

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 67-4012
Date Received: 9/26/1989
Receipt No: M004701
Received By:

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

1. Name of Claimant(s)

LOIS J DEACON Phone: (208)467-4067

4112 SUNNYRIDGE RD
NAMPA ID USA 83686

ERNIE L DEACON Phone: (208) 467-4067

4112 SUNNYRIDGE RD
NAMPA ID USA 83686

2. Date of Priority: 05/01/1942

3. Source: BUTTERMILK SLOUGH CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10N	05W	22	NW NW NE	WASHINGTON	

5. Description of diverting works:

PUMP TO PIPED TO DITCHES GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.66	

7. Total Quantity Appropriated is:
0.66 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
10N	05W	22	NE	NW	IRRIGATION	30
			NW	NE	IRRIGATION	3
					Section Acres	33
					Total Acres	33

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Beneficial Use



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 27, 2006

ERNIE AND LOIS DEACON
4112 SUNNYRIDGE RD
NAMPA ID 83686

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #67-4012

Dear Claimants:

We have processed your change in ownership of the Notice of Claim referenced above. Thank you for your patience.

Enclosed is a copy of your claim for your file. Please refer to this record number in any future inquiries or correspondence.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claim.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Technical Section

SS:state

Enclosure:

Copy of Notice of Claim to a Water Right Referenced Above

SCANNED

APR 27 2006

RECEIVED
OCT 13 2005
Department of Water Resources

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

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
67-4012 - OK to change MVB 4-10-06					

SCANNED
APR 27 2006

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)	SKYWAY ENTERPRISES INC C/O BARBARA SYME 952 EATON RD WEISER, ID. 83672
4.	New Owner/Claimant(s)	ERNEST L. DEACON / LOIS J. DEACON
	Name Connector (Check one): ☐ and, ☐ or, ☒ and/or	
	New Mailing Address	4112 SUNNYRIDGE RD
	City, State and ZIP Code	Nampa, Id. 83686
	New Telephone Number	(208) 467-4067
5.	Date you acquired the property	09/09/05

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OCT 13 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)

Ernie L. Dean
Larry J. Deacon

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 _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by AS AJ Date 4-27-06 WR _____ Date _____

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APR 27 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)

Eddie L. Dean
Lou J. Dean

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 _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by <i>ss</i> AJ	Date <i>4-27-06</i>	WR _____ Date _____

SCANNED

APR 27 2006



WARRANTY DEED

For Value Received, **SKYWAY ENTERPRISES, A Partnership**, the Grantors,
do hereby grant, bargain, sell and convey unto
Ernie L. Deacon and Lois J. Deacon, husband and wife
whose address is **4112 Sunnyside Road, Weiser, ID 83672**,
the Grantee, the following described premises, to-wit:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR/GRANTEE

TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the 2005 taxes and assessments and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 9/9/05

SKYWAY ENTERPRISES

BY: Barbara Syme, Partner

Barbara Syme, Partner

BY: W. James Smith, Partner

W. James Smith, Partner

Maurice Syme

Fern Smith

Instrument # 198551

WEISER, WASHINGTON, IDAHO

2005-09-13 03:34:00 No. of Pages: 3

Recorded for : AMERITITLE

SHARON WIDNER

Ex-Officio Recorder Deputy Sharon Widner Fee: 9.00

Index to: DEED

State of Idaho)

ss

County of WASHINGTON)

On this 9 day of September, 2005 before me, a notary public in and for said State, personally appeared Barbara Syme and W. James Smith known or identified to me to be (one of) the partner(s) in the partnership of SKYWAY ENTERPRISES and the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said partnership name.

Nancy I. Lazaro
Notary Public

Residing at: Weiser, Idaho

Commission Expires: 10/03/07

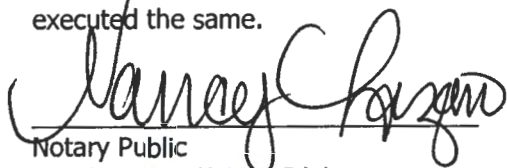


SCANNED

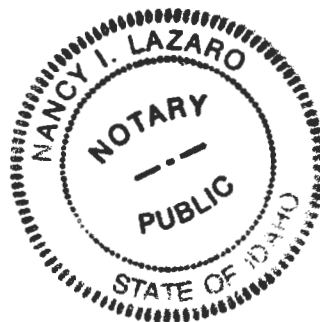
OCT 13 2005

State of Idaho)
 SS
County of WASHINGTON)

On this 9 day of September, 2005 before me, a notary public in and for said State, personally appeared Maurice Syme and Fern Smith 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.



Notary Public
Residing at: Weiser, Idaho
Commission Expires: 10/03/07



SCANNED
OCT 13 2005

EXHIBIT "A"

Government Lot 3 of Section 22, Township 10 North, Range 5 West, Boise Meridian, Washington County, Idaho,

AND

Lot 23 and all that part of Lot 24 lying Northwesterly of Buttermilk Slough as the same now crosses said Lot, of the SOUTHERN IDAHO LAND COMPANY'S ORCHARD AND GARDEN TRACT, as the same is shown on the official plat of said tract on file in the office of the County Recorder of Washington County, Idaho.

