

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4043 V1

WATER RIGHT NUMBER: 67-4043 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WILLIAM H SMITH STAR RT COUNCIL, ID 83612
Original Owner	ZELLA M SMITH BOX 177 COUNCIL, ID 83612 (208)253-4828
Current Owner	DIANE E DOWNEY 2373 LAPPIN LN COUNCIL, ID 83612 (208) 253-6124
Current Owner	KENNETH F DOWNEY 2373 LAPPIN LN COUNCIL, ID 83612 (208) 253-6124

Priority Date: 12/17/1960

Basis: Beneficial Use

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	06/01 to 11/01	0.020 CFS	
DOMESTIC	01/01 to 12/31	0.040 CFS	
IRRIGATION	06/01 to 10/01	0.080 CFS	
	<u>Total Diversion:</u>	0.100 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4NE1/4	Sec. 35, Twp 17N, Rge 01W, B.M.
ADAMS County		

Place of Use

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	
17N	01W	35		X															

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE			

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4043 V1

	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
17N 01W 35		X															

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
17N 01W 35																	34.0

Total Acres: 34

Conditions of Approval:

1. E51 Right Nos. 67-4043 and 67-4089 are limited to a total combined diversion rate of .68 cfs.
2. E55 Right Nos. 67-4089 and 67-4043 are limited to the irrigation of a combined total of 34 acres in a single irrigation season.
3. 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.
4. K06 This right is limited to the irrigation of 4 acres within the place of use described above in a single irrigation season.

Remarks:Comments:

1. mvining 3/16/2005 owner address

Comment: Current owner address listed on Contacts page does not match address (PO Box) on 1989 claim.

2. mmount 10/5/2006 pou

Comment: recommended as a ppu with 67-4089 . This claim is limited to 4 acres within the land listed pou. both claims are limited to irrig of 34 acres when combining use. e55 condition.

3. mmount 10/5/2006 quantity

Comment: overlaps 67-4089. limited quantity to 1 inch per acre

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4043 V1

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:
 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	3/16/2005 2:11:49 PM	mvining			Active
Priority Date	3/16/2005 2:24:36 PM	mvining			Active
POD	3/16/2005 2:46:14 PM	mvining			Active
POU	3/16/2005 2:51:41 PM	mvining			Active
Source	3/16/2005 2:52:37 PM	mvining			Active
Use	3/16/2005 2:53:50 PM	mvining			Active
Season	3/16/2005 2:55:33 PM	mvining			Active
Quantity	3/16/2005 3:03:15 PM	mvining			Active
Quantity	3/16/2005 3:12:10 PM	mvining			Active
Summary			03/16/2005	mvining	Active
Summary			03/16/2005	mvining	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	10/5/2006 5:09:51 PM	mmount	Updated shape for Active POU
POU	10/5/2006 5:09:55 PM	mmount	Updated PLS for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4043 V1

Source	3/16/2005 2:52:38 PM	mvining	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Letter and memo in file describing place where well was drilled.
Season	3/16/2005 2:55:34 PM	mvining	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (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	3/16/2005 3:03:16 PM	mvining	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - Annual diversion is .100 CFS or 15.0 AFA
Summary	3/16/2005 3:18:52 PM	mvining	(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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4043 V1

Priority Date	3/16/2005 2:24:37 PM	mvining	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Letter in file from previous owners stating that a well was drilled on the property that predated the Priority Date claimed.
POU	3/16/2005 2:51:42 PM	mvining	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - map and legal description in file
Use	3/16/2005 2:53:51 PM	mvining	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Letter in file and claim data.
Quantity	3/16/2005 3:12:10 PM	mvining	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Per Dave Tuthill, claims for .200 CFS or less do not require a flow measurement. Description for Question 10 - Per IDWR standard,

