

12/29/2005

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

RIGHT NUMBER: 22-2200

NAME AND ADDRESS: REESE J GODFREY
8671 E HWY 33
NEWDALE ID 83436

CAROL OSTERMILLER
8881 E HWY 33
PO BOX 142
NEWDALE ID 83436

BOYD E HOWARD
150 CHURCH ST
NEWDALE ID 83436

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.700 CFS
595.00 AFY

Right Nos. 22-2200 and 22-12900 are limited to a total combined diversion rate of 2.7 cfs and to a total combined annual diversion volume of 854 AF.

PRIORITY DATE: 05/14/1961

POINT OF DIVERSION:
T06N R41E S3 SWSENE Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.700 CFS 595.00 AFY

PLACE OF USE: IRRIGATION Within MADISON County

T06N R41E S03 Lot 1 NENE	28.00	T06N R41E S03 Lot 2 NWNE	2.00
T06N R41E S03 SWNE	24.00	T06N R41E S03 SENE	39.00
T06N R41E S03 NESE	38.00	T06N R41E S03 NWSE	38.00
T06N R41E S03 SWSE	38.00	T06N R41E S03 SESE	37.00

244 ACRES TOTAL

This right is limited to the irrigation of 170 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 244 acres in a single irrigation season. Combined Right Nos.: 22-2200 and 22-12900.

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 - License

Right No. 22-12900 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

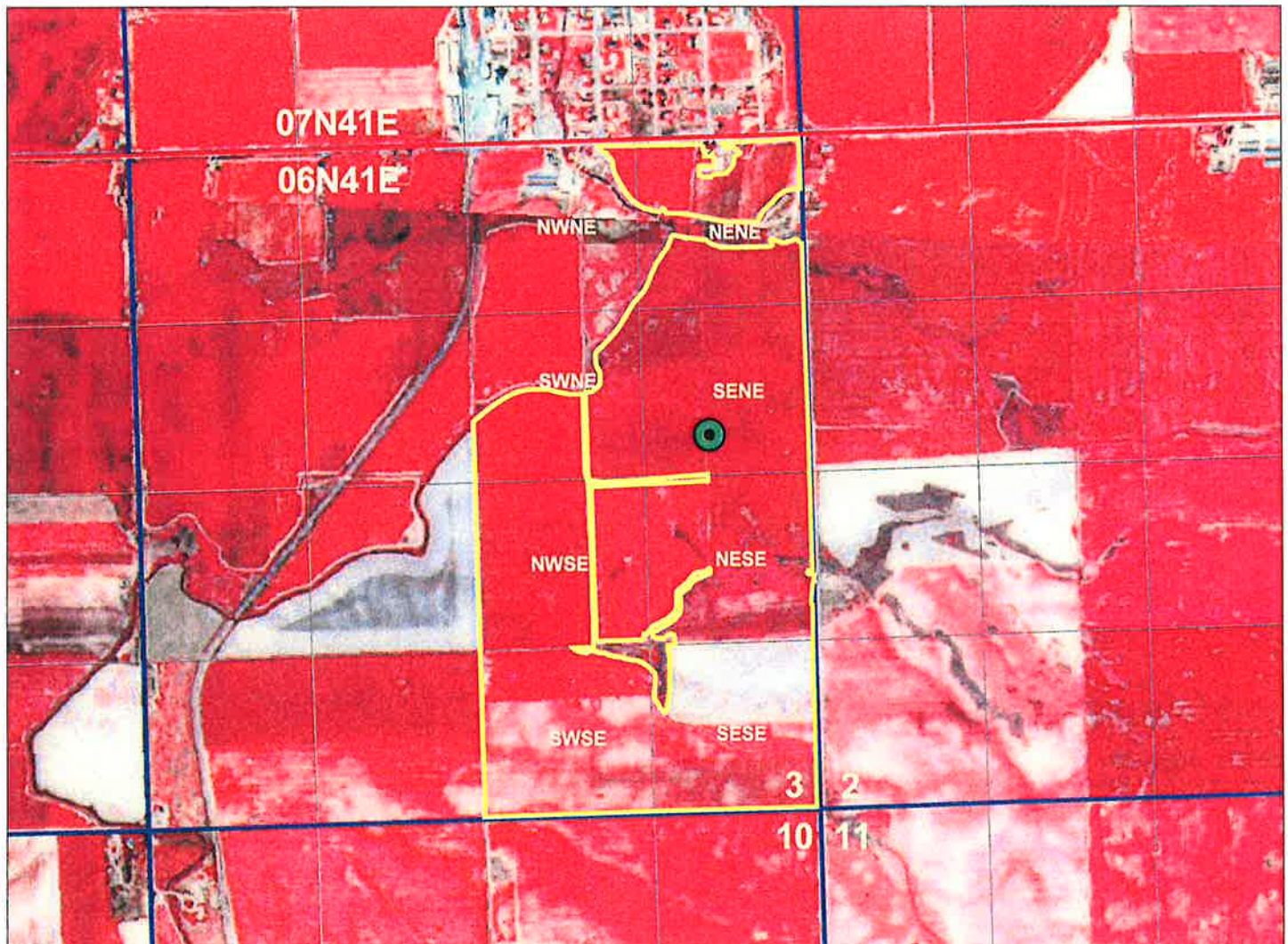
Right No. 22-12900 is also diverted through point of diversion described above.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Department of Water Resources Eastern Region

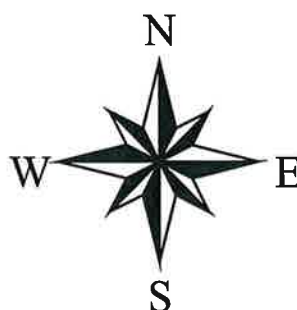


Claim No.: 22-2200 & 22-12900



0 0.25 0.5 0.75 1 Miles

- Point of Diversion
- Place of Use
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: December 2005

SCANNED
AUG 15 2007

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

In Re SRBA)

Water Rights: 22-2200

Case No. 39576)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

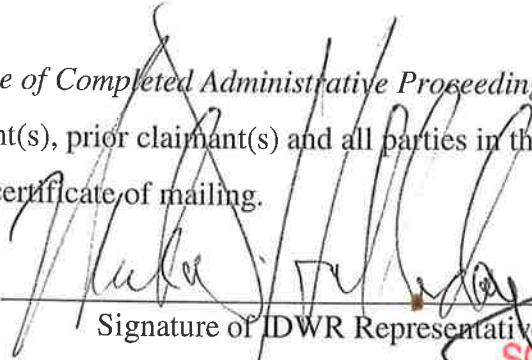
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☒ I.C. § 42-222 transfer 73415
 - ☐ point of diversion ☒ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership
- ☒ Other-Update Conditions

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

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

DATED: 4/13/2010



Signature of IDWR Representative

SCANNED

APR 15 2010

CERTIFICATE OF MAILING

I certify that on April 14, 2010, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:

Reese J Godfrey
8671 E Hwy 33
Newdale ID 83436

Carol Ostermiller
881 E Hwy 33
PO Box 142
Newdale ID 83436

Boyd Howard
PO Box 76
Newdale ID 83436

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

4. One copy to:

Each party in the subcase, or attorney of record

Milner Irrigation District
Represented by
Baker Rosholt & Simpson LLP
113 Main Ave W Ste 303
PO Box 485
Twin Falls ID 83303-0485