SCANNED

OCT 13 2005



WASHINGTON COUNTY, IDAHO

BASED ON GOVERNMENT SURVEYS & OFFICIAL RECORDS
ON FILE AT THE OFFICE OF THE COUNTY RECORDER OF
WASHINGTON COUNTY, IDAHO.
FOR ASSESSMENT PURPOSES ONLY
DOES NOT GUARANTEE BOUNDARIES



0 362.5 725 1,450 2,175 2,900 Feet

1 inch equals 0.146096 miles

Legend

- | | |
|---|---|
|  TOWNSHIP LINES |  RIVERS |
|  SECTION LINES |  PAVED ROAD |
|  QUARTER SECTION LINES |  GRAVEL ROAD |
|  PARCEL LINES | |

SCANNED

OCT 13 2005

Saxton, Craig

From: Egbert, Sandy
Sent: Wednesday, October 12, 2005 11:17 AM
To: Saxton, Craig
Subject: 67-4012

Craig

I took a change of ownership this morning for 67-4012. I believe everything regarding the change of ownership is in order but the draft recommendation needs to be changed. The 3 acres on the claim are in Gov. lot 3 in the SENW and not the NWNE as claimed. At least this is what the new owner is telling me. I am sending the change of ownership over today by Statehouse Mail.

Sandy



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

June 30, 2005

SKYWAY ENTERPRISES PARTNERSHIP
C/O BARBARA SYME
952 EATON RD
WEISER ID 83672

RE: Snake River Basin Adjudication (SRBA)
**Notices of Claim to a Water Right #67-4012, 3-4005, 3-4006, and Decrees
67-10327 and 67-10328**

Dear Ms. Syme:

Thank you for submitting a Change in Address form for claim 67-4012. After talking to Carter Fritschle, Water Rights Supervisor, I modified the address only on all of the water rights shown in our records as being owned by Skyway Enterprises, Inc. versus just 67-4012 you had listed on the form. The new owners of the other claims need to submit change of ownership forms before we can replace Skyway Enterprises, Inc. as the owner in our records.

Also, we can't change the name on claim 67-4017 from Skyway Enterprises, Inc. to Skyway Enterprises Partnership without a legal document showing the conveyance of the property from the corporation to the partnership.

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

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

SCANNED

JUN 30 2005

RECEIVED

JUN 27 2005

DEPARTMENT OF
WATER RESOURCES

Snake River Basin Adjudication
Change in Address of Notice of Claim

Water Right Number(s): 67-4012 + 3-4005, 3-4006, ~~3-4012~~ ¹²⁰

Previous Mailing Address: SKYWAY ENTERPRISES, INC ⁶⁷⁻¹⁰³²⁷
C/O AMEL SMITH ⁶⁷⁻¹⁰³²⁸
256 E. BUTTERFIELD
WEISER, IDAHO 83672

New Mailing Address: SKYWAY ENTERPRISES PARTNERSHIP
952 EATON RD
WEISER, IDAHO 83672

Telephone Number: (208) 549-0971

Signature of all Claimant(s): Barbara Syme, partner
Please print your name below your signature.
BARBARA SYME

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

6-28-05 per CLF: Change address then
pursue ownership change. He is
talked to Barbara Syme.
iss

cc: W.A.

SS
ADDRESS FM.doc
Revised 12/3/04

IDWR Use Only:
Data Entry: ss

Date: 6-28-05

SCANNED

JUN 30 2005

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: A67-04012
Date Received: 9/26/1989
Receipt No: MO04701
Received By: AB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SKYWAY ENTERPRISES INC. 208-549-0260
Address: C/O AMEL SMITH
256 E. BUTTERFIELD
WEISER, ID 83672
2. Date of Priority: MAY 01, 1942
3. Source: BUTTERMILK SLOUGH Trib. to: SNAKE RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|------------|
| 10N | 05W | 22 | NW | NW | NE | | WASHINGTON |
5. Description of diverting works:
PUMP TO PIPED TO DITCHES GRAVITY IRRIGATION
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.660 | | |
7. Total Quantity Appropriated is:
0.660 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 115.5 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
10N	05W	22	NW	NE		IRR	3.0
			NE	NW		IRR	30.0
Section Acres							33.0

SCANNED
APR 08 2004

A67-04012

Page 1

Date: 09/26/89

MICROFILMED
OCT 02 1992

10. Place of Use: Continued

Total Acres 33.0

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:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am President of
Spky Way Enterprises, that I have signed the foregoing
document in the space below as President of
Spky Way Enterprises and that the statements contained in the
foregoing document are true and correct.

Amel Smith
Signature of Authorized Agent

Spky Way Enterprises
Title and Organization

9-26-89
Date

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of September 19 89

Anna Baunhoff
Notary Public

Seal

Residing at Anna Baunhoff, Notary Public
My Commission Expires Residing at Boise, Idaho
My Commission Expires December 7, 1994



A62-024012

MICROFILMED
OCT 12 1987

06/22/2006

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

RIGHT NUMBER: 67-4012

NAME AND ADDRESS: LOIS J DEACON
4112 SUNNYRIDGE RD
NAMPA ID 83686

ERNIE L DEACON
4112 SUNNYRIDGE RD
NAMPA ID 83686

SOURCE: BUTTERMILK SLOUGH CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.560 CFS

PRIORITY DATE: 05/01/1942

POINT OF DIVERSION:

T10N R05W S22 NWNWNE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.560 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T10N R05W S22 NENW 28.00

28 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



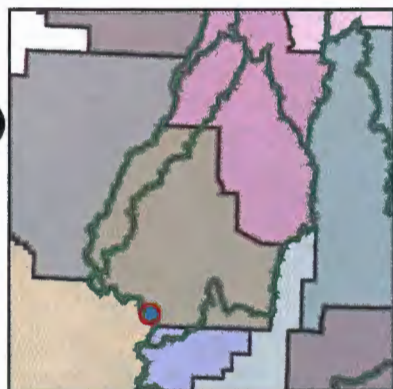
Idaho Department of Water Resources

SRBA Recommendation:

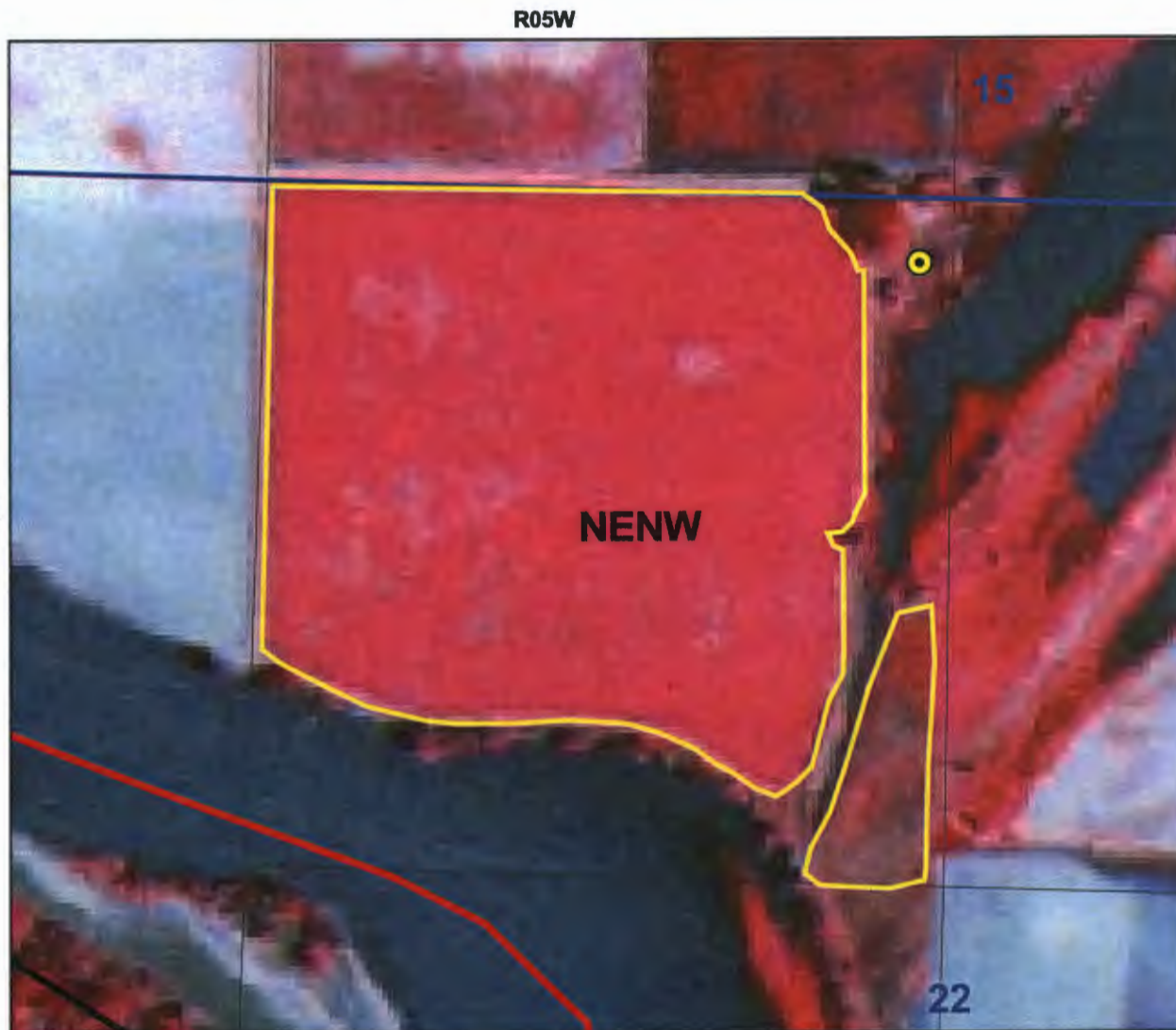
67-4012

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67



0 0.1 0.2 Miles



Prepared by M. Van Bussum
On Monday, June 26, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4012 V1

WATER RIGHT NUMBER: 67-4012 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LOIS J DEACON 4112 SUNNYRIDGE RD NAMPA, ID 83686 (208)467-4067
Current Owner	ERNIE L DEACON 4112 SUNNYRIDGE RD NAMPA, ID 83686 (208) 467-4067
Original Owner	SKYWAY ENTERPRISES INC C/O BARBARA SYME 952 EATON RD WEISER, ID 83672 (208)549-0971

Priority Date: 05/01/1942

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
BUTTERMILK SLOUGH CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.560 CFS	
	<u>Total Diversion:</u>	0.560 CFS	

Location of Point(s) of Diversion

BUTTERMILK SLOUGH CREEK	NW1/4NW1/4NE1/4	Sec. 22, 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	22					28.0												28.0

Total Acres: 28

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.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-4012 V1

Remarks:Comments:

1. mcase 6/15/2004 POD
Comment: Updated shape

2. mcase 6/15/2004 POU
Comment: Updated Shape

3. csaxton 3/21/2005 Draft Recommendation
Comment: This is a draft recommendation. At this time, POU and diversion Rate has not been confirmed. ECVR not verified until we get measurement.

4. csaxton 3/21/2005 Priority Date
Comment: Priority date evidence supports May 1, 1942.

