blk. _____ Sub. Name _____

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other stock

5. TYPE OF WORK check all that apply (Replacement etc.)
☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☐ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
Bentonite	0	20	450	Temp Casing

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 45
Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6	0	45	250	Steel	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

X Perforations Method Down hole
Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Lines
31	41	1x18	300	6	Steel	☒	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

20 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or
control devices: _____

11. WELL TESTS:

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
30		45	2hr

Water Temp. 101° Bottom hole temp. _____

Water Quality test or comments: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Depth first Water Encounter

[illegible]

Completed Depth 150 (Measurable)
Date: Started 8-01-02 Completed 8-6-02

13. DRILLER'S CERTIFICATION

1/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Dallas Bulling Firm No. 495

Firm Official A. J. DM Date _____

and *[Signature]*

Driller or Operator _____ Date _____

(Sign once if Firm Official & Operator)



10N SW S. Sec 9

SW⁴

4 wells in NW SW
1 well SW SW

Sec. 8 NE⁴ SE⁴
2 wells (Dom)

63 on other Property

NE SW 9 2 wells

change owp

✓

01/07/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-7811

WATER RIGHT NUMBER: 67-7811

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARY B HORMAECHEA C/O RMH CO PO BOX 6887 BOISE, ID 83707 (208)336-2200
Current Owner	RICHARD M HORMAECHEA C/O RMH CO PO BOX 6887 BOISE, ID 83707 (208)336-2200

Priority Date: 11/30/1989

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL FROM STORAGE	3/15 to 12/15		3.50 AF
DOMESTIC ✓	1/01 to 12/31	0.040 CFS	0.60 AF
COMMERCIAL	3/15 to 12/15	0.500 CFS	276.00 AF
COMMERCIAL STORAGE	1/01 to 12/31		3.50 AF
STOCKWATER	1/01 to 12/31	1.500 CFS	107.20 AF
DIVERSION TO STORAGE	1/01 to 12/31	1.000 CFS	
<u>Total Diversion:</u>		1.500 CFS	387.30 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4	Sec. 9, Twp 10N, Rge 05W, B.M.
WASHINGTON County		
GROUND WATER	NE1/4SW1/4	Sec. 9, Twp 10N, Rge 05W, B.M.
WASHINGTON County		

2 wells OK

2 wells OK

Place of Use

COMMERCIAL FROM STORAGE Fresh water in NW SW

Twp	Rge	Sec	NE				NW				SW		SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
10N	05W	9										X	X				

DOMESTIC

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-7811

Twp	Rge	Sec	NE				NW				SW				SE				Totals
10N	05W	9	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
											X								

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
10N	05W	9	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
											X	X							

COMMERCIAL STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
10N	05W	9	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
											X								

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
10N	05W	9	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
											X	X							

DIVERSION TO STORAGE same as STOCKWATERConditions of Approval:Remarks:

- General Two points of diversion are located in each of the NESW and NWSW, S09, T10N, R05W. Right 67-02184 is also diverted at the points of diversion described above.
Commercial use is for dust abatement.
Domestic use is for 1 office.
Stockwater use is for 8,000 range cattle.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 67-7811

Dates and Other Information:

Licensed Date: 1/15/1996
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector: AND
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

WR0749NP
No. 67-07811

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/01/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARY B. HORMAECHEA	11/30/1989	STOCKWATER	01-01 12-31	1.500 CFS	
C	RICHARD M. HORMAECHEA		COMMERCIAL	03-15 12-15	0.540 CFS	
			COMMERCIAL	12-16 03-14	0.040 CFS	
			COMMERCIAL STORAGE	01-01 12-31		3.50 AFA
			COMMERCIAL FROM STORAGE	03-15 12-15		3.50 AFA
			DIVERSION TO STORAGE	01-01 12-31	1.000 CFS	
TOTAL DIVERSION:					1.500 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T10N R05W S09 NESW NWSW WASHINGTON County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
10N	05W	9	:											S	S					:

Place of use location for COMMERCIAL is the same location as described for: STOCKWATER

Place of use location for COMMERCIAL is the same location as described for: STOCKWATER

Place of use location for COMMERCIAL FROM STORAGE is the same location as described for: STOCKWATER

Pou County: WASHINGTON

Other Rights: 67-02184

Other Water Rights Listing Overlapping Place(s) of use:
67-02293 67-04425

Conditions of Approval:

- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 01G - Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Remarks: Two points of diversion in each NESW & NWSW, S9, T10N, R5W.

Dates: App. Received: 11/30/1989 Priority Date: 11/30/1989
Proof Due Date: 04/01/1991 Proof Made Date: 04/13/1990
Exam Made Date: 07/29/1991 Exam Sent to S.O.:

WR0749NP
No. 67-07811

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/01/95
PAGE: 2

=====

Misc:	Water District Number:	Field Exam Fee: R (Received)
Audit:	12/13/89 GARRETT	12/21/89 CURTIS
	03/15/90 CURTIS	07/20/90 CURTIS
		03/07/90 CURTIS
		08/12/91 GARRETT
		03/13/90 CURTIS

State of Idaho

License and Certificate of Water Right

Water License No. 20243

Amount One second foot

Water District No. _____

Priority December 29, 1947

THIS IS TO CERTIFY that JOSEPH T. HARRER of Weiser, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 29, 1947, that Permit No. 20243 was issued under said application; that Certificate of Completion of works, with a carrying capacity of one second foot, was issued thereunder on September 28, 1948, showing that said works were completed on the 25th day of September, 1948; and that on the 7th day of July, 1949,

JOSEPH T. HARRER

of Weiser, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of subterranean flow from a well, situated, for the purpose of irrigation,

under Use Permit No. 20243 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 4653, on the 15th day of December, 1950;

The right hereby confirmed dates from December 29, 1947;

The Point of Diversion is located in the NE 1/4 SW 1/4, Sec. 9, Tp. 10 N., R. 5 W., B. M. Washington 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 one cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
10 N.	5 W.	9	<u>NE 1/4 SW 1/4</u>	<u>40</u>	<u>38</u>
			<u>N 1/2 SE 1/4 SW 1/4</u>	<u>20</u>	<u>20</u>
			Number of Acres Actually Irrigated	- -	<u>58</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

15th day of December, 1950.

MARK R. KULP

State Reclamation Engineer

(SEAL)

6. 2161

Change OWP

?

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-11211

WATER RIGHT NUMBER: 67-11211

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	SCOTT L CAMPBELL MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208) 345-2000
Current Owner	RICHARD M HORMAECHEA RMH CO PO BOX 6887 BOISE, ID 83707 (208)336-2200
Current Owner	MARY B HORMAECHEA RMH CO PO BOX 6887 BOISE, ID 83707 (208)336-2200

Priority Date: 05/05/1960

Basis: Decreed

Status: Active

SRBA completed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01	to 12/31	0.040 CFS	
STOCKWATER	1/01	to 12/31	0.020 CFS	
	<u>Total Diversion:</u>		0.060 CFS	

Location of Point(s) of Diversion

GROUND WATER

WASHINGTON County

SW1/4SW1/4

Sec. 9, Twp 10N, Rge 05W, B.M.

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	05W	9											X						

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	05W	9											X						

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-11211

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

Remarks:

1. Explanatory STOCKWATER, 10 RANGE CATTLE OR HORSES PARCEL NO. RP 002389A PROPERTY ALSO KNOWN AS 440 CLABBY RD.

Comments:

1. DBUFFING 5/13/1999 PROPERTY AKA ADDRESS
Comment: CORRECTED "AKA" ADDRESS PER CLAIMANT NOTIFICATION.

Dates and Other Information:

Licensed Date:
Decreed Date: 12/15/2000
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 67-07811

Priority: November 30, 1989

Maximum Diversion Rate:

1.50 CFS

Maximum Diversion Volume:

387.3 AF

This is to certify, that RICHARD M HORMAECHEA
MARY B HORMAECHEA

C/O RMH CO
PO BOX 6887
BOISE ID 83707

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 30, 1989; and has submitted Proof of Beneficial Use on April 13, 1990. An examination indicates that the works have a diversion capacity of 2.800 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	1.50 CFS	107.2 AF
COMMERCIAL	03/15 to 12/15	0.50 CFS	276.0 AF
COMMERCIAL STORAGE	01/01 to 12/31		3.5 AF
COMMERCIAL FROM STORAGE	03/15 to 12/15		3.5 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
DIVERSION TO STORAGE	01/01 to 12/31	1.00 CFS	
Totals		1.50 CFS	387.3 AF

LOCATION OF POINT(S) OF DIVERSION:

NESW, Sec. 9, Township 10N, Range 05W
NWSW, Sec. 9, Township 10N, Range 05W
WASHINGTON County

PLACE OF USE: STOCKWATER
TWN RGE SEC
10N 05W 9 NWSW SWSW

PLACE OF USE: COMMERCIAL
TWN RGE SEC
10N 05W 9 NWSW SWSW

PLACE OF USE: COMMERCIAL STORAGE
TWN RGE SEC
10N 05W 9 NWSW

PLACE OF USE: COMMERCIAL FROM STORAGE
TWN RGE SEC
10N 05W 9 NWSW SWSW

PLACE OF USE: DOMESTIC
TWN RGE SEC
10N 05W 9 NWSW

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 67-07811

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Two points of diversion are located in each of the NESW and NWSW, S09, T10N, R05W.
6. Right 67-02184 is also diverted at the points of diversion described above.
7. Commercial use is for dust abatement.
8. Domestic use is for 1 office.
9. Stockwater use is for 8,000 range cattle.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 15TH day of JANUARY, 1996.