American Falls Reservoir
Represented by:
C Thomas Arkoosh
Capitol Law Group PLLC
301 Main St
PO Box 32
Gooding ID 83330

A & B Irrigation District
Burley Irrigation District
Represented by
Roger Ling
615 H St
PO Box 396
Rupert ID 83350-0396

Boyd E Howard
Carol Ostermiller
Reese Godfrey
Fremont Madison Irrigation
Represented by
Jerry Rigby
25 N 2nd E
PO Box 250
Rexburg ID 83440-0250

IGWA Inc
Represented by
Randall C Budge
201 E Center Ste A2
PO Box 1391
Pocatello ID 83204

Layne Harris
Represented by
Robert L Harris
1000 Riverwalk Dr Ste 200
PO Box 50130
Idaho Falls ID 83405

4. One copy to:

Each party in the subcase, or attorney of record (Continued)

Minidoka Irrigation District

Represented by

W Kent Fletcher

1200 Overland Ave

PO Box 248

Burley ID 83318

North Side Canal Co LTD

Twin Falls Canal Co

Represented by

Travis Thompson

113 Main Ave W Ste 303

PO Box 485

Twin Falls ID 83303-0485

5. One copy each to:

Chief Natural Resources Division

Office of the Attorney General

PO Box 44449

Boise ID 83711-4449

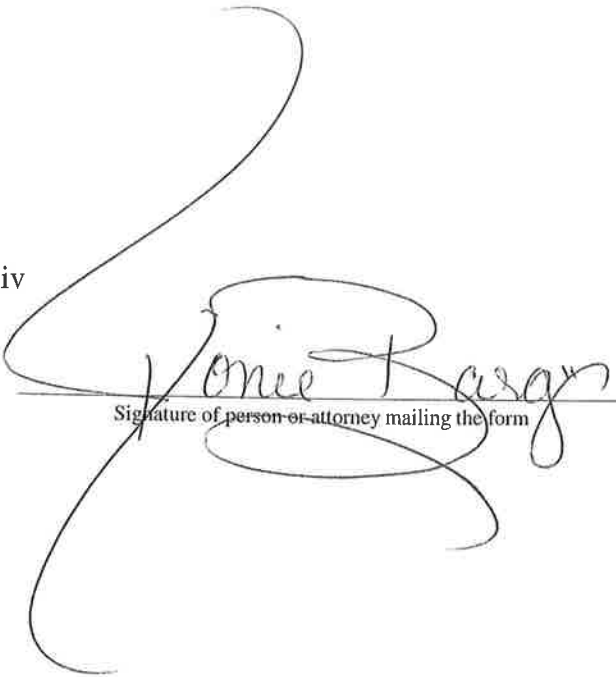
6. One Copy to:

United States Dept of Justice

Environment & Natural Resource Div

550 West Fort Street MSC 033

Boise ID 83724



Signature of person or attorney mailing the form

04/13/2010

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

RIGHT NUMBER: 22-2200

NAME AND ADDRESS: REESE J GODFREY
8671 E HWY 33
NEWDALE ID 83436

CAROL OSTERMILLER
8881 E HWY 33
PO BOX 142
NEWDALE ID 83436

BOYD E HOWARD
PO BOX 76
NEWDALE ID 83436

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.700 CFS
595.00 AFY

PRIORITY DATE: 05/14/1961

POINT OF
DIVERSION:

T06N R41E S3 SWSENE Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

2.700 CFS
595.00 AFY

PLACE OF USE: IRRIGATION in MADISON County

T06N R41E S03 Lot 1 NENE	28.00	T06N R41E S03 Lot 2 NWNE	2.00
T06N R41E S03 SWNE	24.00	T06N R41E S03 SENE	39.00
T06N R41E S03 NESE	38.00	T06N R41E S03 NWSE	39.00

170 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 - License

Amended Director's Report

SCANNED

22-2200
APR 15 2010

RECEIVED

JUL 24 2007

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

) A. Subcase: 22-2200 -
) (Insert Water Right Number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Reese J. Godfrey

Address: 8671 E Hwy 33
Newdale, ID 83436

Daytime Phone: 208-458-4179

Name and Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Reese J. Godfrey

Address: 8671 E Hwy 33
Newdale, ID 83436

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es).)

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: In addition to present language: Water resulting from irrigation of water under the irrigation works of Claimant and being recovered for further use on lands within Claimant's boundary and to which the shares or rights of Claimant are appurtenant.
3. ☐ **Quantity**
Should be: _____
4. ☒ **Priority Date**
Should be: A note to priority date should provide that the priority date only applies in the event it is shown that water is being diverted that is not recaptured project water.
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: Should allow that the place of use of the recaptured project water can be within the service area of Claimant. There should be no other limitation as to the place of use.
10. ☐ **I object because:**
 - ☐ This water right Should not exist.
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): See Attachment "A" Also the following: Any groundwater diverted from under the lands of Claimant's shareholders or interest holders and/or within its boundaries is also groundwater resulting from irrigation from water under the irrigation works of Claimant and is recovered by Claimant, its shareholders or interest holders for further use on the lands of Claimant's shareholders or interest holders under the irrigation works of Claimant within which said lands are located and appurtenant. This recaptured project water shall be administered separately from all other water rights within its particular basin and the Snake River basin.

F. VERIFICATION (must be completed)

STATE OF IDAHO,)

ss

County of Fremont,)

Glen Hodgley
(Name of person filing objection)

duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objections, know its contents and believe that the statements are true to the best of my knowledge.



Glen Hodgley
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn before me on July 18, 2007

Ladonna Henman
Notary Public for Idaho
Residing at Rigby
My Commission Expires: 6-01-2011

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filing will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on July 20 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: same as objector

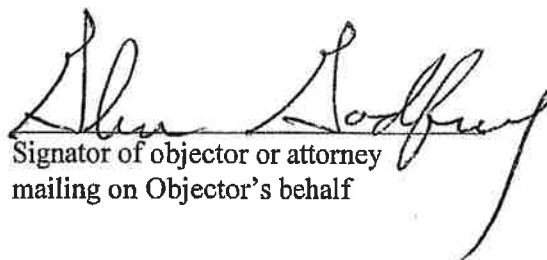
Address: _____

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Nat'l Resources Div
550 W. Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise, ID 83711-4449


Signator of objector or attorney
mailing on Objector's behalf

ATTACHMENT "A"

REASONS SUPPORTING OBJECTIONS

2. Source: The excavation and opening of wells and withdrawal of water therefrom by Claimant or shareholders and interest holders of Claimant was, among other things, to improve and preserve the utility of lands by draining them and for the withdrawal of water for the purpose of recovering groundwater resulting from irrigation of water under the irrigation works of Claimant within which lands of said shareholders or interest holders are located. Therefore two sources of water exits for these wells: (a) the groundwater source under a particular well's license, and (b) the source which is separate and distinct from the groundwater source diverted under the license but is diverted from these wells and requires no license. It is necessary to identify this second source within the right of Claimant so that in the administration of this water right, it will be recognized that the water diverted from these wells as authorized by Claimant is groundwater to which said well owners are entitled to divert under not only their licenses but also the diversion of groundwater resulting from irrigation of water under the irrigation works of Claimant within which lands said shareholders or interest holders are located, and for which no license is required.