4 acre-feet per acre = 16 acre-feet

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4043 V1

Summary	3/16/2005 3:18:22 PM	mvining	(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?
Contacts	3/16/2005 2:11:50 PM	mvining	(No) 1. Do you want to schedule an appointment? Comment for 1: Sufficient info in file
POD	3/16/2005 2:50:04 PM	mvining	Edited point location
POU	3/16/2005 2:44:11 PM	mvining	Edited shape boundary
POD	3/16/2005 2:46:15 PM	mvining	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

Water Supply Bank:

10/06/2006

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

RIGHT NUMBER: 67-4043
NAME AND ADDRESS: DIANE E DOWNEY
2373 LAPPIN LN
COUNCIL ID 83612

KENNETH F DOWNEY
2373 LAPPIN LN
COUNCIL ID 83612

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.100 CFS

Right Nos. 67-4043 and 67-4089 are limited to a total combined diversion rate of .68 cfs.

PRIORITY DATE: 12/17/1960

POINT OF DIVERSION:

T17N R01W S35 NENWNE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	06/01 11/01	0.020 CFS
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	06/01 10/01	0.080 CFS

PLACE OF USE:

IRRIGATION Within ADAMS County
T17N R01W S35 NWNE 34.00
STOCKWATER Within ADAMS County
T17N R01W S35 NWNE
DOMESTIC Within ADAMS County
T17N R01W S35 NWNE

34 ACRES TOTAL

Right Nos. 67-4089 and 67-4043 are limited to the irrigation of a combined total of 34 acres in a single irrigation season.

This right is limited to the irrigation of 4 acres within the place of use described above in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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 67-4043
Date Received: 10/13/1989
Receipt No: M004935
Received By:

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

1. Name of Claimant(s)

DIANE E DOWNEY Phone: (208) 253-6124

2373 LAPPIN LN
COUNCIL ID USA 83612

KENNETH F DOWNEY Phone: (208) 253-6124

2373 LAPPIN LN
COUNCIL ID USA 83612

2. Date of Priority: 12/17/1960

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
17N	01W	35	NE NW NE	ADAMS	

5. Description of diverting works:

WELL 100'DEPTH, 8"CASING, 1.5HP PUMP & PIPELINE TO P/U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	6/01	10/01	0.08	
STOCKWATER	6/01	11/01	0.02	
DOMESTIC	1/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	01W	35	NW	NE	STOCKWATER	
			NW	NE	DOMESTIC	
			NW	NE	IRRIGATION	4
					Section Acres	4
					Total Acres	4

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

IRRIGATED ACRES 4.0.

15. Basis of Claim: Statutory Claim

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.

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

Water Right Number(s): 47-4043 67-2399 67-4089

Previous Mailing Address: Kenneth Downey + Diane Downey
Po Box 174
New Meadows, Id 83654

New Mailing Address: Kenneth or Diane E. Downey
2373 Lappin Lane
Council, Idaho 83612

Telephone Number: (208) 253-6124

Signature of all Claimant(s): Kenneth F. Downey, Diane Downey
Please print your name below your signature.

Kenneth F. Downey
Diane E. Downey

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

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

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

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

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



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

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: **A67-04043**

Date Received: 10/13/1989

Receipt No: M004935

Received By: _____

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

1. Name: KENNETH F DOWNEY

Address: PO BOX 174

NEW MEADOWS ID

83654

AND

Name: DIANE E DOWNEY

Address: PO BOX 174

NEW MEADOWS ID

83654

2. Date of Priority: DEC 17, 1960

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
17N	01W	35	NE	NW	NE		ADAMS

5. Description of diverting works:

WELL 100'DEPTH,8"CASING,1.5HP PUMP & PIPELINE TO P/U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	06/01	10/01	0.080		
STOCKWATER	06/01	11/01	0.020		
DOMESTIC	01/01	12/31	0.040		

7. Total Quantity Appropriated is:

0.100 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

15.0 Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC 1 HOUSEHOLD,LAWN & GARDEN,STKWTR TO 25HD.