Acting for

KARL J. DREHER, Director

RECEIVED

MAR 30 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

Department of Water Resources
Western Regional Office

NO. 67-07811

Proposed Priority: November 30, 1989 Maximum Diversion Rate: 1.50 CFS

This is to certify, that MARY B. HORMAECHEA
RICHARD M. HORMAECHEA
C/O RMH CO.
P.O. BOX 6887
BOISE, ID 83707

has applied for a permit to appropriate water from: GROUNDWATER
and a permit is APPROVED for development of water as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
STOCKWATER	01/01 to 12/31	1.50 CFS	
COMMERCIAL	03/15 to 12/15	0.54 CFS	
COMMERCIAL	12/16 to 03/14	0.04 CFS	
COMMERCIAL STORAGE	01/01 to 12/31		3.5 AF
COMMERCIAL FROM STORAGE	03/15 to 12/15		3.5 AF
DIVERSION TO STORAGE	01/01 to 12/31	1.00 CFS	
Totals		1.50 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NWSW Sec. 9, Township 10N, Range 05W
NESW Sec. 9, Township 10N, Range 05W
WASHINGTON County

PLACE OF USE: STOCKWATER

TWN RGE SEC

10N 05W 9 NWSW SWSW

PLACE OF USE: COMMERCIAL, same as STOCKWATER use
PLACE OF USE: COMMERCIAL, same as STOCKWATER use
PLACE OF USE: COMMERCIAL STORAGE, same as STOCKWATER use
PLACE OF USE: COMMERCIAL FROM STORAGE, same as STOCKWATER use
PLACE OF USE: DIVERSION TO STORAGE, same as STOCKWATER use

CONDITIONS/REMARKS:

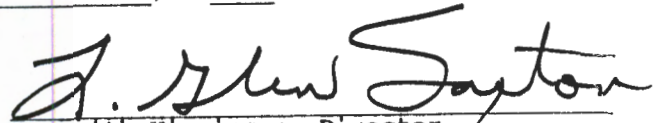
1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1991.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Two points of diversion in each NESW & NWSW, S9, T10N, R5W.

Permit To Appropriate Water

NO. 67-07811

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

23rd day of March, 1990.


R. Keith Higginson, Director

for

Revised application per information provided by applicants' attorney, Scott Campbell, during 11/28/89 office visit and telephone 11/30/89

Form 202
6/85

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 67-07811
JL 12/1/89

To appropriate the public waters of the State of Idaho

1. Name of applicant Richard M. &/or Mary B. Hormaechea Phone 336-2200
Post office address 90 RMH Company P.O. Box 6887 Boise, ID. 83707

2. Source of water supply groundwater which is a tributary of _____

3. Location of point of diversion is _____ 1/4 of NE 1/4 of SW 1/4, Govt. Lot _____
Sec. 9 Township 10 N Range 5 W B.M. Washington County; additional
points of diversion if any: NWSW, S. 9, T10N, R5W

4. Water will be used for the following purposes: *

4
cont.
below

Amount 1.00 for Diversion to storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1.50 for Stockwater purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .54 for Commercial purposes from 3/15 to 12/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .04 for Commercial purposes from 12/16 to 3/14 (both dates inclusive)
(cfs or acre-feet per annum)

} explain
in
corr.
memo
of 11/30/89

5. Total quantity to be appropriated is (a) 1.50 and/or (b) 3.5
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. See Exhibit A. The pond is constantly refilling for dust control. 4 wells constructed prior to 7/87. Existing system.
[DATA ENTRY: 4 wells, pumps, pipelines, storage pond]

b. Height of storage dam N/A excavated pond feet; active reservoir capacity 3.5 acre-feet; total
reservoir capacity 3.5 acre-feet; period of year when water will be diverted to storage:
1/1 to 12/31 inclusive.

c. Proposed well diameter is 15 inches; proposed depth of well is 35 feet.

d. Is ground water with a temperature of greater than 90°F being sought? NO

7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

ITEM 4 continued

3.5 af Commercial storage 1/1-12/31
3.5 af Commercial farm storage 3/15-12/15

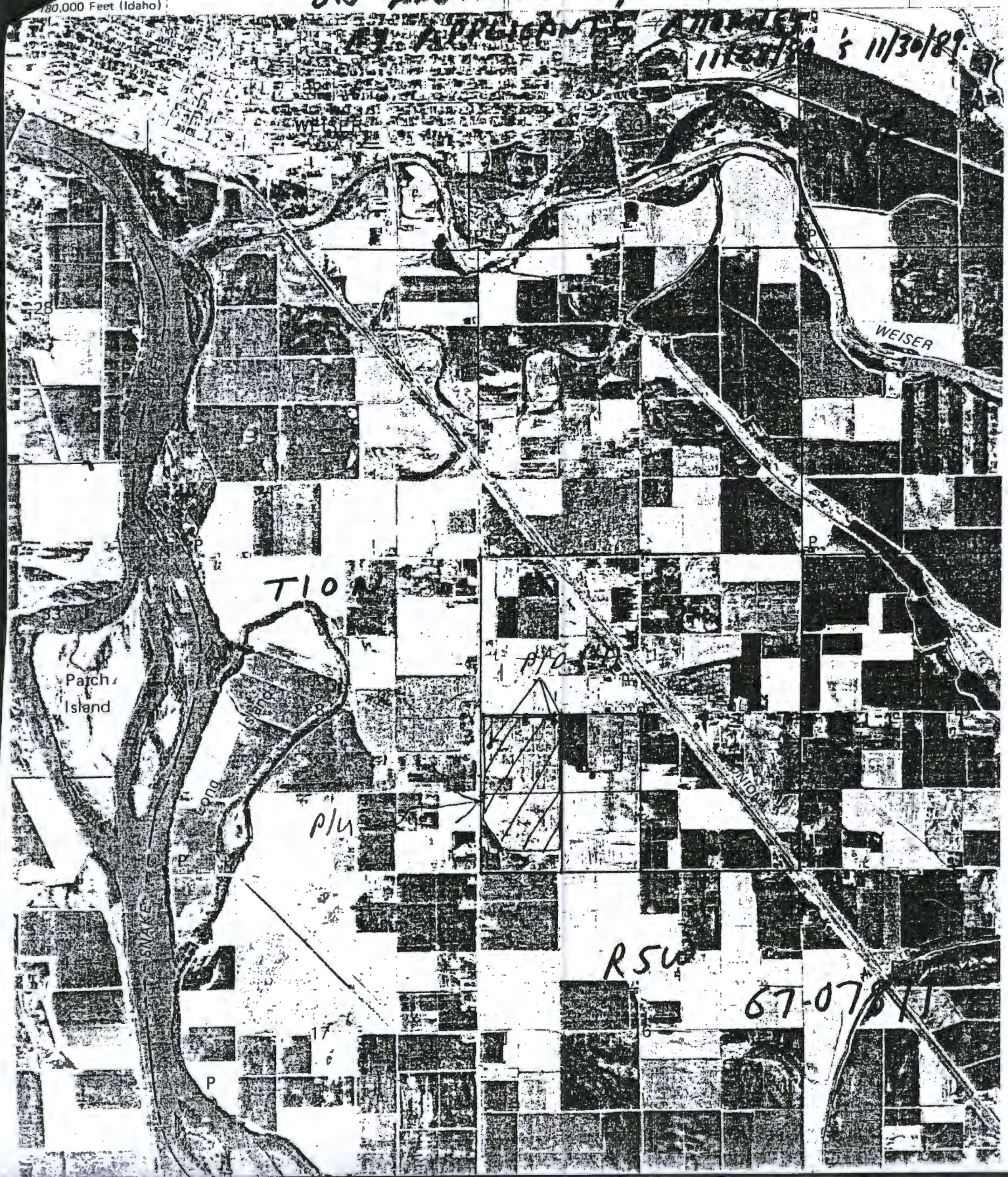
*NOTE

originally, appl. for .50 cfs and 150 af (storage incorrectly described, should have been 3.5 af), increased to 1.50 cfs & 3.5 af (revision) per letter of 11/30/89.

Map prepared 12/1/89 BASED
ON ADDITIONAL INFO SUPPLIED

~~R5V~~

APPLICANT'S ATTORNEY
11/28/89 & 11/30/89



15.
by D.K. Date 10/31/89 Time 3:00 pm Preliminary check by AL
Fee \$ 65.00 Received by D.K. # C012291 Date 10-17-89
Publication prepared by GG Date 12-13-89 Published in Weiser Signal
Publication approved SS Date 2/12/90 12/21 & 12/28/89

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

447 Riverdock 2
Complain + Weiser 83672

Sunnyside Feed lot
Weiser

Seth Mathews

707-1266

OFF 549-2615

707-2615 Brian

1:00p

Sunny Side Accross River
Dock

January 2, 2003

To: Mr. Robert B. Whitney

Sr. Water Resource Agent

Idaho Department of Water Resources-Western Regional Office

2735 Airport Way

Boise, Idaho 83705-5082

Fax: 334-2348

Dear Mr. Whitney,

In a consultation with you today, my husband voiced concerns about ground water quality and availability in our area. Specifically he voiced concerns we and other neighbors in our area have about Matthews Sunnyside Feedlot using so much water from our aquifer as to create a shortage to the other domestic wells located in the vicinity.

We are questioning how much water the feedlot is entitled to for daily use. A figure of 13,000 gallons per day was quoted to my husband, and it was stipulated that it did not matter if the 13,000 gallons came from one well or a dozen. From county records, unless some of them have been abandoned, as of 1980 the feedlot had three wells. This past summer according to IDWR records, the feedlot drilled an additional well. For my benefit I am requesting confirmation, is this 13,000 gallon quote accurate for total daily use of ground water by Matthews Sunnyside Feedlot? In addition I am desirous to receive information on how feedlot water usage is measured to insure this operation does not exceed its permitted amount?