4. Priority Date: As for the groundwater being recovered under wells which resulted from irrigation of storage water under the irrigation works of Claimant within which lands of shareholders or interest holders of Claimant are located and appurtenant, there is no priority date, as the recovery of water resulting from irrigation within a project is a part of the original water supply diverted. This groundwater is part of the project water of Claimant within which said lands are located and appurtenant, and Claimant, its shareholders or interest holders are entitled to the use of said project water until the project water leaves the project.

9. Place of Use: As this is natural flow surface water originally appropriated for all lands within the boundary of Claimant, it is appurtenant to all irrigated acres to which shares of stock (or other interest) of Claimant within which lands Claimant's shareholders or interest holders are located and appurtenant. However, by agreement with its shareholders or interest holders, Claimant's shareholders or interest holders have been authorized to use the storage project water on the same lands as those described herein as the lands of Claimant's shareholders or interest holders.

10. Other Matters Necessary for Definition of Administration of this Water Right:
 It should be noted in the definition or administration of this water right, that to the extent water is being diverted and that said water is the recovery of groundwater resulting from irrigation of storage water under the irrigation works of Claimant within which lands of Claimant's shareholders or interest holders are located and appurtenant, such recovery of groundwater shall be administered separately from all other water rights in the Snake River basin, as such rights are not a connected source of water in the Snake River basin. There should also be no reference to remarks limiting the combined use of this right and Basin 01 rights, except as to the acres within the project to which these rights are appurtenant.

RECEIVED
JUL 24 2007
DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

A. Subcase 22-2200
(Insert Water Right Number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Fremont Madison Irrigation District

Address: 350 N., 6th W.

St. Anthony, Idaho 83445

Daytime Phone: 208-624-3385

Name and Address of Attorney, if any:

Jerry R. Rigby

P.O Box 250

Rexburg, Idaho 83440

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Reese J. Godfrey

Address: 8671 E Hwy 33
Newdale, ID 83436

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es).)

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: Ground water and water resulting from irrigation under the irrigation works of Fremont Madison Irrigation District (and/or Canal Companies and Irrigation Districts which by contract carry Fremont Madison Irrigation District's water to its electors) and being recovered for further use on lands within Fremont Madison Irrigation District's district boundary or to which the shares of said Canal Companies and/or rights in Irrigation Districts are appurtenant.
3. ☐ **Quantity**
Should be: _____
4. ☒ **Priority Date**
Should be: A note to priority date should provide that the priority date only applies in the event it is shown that water is being diverted that is not recaptured project water.
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: Should allow that the place of use can be within the service area of Fremont Madison Irrigation District or the service area of its contracting Canal Companies and/or Irrigation Districts. There should be no other limitation as to the place of use.
10. ☐ **I object because:**
 - ☐ This water right Should not exist.
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** See Attachment "A" Also the following: Water diverted from this point of diversion is also groundwater resulting from irrigation under the irrigation works of Fremont Madison Irrigation District and the above described contracting irrigation entities and is recovered by the electors of Fremont Madison Irrigation District for further use on the lands of Fremont Madison Irrigation District's electors under the irrigation works of Fremont Madison Irrigation District and/or the said contracting irrigation entities within which the electors of Fremont Madison Irrigation District's lands are located and appurtenant. This recaptured project water shall be administered separately from all other water rights within its particular basin and the Snake River basin. As to this water right with a source being groundwater and not recaptured project water, the other matters set forth in the recommendation are appropriate.

F. **VERIFICATION** (must be completed)

STATE OF IDAHO,)
 ss
County of Fremont)

Jeffery D. Raybould, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

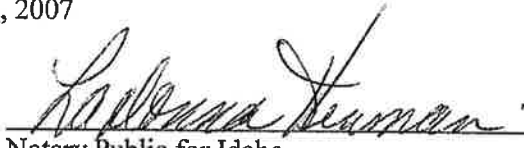
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objections, know its contents and believe that the statements are true to the best of my knowledge.




(Signature of person filing objection)

(Attorney Signing in representative capacity)

Subscribed and sworn before me on: July 17, 2007


Notary Public for Idaho
Residing at Rigby
My Commission Expires: 6-01-2011

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filing will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on July 20, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Reese J. Godfrey
8671 E Hwy 33
Newdale, ID 83436

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Nat'l Resources Div
550 W. Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise, ID 83711-4449



Signator of objector or attorney
mailing on Objector's behalf

ATTACHMENT "A"

REASONS SUPPORTING OBJECTIONS

2. Source: The excavation and opening of this well and withdrawal of water therefrom by Fremont Madison Irrigation District's electors was, among other things, to improve and preserve the utility of lands by draining them and for the withdrawal of water for the purpose of recovering groundwater resulting from irrigation under the irrigation works of the Fremont Madison Irrigation District and the contracting irrigation entities within which lands of Fremont Madison Irrigation District's electors are located. Therefore two sources of water exits for this well: (a) the groundwater source under the license, and (b) the source which is separate and distinct from the groundwater source diverted under the license but is diverted from this well and requires no license. It is necessary to identify both sources so that in the administration of this water right, it will be recognized that the water diverted from this well is groundwater to which Fremont Madison Irrigation District's elector is entitled to divert under its license and is also the diversion of groundwater resulting from irrigation under the irrigation works of Fremont Madison Irrigation District and/or any and all said contracting irrigation entities within which lands of Fremont Madison Irrigation District's electors are located, and for which no license is required.
4. Priority Date: Under the license, the priority date should be the date as recommended by the Director, to the extent water is being diverted under the license, whether or not the groundwater resulted from irrigation under the irrigation works of Fremont Madison Irrigation District and/or of any of the irrigation entities within which lands of Fremont Madison Irrigation District's electors are located. As for the groundwater being recovered under this well which resulted from irrigation under the irrigation works of Fremont Madison Irrigation District and/or all contracting irrigation entities within which Fremont Madison Irrigation District's lands are located and appurtenant, there is no priority date, as the recovery of water resulting from irrigation within a project is a part of the original water supply diverted. This groundwater is part of the project water of Fremont Madison Irrigation District and the contracting irrigation entities within which Fremont Madison Irrigation District's electors lands are located and appurtenant, and said irrigation entities and electors of Fremont Madison Irrigation District are entitled to the use of said project water by themselves or by their shareholders (electors) until the project water leaves the project.
9. Place of Use: As this is project water, as well as groundwater originally appropriated for all lands within the boundary of Fremont Madison Irrigation District and its contracting irrigation entities' projects, it is appurtenant to all irrigated acres to which shares of stock or storage water rights of Fremont Madison Irrigation District and its contracting irrigation entities within which lands of Fremont Madison Irrigation District's electors are located and appurtenant. However, by

agreement with Fremont Madison Irrigation District and its said contracting irrigation entities, Fremont Madison Irrigation District's electors have been authorized to use the project water on the same lands as those described herein as the lands of Fremont Madison Irrigation District's electors:

10. Other Matters Necessary for Definition of Administration of this Water Right:

It should be noted in the definition or administration of this water right, that to the extent water is being diverted and that said water is the recovery of groundwater resulting from irrigation under the irrigation works of Fremont Madison Irrigation District and/or its contracting irrigation entities within which lands of Fremont Madison Irrigation District's electors are located and appurtenant, such recovery of groundwater shall be administered separately from all other water rights in the Snake River basin, as such rights are not a connected source of water in the Snake River basin. To the extent water is diverted under this right that is not recaptured project water, such water right may be administered conjunctively. There should also be no reference to remarks limiting the combined use of this right and Basin 01 rights, except as to the acres within the project to which these rights are appurtenant.