SCANNED

APR 08 2004

MICROFILMED
AUG 05 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	35	NW	NE		IRR	4.0
			NW	NE		STOCK	
			NW	NE		DOMEST	
						Section Acres	4.0
						Total Acres	4.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
FLOOD WATER RIGHT 67-4089

14. Remarks:
IRRIGATED ACRES 4.0.

15. Basis of Claim: STATUTORY CLAIM

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: _____

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AUG 05 1994

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
AUG 05 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

Please print or type

(see instructions on back of page)

JUL 19 1993

Department of Water Resources

DATE OF CLOSING: 7/6/93

LEGAL DESCRIPTION OF PROPERTY: Township 17N Range 01W
 Section 35, NW 1/4 of NE 1/4 of 1/4 Govt. Lot 1/4, BM.
 Lot 1/4, Block 1/4, Subdivision/Townsite 1/4
 If you have additional legal descriptions, please attach separate sheet.

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

[] Water Right Number(s)
Assigned by IDWR: A67-04089 + A67-04043

[] Name and Address of Former Owner/Claimant(s)(Seller): Zella M. Smith

[] New Owner/Claimant (Purchaser): Box 177
Council, ID 83612

[] New Mailing Address: Kenneth F. Downey + Diane E. Downey
P.O. Box 174
New Meadows, ID 83654

[] New Telephone Number: ()

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

[] Attach proof of ownership, describe proof attached: copy of recorded Memorandum of Sales Contract

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

[] Signature of New Owner/Claimant(s): + Kenneth F. Downey Date 7/6/93
+ Diane E. Downey Date 7/6/93
[] Signature of Former Owner/Claimant(s): + Zella M. Smith Date 7/6/93

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 7-20-93 By: AN

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 7-20-93 By: AN

Claim Number(s) of Split, if any:

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AUG 05 1994

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

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

APR 2 1994

MEMORANDUM OF SALES CONTRACT

SELLER: Zella M. Smith

BUYER: Kenneth F. Downey and Diane E. Downey, husband and wife

DATE OF SALES CONTRACT: July 6, 1993.

NOTICE IS HEREBY GIVEN that the above-named Seller has entered into a contract of sale of real property (Sales Contract) wherein the above-named Buyer agreed to buy, and the Seller agreed to sell, the following described real property situated in the County of Adams, State of Idaho, to-wit:

The NW 1/4 of the NE 1/4 of Section 35, Township 17 North, Range 1, W.B.M.

SUBJECT TO such rights, easements, covenants, restrictions, and zoning regulations as appear of record or by use upon the premises and LID assessments, if any.

Pursuant to the terms of said contract, title has been reserved in the Seller until the Buyer fully performs the contract, and a Warranty Deed has been placed in escrow for delivery to the Buyer upon completion of such performance. The recording of said Warranty Deed at a future date shall be conclusive proof, as against the Seller, and Seller's heirs, personal representatives, successors, and assigns, that Buyer has fully and completely performed all of the terms of said Sales Contract, and that Seller has no further right, title, or interest in and to the real property above described.

Also, pursuant to the terms of said Sales Contract, a Quitclaim Deed has been placed in escrow, to be delivered to the Seller in the event Buyer

84848

shall default under the Sales Contract, and shall fail to cure said default within the time provided in the contract (the parties having agreed that time is of the essence of their agreement). The recording of such Quitclaim Deed conveying the right, title, and interest of Buyer in the above-described property to Seller shall be conclusive proof, as against the Buyer, and Buyer's heirs, personal representatives, successors, and assigns, that Buyer has defaulted in performance of said Sales Contract, and that procedures set forth in said contract for sending notice of default, recession of the contract, and termination of Buyer's right to continue the purchase and to continue in possession of the property, have been fully and completely complied with by the Seller, it being recognized and agreed that if Buyer claims any defect in such notice or procedures, or if Buyer claims any equitable interest in the property herein described, Buyer shall and must commence a legal action to assert such claims, if any, prior to the expiration of the time provided in the contract for correcting defaults and delivery of said Quitclaim Deed by the escrow holder to the Seller, and that unless such action is so commenced within said period of time, all such claims are waived by Buyer.