The method used for watering animals at the feedlot has been stated in county records as continuous flow. A cistern located on the north side of the feedlot, next to a wastewater holding pond, appears to receive the overflow from the troughs and diverts it to an underground pipeline to the Snake River. This pipeline services the industrial area in which the feedlot is located, draining parking areas from other businesses. Even on days when there is no precipitation, observing this drain pipe through one of the manhole covers shows water running a continuous flow about 20" wide and approximately 3" deep, alleged to be the overflow waters from the feedlot troughs. Observing the cistern from Sunnyside Road, one can hear the water flowing into the drainpipe continuously. We, and this reference to "we", is translated to mean myself and others in our neighborhood who are questioning the feedlot's water practices, would like to have your department investigate water usage at this feedlot location. In addition we request that should any future well development or ground water right application on this site be instigated, be prohibited in favor of our already existing rights to ground water usage. As stated by yourself, there is a limited availability of ground water in this area and we wish to assert our rights to first claim.

I am also forwarding to you with this request for investigation into water usage of Matthews Sunnyside Feedlot, a legal description of the property obtained from Washington County records and a map with the feedlot location depicted.

Please send me a written report as to the subsequent findings or determination of this request. I should like to have anonymity and my personal information withheld from public disclosure if allowed by law. I know under the FOIA, many times citizens can request public agencies to honor this request. Thank you.

Sincerely,

Kathy Stone

378 Krause Road

Weiser, Idaho 83672

Phone: 549-2316

Member-Neighbors of Matthews Sunnyside Feedlot

Fax Cover Sheet

Send to: Robert Whitney Sr. Water Resource Agent IDWR- Western Regional Office	From: Kathy Stone Member- Neighbors of Matthews Sunnyside Feedlot
Attention:	Date: January 3, 2003
Office Location:	Office Location:
Fax Number: 208-334-2348	Phone Number: 208-549-2517

Total pages, including cover: Four

181797

EXHIBIT "A"

FILE NO.:100-01-7913

Beginning at a point 4 rods north of the northeast corner of the NE1/4SE1/4 of Section 8, Township 10 North, Range 5 West of the Boise Meridian; thence West 290 feet; thence South 709 $\frac{1}{2}$ feet; thence East 290 feet; thence North 709 $\frac{1}{2}$ feet to the point of beginning. Including the exclusive use of the irrigation well now established just west of the west line of the above described tract and approximately 200 feet north of the south boundary line of the N1/2NE1/4SE1/4;

AND ALSO

The W1/2SW1/4 of Section 9, Township 10 North, Range 5 West of the Boise Meridian; EXCEPTING THEREFROM the following tract:

Beginning at the Southwest corner of Section 9, thence North 859.44 feet along the west line of the SW1/4SW1/4 of said Section 9;
Thence South 59°31'25" East 114.60 feet;
Thence South 35°53'49" East 609.64 feet;
Thence North 89°04'34" West 91.69 feet;
Thence South 5°17'51" East 311.17 feet to a point on the south line of said SW1/4SW1/4;
Thence North 89°52'13" West 393.26 feet along the south line of said SW1/4SW1/4 to the POINT OF BEGINNING;

EXCEPTING FURTHER THEREFROM the following tract:

Beginning at the Southwest corner of Section 9, Township 10 North, Range 5 West, Boise Meridian;
Thence South 89°52'13" East 393.26 feet along the South line of said SW1/4SW1/4 to the True Point of Beginning;
Thence North 5°17'51" West - 311.17 feet;
Thence South 89°04'34" East - 91.69 feet;
Thence South 89°52'13" East parallel to the South line of said SW1/4SW1/4 a distance of 972.62 feet, more or less to the East line of said SW1/4SW1/4;
Thence South along the East line of said SW1/4SW1/4 a distance of 308.6 feet to the Southeast corner of said SW1/4SW1/4;
Thence North 89°52'13" West along the South line of said SW1/4SW1/4 a distance of 1035.565 feet, more or less to the TRUE POINT OF BEGINNING.

Together with all water rights, licenses and permits appurtenant to the described real property.

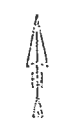
WASHINGTON COUNTY
IDAHO

TO THE LAND OWNER OR OWNER'S ATTORNEY
FOR THE PURPOSE OF RECORDING THIS
DEED, THE FOLLOWING IS A TRUE AND
CORRECT COPY OF THE DEED AS
FILED IN THE PUBLIC RECORDS OF
WASHINGTON COUNTY, IDAHO.

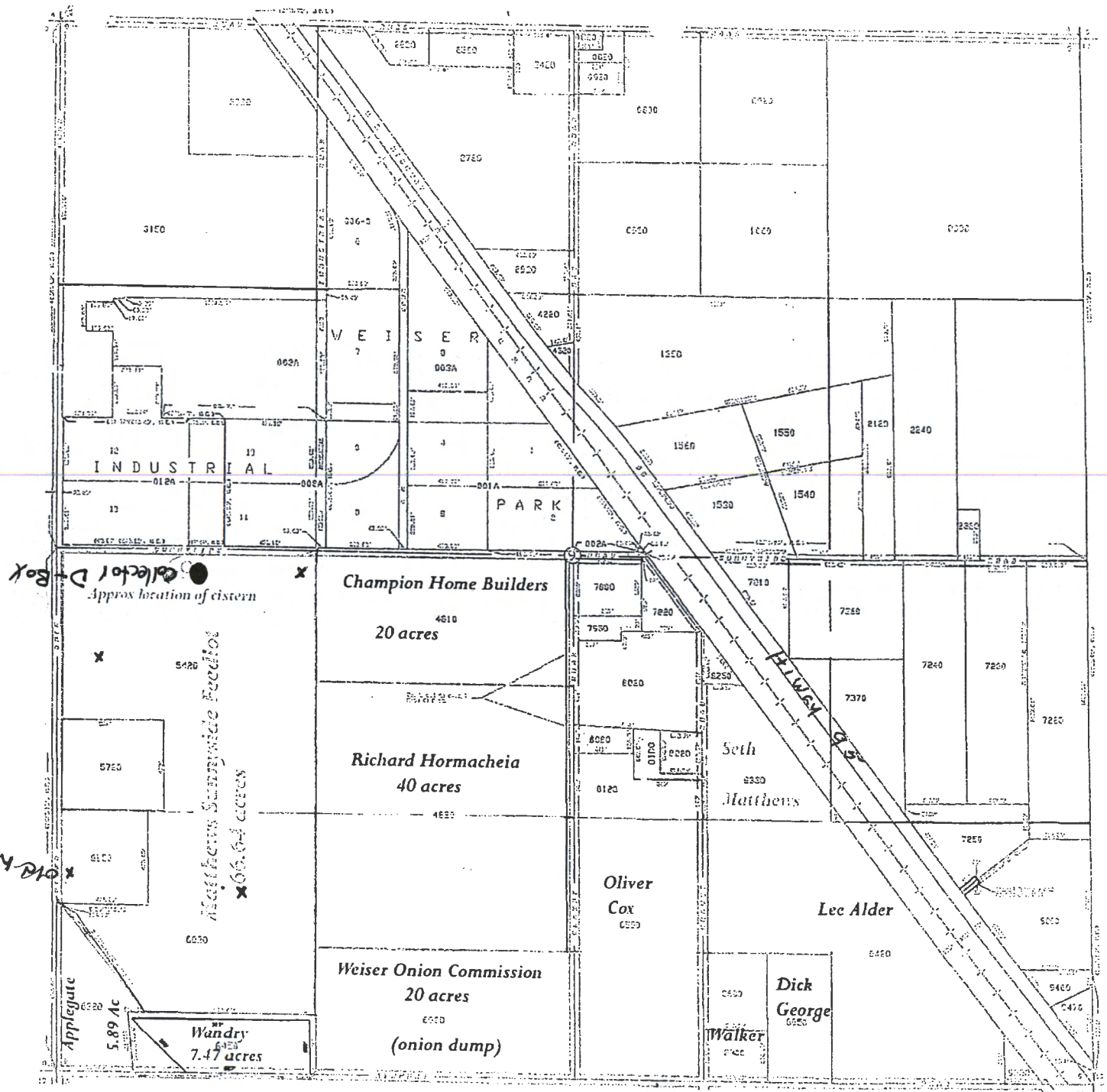


1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31	32	33	34	35

1. THE FOLLOWING IS A TRUE AND
CORRECT COPY OF THE DEED AS
FILED IN THE PUBLIC RECORDS OF
WASHINGTON COUNTY, IDAHO.



SECTION 9,
T. 10N., R. 5W., D. M.
INCLUDING WEISER INDUSTRIAL WITH
VILL. PARK ADJACENT



Acres # 72 acres

pens # ≈ 55

Cattle # ≈ 1000 in Summer
4000 winter

3 wells used

1 shallow Hand dug

3 pumps tied into Same System 1 ea 10hp 2hp
Continuous

overflow to river in winter

Summer to pond For Dust Control

Domestic

208
628 4006
Don Vid Dean

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-2184

WATER RIGHT NUMBER: 67-2184

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RICHARD M HORMAECHEA C/O RMH CO PO BOX 6887 BOISE, ID 83707 (208)336-2200
Original Owner	JOSEPH T HARRER RT #3 WEISER, ID
Current Owner	MARY B HORMAECHEA C/O RMH CO PO BOX 6887 BOISE, ID 83707 (208)336-2200
Attorney	SCOTT L CAMPBELL MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208) 345-2000

Priority Date: 12/29/1947

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.00 CFS	
COMMERCIAL FROM STORAGE	3/15 to 12/15		3.45 AF
COMMERCIAL STORAGE	1/01 to 12/31		3.45 AF
STOCKWATER	1/01 to 12/31	1.00 CFS	
DIVERSION TO STORAGE	1/01 to 12/31	0.50 CFS	
<u>Total Diversion:</u>		1.00 CFS	

Location of Point(s) of Diversion

GROUND WATER

WASHINGTON County

NE1/4SW1/4

Sec. 9, Twp 10N, Rge 05W, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
10N	05W	9	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	58.0
				38.0	20.0		

Total Acres: 58

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-2184

Total Acres: 58

COMMERCIAL FROM STORAGE same as IRRIGATIONCOMMERCIAL STORAGE same as IRRIGATIONSTOCKWATER same as IRRIGATIONDIVERSION TO STORAGE same as IRRIGATIONConditions of Approval:Remarks:

1. General

TWO POINTS OF DIVERSION IN NE OF SW, SEC. 9, TWP. 10 N., RGE. 5 W. FOUR WELLS LOCATED ON THE PROPERTY ARE THE WATER SOURCES FOR AN INTERCONNECTED SYSTEM WHICH PROVIDES STOCKWATER TO APPROXIMATELY 8000 HEAD OF BEEF CATTLE AND DUST ABATEMENT FOR THE 60-ACRE FEEDLOT. THE TWO WELLS UNDER THIS WATER RIGHT ALSO PROVIDE WATER FOR 58 ACRES OF FARMLAND.

| EXHIBIT A WELL NO. 1 IS APPROXIMATELY 35 FEET DEEP, 15-INCH DIAMETER CASING 20 HP TURBINE PUMP WITH 6-INCH DIAMETER DISCHARGE LINE. WELL NO. 2 IS APPROXIMATELY 34 FEET DEEP, 12-INCH DIAMETER CASING, 5 HP SUBMERSIBLE PUMP WITH A 4-INCH DIAMETER DISCHARGE LINE. WELL NO. 2 IS CONNECTED TO WELL NO. 1. THE DISCHARGE LINE FROM WELL NO. 1 IS CONNECTED TO A STOCKWATER DISTRIBUTION SYSTEM (DESCRIBED BELOW) AND A 5-INCH DIAMETER MAINLINE IRRIGATION PIPE. THIS MAINLINE HAS TWO WHEEL LINES CONNECTED TO IT WITH 24 SPRINKLERS ON EACH LINE.

STOCKWATER SYSTEM: WELL NO. 1 AND WELL NO. 2 ARE CONNECTED TO A STOCKWATER SYSTEM WHICH HAS TWO ADDITIONAL WELLS CONTRIBUTING TO IT. THESE WELLS ARE BOTH LOCATED IN THE NW1/4 OF SW1/4 OF SECTION 9, TWP. 10 N., RGE. 5 W. THE FOUR WELLS ARE CONNECTED TO A SERIES OF FIFTY 100-GALLON CAPACITY WATERING TROUGHS BY A 2-INCH DIAMETER PIPELINE. THE SYSTEM IS A CONTINUOUS SYSTEM.

THE CONTINUOUS FLOW IS NECESSARY TO HELP PREVENT FREEZE-UP DURING THE WINTER MONTHS.

EACH WATER TROUGH HAS A 4-INCH DIAMETER OVERFLOW DISCHARGE PIPE. THE OVERFLOW WATER IS CONVEYED TO A HOLDING POND, APPROXIMATELY 3.45 ACRE FEET IN CAPACITY. WATER IS WITHDRAWN FROM THE POND FOR DUST CONTROL OVER THE 60-ACRE FEEDLOT. WATER IS PUMPED FROM THE POND TO A WATER TRUCK WHICH SPRINKLES THE FEEDLOT. WATER IS PUMPED TO A "BIG SQUIRT" SPRINKLER, WHICH IS A MOBILE SYSTEM CONNECTED TO A 40 HP PUMP IN THE POND WITH A 6-INCH DIAMETER DISCHARGE LINE.

UP TO 1.0 ACRE FOOT OF WATER IS WITHDRAWN EVERY 24 HOURS FROM MARCH 15 TO DECEMBER 15 FOR DUST ABATEMENT USE. WHILE THE TOTAL VOLUME CAPACITY OF THE STORAGE POND IS 3.45 ACRE FEET, THE POND IS REFILLED CONSTANTLY.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-2184

Dates and Other Information:

Claim Received Date: 10/17/1989

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: AND

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

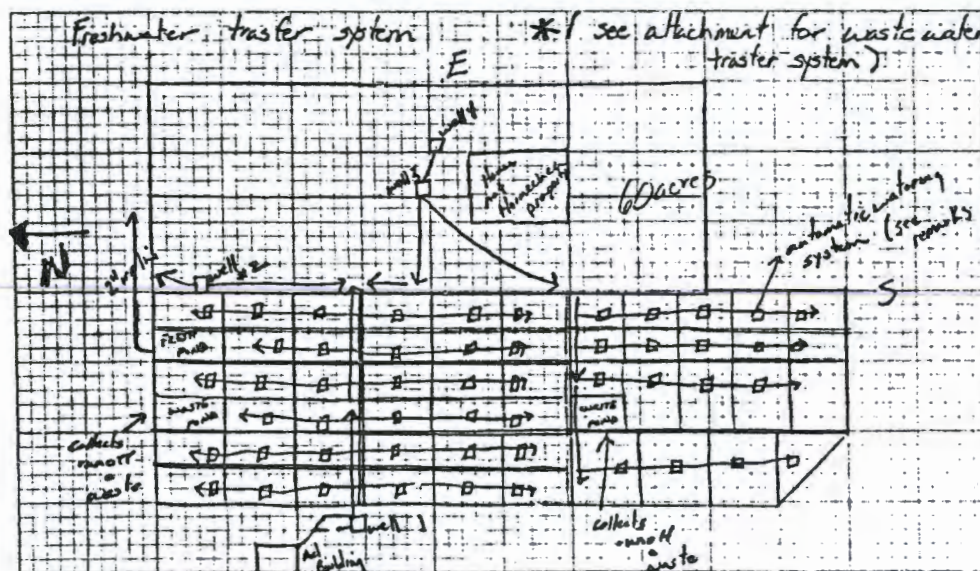
1. Owner: _____ Phone No. _____
 Current Address: P.O. Box 6887 BOISE ID 83707
 2. Accompanied by: John Doe - Calvin High EXAM. DATE: 7-29-91
 Address: Boise Phone No. same
 Relationship to Permit Holder: employee
 3. Source: groundwater tributary to -NA-

B. OVERLAP REVIEW

1. Other water rights with same place of use: (They have permit # 67-02184) 67-02184
Harrer (is a center in middle of property) ☐ Copies Attached
 2. Other water rights with same point of diversion: 67-02184 Harrer (center in middle
of Harmer's property) E 1/2 SW 1/4 ☐ Copies Attached ☒ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☐ Copy of U.S.G.S. Quadrangle Attached
 Showing location(s) of point(s) of diversion and
 place(s) of use (required). ☐ Aerial Photo Attached
 (required for irrigation of 10 acres or more).
☐ Photo of Diversion and System Attached
 (required for all but single household domestic groundwater, and stockwater).

Craig

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

RECEIVED

NOV 29 2006

DEPARTMENT OF
WATER RESOURCES

November 28, 2006

Boise
Idaho Falls
Pocatello
Twin Falls

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

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

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

Michael E. Thomas
Patricia M. Olsson
Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill
Michael W. McGreaham
David P. Gardner
Julian E. Gabiola
Angela Schaefer Kaufmann
Kimberly D. Evans Ross
Paul D. McFarlane
Jon A. Stenquist
Tyler J. Henderson

Jason G. Murray
Mark C. Peterson
Andrew J. Waldera
Tyler J. Anderson
Dylan B. Lawrence
Russell G. Metcalf
Benjamin C. Ritchie
Rebecca A. Rainey

Robert E. Bakes, *of counsel*
Morgan W. Richards, *of counsel*

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

David R. Tuthill Jr.
Administrator
Resource Protection Bureau
Idaho Department of Water Resources
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098

*data entry done
on 67-2184.
-JP
11-11-06*

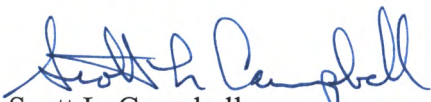
Re: Water Right No. 67-2184 in the name of Richard and Mary Hormaechea

Dear Dave:

I am in receipt of correspondence from Karl Dreher, Director of the Idaho Department of Water Resources, concerning water right no. 67-2184, together with a preliminary recommendation for this water right. Please note that I no longer represent Richard and Mary Hormaechea. Therefore, please remove my name, and the firm of Moffatt, Thomas, Barrett, Rock & Fields, Chartered, as counsel of record for Richard and Mary Hormaechea in any of their water rights matters.

Thank you for your anticipated cooperation in this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,