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

In Re SRBA

A. Subcase 22-2200

Case No. 35976

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Layne Harris

Address: c/o Holden, Kidwell, Hahn & Crapo, P.L.L.C.

P.O. Box 50130

Idaho Falls, ID 83405

Daytime Phone: (208) 523-0620

Name & Address of Attorney, if any:

Robert L. Harris

Holden, Kidwell, Hahn & Crapo, P.L.L.C.

P.O. Box 50130

Idaho Falls, ID 83405

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Layne Harris

Address: P.O. Box 63

Newdale, ID 83420

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Points of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be modified to only include a total of 74 acres within the SW1/4SE1/4 and the SE1/4SE1/4 of T. 6N, R 41E, Sec. 3, instead of the 75 acres currently listed.
10. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** Water right no. 22-12900 is an enlargement right attached to the parent water right numbered 22-2200. Water Right No. 22-12900 was originally developed by Junior Ostermiller to irrigate property leased by him in the SE1/4SE1/4 and the SW1/4SE1/4 of T. 6N, R. 41E, Sec. 3. Along with Water Right No. 22-2200, the place of use

designation recommended by IDWR totaled 244 acres, which appeared to be entirely correct since the original licensed acres for Water Right No. 22-2200 was 170 acres. With the 170 acres from 22-2200, and the 74 enlargement acres, a place of use of 244 acres for both rights ($170 + 74 = 244$) seemed entirely accurate.

The objector, Layne Harris, recently purchased the 22-12900 because he is now the lessee of the SE1/4SE1/4 and the SW1/4SE1/4 of T. 6N, R. 41E, Sec. 3, the same acres developed by Mr. Ostermiller which made it necessary to file the enlargement claim of 22-12900. The purchase of the enlargement right was necessary because Mr. Harris now irrigates the above property from the same well from which Water Right No. 22-7397 is diverted from. In order to bring the water rights in conformity with the current irrigation system, Mr. Harris filed a transfer application to change the point of diversion of 22-12900, a change that would move the point of diversion approximately 1 mile to the south of the current point of diversion.

In the process of reviewing the transfer application, IDWR discovered that the place of use shapefile designation for both 22-12900 and 22-2200 showed 169 acres for the land originally irrigated by 22-2200, and 75 acres for the land irrigated under the 22-12900 enlargement. This appears to be an error because 22-12900 states specifically in its conditions that it is limited to an enlargement of 74 acres, but the place of use designation in the water right recommendation has a total of 75 acres in the two quarter-quarter sections listed above on the water right recommendation. Thus, with the transfer of 74 acres, the strange result would be a place of use for the 22-2200 right of 169 acres (one acre less than the 170 for which it was licensed), and on the leased property, there would be one acre of the 22-2200 right appurtenant to it with the same point of diversion as 22-2200 (the original parent right), and 74 acres with the same point of diversion as 22-7397 (the right to which Mr. Harris is attempting to attach 22-12900).

It seems to Mr. Harris that there was an error in rounding, which needs to be sorted out so that there is a place of use of 170 acres for 22-2200, and a place of use of 74 acres (not 75 acres) for the SE1/4SE1/4 and the SW1/4SE1/4 of T. 6N, R. 41E, Sec. 3. A map is attached showing Mr. Harris' property and the leased property to which 22-12900 is appurtenant. Thereafter, the transfer could proceed forward.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Bonneville)

Robert L. Harris, duly sworn, upon oath, deposes and says:

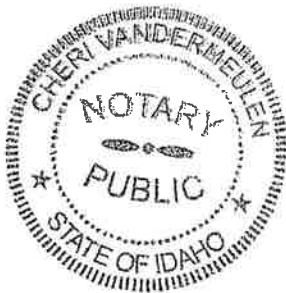
That I am the party/claimant filing this objection, as defined by I.C. §§42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Signature of person filing objection

Robert L. Harris

Attorney signing in representative capacity

Subscribed and sworn to before me on: March 15, 2007



Cheri Vandermeulen
Notary Public for Idaho
Residing at: Idaho Falls
My Commission Expires: July 7, 2009

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I hereby certify that on March 15, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Reese J. Godfrey
Address: c/o Glen Godfrey
310 Park St.
Newdale, ID 83436

Name: Carol Ostermiller
Address: 8881 E. Hwy 33
PO Box 142
Newdale, ID 83436

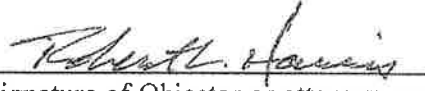
Name: Boyd E. Howard
Address: PO Box 76
Newdale, ID 83436

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

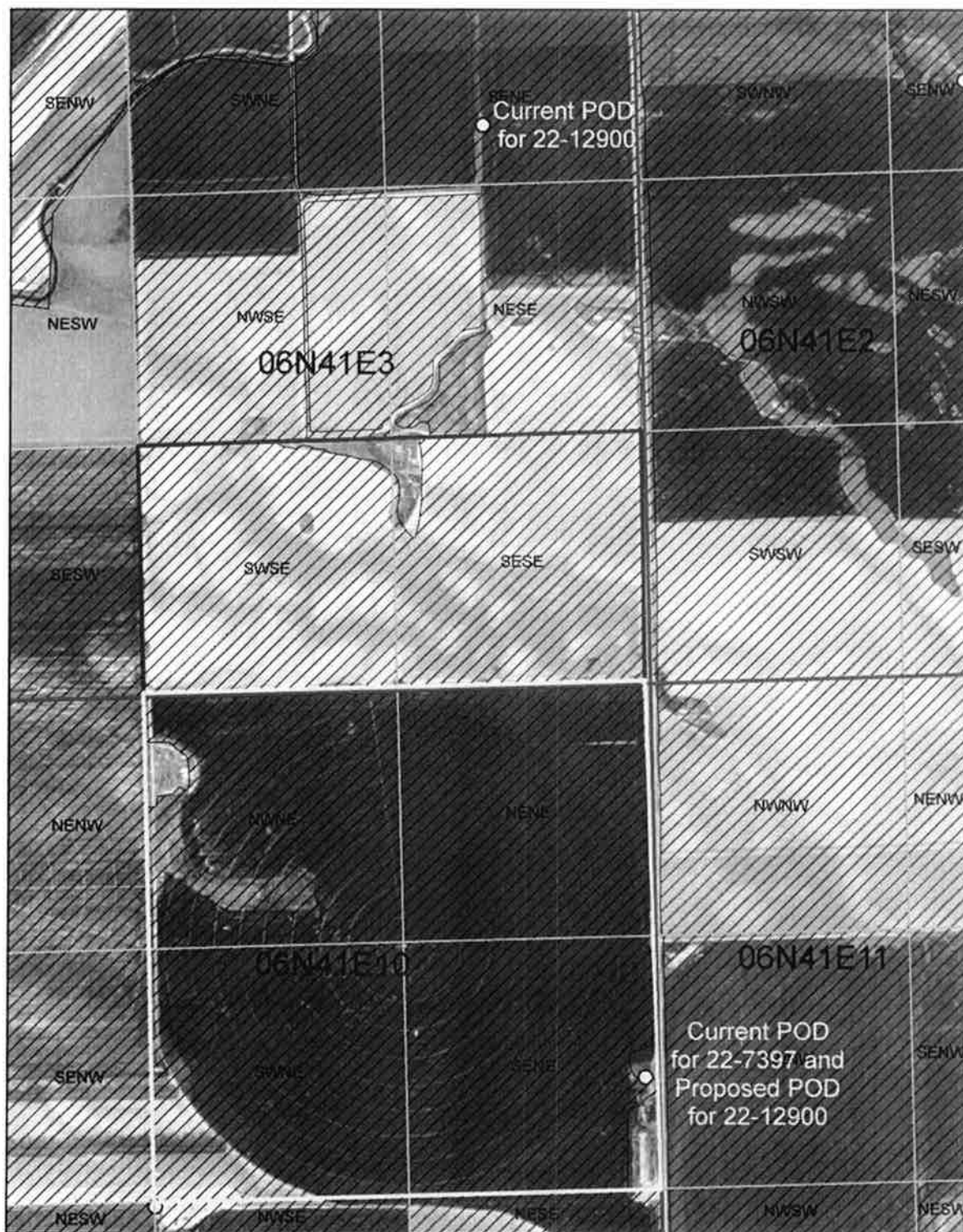
United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney mailing on
Objector's behalf