Said sales contract is held in escrow at Timberline Title and Escrow, Inc., Council, Idaho 83612.

DATED this 6 day of July, 1993.

SELLER

Zella M. Smith
Zella M. Smith

BUYER

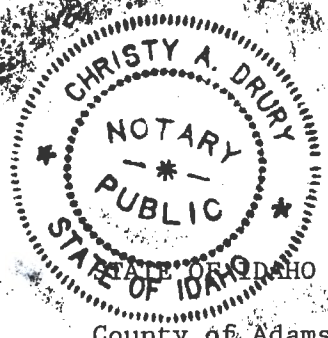
Kenneth F. Downey
Kenneth F. Downey

Diane E. Downey
Diane E. Downey

STATE OF IDAHO)
) ss.
County of Adams)

On this 6th day of July, 1993, before me, the undersigned, a Notary Public in and for the said State, personally appeared Zella M. Smith known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal the date last above written.

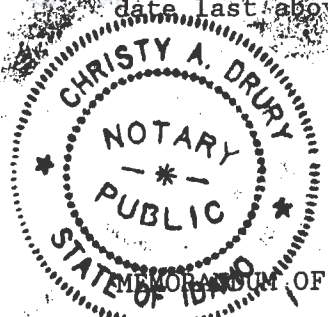


Christy A. Drury
NOTARY PUBLIC, in and for the
State of Idaho, residing at
Fruitvale Council, therein.
My Commission Expires: 8/4/96

STATE OF IDAHO)
) ss.
County of Adams)

On this 6th day of July, 1993, before me, the undersigned, a Notary Public in and for the said State, personally appeared Kenneth F. Downey and Diane E. Downey, husband and wife, known to me to be the persons whose names are subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal the date last above written.



Christy A. Drury
NOTARY PUBLIC, in and for the
State of Idaho, residing at

MICROFILMED
AUG 05 1994

MEMORANDUM OF SALES CONTRACT

Fruitvale

Council, therein.

My Commission Expires: 8/4/90

INSTRUMENT NO. 84347
State of Idaho)
County of Adams) ss.

Filed for record at the request of
Timberline Title & Escrow
17 min. past 4 o'clock P.M.
this 12 day of July, 19 93

MICHAEL FISK, RECORDER
by Sarah J. Wilson
Deputy

Fee \$12.00

Indexed

MEMORANDUM OF SALES CONTRACT

Zella M. Smith

to

Kenneth F. & Diane E. Downey

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: A67-04043
Date Received: 10/13/1989
Receipt No: M004935
Received By: Ex

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ZELLA M. SMITH 208-253-4828
Address: BOX 177
COUNCIL, ID 83612

2. Date of Priority: DEC 17, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
17N	01W	35	NE	NW	NE		ADAMS

5. Description of diverting works:
WELL 100' DEPTH, 8" CASING, 1.5HP PUMP & PIPELINE TO P/U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	06/01	10/01	0.080		
STOCKWATER	06/01	11/01	0.020		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 1 HOUSEHOLD, LAWN & GARDEN, STKWTR TO 25HD.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
17N	01W	35	NW	NE		IRR	4.0

A67-04043

Page 1

Date: 10/13/89

MICROFILMED
OCT 02 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	35	NW	NE		STOCK	
			NW	NE		DOMEST	
						Section Acres	4.0
						Total Acres	4.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
FLOOD WATER RIGHT 67-4089

14. Remarks:
IRRIGATED ACRES 4.0.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s):

Jella M Smith

Date:

Oct 13, 1989

Date: _____

State of Idaho)

County of

WASHINGTON

) SS.