Scott L. Campbell

SLC/tmh

cc: Richard and Mary Hormaechea

SCANNED

DEC - 4 2006

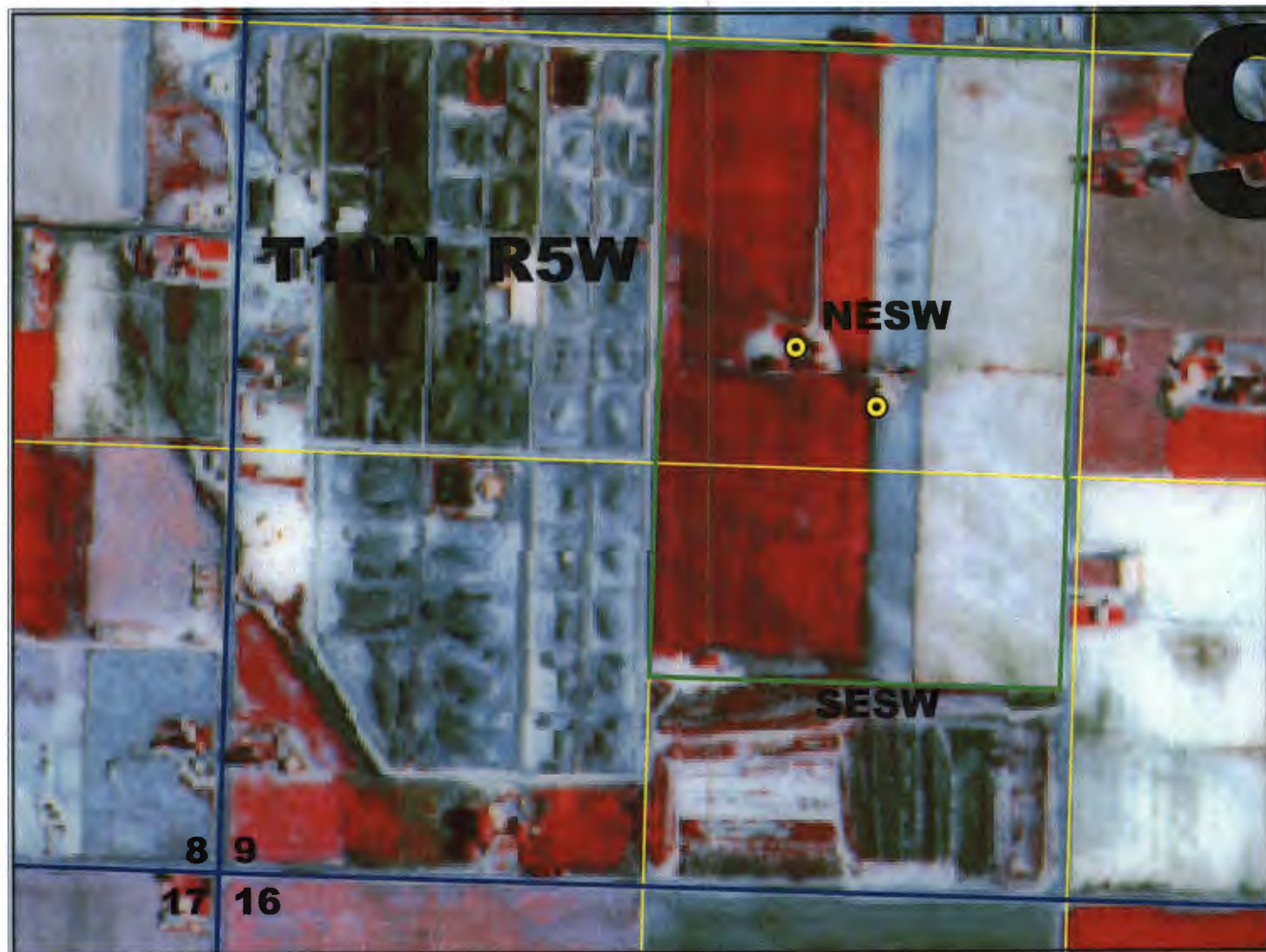
BOI_MT2:634284.1



STATE OF IDAHO

Department of Water Resource

Water Right(s): 67-02184



1320

0

1320 Feet

Total Irrigated Acres: 58.0

● Point(s) of Diversion

□ Place of Use

□ Quarter Quarter Lines

□ Section Lines

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: March 2005



Basin 67



03/21/2005

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

RIGHT NUMBER: 67-2184

NAME AND ADDRESS: RICHARD M HORMAECHEA
C/O RMH CO
PO BOX 6887
BOISE ID 83707

MARY B HORMAECHEA
PO BOX 6887
BOISE ID 83707

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.000 CFS
261.000 AFY

PRIORITY DATE: 12/29/1947

POINT OF DIVERSION:

T10N R05W S9 NESW Within WASHINGTON County

T10N R05W S9 NESW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

1.000 CFS
261.00 AFY

PLACE OF USE: IRRIGATION Within WASHINGTON County

T10N R05W S09

NESW

38.0

T10N R05W S09

SESW

20.0

58 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: License

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2184 V1

WATER RIGHT NUMBER: 67-2184 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RICHARD M HORMAECHEA C/O RMH CO PO BOX 6887 BOISE, ID 83707 (208)336-2200
Original Owner	JOSEPH T HARRER RT #3 WEISER, ID
Current Owner	MARY B HORMAECHEA PO BOX 6887 BOISE, ID 83707 (208)336-2200
Attorney	SCOTT L CAMPBELL MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208)345-2000

Priority Date: 12/29/1947

Basis: License

Status: Active

Source Tributary
GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	1.000 CFS	261.00 AF
	<u>Total Diversion:</u>	1.000 CFS	261.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SW1/4	Sec. 9, Twp 10N, Rge 05W, B.M.
WASHINGTON County		
GROUND WATER	NE1/4SW1/4	Sec. 9, Twp 10N, Rge 05W, B.M.
WASHINGTON 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	
10N	05W	9																	58.0

Total Acres: 58

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2184 V1

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:Comments:

1. csaxton 3/21/2005 Change of Ownership

Comment: A change of ownership was submitted from Seth Matthews of Matthews Sunnyside Feedlot. I think there was confusion on his submittal as the two points of diversion under this right are also used for right 67-07811, or at least were whether it was legal or not. However, the licensed and the claimed POU do not fall on any of Mr. Matthews land. BUT: Part of the land under this right is now owned by Champion Enterprises Inc. A change of ownership form needs to be filed. Recommend under name listed on claim (Hormaechea, Richard).

2. csaxton 3/21/2005 Recommend as Licensed

Comment: This right was claimed with a different purpose of use than what was licensed. This included Stock, commercial storage, commercial from storage, and diversion to storage. Adding these uses without reducing the irrigation portion would be an enlargement of the original right. A transfer would need to be filed and it has not been filed at this time.

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: AND

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>
Contacts	3/21/2005 2:23:00 PM	csaxton			Active
Priority Date	3/21/2005 2:23:33 PM	csaxton			Active
POD	3/21/2005 2:23:43 PM	csaxton			Active
Source	3/21/2005 2:26:13 PM	csaxton			Active
POU	3/21/2005 2:26:27 PM	csaxton			Active
Use	3/21/2005 2:27:38 PM	csaxton			Active
Season	3/21/2005 2:28:29 PM	csaxton			Active
Quantity	3/21/2005 2:30:33 PM	csaxton			Active
Summary			03/1/2 005	csaxton	Active

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-2184 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	3/21/2005 2:26:44 PM	csaxton	Edited shape boundary
Contacts	3/21/2005 2:23:00 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: In House review.
Priority Date	3/21/2005 2:23:33 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	3/21/2005 2:23:43 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POD	3/21/2005 2:25:19 PM	csaxton	Edited point location
Source	3/21/2005 2:26:13 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	3/21/2005 2:26:27 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2184 V1

Use	3/21/2005 2:27:38 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (No) 5. Can the claimed Purpose of Use be verified using the water right file? (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 - Per Licensing field exam.
Season	3/21/2005 2:28:29 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (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? (No) 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) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	3/21/2005 2:30:33 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (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 10 - IDWR standard for the area of 4.5 af per acre.
POD	3/21/2005 2:24:07 PM	csaxton	Edited point location
Summary	3/21/2005 2:31:21 PM	csaxton	(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?

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☐ Well logs (if needed) *N/A*
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant *N/A*

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 67-02184

Owner: _____ Phone No. _____

Current Address: _____

- ☒ No change NAME IS THE SAME *note: A portion of the property irrigated under this right is now owned by*
- ☐ NEW OWNER _____ *Champion Enterprises inc. C/o needs filed*
- ☐ No change Address _____
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

Source: _____ Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☐ No change
- ☒ POD found is different than claimed: 2 POD's Per TR 1991
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
		NE	NE	SW	9	10 N	5 W	WA	Dig. sized
			NE	SW	9	10 N	5 W	WA	Dig. sized

Description of diverting works

OVERLAP REVIEWOther water rights with the same point of diversion: None - PD overlap w/ (670781)

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES☐ No change☒ Different Uses

Use Irr From 3-1 To 11-15 Amount 1.0 CFS 261 AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME - Groundwater only☐ Incomplete on claim, the total is, Amount 1.0 CFS 261 AFA☐ Changes found, the new total is, Amount _____ CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☐ No change☒ Changes Exam found: Domestic # of homes _____ Stock # _____Types _____ Additional comments: Irrigation Only**PLACE OF USE:**☐ No Change☒ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10 N	5 W	9									38			20					58

Overlap with other water rights: no overlap with 67-07811

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative:

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
Digitized From map with TR 1991					

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

- This Right was claimed with different purposes of use including stock, commercial storage, commercial from storage and diversion to storage. Adding these uses w/o reducing the irrigation portion would be an enlargement of the original Right. A Transfer would need to be filed and it has not been filed at this time.

- The two wells under this Right are used for 67-07811. 67-07811 was not filed on in SRRA as it was not Required

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☐ Photographs of POD's and POU *N/A*
- ☐ GPS readings *N/A*
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 3-21-05