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/OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	3/21/2005 9:01:45 AM	csaxton			Active
Priority Date	3/21/2005 9:02:22 AM	csaxton			Active
POD	3/21/2005 9:02:43 AM	csaxton			Active
Source	3/21/2005 9:03:20 AM	csaxton			Active
POU	3/21/2005 9:03:54 AM	csaxton			Active
Use	3/21/2005 9:04:37 AM	csaxton			Active
Season	3/21/2005 9:05:14 AM	csaxton			Active
Quantity	3/21/2005 9:05:47 AM	csaxton			Active
Contacts	6/22/2006 10:57:54 AM	mvanbussum			Active
Priority Date	6/22/2006 11:00:38 AM	mvanbussum			Active
POD	6/22/2006 11:00:57 AM	mvanbussum			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4012 V1

POD	6/22/2006 11:16:02 AM	mvanbussum	Active
Source	6/22/2006 11:18:53 AM	mvanbussum	Active
POU	6/22/2006 11:20:03 AM	mvanbussum	Active
Use	6/22/2006 11:25:25 AM	mvanbussum	Active
Season	6/22/2006 11:25:43 AM	mvanbussum	Active
Quantity	6/22/2006 11:27:04 AM	mvanbussum	Active
Summary	06/22/2006	mvanbussum	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	6/22/2006 11:01:17 AM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POU	6/22/2006 11:25:16 AM	mvanbussum	Updated PLS for Active POU
POD	6/22/2006 11:16:16 AM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POU	3/21/2005 8:17:34 AM	csaxton	Edited shape boundary
Priority Date	3/21/2005 9:02:22 AM	csaxton	(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 - Affidavit with original Statutory claim.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4012 V1

POD	3/21/2005 9:02:43 AM	csaxton	(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?
Source	3/21/2005 9:03:20 AM	csaxton	(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 - Confirmed using USGS quad maps.
Use	3/21/2005 9:04:38 AM	csaxton	(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 - 1987 Napp photography.
Quantity	3/21/2005 9:05:48 AM	csaxton	(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? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Needs Measurement 3-21-05.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4012 V1

POU	3/21/2005 9:03:55 AM	csaxton	(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 - 1987 Napp photography.
Season	3/21/2005 9:05:15 AM	csaxton	(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?
Contacts	3/21/2005 9:01:45 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Giving to contractor for Field Exam.
POU	6/22/2006 11:25:02 AM	mvanbussum	Updated shape for Active POU
Contacts	6/22/2006 10:58:19 AM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop review.
General	6/22/2006 11:00:58 AM	mvanbussum	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavit with original statutory claim.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4012 V1

Use	6/22/2006 11:25:40 AM	mvanbussum	(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 - Field exam conducted 4-3-2006.
Season	6/22/2006 11:25:58 AM	mvanbussum	(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 administrativly determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	6/22/2006 11:27:19 AM	mvanbussum	(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? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Theoretical calculation in file. Pump was 5 hp with 10 feet lift. Calculated rate of flow is 3.08 cfs, well in excess of quantity recommended.
Summary	6/22/2006 11:27:55 AM	mvanbussum	(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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4012 V1

Source	6/22/2006 11:19:07 AM	mvanbussum	(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 - Field exam conducted 4-3-2006
POU	6/22/2006 11:20:18 AM	mvanbussum	(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 - Field exam conducted 4-3-2006.
POD	6/22/2006 11:22:00 AM	mvanbussum	Updated shape

Water Supply Bank:

Priority Date Data Entry Form

Claim Number 67-4012

Claimed Priority Date: 5/1/1942

Claimed Basis: Beneficial Use

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

Water Right Priority Date: 5/1/1942

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:

affidavit from Fred Eisenbarth in file

Reviewer: MVBDate: 4/3/08

Point of Diversion and Source Data Entry Form**Claim Number 67-4012**

Claimed Point of Diversion and Source

T10N R05W S22 NWNWNE Within WASHINGTON County Source: BUTTERMILK SLOUGH CREEK SNAKE RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T10N R05W S22 NWNE Within WASHINGTON County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

_____	_____
_____	_____
_____	_____

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

Other rights from this POD? _____

Document how the POD and Source were verified:

A0016716 Buttermilk Slough

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number 67-4012

Claimed Place Of Use

T10N R05W S22 NWNE 3.00 T10N R05W S22 NENW 30.00

Total Acres 33

corn last year☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T10N R05W S22 NENW 30.00

Total Acres 30

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:

*examine '87 imagery to see if 3 ac.
was irrigated - claimant will talk
to former owners.*

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

Claim Number 67-4012

Claimed Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

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

Recommended Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

Number of Other

Document how the Purpose of Use was verified:

corn on property last year

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number 67-4012

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.66	

Overall Diversion Rate 0.66

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	4/01	11/15	1.5	

Overall Diversion Rate 1.5

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:

IDWR std.

5 hp 8-10 ft lift

Reviewer: _____

Date: _____

Contacts Data Entry Form

Claim Number: 67-4012

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	SKYWAY ENTERPRISES INC	C/O BARBARA SYME 952 EATON RD	WEISER	ID	83672	(208)549-0971

Comment for 1: Giving to contractor for Field Exam.

Date of Field Exam: _____ Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

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

New owners: Ernie & Lois Deacon
4112 Sunnyridge Rd.
Nampa ID 83686
c/o received 10/13/2005

Reviewer: MVBDate: 4/3/06



67-4012 POD, picture taken looking toward Buttermilk Slough

A0016716 – Deacon

FE conducted 04-06-06



THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

Water Right No.: 67-4012
 Examiner: Monica Van Bussum
 Date of Field Exam: 4/5/2006

	A0017616	OPTION 2	OPTION 3
P/D No.:			
PUMP HORSEPOWER	5	0	0
BOOSTER HORSEPOWER	0	0	0
PUMPING LEVEL	10	0	0
DISCHARGE PRESSURE	0	0	0
RATE OF FLOW (cfs)	3.08	#DIV/0!	#DIV/0! #####

The above calculates the formula =

$$Q = \frac{8.8 * (\text{Efficiency}) * \text{hp}}{\text{depth to water} + 2.31 * (\text{psi}) + \text{friction}}$$

Assumptions: %70 efficiency.
 No Friction

Examiners Notes:

Hung NP

67-4012 Sky Way Enterprises INC
AMEL SMITH.