Subscribed and sworn (or affirmed) before me this 13th day

of OCTOBER 19 89

Donna L. Smith
Notary Public

Seal

Residing at

BOISE, ID

My Commission Expires

11/08/1994

253 6124

Rem Downey #67-4043
★ Address Change
P.O.D + P.O.U

Stock Quantity

Well
3RD House on Rt

Well 100' pump 90'
1.5 hp

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Original Owner	WILLIAM H SMITH	STAR RT	COUNCIL	ID	83612	
Original Owner	ZELLA M SMITH	BOX 177	COUNCIL	ID	83612	(208)253-4828
Current Owner	DIANE E DOWNEY	2373 LAPPIN LN	COUNCIL	ID	83612	(208) 253-6124
Current Owner	KENNETH F DOWNEY	2373 LAPPIN LN	COUNCIL	ID	83612	(208) 253-6124

Comment for 1: Sufficient info in file

Date of Field Exam: 6/8/05 Time: 09:30Accompanied By: Claimant Phone Number: 253-6124

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

Lappin Ln. 3rd house on So Side

Reviewer: Boris BorlaDate: 6/8/05

Priority Date Data Entry Form

Claim Number 67-4043

Claimed Priority Date: 12/17/1960

Claimed Basis: Statutory Claim

☒ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date: 12/17/1960

Water Right Basis: Statutory Claim

Recommended Priority Date ____

Recommended Basis _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Documentation in file

Reviewer: Bruce BashDate: 6/8/05

Point of Diversion and Source Data Entry Form

Claim Number 67-4043

Claimed Point of Diversion and Source

T17N R01W S35 NENWNE Within ADAMS County Source: GROUND WATER

☒ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T17N R01W S35 NWNE Within ADAMS County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

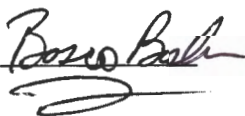
_____	_____
_____	_____
_____	_____

Tw	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

Other rights from this POD? _____

Document how the POD and Source were verified:

Reviewer:



Date:

6/8/05

Place Of Use Data Entry Form

Claim Number 67-4043

Claimed Place Of Use

T17N R01W S35 NWNE
T17N R01W S35 NWNE
T17N R01W S35 NWNE 4.0

Total Acres 4

☒ Use Claimed POU as Recommended POU

Water Right Place Of Use

T17N R01W S35 NWNE

Total Acres

Recommended Place of Use

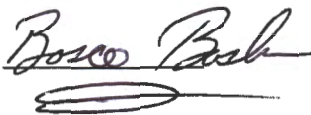
_____ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

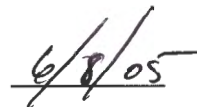
Total Acres _____

Document how the POU was verified:

Reviewer:



Date:



Purpose of Use Data Entry Form

Claim Number 67-4043

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
STOCKWATER			
DOMESTIC			
IRRIGATION			

 Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

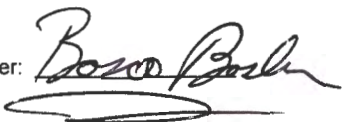
Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION	1	100	4
DOMESTIC			
STOCKWATER			

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
	1	100	4	

Document how the Purpose of Use was verified:

Reviewer:



Date:

6/8/05

Period of Use and Quantity Data Entry Form

Claim Number 67-4043

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	6/01	10/01	0.08	
STOCKWATER	6/01	11/01	0.02	
DOMESTIC	1/01	12/31	0.04	

Overall Diversion Rate 0.1

Overall Diversion Volume

☒ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	6/01	10/01	0.08	
STOCKWATER	6/01	11/01	0.01	
DOMESTIC	1/01	12/31	0.01	

Overall Diversion Rate 0.1

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Watched flow from 1 1/2 inch line & it has less than 4" (36 gal/min) in flow.

Reviewer: Bono BonoDate: 6/8/05

Idaho Department of Water Resources



Adjudication Claim Number:

67-4043

OKay



Legend

- POU-RecSdeed2.shp
- Section Lines
- GCDB17N01W GCDB



0 0.4 0.8 Miles

Prepared by D. Narsavage
On Thursday, April 14, 2005
1987/88 Adjudication True Color Imagery

Idaho Department of Water Resources



Adjudication Claim Number: **67-4043**



Legend

- Section Lines
- GCDB17N01W GCDB
- GCDB16N01W GCDB



Prepared by D. Narsavage
On Wednesday, April 13, 2005
1987/88 Adjudication True Color Imagery

0 0.1 0.2 Miles

A scale bar showing distances in miles, with markings for 0, 0.1, and 0.2 miles.