FIELD EXAMINER: *Gregory J. Sanderson*

T10N, R5W

NESW

SESW

8 9

16

17

DR

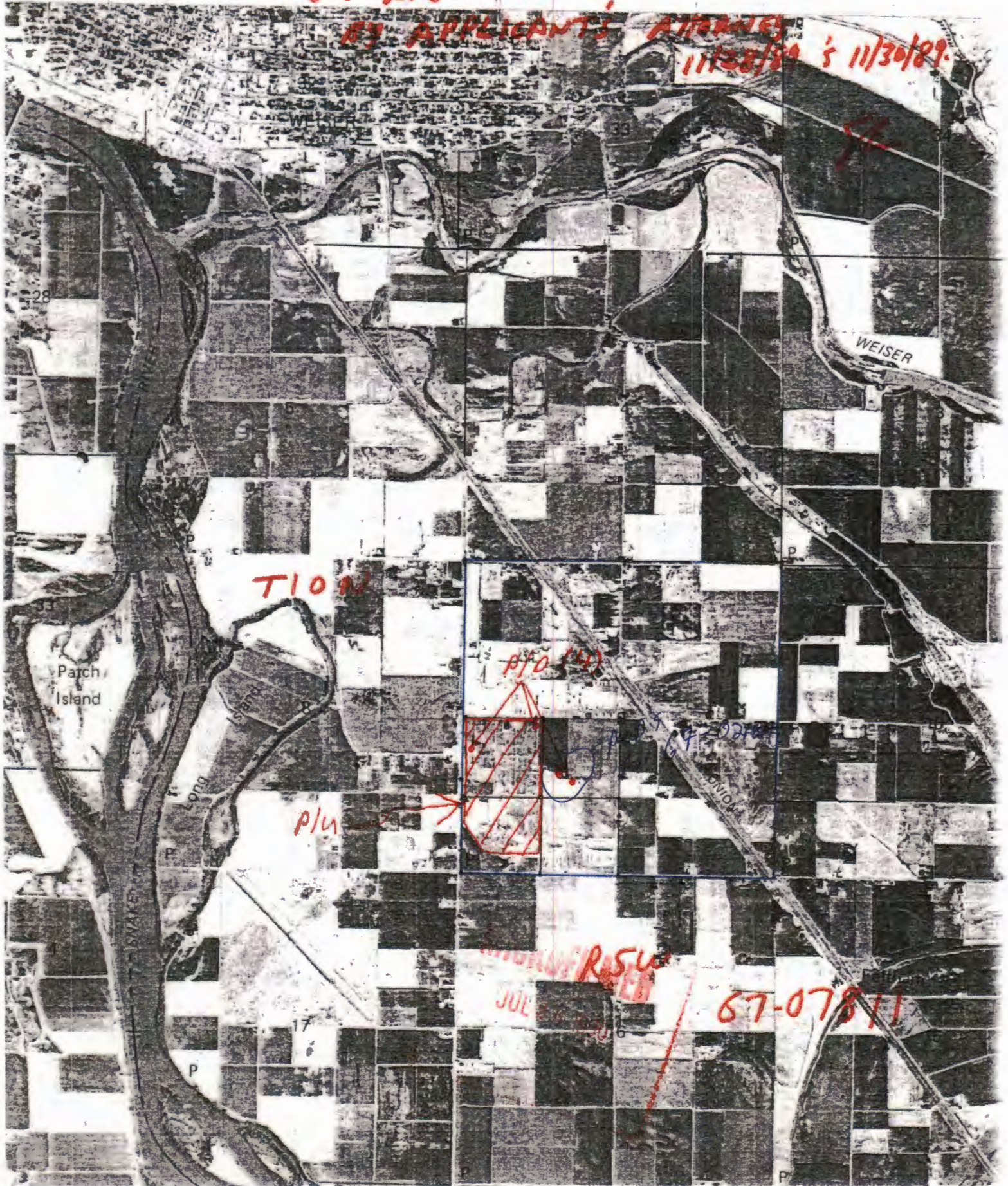
180,000 Feet (Idaho)

A.P. prepared 12/1/89 BASED
ON ADDITIONAL INFO SUPPLIED

~~R5V~~

BY APPLICANT'S ATTORNEY

11/28/89 & 11/30/89.



TION

P/O (4)

P/U

R5V

JUL

67-07811

Receipt Details for ID C012291

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
10/17/1989 10:10:18 A	10/17/1989	State	\$472.00	Check
Payer		RMH COMPANY		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
4102			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$65.00	PERMIT	610199	1238	0	0	6390
\$85.00	PERMIT	610199	1238	0	0	6390
\$322.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
67	11210		\$25.00	Claim
67	11211		\$25.00	Claim
67	4251		\$25.00	Claim
67	4252		\$59.00	Claim
67	2184		\$188.00	Claim

Print Report



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

August 4, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Seth Mathews
Sunnyside Feedlot
447 Riverdock Rd
Weiser ID 836772

RE: Use of Water For Feedlot

Dear Mr. Mathews:

Pursuant to our previous discussions regarding the use of wells at your Sunnyside feedlot and in response to complaints from neighbors of the feedlot, the Department of Water Resources (department) has reviewed the appurtenant water right files. After review of the files, it appears that the feedlot is using more wells to supply water to the feedlot than authorized by the appurtenant water rights.

Water right No. 67-07811 appears to be the primary right covering water use at your feedlot. As we discussed, this water right allows use from a total of four wells. Two of the authorized wells are located on property to the east of the feedlot, apparently owned by Champion Homes and two wells located on your feedlot. After meeting with you at the feedlot and locating the wells being used, it appears that there are two wells in use at the feedlot that are not authorized by a water right. These wells are specifically located in the NW1/4 of the SW1/4 of Section 9; one of these wells was drilled in July of 2002 by Dallas drilling as an exempt "Domestic" well. Since the use of water from this well is associated with the feedlot, the department concludes that it is not exempt and must be covered by a water right.

The department requires that Mathews Sunnyside Feedlot take the necessary steps to ensure that their water use is within the parameters authorized by their water rights.

As we have previously discussed, there may be several options to consider that will allow the feedlot to operate within the confines of their water rights. At this point, the feedlot may only use wells authorized by the existing water right and is required to discontinue using any unauthorized wells immediately.

Please respond to this office within 10 days of the date of this letter with a plan to bring the feedlot into compliance with respect to their use of water. The plan should include a description of the wells that will be disconnected from the water system or that will be abandoned and any application for water right or application for transfer that may be necessary if all of the existing wells are intended to be used. Failure to comply with these requirements may be cause for the department to issue a Notice of Violation and seek civil penalties.

This office will be happy to continue to assist you in addressing this situation and to resolve any problems associated with your use of the states water resources. Please contact me at this office for assistance.

Respectfully,

A handwritten signature in black ink, appearing to read "R.B. Whitney", written over the printed name.

R.B. Whitney
Sr. Water Resource Agent
Western Region

Cc: Spackman, Peppersack, Kathy Stone

MEMORANDUM

November 1, 1995

TO: 67-07811

PD overlap. See water right file for more info.

FROM: Cindy Hodges

RE: Overlap Analysis and Recommendation

The field examination for this right was conducted by Dave Gray in 1991. The file contains no photos and the recommendation was not completed. There appears to be adequate information in the file to complete the recommendation.

OVERLAP ANALYSIS

From file information including system descriptions found in both 67-07811 and A67-02184:

Well #4 was developed pursuant to irrigation license 67-02184. Well #3 was added via a transfer of the same right (date not sure). These two wells were used together for irrigation of 58 acres within E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 9, and at some point prior to 1987 were tied together with one or more wells in the NWSW Section 9, where a stockyard had been developed.

Wells #1 and #2 were developed between 1965 and 1987; there are no apparent well logs available. Stock and commercial uses were first added to claim A67-02184 when it was filed in 1989. The use of water at the stockyard evidently exceeded allowable exemptions and was deemed an expansion in violation of mandatory permitting statutes, for permit 67-07811 was filed in 1989 at shortly after A67-02184. Stockwater uses were not removed from claim A67-02184 but I cannot imagine that they will be included in the SRBA recommendation.

At the time of Dave's field inspection in 1991, all four wells were being used under both the irrigation license and this permit. The examiner's description of the system matches the applicant's description found in both the permit and the claim file (copies attached).

RECOMMENDATIONS

From the information collected during the B/U exam, I am able to make a recommendation I am comfortable with, with a few minor adjustments, as follows:

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OCT 22 1996

1. The system capacity as assessed from examiner's theoretical computations was low because of an unrealistically high system pressure of 60 psi which was used in the HP formula. A system or wellhead pressure of 60 psi would be appropriate if either irrigation or dust abatement sprinkler systems were hooked directly into the main lines. However, both these delivery systems are pressurized from relift pumps on the fresh water collection pond. All flows from the four interconnected wells go directly to the flow-through stock trough system and then to the pond where secondary uses are diverted. Because of the 2" line feeding the troughs, 30 psi seems more appropriate for the HP equation.

With the adjusted formula, system capacity from the four wells is computed to be approximately 2.8 cfs at 30 psi (using 40 psi yields 2.5 cfs). Subtracting 1.0 cfs previously licensed on 67-02184 leaves 1.5 to 1.8 cfs available for recommendation under the permit.

2. The permit originally included commercial storage in the fresh water collection pond. The only data not included on the B/U report were the dimensions of said pond. I was able to reach Mr. Hightower, the individual who assisted with the B/U exam, who confirmed that the dimensions of the fresh water pond are 200' X 150' X avg 7' deep. The total volume of the pond is 0.64 AF. A commercial diversion rate of .5 cfs will fill the pond in 24 hrs ($.5 \times 1.9835 = 1$ AF) therefore the storage component may be eliminated. It is possible that the volumes of the three waste water collection ponds were also included in the total permitted volume for storage. The waste water or sanitation ponds do not receive water from the fresh water system (they are for surface runoff) and should not be considered as storage under this permit.

3. Volume calculations on the B/U report were computed based on 10,000 head. Only 8000 head were declared on the application and on the proof.

4. A final modification includes a clarification of component descriptions. The application identified commercial use for dust abatement and an office (.54 cfs) from 3/15 to 12/15, and commercial use for the office only (.04) for the balance of the year. This is confusing and may be misleading. I have recommended the office portion of the permit as domestic with year-round use, leaving only dust abatement as commercial with a limited season of use.

Note: From Mr. Hightower during our phone conversation, I learned that this facility has not been in operation since late in 1993. The Hormacheas have donated the property to a religious organization, and hope to find someone to lease the stockyards and operate them to produce some revenue for the organization. I advised of the five-year statutory forfeiture period.

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OCT 22 1996

ELAM, BURKE AND BOYD

ATTORNEYS AND COUNSELORS AT LAW

700 IDAHO TOWER, TENTH FLOOR

POST OFFICE BOX 1559

BOISE, IDAHO 83701

TELEPHONE 208-343-5454

TELECOPIER 208-384-5844

SCOTT L. CAMPBELL

CANYON COUNTY OFFICE

1120 SIXTH STREET SOUTH

POST OFFICE DRAWER E

NAMPA, IDAHO 83653

TELEPHONE 208-466-9222

November 30, 1989

RECEIVED

DEC 1 1989

Carter Fritschle
Sr. Water Resource Agent
Adjudication Bureau
Department of Water Resources
1301 North Orchard
Boise, Idaho 83720

Department of Water Resources

Re: Notice of Claim to a Water Right in the Snake River
Basin Adjudication for Richard M. and/or Mary B.
Hormaechea in Washington County

Dear Carter:

I am responding to your correspondence of November 22, 1989.