208-549-0260

POD

Pump NP.

LIFT.

GRAVITY FEED FLOOD IRR.

POU.

Idaho Department of Water Resources

Water Right Claim No:

67-4012



Legend

-  Place of Use
-  Section Lines
-  Quarter Quarters



Prepared by: Dan Narsavage
On: March 3, 2005
1987 False-Color Infrared Photography

0 0.1 0.2 0.3 0.4 0.5 0.6 0.7 0.8 0.9 1.0 Miles





STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

May 24, 2005

Skyway Enterprises Inc.
c/o Amel Smith
256 East Butterfield
Weiser, Idaho 83672

RE: SRBA Claim No. 67-04012

Dear Mr. Smith:

I am the Deputy Attorney General assigned to represent the Idaho Department of Water Resources ("Department") in Basin 67 in the Snake River Basin Adjudication ("SRBA").

Recently, Roger Meyer, a representative of the Department, attempted to contact you regarding the need to conduct a field exam to verify the elements of your water right claim no. 67-04012. According to Mr. Meyer, he was hung-up on when he tried to reach you at: (208) 549-0260. If this is not your correct contact number, please contact the Department as soon as possible to have your phone number changed in our records.

In order to make a complete and accurate recommendation of water rights to the SRBA District Court, each element of a water right must be proven by the Department. If the Department cannot verify an element of a water right, the Department will recommend the claim as disallowed. Therefore, unless the Department representative can speak with you and set up a time to have access to your land to verify the elements of your claim, the Department will recommend your claim as disallowed.

Please contact Craig Saxton, senior agent for Basin 67, at the Department as soon as possible about this issue. Mr. Saxton can be reached at: (208) 287-4800. If you would rather speak with me, I can be reached at the above-mentioned phone number.

Very truly yours,

CHRIS M. BROMLEY
Deputy Attorney General
Idaho Department of Water Resources

cc: Craig Saxton



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

May 24, 2005

Skyway Enterprises Inc.
c/o Amel Smith
256 East Butterfield
Weiser, Idaho 83672

RE: SRBA Claim No. 67-04012

Dear Mr. Smith:

I am the Deputy Attorney General assigned to represent the Idaho Department of Water Resources ("Department") in Basin 67 in the Snake River Basin Adjudication ("SRBA").

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Please contact Craig Saxton, senior agent for Basin 67, at the Department as soon as possible about this issue. Mr. Saxton can be reached at: (208) 287-4800. If you would rather speak with me, I can be reached at the above-mentioned phone number.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris M. Bromley", is written over a horizontal line.

CHRIS M. BROMLEY
Deputy Attorney General
Idaho Department of Water Resources

cc: Craig Saxton

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
2 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested



UNDELIVERABLE
AS ADDRESSED
FORWARDING
ORDER EXPIRED

PRESORTED
FIRST CLASS



UNITED STATES POSTAGE
EAGLE
FITNEY BOWES
02 1A
0004389390
\$ 00.27⁸
MAY 25 2005
MAILED FROM ZIP CODE 83702

CHRIS BROMLEY
(L)

RECEIVED
JUN 01 2005
DEPARTMENT OF
WATER RESOURCES

cc - Chris Bromley

SKYWAY ENTERPRISES INC
c/o AMEL SMITH
256 EAST BUTTERFIELD
WEISER, ID 83672

LTW

83672





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

June 3, 2005

SKYWAY ENTERPRISES
952 EATON RD
WEISER ID 83672

RE: Snake River Basin Adjudication (SRBA) claim 67-04012

The Idaho Department of Water Resources is currently in the process of reviewing SRBA claims in your area. We have tried to contact you on several occasions to set up a field exam to verify and record the elements of your water right.

The contact address on record is: Skyway Enterprises Inc.
C/O Amel Smith
256 E Butterfield
Weiser Id 83672
(208) 549-0260

However, that information does not appear to be current. Without conducting a field exam and verifying the elements of the water right claimed, IDWR will have no choice but recommend the claim as disallowed to the SRBA court.

Please contact me in order to schedule a field exam.

For your convenience I have enclosed a copy of your SRBA claim 67-04012 and a change of address form.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure(s)

3-21-05: Need to Verify POU. Is anything irrigated
in NWNE S. 82? 3 ac?

: DO NOT NEED Evidence of Priority

: Diversion Rate. Need flow measurement or
Theoretical

For theoretical:

HP = 7.6

21 ft? ?

Discharge Pressure?

- open Discharge?

- Sprinklers? - How many

: Since out there, Confirm POD location

: 67-10327 + 67-40328 are Partially decreed
NO FE Required.

5-23-05: Royer called and after Identifying himself, was
hung up on.

: Requested Chris Brumby send letter

6-3-05: I called the phone # on abim after Chris' letter
got sent back. I am pretty sure whoever answered
the phone spoke Spanish. I identified myself
and they said "No". (They answered the phone with "Bueno")
we both said "Bye" and that was it.