Tag# A0014082
WR# 4043
Downey PoD



GPS

2308705
1510904

Draft

03/16/2005

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

RIGHT NUMBER: 67-4043

NAME AND ADDRESS: DIANE E DOWNEY
2373 LAPPIN LN
COUNCIL ID 83612

KENNETH F DOWNEY
2373 LAPPIN LN
COUNCIL ID 83612

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.100 CFS

PRIORITY DATE: 12/17/1960

POINT OF DIVERSION:

T17N R01W S35 NENWNE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	06/01 11/01	0.020 CFS
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	06/01 10/01	0.080 CFS

PLACE OF USE: STOCKWATER Within ADAMS County

T17N R01W S35 NWNE

DOMESTIC Within ADAMS County

T17N R01W S35 NWNE

IRRIGATION Within ADAMS County

T17N R01W S35 NWNE 4.0

4 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:

Water Right 67-4043 1

Draft

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4043 V1

WATER RIGHT NUMBER: 67-4043 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WILLIAM H SMITH STAR RT COUNCIL, ID 83612
Original Owner	ZELLA M SMITH BOX 177 COUNCIL, ID 83612 (208)253-4828
Current Owner	DIANE E DOWNEY 2373 LAPPIN LN COUNCIL, ID 83612 (208) 253-6124
Current Owner	KENNETH F DOWNEY 2373 LAPPIN LN COUNCIL, ID 83612 (208) 253-6124

Priority Date: 12/17/1960

Basis:

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>
STOCKWATER	06/01 to 11/01	0.020 CFS	
DOMESTIC	01/01 to 12/31	0.040 CFS	
IRRIGATION	06/01 to 10/01	0.080 CFS	
	<u>Total Diversion:</u>	0.100 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4NE1/4	Sec. 35, Twp 17N, Rge 01W, B.M.
ADAMS County		

Place of Use

STOCKWATER

Twp Rge Sec	NE	NW	SW	SE	Totals
17N 01W 35	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
	X				

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	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4043 V1

	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
17N 01W 35		X															

IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
17N 01W 35		4.0															4.0

Total Acres: 4

Conditions of Approval:

- 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:

- mvining 3/16/2005 owner address

Comment: Current owner address listed on Contacts page does not match address (PO Box) on 1989 claim.

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:
 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:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Contacts	3/16/2005 2:11:49 PM	mvining			Active
Priority Date	3/16/2005 2:24:36 PM	mvining			Active
POD	3/16/2005 2:46:14 PM	mvining			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4043 V1

POU	3/16/2005 2:51:41 PM	mvining	Active
Source	3/16/2005 2:52:37 PM	mvining	Active
Use	3/16/2005 2:53:50 PM	mvining	Active
Season	3/16/2005 2:55:33 PM	mvining	Active
Quantity	3/16/2005 3:03:15 PM	mvining	Active
Quantity	3/16/2005 3:12:10 PM	mvining	Active
Summary		03/16/2005 mvining	Active
Summary		03/16/2005 mvining	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Source	3/16/2005 2:52:38 PM	mvining	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Letter and memo in file describing place where well was drilled.
Season	3/16/2005 2:55:34 PM	mvining	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (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	3/16/2005 3:03:16 PM	mvining	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - Annual diversion is .100 CFS or 15.0 AFA

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4043 V1

Summary	3/16/2005 3:18:52 PM	mvining	(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?
Priority Date	3/16/2005 2:24:37 PM	mvining	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Letter in file from previous owners stating that a well was drilled on the property that predated the Priority Date claimed.
POU	3/16/2005 2:51:42 PM	mvining	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - map and legal description in file
Use	3/16/2005 2:53:51 PM	mvining	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Letter in file and claim data.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4043 V1