You made a specific inquiry with regard to Water Right No. 67-02184 and the claim that was filed on the basis of that water right. You indicated that since the original water right was for an irrigation use only, that you requested an explanation in writing with regard to our client's basis or principle upon which that water right was modified from the use as originally licensed. A response to your request follows.

On February 19, 1981, Richard and Mary Hormaechea purchased the real property to which Water Right No. 67-02184 is appurtenant. Shortly thereafter, because of the adjacent location of the new parcel to the existing feedlot operation, the Hormaecheas connected the two wells on the new parcel to the feedlot stockwater and dust abatement water system. From that point forward, the water from the wells under Water Right No. 67-02184 were used for both irrigation purposes on the new parcel and for stockwater and dust abatement use on the feedlot property.

The basis of the claim for the additional water use for stockwater and dust abatement purposes is made pursuant to Idaho Code section 42-1416(2) and Idaho Code section 42-1416A.

(repeated)

(repeated)

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OCT 01 1992

Carter Fritschle
November 30, 1989
Page 2

I assume that this provides you with the additional information which you require. If you have any questions, please contact me at your convenience.

Very truly yours,

ELAM, BURKE & BOYD


Scott L. Campbell

SLC:jc
cc Terry Nyborg

MICROFILMED

OCT 01 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

November 22, 1989

Mr. Scott L. Campbell
Elam, Burke and Boyd
P.O. Box 1539
Boise, ID 83701

RE: Notices of Claim to a Water Right in the Snake River Basin
Adjudication for Richard M. and/or Mary B. Hormaechea in
Washington County

Dear Scott:

Please find enclosed the yellow copies of claims A67-02184, A67-04252, A67-11208, A67-11210 and A67-11211. Also enclosed are receipts C012291 for \$472.00 and C012836 for \$70.00.

We are forwarding to you a copy of claim A67-02184 as it was data entered in the computer. We have interpreted the data from this claim in the process of data entry in a manner which we feel more accurately reflects the true status of this water right. The item that was modified is highlighted in yellow. Please review the enclosed claim to assure that the modification is in agreement with this water right.

If your clients believe our data is incorrect and they wish to make any changes to this Notice of Claim, have your clients initial the changes they make, sign the form, have their signatures notarized, and return it to this office before December 22, 1989.

Also, the license for Water Right 67-02184 describes irrigation as the only use. Your clients' claim based on this water right describes stockwater and commercial use in addition to the irrigation. We request that your clients explain in writing on what basis or principles the same water right was modified from what was originally licensed. Please find enclosed a copy of License 67-02184 and Transfer 1991 for your records.

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OCT 01 1992

Mr. Scott L. Campbell
Page 2
November 22, 1989

Please feel free to contact this office if you have any questions.

Sincerely,



Carter Fritschle
Senior Water Resource Agent
Adjudication Bureau

CF:state

Enclosures:

Claim #A67-02184
Receipts C012291 and C012836
Yellow copies of claims
License 67-02184
Transfer 1991

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OCT 01 1992

ELAM, BURKE AND BOYD
ATTORNEYS AND COUNSELORS AT LAW

700 IDAHO TOWER, TENTH FLOOR
POST OFFICE BOX 1559
BOISE, IDAHO 83701
TELEPHONE 208-343-5454
TELECOPIER 208-384-5844

SCOTT L. CAMPBELL

CANYON COUNTY OFFICE
1120 SIXTH STREET SOUTH
POST OFFICE DRAWER E
NAMPA, IDAHO 83653
TELEPHONE 208-466-9222

November 9, 1989

NOV 14 1989

Carter Fritschle
Sr. Water Resource Agent
Adjudication Bureau
Department of Water Resources
1301 North Orchard
Boise, Idaho 83720

Department of Water Resources

CO12836
11-15-89
D.K.

Re: Richard Hormaechea Water Right Claims

Dear Carter:

Pursuant to our telephone conversation of November 8, 1989, I have enclosed a check in the amount of \$70 for the additional claim filing fees which you informed me were due and owing for the Hormaechea claims.

You indicated in our conversation that the Western Region Office of the Department of Water Resources recalculated the claim filing fees based upon a new interpretation of the filing fee statute.

Please contact me if you have any questions.

Very truly yours,

ELAM, BURKE & BOYD

Scott L. Campbell
Scott L. Campbell

SLC:jc
Enclosure
cc Terry Nyborg

MICROFILMED

OCT 01 1992



October 17, 1991

Mr. Shelly Walter Keen
Water Resource Agent
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

Dear Mr. Keen:

Please send all future notices regarding the following list of water rights to RMH Company P.O. Box 6887 Boise, ID 83707 instead of our attorney of record, Mr. Scott Campbell with Elam Burke and Boyd. Do leave Mr. Campbell on the record as our attorney. The following is a list of the right numbers:

A67-11211
A67-11210
A63-00213
A63-25981
A63-25982
A67-02184
A67 04251
A67-04252
A63-25736
A63-25735
A63-25734
A63-25733
A63-25732
A63-04148

If any questions arise, please call.

A handwritten signature in cursive script, appearing to read "Terry G. Nyborg".

Terry G. Nyborg
Business Manager

cc: Scott Campbell

ELAM, BURKE AND BOYD

ATTORNEYS AND COUNSELORS AT LAW

700 IDAHO TOWER, TENTH FLOOR

POST OFFICE BOX 1559

BOISE, IDAHO 83701

TELEPHONE 208-343-5454

TELECOPIER 208-384-5844

SCOTT L. CAMPBELL

CANYON COUNTY OFFICE

1120 SIXTH STREET SOUTH

POST OFFICE DRAWER E

NAMPA, IDAHO 83653

TELEPHONE 208-466-9222

October 13, 1989

Carter Fritschle
Sr. Water Resource Agent
Adjudication Bureau
Department of Water Resources
1301 North Orchard
Boise, Idaho 83720

RECEIVED
OCT 16 1989

Department of Water Resources

Re: Hormaechea/Water Right Filings in
Snake River Basin Adjudication

Dear Carter:

I have enclosed five Notices of Claim for Water Right for filing as adjudication claims and two Applications for Water Permit. I have also enclosed a check in the amount of \$472 to cover the filing fees for these claims and applications.

Please return to me the carbon copies of the claim forms, together with a receipt reflecting acceptance of the monies and claims by the Department of Water Resources.

If you have any questions regarding this matter, please contact me.

Very truly yours,

ELAM, BURKE & BOYD

Scott L. Campbell
Scott L. Campbell

SLC:jc
Enclosures
cc Terry Nyborg

MICROFILMED

OCT 01 1992

Identification No. _____

Transfer No. 67-2184

1991

APPROVED

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION**

**APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use**

1. Name of Right Holder JOSEPH T. HARRER
Post office address Route #3 Weiser, Idaho
2. Right obtained by:
 - a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court, County of _____.
 - b. License No. 67-2184 issued by the State of Idaho, Department of Reclamation.
3. Source of water ground water tributary to _____
(Name of stream or source)
4. Date of Priority 12/29/47
5. Amount of water a. 1.0 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for irrigation from Mar. 15 to Nov. 15
(Month, Day) (Month, Day)
7. Original location of point of diversion is NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9,
Township 10 N, Range 5 W, B.M., in Washington County;
Additional points of diversion, if any _____

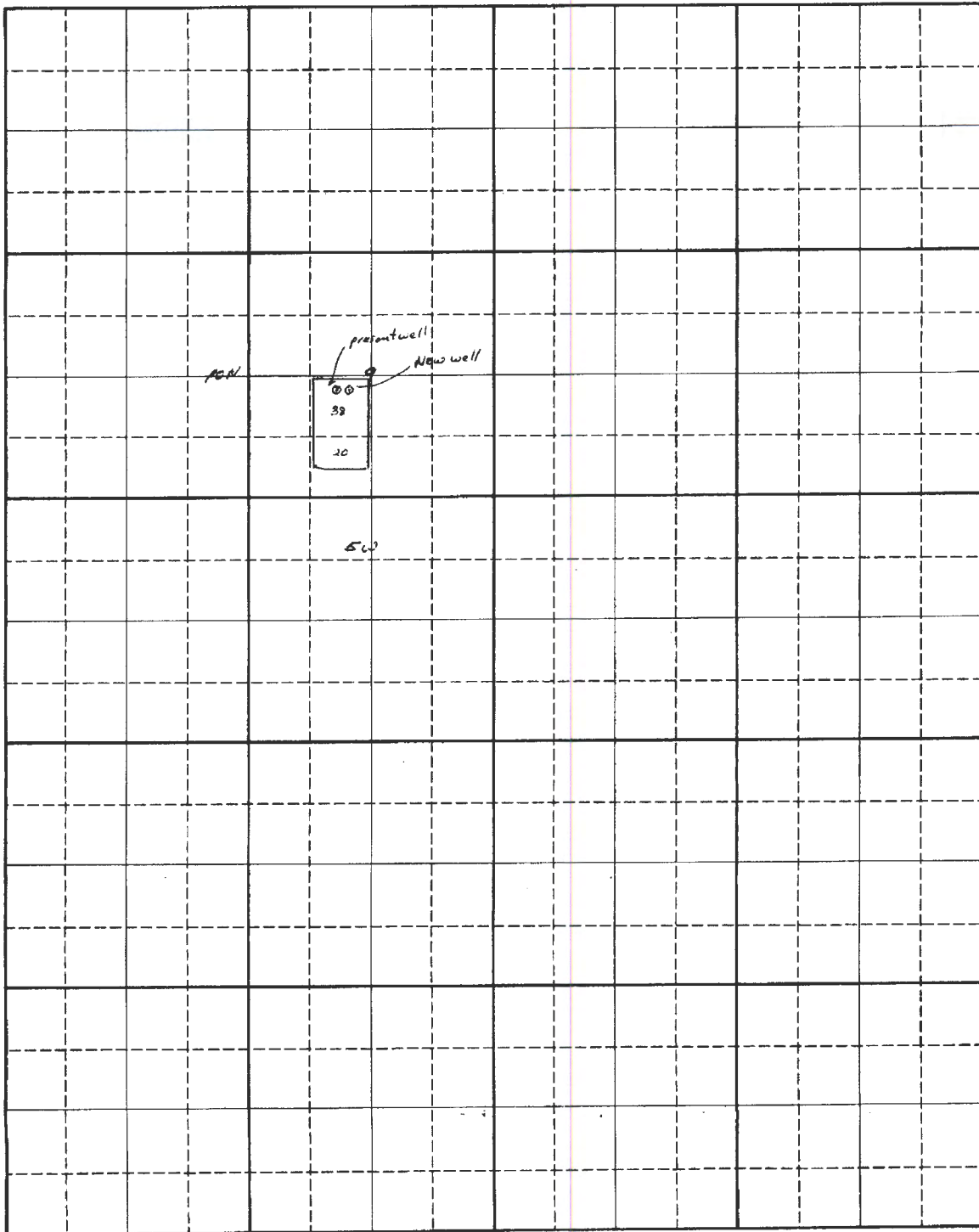
8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
10 N	5 W	9									38			20					58

Total number of acres presently irrigated 58

67 2184

67 2184



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

original holder of license No. 67-2184

10. CHANGE IN POINT OF DIVERSION

16 cfs to be diverted from either or both P.O.D's.
See telephone memo
date 5-22-72 KHF

- a. Quantity to be diverted at new point: 0.5 c.f.s. and/or 3.22-16 acre feet
(2 points)
- b. New point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 10 N
Range 5 W, B.M.