G:\WPDATA\CA\H\13540\SRBA Objectinn22-2200 wpd

WATER RIGHT 22-12900 TRANSFER

0 0.125 0.25 0.5 Miles



Legend

	Harris_Property		PLS-Section		PODRec
	Leased_Property		PLS-QQ		POURec

Right Holder: CAROL OSTERMILLER
8881 E HWY 33
PO BOX 142
NEWDALE ID 83436

BOYD E HOWARD
PO BOX 76
NEWDALE ID 83436

REESE J GODFREY
8671 E HWY 33
NEWDALE ID 83436

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	2.70 CFS	595.0 AF

GROUND WATER SWSENE Sec. 3 Twp 06N Rge 41E MADISON County

Twp	Rge	Sec	NE								NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals				
06N	41E	3	28.0 L 1	2.0 L 2	24.0	39.0																	
															38.0	39.0			170.0				

Total Acres: 170

WATER RIGHT NO. 22-2200
As Modified by Transfer No. 73415

CONDITIONS OF APPROVAL

1. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13 day of May, 2009

Ernst Carlson
for Chief, Water Allocation Bureau

12/29/2005

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-2200

REESE J GODFREY
8671 E HWY 33
NEWDALE ID 83436
Telephone Number: (208)458-4179

CAROL OSTERMILLER
8881 E HWY 33
PO BOX 142
NEWDALE ID 83436
Telephone Number: (208)458-4135

BOYD E HOWARD
150 CHURCH ST
NEWDALE ID 83436
Telephone Number: (208)458-4318

**RECEIVED
NOV 29 2006**

Department of Water Resources
Eastern Region

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11/15/06 SIGNATURE: Carol Ostermiller
Please print your name: CAROL Ostermiller

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

SCANNED

AUG 15 2007

KMD
12/17

12/29/2005

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-2200

REESE J GODFREY
8671 E HWY 33
NEWDALE ID 83436
Telephone Number: (208)458-4179

CAROL OSTERMILLER
8881 E HWY 33
PO BOX 142
NEWDALE ID 83436
Telephone Number: (208)458-4135

BOYD E HOWARD
150 CHURCH ST
NEWDALE ID 83436
Telephone Number: (208)458-4318

P.O. Box 76 (mailing address)

Address Changed
KNO 11/14

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11-1-06

SIGNATURE: Boyd E. Howard

Please print your name: BOYD E. HOWARD

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

Sorry this is late - we had a lengthy potato harvest.

KNO
11/14

SCANNED

AUG 15 2007

Claim no. 22-2200

Claimant Contact Log

Date 11-4-2005 Remarks Agent initials

1/ See map in file 22-12900 - P.O.U. & mainline
shown for A22-2200

2/ well for A22-2200 should be in Sect 3.
See Robt Harris memo

3/ Enlargement A22-12900 off this same well in
Sect 3.

See 22-12900
for MAP &
Notes

SCANNED

AUG 15 2007

OKge
6/1/05

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.

RECEIVED
JUN 01 2005
Department of Water Resources
Eastern Region

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
22-2180					
22-2200					
22-12900					

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) JUNIOR OSTERMILLER
E. Hwy 33 NEWDALE, ID 83436
4. New Owner/Claimant(s) CAROL OSTERMILLER
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 142 8881 E. Highway 33
- City, State and ZIP Code NEWDALE, ID 83436
- New Telephone Number (208) 458-4135
5. Date you acquired the property OCTOBER 8, 1994

FILED

SCANNED
JUN 15 2005

SCANNED
AUG 15 2007

CERTIFICATION OF VITAL RECORD

STATE OF IDAHO

IDAHO DEPARTMENT OF HEALTH AND WELFARE COOPERATIVE CENTER FOR HEALTH STATISTICS

State of Idaho CERTIFICATE OF DEATH

ONLY A COPY OF THIS DOCUMENT, CERTIFIED BY THE STATE REGISTRAR, WITH THE DEPT. OF HEALTH & WELFARE RAISED SEAL, SHALL BE USED AS PRIMARY EVIDENCE OF THIS DEATH UNDER IDAHO CODE 29-2101 & 29-274