Quantity	3/16/2005 3:12:10 PM	mvining	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Per Dave Tuthill, claims for .200 CFS or less do not require a flow measurement. Description for Question 10 - Per IDWR standard, 4 acre-feet per acre = 16 acre-feet
Summary	3/16/2005 3:18:22 PM	mvining	(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?
Contacts	3/16/2005 2:11:50 PM	mvining	(No) 1. Do you want to schedule an appointment? Comment for 1: Sufficient info in file
POD	3/16/2005 2:50:04 PM	mvining	Edited point location
POU	3/16/2005 2:44:11 PM	mvining	Edited shape boundary
POD	3/16/2005 2:46:15 PM	mvining	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 20, 1993

Re: Notices of Claim to a Water Right Nos. A67-04043, A67-04089

Kenneth F. Downey
Diane E. Downey
P.O. Box 174
New Meadows, ID 83654

Mr. & Mrs. Downey:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

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

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LH:l
Enclosure

MICROFILMED
AUG 05 1994

Star Rt
Council, Ida 83612
Nov 13, 1973

Dept of Water Adm.

State House

Annex #2

Boise, Ida

Dear Sirs:

We are drilling a well with
8" casing for house hold, stock
and irrigation. There is a
well on our place that was drilled
25 or more years ago but is
inadequate for our needs.

Will you please send application
blanks for filling and such
information as filling that
we may need, Thank you
yours truly,