- c. Description of method of diversion and conveyance from new points of diversion: The new well will be connected directly with the present well and will use the same main line.

- d. Is water to be conveyed to the lands previously irrigated? Yes X No _____
- If not, the place of use should be changed below.

- e. Describe the reasons for applying for a change in the point of diversion:
The original well under License No. 67-2184 has decreased in out-put to
approximately 0.5 cubic feet per second and the new well will be drilled
to bring the total amount back up to 1.0 cubic feet per second, which is
licensed under License No. 67-2184

- f. Do you intend to make the transfer permanent? YES
- g. Do you intend to abandon completely the old point of diversion? NO

- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

[illegible]

Total number of acres to be irrigated _____

67 2184

- b. Do you intend to make the transfer permanent? _____
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans: _____

- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: _____

- e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Joseph T. Harner
(signature of applicant)

Subscribed and sworn to before me this 22 day of March, 1972

Donald H. Belfrage
(notary public)

My commission expires 2-18-1974

ACTION OF STATE RECLAMATION ENGINEER AND CERTIFICATE OF TRANSFER

This is to certify that I have examined Application for Transfer of Water Rights No. 67-2184,
and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 15th day of August, 19 72

[Signature]
Deputy Director State Reclamation Engineer

FOR DEPARTMENT USE ONLY

Rec'd #1208
Received by FCB Date 3-22-72

Prelim. check by FCB Date 3-22-72

Fee received by ej Date 3/22/72 Fee \$30.00

Approved for publication by D. Weiser

Published in Signal Dates 4/13/72 & 4/20/72

Re-advertised: June 15 & 22, 1972

Hearing held _____

Watermaster Recommendation sent _____

Protest filed by: _____ Date _____

State of Idaho

License and Certificate of Water Right

Water License No. 20243

Amount One second foot

Water District No. _____

Priority December 29, 1947

THIS IS TO CERTIFY that JOSEPH T. HARRER
of Weiser, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated December 29, 1947; that Permit No. 20243
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
one second foot, was issued thereunder on September 28, 1948, showing that said works
were completed on the 28th day of September, 1948; and that on the 7th
day of July, 1949,

JOSEPH T. HARRER

of Weiser, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of subterranean
flow from a well, subterranean, for the purpose of irrigation

, under Use Permit No. 20243 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 4653, on the 15th day of December, 1950;

The right hereby confirmed dates from December 29, 1947;

The Point of Diversion is located
in the NE 1/4 SW 1/4, Sec. 9, Twp. 10 N., R. 5 W., B. M. Washington 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 used and beneficially used for said purposes, and shall
not exceed one cubic foot per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described	No. Acres in Permit	No. Acres Actually Irrigated
10 N.	5 W.	9	NE 1/4 SW 1/4	40		38
			N 1/2 SW 1/4	80		80
			Number of Acres Actually Irrigated		- - -	58

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
15th day of December, 1950.

MARK R. KULP

State Reclamation Engineer

(SEAL)

67 2184

Discharge is 34 W.
 1250' of 4" pipe (main)
 1960.
~~2440~~ = 4" or 3" (lateral) approx 1/2 in
 operates under 35' head
 loss in system approx 5' h.

Extreme lift = 35'

switches & Controls
 A.B. & Trumbull.
 Sangamo Time switch

meter = Solohs Pump.

demand = 1.8 to 1.9 Kw

V = 240. Pumps = VM-35.

mult. read x 10.

See dial control = 10

See K-24 Amp 50 SW.

R_r = 41 2/3

Model = AL211

Serial 20 354 765

RECEIVED
 DEC 5 1950

Department of Reclamation

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.

Joseph T. Harter
 429 W. Idaho St., Weiser, Idaho

Permit No. 29245

Examination for Beneficial use

County Washington

9 well

10N - 5W

Q = 1 cfs. P.R. = NE, SW₄

Sprinkle 600:

450 gpm = Cap 4.

has been measured with
 rain gauge

8.9 gpm for each nozzle.

50 nozzles.

7/16 - 5/32 nozzles

move 60' at a set

40' space on lateral.

65 to 70% efficient in irig.
 due to evaporation.

131

589 R

Well = 16' eq. = 19' deep
 starts 3' below ground level

h = 11' static.

draw down = to bottom in Aug. under continuous pumping.

used reinforced concrete pipe for eq. water is in 3' of ground.

use 4" pipe as take off.

Carver Pump (new pump)

Pump, Pipe & Power Co.

Model - #1406 4" intake
 3" discharge

Horizontal

20hp motor - Western Electric

Serial = S H 490

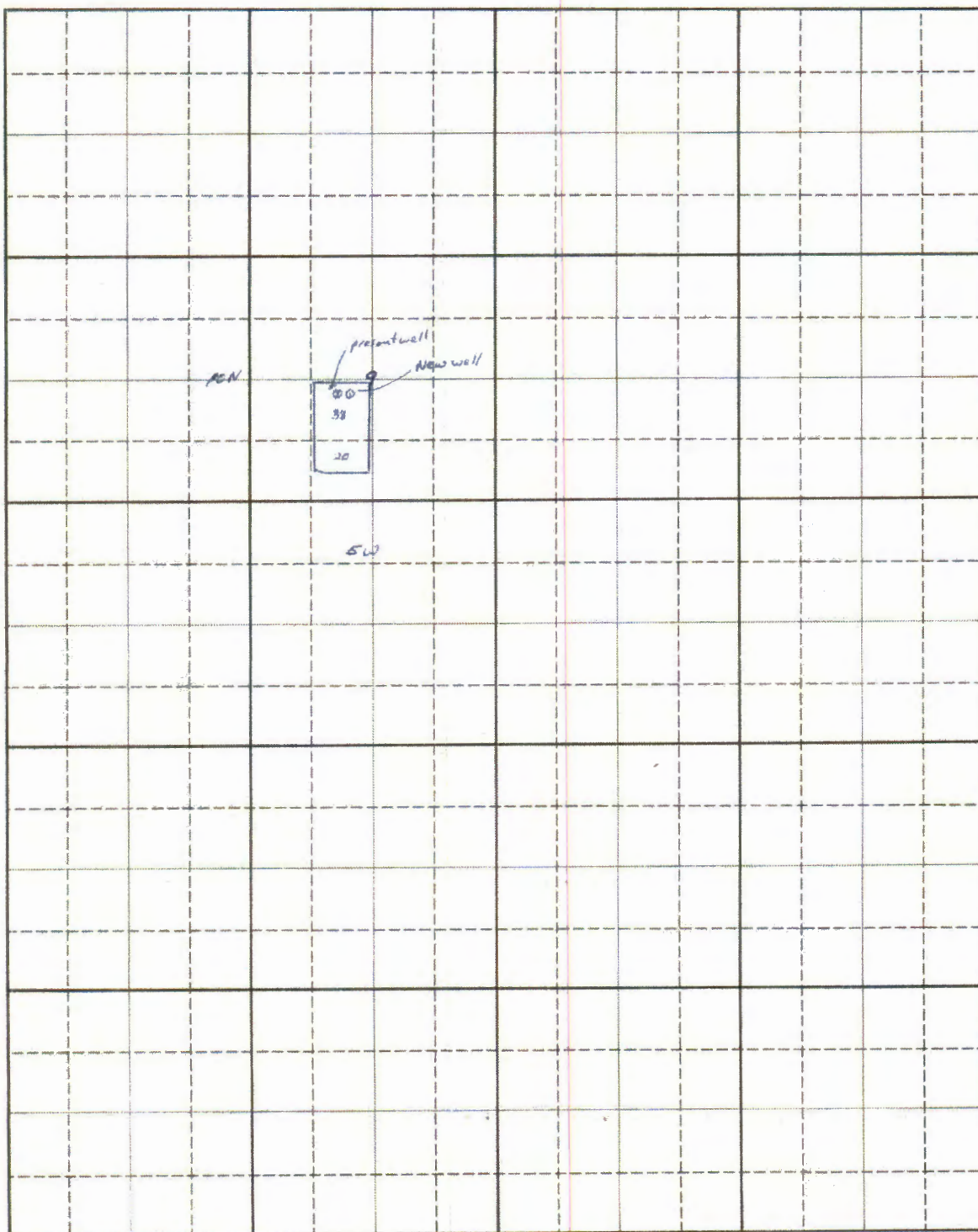
V = 220 Q = 50. cfs 60' H

3500 = rpm

74' vertical - direct connect into on planks.

No pump house

Whole set up is on a large pit approx. 20' x 4'



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.