I found a different address for Skyway enterprises
on the updated tax lot data and sent them
a 2nd letter. See what happens and if we
get nothing, I am told Dave T speaks Spanish.
Have him call.

6-7-05: Got a call from Barbara Syme:
Home: 549-0971
Cell: 573-1537

Saxton, Craig

To: Meyer, Roger
Cc: Bromley, Chris
Subject: Skyway Enterprises 67-4012

Hey Bosco,

Ok, we finally got a hold of the owner of Skyway Enterprises 67-4012 and everything makes sense now. The reason you got hung up on is because they sold the property to a Hispanic family and they don't speak English. Which is what I ran into as well when I tried calling the number. Chris' letter came back as undeliverable as the address was incorrect. I found a new address and as a last attempt sent them a letter and simply said to have them call me.

They did:

Here is your contact:

Barbara Syme
256 E Butterfield
Weiser ID 83672
Hm: (208) 549-0971
Cell: (208) 573-1537

She is a really nice lady and sounds very cooperative. I told her you would be calling her in the next couple of weeks after I gave you the file. She said that if she doesn't get back to you right away, they will in a couple of days. So I think she is going to travel a little and I didn't give her an exact date you would be contacting her.

Anyway, note, that they dissolved the entity Skyway Enterprises Inc and it is in another name. I informed her that she would need to fill out a Change of Ownership and provide a deed. This will change the address too. I put a blank Change of Ownership form in the file.

She is selling the property and spoke of three pumps on the property. I don't know what this is all about. I will check for other claims for that piece, but when you go out there hopefully you can find out what she is talking about.

Note: We do not need evidence of priority on this one. We have it in the file. That will hopefully make things easier.

I will give you the file next Wednesday, and I will have a copy of this E-mail in the file.

Thanks Roger.

Craig

Roger.

67-10327

67-10328

Both Partially decreed.

I think this makes the
3 pumps she is talking
about. We don't need
GPS on these if that is
the case. Thank. Craig

**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 *None*
- ☒ Check POD & POU overlap, see below – include overlapping right for exam *None*
- ☒ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 67-04012

Owner: _____ Phone No. _____

Current Address: _____

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☐ 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: May 1 1942

(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: _____
- ☐ 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
		NW	NW	NE	22	10N	5W	WA	Digitized

Description of diverting works

7.5 Hp Pump + motor**OVERLAP REVIEW**Other water rights with the same point of diversion: None

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

WATER USES☐ No change☒ Different UsesUse Irr From 3-1 To 11-15 Amount _____ CFS N/A AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only☐ Incomplete on claim, the total is, Amount _____ CFS _____ 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: _____

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	

Overlap with other water rights: _____

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

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

[illegible]

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____

Receipt Details for ID M004701

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
9/26/1989 4:09:19 PM	9/26/1989	Mobile	\$315.00	Check
Payer		SMITH, AMEL (SKYWAY ENT)		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
350			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$315.00	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
3	4005		\$63.00	Claim
3	4006		\$119.00	Claim
67	4012		\$83.00	Claim
67	10327		\$25.00	Claim
67	10328		\$25.00	Claim

[Print Report](#)