State File No. _____
Local Reg. No. 484#

TYPE OR PRINT IN PERMANENT BLACK INK. DO NOT USE FELT TIP PEN. NAME OF DECEDENT For use by physician or institution	DECEDENT — NAME FIRST <u>JUNIOR</u> LAST <u>OSTERMILLER</u>		SEX Male	DATE OF DEATH (Month, Day, Year) Oct. 8, 1994
	SOCIAL SECURITY NUMBER [REDACTED]		AGE — Last Birthday (M, Y) 63	
	DATE OF BIRTH (Month, Day, Year) Oct. 16, 1930		BIRTHPLACE (City and State or Foreign Country) Newdale, Idaho	
	WAS DECEDENT EVER IN U.S. ARMED FORCES? ☐ Yes ☒ No			
PLACE OF DEATH (Check only one) (1) ☒ Inpatient (2) ☐ ER/Outpatient (3) ☐ DOA		OTHER (4) ☐ Licensed Nursing Home (5) ☐ Private Residence (6) ☐ Licensed Shelter Home (7) ☐ Other (Specify) _____		
FACILITY NAME AND ADDRESS (If not a hospital, enter name of place, street and number) Eastern Idaho Reg. Medical Center			CITY, TOWN OR LOCATION OF DEATH Idaho Falls	
COUNTY OF DEATH Bonneville				
MARITAL STATUS — Married, Never Married, Widowed, Divorced (Specify) married		SURVIVING SPOUSE (If wife, give maiden name) Carol Godfrey		DECEDENT'S USUAL OCCUPATION (Give kind of work done during last of working life. Do not use retired.) farmer
KIND OF BUSINESS / INDUSTRY Farming				
RESIDENCE STATE Idaho	COUNTY Madison	CITY, TOWN OR LOCATION Newdale	STREET AND NUMBER 8881 East Hwy. 33	ZIP CODE 83436
RESIDE CITY LIMITS? ☒ Yes ☐ No	WAS DECEDENT OF HISPANIC ORIGIN? (Specify No or Yes — If yes, specify Cuban, Mexican, Puerto Rican, etc.) ☐ Yes ☒ No	RACE — American Indian, Black, Japanese, White, etc. (Specify) white	DECEDENT'S EDUCATION (Specify only highest grade completed) 12	
FATHER — NAME Johann George Ostermiller		BIRTHPLACE Russia	MOTHER — FULL MAIDEN NAME Maria Katherina Kurueger	
INFORMANT Carol G. Ostermiller		MAILING ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code) P.O. Box 142, Newdale, Idaho 83436		
METHOD OF DISPOSITION ☒ Burial ☐ Cremation ☐ Removal from Idaho ☐ Donation ☐ Other (Specify) _____		PLACE OF DISPOSITION (Name of cemetery, crematory, or other place) Teton - Newdale Cemetery		
LOCATION — City or Town, State RFD Teton City, Idaho				
SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH Gary D. Bidwell		LICENSE NUMBER (of Licensee) M539	NAME AND ADDRESS OF FACILITY Bidwell Funeral Home P.O. Box 60, St. Anthony, Id. 83445	
TIME OF DEATH 9:45 P.		DATE PRONOUNCED DEAD (Month, Day, Year) Oct. 8, 1994	WAS CASE REFERRED TO CORONER? ☐ Yes ☒ No	
MANNER OF DEATH (Check One) ☒ Natural ☐ Homicide ☐ Suicide ☐ Accident ☐ Pending Investigation ☐ Could Not Be Determined				
27. PART I Enter the diseases, injuries, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line. IMMEDIATE CAUSE (Final disease or condition resulting in death) a. Cardio-Respiratory Arrest DUE TO (or as a consequence of) _____ Minutes b. Acute Myocardial Infarction DUE TO (or as a consequence of) _____ Hours c. Coronary Artery Obstructive Disease DUE TO (or as a consequence of) _____ Years d. Atherosclerosis DUE TO (or as a consequence of) _____ Years				
27. PART II Other Significant Conditions contributing to death but not resulting in the underlying cause given in Part I. _____				
28a. WAS AN AUTOPSY PERFORMED? ☐ Yes ☒ No		28b. WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? ☐ Yes ☐ No		
CERTIFIER (Check only one) ☒ PHYSICIAN — To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner as stated. ☐ CORONER — On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, and place; and due to the cause(s) and manner as stated.				
SIGNATURE AND TITLE OF CERTIFIER [Signature]		LICENSE NUMBER M-5171	DATE SIGNED (Month, Day, Year) 10-31-94	
NAME AND ADDRESS OF CERTIFIER (If physician) B. SHIELDS STUTTS, M.D. 2860 Channing Way Suite 225, Idaho Falls, Id. 83404				
DATE OF INJURY (Mo., Day, Yr.) _____	HOUR OF INJURY _____	DESCRIBE HOW INJURY OCCURRED _____		
INJURY AT WORK? ☐ Yes ☐ No	IF TRANSPORTATION ACCIDENT, Specify ☐ Driver ☐ Passenger ☐ Pedestrian ☐ Other _____	PLACE OF INJURY — At home, farm, street, factory, office building, etc. (Specify) _____	LOCATION (Street or Route Number, City/Town, or County, and State) _____	
CORONER'S REVIEW AREA CORONER'S ACTION (Check One) (1) ☐ Reviewed Only (2) ☐ Reviewed, Completed Items 26 and/or 30 (3) ☐ Reviewed, Amended and Certified		CORONER'S SIGNATURE _____		DATE SIGNED (Month, Day, Year) _____
REGISTRAR [Signature]		DATE FILED (Month, Day, Year) Nov 1, 1994		

VITAL STATISTICS COPY

At a minimum, complete items 1, 3, 9a, b, c, d, 21a, b, 22, and 29a for the 24 Hour Report & Authorization For Final Disposition

certify that this is a true and correct reproduction or abstract of an official record filed with the IDAHO COOPERATIVE CENTER FOR HEALTH STATISTICS

DATE ISSUED: Nov 1, 1994

JUN 15 2005

JANE S. SMITH
State Registrar

AUG 15 1994

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
KARL R. DECKER
THEL W. CASPER*
SHAN B. PERRY
AMELIA A. SHEETS
DeANNE CASPERSON**
ROBERT L. HARRIS

1000 RIVERWALK DRIVE, SUITE 200
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL RHARRIS@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

*Also Licensed in Utah and Arizona
**Also Licensed in Missouri & Kansas

May 31, 2005

RECEIVED

JUN 01 2005

**Department of Water Resources
Eastern Region**

Allen B. Ruberry
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402-1718

Re: Notice of Change in Water Right Ownership
From Junior Ostermiller to Carol Ostermiller

Dear Allen:

Enclosed with this letter is a Notice of Change in Water Right Ownership filed on behalf of Carol Ostermiller. A few months ago, you and I talked about changing the names on Junior Ostermiller's water rights from his name to his wife's name. As you requested, I have included a copy of Junior Ostermiller's death certificate. As you can see, Junior died on October 8, 1994. Carol Ostermiller, his wife, inherited his real property, including his water rights.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Robert L. Harris

Enclosures

c: Carol Ostermiller

G:\WPDATA\RLH\12727 Ostermiller, Carol\AJ Ruberry ltr 053105.wpd:cdv

PROFILED

SCANNED

JUN 15 2005

SCANNED

AUG 15 2007

WATER LICENSE

Water License No. G-29465 Priority May 14, 1961 Amount 2.7 c.f.s.
(late proof)

THIS IS TO CERTIFY, that Stanton Howard - Assignee - George Ostermiller, Sr., Rexford S. Howard and Reese J. Godfrey
of Newdale, Idaho, made application for a permit to appropriate the public waters of
the State of Idaho, dated February 14, 1961; that Permit G-29465 was issued pursuant
to said application; that the proposed works were completed on or about June 1961
with a storage/or carrying capacity of 2.7 c.f.s., said works consisting of well, pump,
motor, pond and sprinkler system; and that on May 24, 1966
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 595
when combined with all other rights appurtenant to the same land and shall not exceed
acre feet per season, with a maximum rate of diversion of 2.7 cubic feet per second of the waters that
amount
of ground water, tributary of
for the purpose of Irrigation from April 1 to October 31
and for _____ from _____ to _____; and for
_____ from _____ to _____; and that the use
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
located in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 3, T. 6 N, R. 41 E, B.M., and
other additional points _____, in the County of
Madison; and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 595 acre feet per year. when combined with all other rights
appurtenant to the same land and shall not exceed that amount.
Description and location of place of use:

TWP.	RANGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>6 N</u>	<u>41 E</u>	<u>3</u>	<u>37</u>	<u>2</u>	<u>25</u>	<u>37</u>									<u>32</u>	<u>37</u>			<u>170</u>

Total number of acres irrigated 170

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described,
as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

27th day of March, 19 69.