Tom H. Smith

67-4073

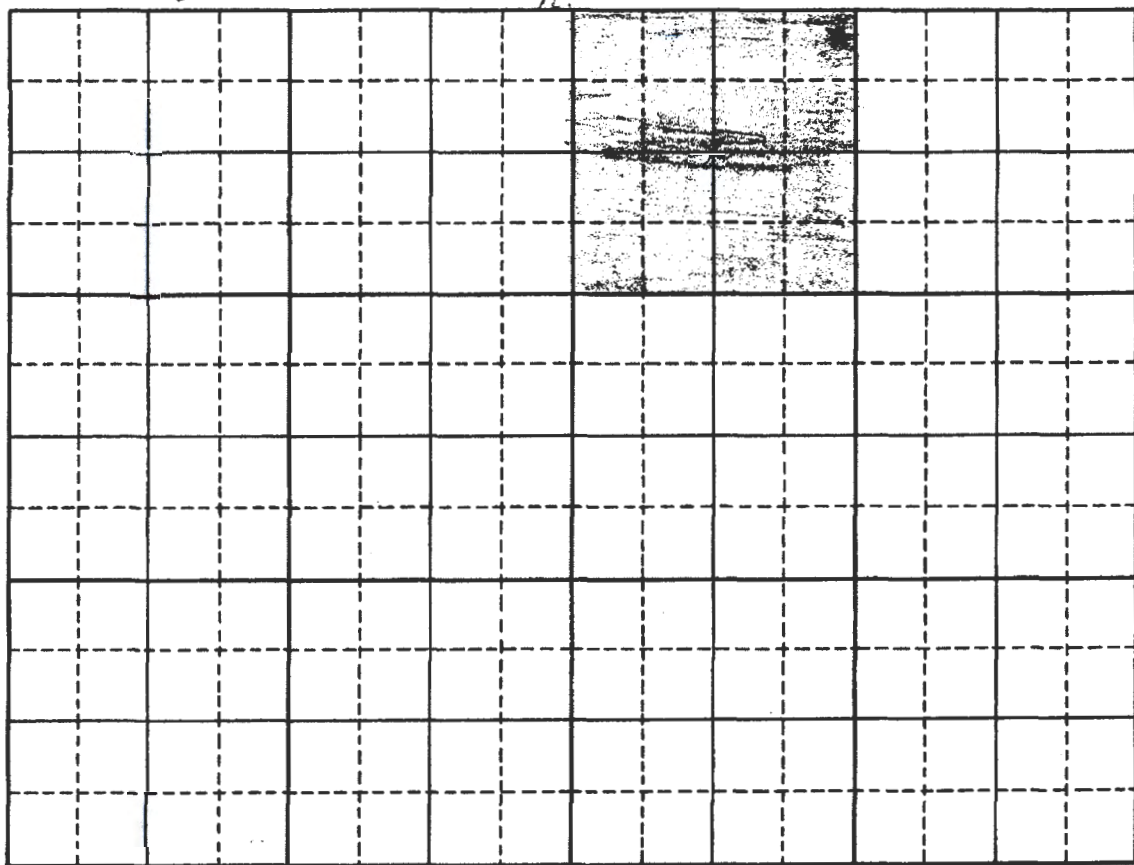
NOV 13 1973

Department of Water Administration

67 4043

(8) Remarks

*Field is 115 feet deep. The horizontal
line is at 95 feet. Below
eighteen feet of surface*



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

ss.

County of ADAMS

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

William H. Smith

Gella M. Smith
(Claimant)

Sworn to before me this 3RD day of

December, 19 73

Notary Public

Residing at Council, Idaho

My commission expires December 12, 1974

Rec'd # 13406 For Department Use Only

Received by	<i>RAH</i>	Date	<u>12-5-73</u>	Exception filed by:	Forwarded to	Date
Prelim. check by		Date	<u>12-5-73</u>		claimant by:	
\$10.00 fee received by		Date	<u>12-5-73</u>			
Approved for publication by	<i>County Clerk</i>					
Published in	<u>Adams County</u>					
Dates	<u>12-13-73</u>		<u>12-24-73</u>			

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the " Notice of Claim t
No. 67-4043

as per clipping
hereto attached, was published in the regular and entire issue
of said newspaper, and not in any supplement thereof, for
two (2) consecutive weeks, the first publication of the

same being made in the issue dated " December 13, 1973"

December 20, 1973
and the last in the issue dated
that said newspaper is of general circulation in Adams County
Idaho, printed and published weekly at Council therein and
that said newspaper has been continuously and uninterrupted-
ly published in said county during a period of more than sev-
enty-eight consecutive weeks prior to the first publication of

said " Notice " as aforesaid.

Bert J. Rogers
Subscribed and sworn to before me this 24TH

day of December, 1973

Russ Braun
Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF CLAIM TO A WATER RIGHT No. 67-4043

Notice is hereby given that
WILLIAM H. & ZELLA M.
SMITH, Star Rt., Council, Idaho
has filed a claim to a water right
established by diversion and ap-
plication to beneficial use of 0.1
cubic feet per second of water
from a groundwater source with
the point of diversion in the
NW $\frac{1}{4}$ NE $\frac{1}{4}$, S. 35, T. 17 N., R. 1
W., B.M., Adams County.

The water is claimed to be
used from Jan. 1 to Dec. 31 for
domestic use, June 1 to Nov. 1
for stock use & June 1 to Oct. 1
for irrigation of 40 acres with a
priority of Dec. 17, 1960; the place
of use is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$,
S. 35, T. 17 N., R. 1 W., B.M.

Any exception to this claim of
water right may be filed with the
Idaho Department of Water Ad-
ministration, Statehouse, Boise,
Idaho, 83707.

R. KEITH HIGGINSON
Director

Published in the Adams Coun-
ty Leader, Council, Idaho on Dec.
13, 1973 and Dec. 20, 1973.

RECEIVED

DEC 27 1973

Department of Water Administration

OK'd
12-28-73

67 4043

INSTRUCTIONS

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Water Administration and you will be provided a copy of such exceptions.

The fee for filing a Claim to a Water Right is \$10.00. Your claim and fee may be submitted to one of the following offices:

Northern District

Idaho Department of Water Administration
401 Front Avenue, Room 209
Coeur d'Alene, Idaho 83814

Eastern District

Idaho Department of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Southern District

Idaho Department of Water Administration
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Western District

Idaho Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Well drilled by Row Rich, Goodrich, Ida
Original well on ranch purchased from
Joe Garver Dec 17, 1960. Joe Garver
now deceased - refer to Ed Garver
Council, Ida