State of Idaho

Field Exam Map
Claim #: 67-04012
Map Source: DOQQ



1320 0 1320 Feet

● Claimed Point of Diversion

Claimed Irrigated Acres = 33.0

□ Claimed Place of Use

▤ N/A

□ Tax Lot Data

□ Quarter Quarter Lines

□ Section Lines



Prepared By: Craig L. Saxton
Date: March 2005

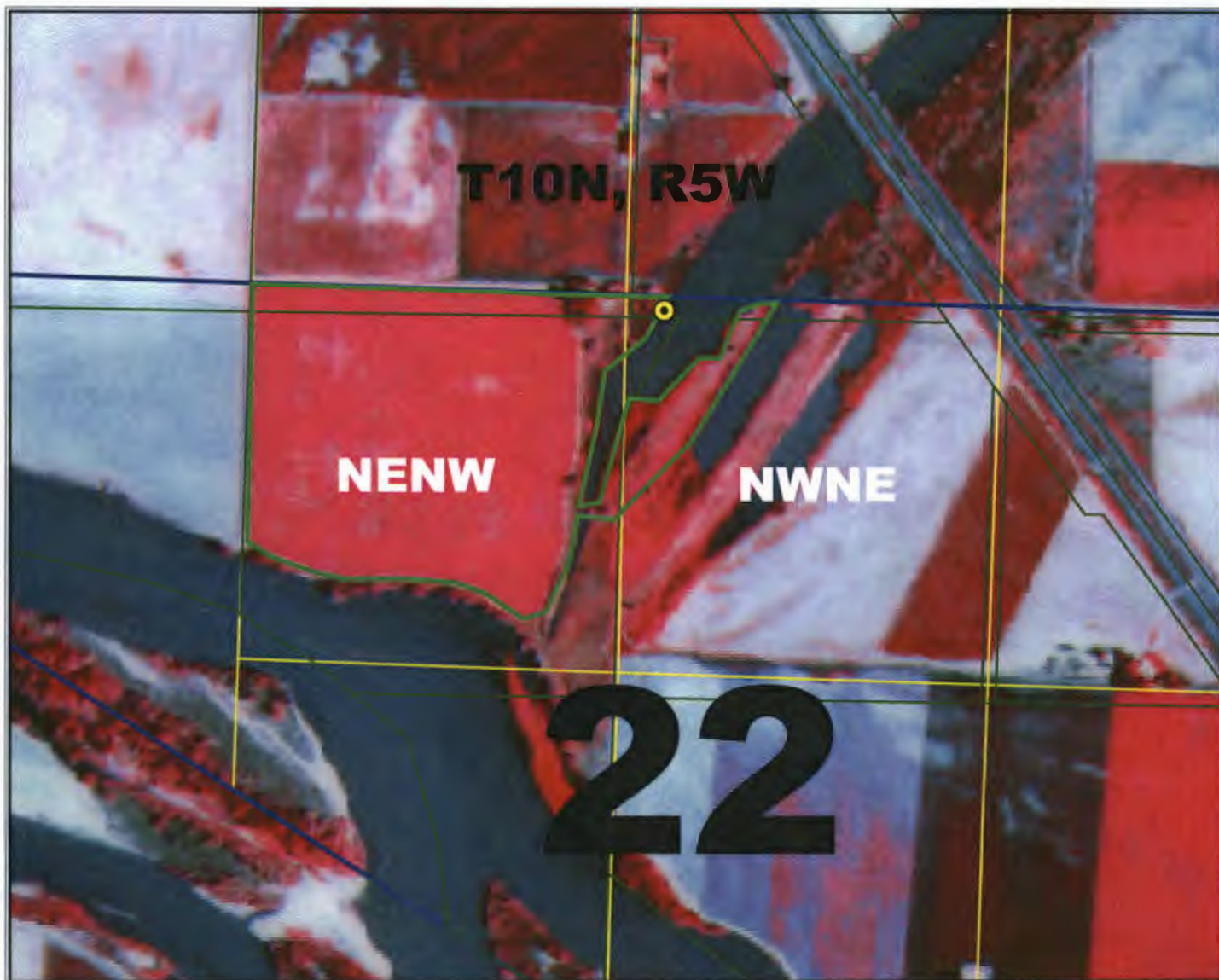


State of Idaho

Field Exam Map

Claim #: 67-04012

Map Source: 1987 NAPP



1320

0

1320 Feet



Claimed Point of Diversion

Claimed Irrigated Acres = 33.0



Claimed Place of Use



N/A



Tax Lot Data



Quarter Quarter Lines



Section Lines



Prepared By: Craig L. Saxton
Date: March 2005

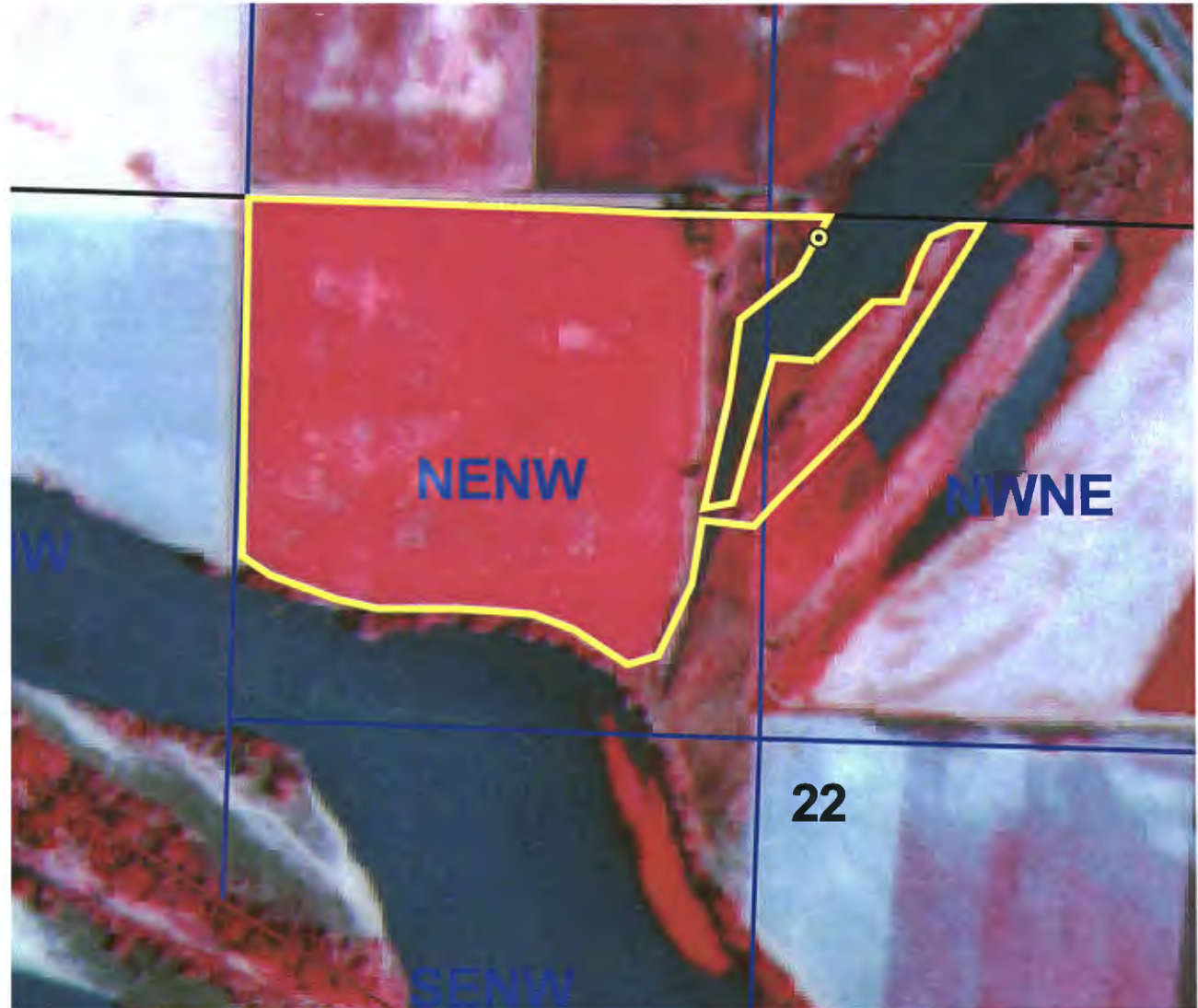
Idaho Department of Water Resources

T10N, R05W, S22

Water Right No: 67-4012

Legend

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



0.1 0 0.1 0.2 0.3 Miles

Prepared by Morgan Case
June 15, 2004
1987/1988 NAPP

Identification No. _____

Claim No. 67-4012

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant: Skyway Enterprises, Inc.
post office address Route 3, Weiser, Idaho