R. Keith Hays
State Reclamation Engineer

22 2200

89465

SCANNED

AUG 15 2007

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Drilling & Pump Co.
Box 1134
Idaho Falls, Idaho 22-2200

Application No. G- 37463
Permit No. G- 29465
District No.

Assigned to

George Ostermiller, Jr.
R. J. Sedgwick
Idaho Falls

1. Name of Applicant: Stanton Howard
Postoffice address: Newdale County: Fremont State: Idaho

2. Quantity of water claimed:
(a) Rate of withdrawal in cubic feet per second 4.8 or Idaho
Miners' inches 240 or gallons per minute
(b) Annual withdrawal in acre feet per annum

3. Source of water supply: Subterranean from well

4. Location of point of diversion or well is in the SE 1/4 of the NE 1/4 of Section 3
Twp. 6 N , Rge. 41 E , B.M., County of Madison

5. Water is to be used for: Irrigation

6. If for municipal, industrial or recreational purposes, give:

(a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
Rge. , B.M.

(b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B.M.

7. Kind of works: drilled well

8. Estimated cost of works: \$12,000

9. (a) Is reservoir to be used? no

(b) Capacity of reservoir:

10. The time required for the completion of such work and complete application of the water to the proposed use is five years.

11. If applicant is a corporation, give:

I. (a) Date and place of incorporation:

(b) Amount of capital stock: \$ (c) Amount paid in: \$

(d) Names and addresses of directors:

II. The financial resources of the applicant are (a) Cash onhand: \$

(b) Treasury stock: (c) Bonds to be issued:

(d) Other resources:

12. The land to be irrigated is described in the following tabulation:

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: none, except Canyon Creek Early runoff - 116.5 shares total

(a) 4.8 (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

(b) (cubic feet per second, inches or gallons per minute) is for new lands.



SCANNED

AUG 15 2007

Remarks: This well is being drilled on my property but it will be used for irrigation of George Ostermillers, my own and Reec Godfrey's property as outlined on the enclosed plat.

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

s/ Stanton Howard

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A.M. February 14, 1961

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 29465

Recorded in Book 103 Page 29465 Approved February 24, 1961

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless

temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before August 24, 1963

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before February 24, 1966

Witness my hand this 24th day of February, 1961

s/ GEO. N. CARTER
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 24th day of February, 1961.

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

By s/ ROBERT E. SMYLIE

Governor

Secretary of State.

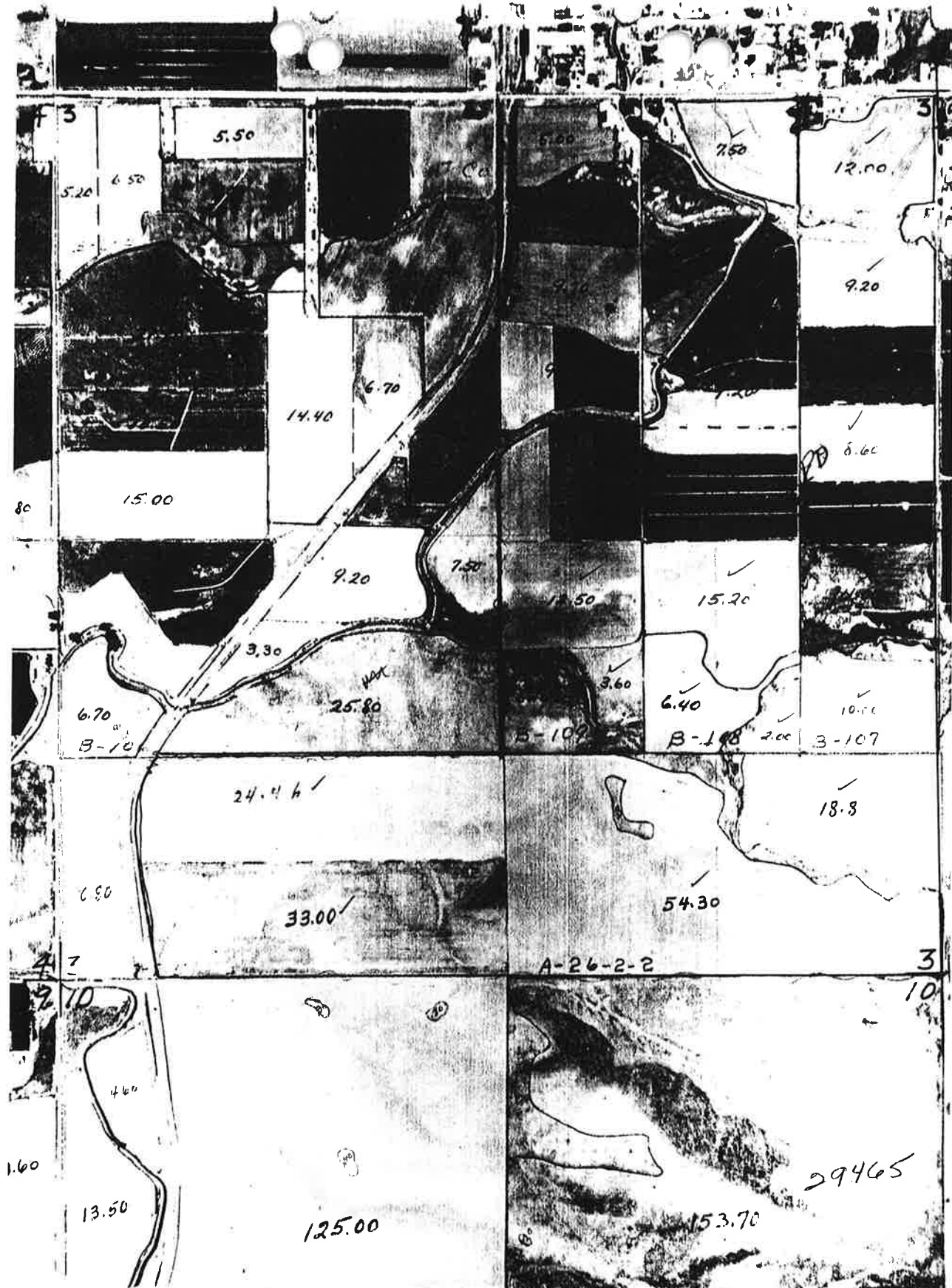
12.

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	
6 N	41 E	3	40	40	40	40									40	40			240
ASSIGNMENT ✓																			
For value received, I hereby assign all of my right, title and interest in and to Permit to appropriate the Public Waters of the State of Idaho, No. G-29465 to George Ostermiller, Sr., Rexford S. Howard and Reese J. Godfrey, all of Newdale, Idaho.																			
*in equal, undivided interests.																			
STATE OF IDAHO) County of Madison)																			
On this 15th day of April, 1966, before me, a Notary Public for the State of Idaho, residing at Rexburg, Idaho, personally appeared Stanton Howard and Carrie Howard, known to me to be the persons whose names are subscribed to the within instrument, and duly acknowledged to me that they executed the same.																			
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.																			
My Commission expires 1-26-67																			
												s/ Stanton Howard Permit Holder s/ Carrie Howard Wife of Permit Holder							
												s/ Ray W. Rigby Notary Public, Residing at Rexburg, Idaho							

LICENSE ISSUED FOR 2.7 SEC. FT.
LICENSE PAG. NO.