2. The point of diversion is in NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 22 Township 10N
Range 5W B.M. located on Buttermilk Slough
(name of source)
tributary to Snake River in Washington County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

May 1942 amount: 1.5 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use irrigation period of use if from April 1 to Nov 15 (both dates inclusive)
use _____ period of use if from _____ to _____ (both dates inclusive)
use _____ period of use if from _____ to _____ (both dates inclusive)
use _____ period of use if from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of pumped directly
from Buttermilk Slough; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; with at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____. Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____.

d. If water is stored: name of reservoir _____;
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated 30

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by several users? No If yes, give the name of the ditch
_____. The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____

7. Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

State of Idaho

County of Ada } ss.

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.

Sworn to before me this 19th day of March, 1971.

Marion W. Smith
Claimant

Don Russell Ross
Notary Public

Residing at Paris, Idaho

My commission expires Jan 15, 1973

For Department Use Only

Received by <u>K.L.</u> Date <u>3-19-71</u>	Exception filed by: _____	Forwarded to _____	Date _____
Prelim. check by <u>B.L.</u> Date <u>3-19-71</u>	<u># 5774</u> <u>Beindgen</u>	_____	_____
Fee received by <u>K.L.</u> Date <u>3-19-71</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by <u>D</u>	_____	_____	_____
Published in <u>Weiser Signal</u> Dates <u>4-1 & 4-8, 1971</u>	_____	_____	_____

OF 1012

A F F I D A V I T

FRED EISENBARTH, being first duly sworn, deposes and says that he rented and farmed the following described property in 1942 from Ruth Houser, the owner at that time, and later bought the property himself;

Lot 23 of Southern Idaho Land Company's Orchard and Garden Tract, also described as the Northeast quarter of the Northwest quarter of Section 22, Twp 10 N R 5 W B M in Washington County, Idaho

THAT in May 1942 he installed in Buttermilk Slough, a tributary of Snake River, about 60 feet south of the northeast corner of the above described tract a Cascade 7½h.p. electric pump and motor, and that the tract has been farmed and irrigated from this source from that date continuously to the present time.

Fred Eisenbarth

Subscribed and sworn to before me this 5th day of February 1971.

John B. Lloyd
Notary Public for Idaho, residing at
Weiser, Idaho

Priority Evidence

67 4012

3/79

IDENT. NO.

67-4012

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 67-4012
 Old No. New No.

Record

1. Original Owner: Stegway Enterprises, Inc.

Present Owner: _____

2. Address: Rt. 3

3. City: Waver State: Id Zip: _____

4. A. Source of Water: Buttermilk Slough

B. Tributary of: Snake River

5. A. Stage (A,P,L,D,S,J): S

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 5-1-1942

D. County: Sn

E. Total Diversion Rate: 1.5

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District: —

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NW NE</u>	<u>22</u>	<u>10^N</u>	<u>5W</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from _____ to _____ for A purposes. Amount 1.5
 (cfs or AC-FT/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: 4

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10 ^N	5W	22					30												30

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights Ifor Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

May 6, 1971

Re: Claim to a Water Right No. 02-4009
" " " " " " 02-4010
" " " " " " 67-4012

Skyway Enterprises, Inc.
Route #3
Weiser, Idaho 83672

Gentlemen:

The Department of Water Administration has completed the processing of your claims to a water right, and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claims will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claims does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claims.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim files, you may have that information or evidence added at any time. Please refer to your claim numbers when corresponding with this office.

We are enclosing, for your records, a copy of your claims. If you have any questions, or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/bb

Enclosure: Copy of Claims

67 4012

March 24, 1971

Re: Application No. 67-7053 - K. W. Currier
Claim No. 02-4009 - Skyway Enterprises, Inc.
" " 02-4010 - Skyway Enterprises, Inc.
" " 67-4012 - Skyway Enterprises, Inc.

Weiser Signal
P.O. Box 709
Weiser, Idaho 83672

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

67 4012

Donald W. McEldowney
Appropriation Supervisor

Bill submitted 5-6-71 by dw

DWM:DR
Enc: Legal notices (4)

NOTICE OF CLAIM TO A WATER RIGHT

No. 67-4012

Notice is hereby given that Skyway Enterprises, Inc., Route 3,
Weiser, Idaho,

has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 1.5 cubic feet per second ~~approximately~~
of water from Buttermilk Slough, tributary to the Snake River,
with point of diversion in the NE 1/4 Sec. 22, T. 10N, R. 5W, B.M.,
Washington County

The water is claimed to be used from April 1 to Nov. 15 for
irrigation purposes
with a priority of May, 1942;
the place of use is within the NE 1/4 Sec. 22, T. 10N, R. 5W, B.M.

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

R. KEITH HIGGINSON

Director

Published in the Weiser Signal, Weiser, Idaho,
on April 1 and April 8, 1971.

67 4012