SCANNED

AUG 15 2007



SCANNED

AUG 15 2007

City of
Newdale

T7N, R41E

T6N, R41E

34 35

3 2

GODFREY GLEN REESE ETUX

HOWARD BOYD E
HOWARD BOYD E

OSTERMILLER CAROL

OSTERMILLER CAROL
OSTERMILLER JUNIOR

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED



- 76
- ☒ Insufficient Address
 - ☐ Moved, Left No Address
 - ☐ Unclaimed ☐ Refused
 - ☐ Attempted - Not Known
 - ☐ No Such Street ☐ Vacant
 - ☐ No Such Number
 - ☐ No Receptacle
 - ☐ Not Deliverable As Addressed
 - ☐ Unable To Forward
- BOYD E HOWARD
150 CHURCH ST
NEWDALE ID 83436

22-2200

★ ★
★ ★
★ ★
PITNEY BOWES
U.S. POSTAGE
1580 PB3523907
8956 \$00.37 MAR 02 2004
0812 MAILED FROM ZIP CODE 83402

New: PO Box 76
Newdale, ID 83436

SCANNED

AUG 15 2007

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

Permit No. G-29465

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant George Ostermiller, Sr., Rexford S. Howard, Reese J. Godfrey
Newdale, Idaho

2. Source of water supply: subterranean

3. Location of point of diversion: Is in the SE 1/4 of Section 3
T. 6 N R. 41 E County of Madison

4. Describe works as they exist, giving dimensions and capacities of same: U.S. Hall shaft
100 H.P. 12.48503 Byron & Jackson 378693 8" Discharge
into Ditch used for gravity flow and the flow
to the west dumps into a pond General Electric
40 H.P. Motor is used to pump water out
of pond into sprinkler system. P.V. 324103

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NE 1/4, NW 1/4, Sec. 3, T. 6 N., R. 41 E., B. M.

NEEDS to be amended to include S 1/2 SE 1/4 &
S 1/2 SW 1/4 of Sec 3

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

8. What large stream would the water here appropriated finally reach? _____

Remarks: Sparking meter was used

200 in 574 Sec. $\frac{200}{74} = \frac{100}{37} = 2.7 \text{ c.f.s.}$

IRRIGATION REQUIREMENT = 3.5 AC-Ft / ACRE / SEASON
needs amendment to land list to include S 1/2 SE 1/4 & S 1/2 SW 1/4 Sec 3
original permit only for 240 acres

This examination was made on the _____

day of _____

1968

(Signed) _____

John Reynolds

SCA Examiner

29465

AUG 15 2007

plat
att.

George Ostermiller, Sr. *pump, mainline,*
Rexford S. Howard *lateral sprinklers*
Reese J. Godfrey
Newdale, Ida. *6' 363' H-236'*
Permit No. G 29465 ✓ *250 nozzles*

Completion of Works
Examination for and Beneficial Use

County Madison

Sec. 3 T. 6N R. 41E

Quantity: 4.8

22-

Source: subterranean

P.D.: SE 1/4, Sec. 3, 6N 41E

Use: irrigation

Extension:

Protest:

Completion of Works:

Other Rights: Canyon Creek early
run-off 116.5 shares

Filed: Feb. 14, 1961

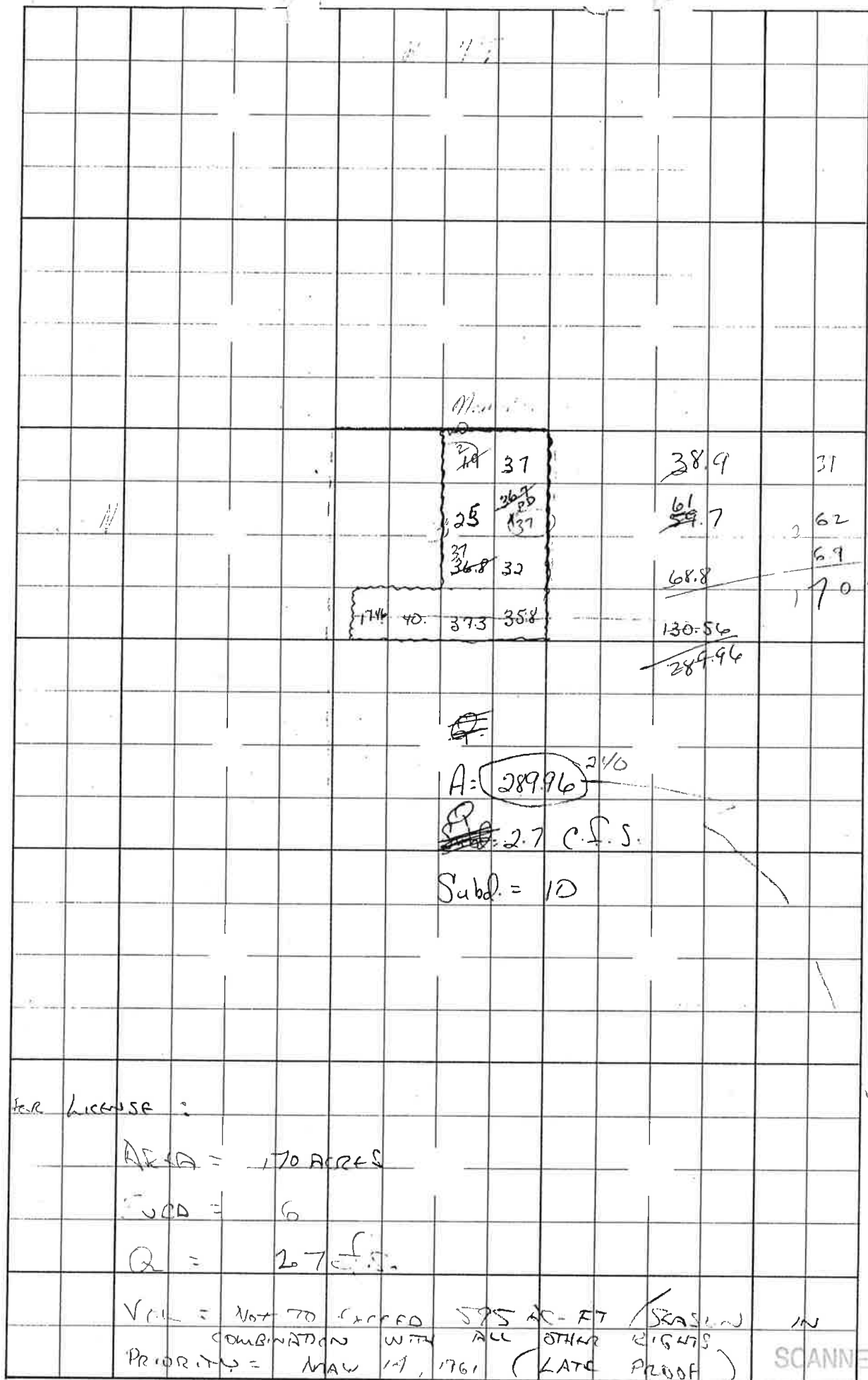
Due: Feb. 24, 1966

INSTRUCTIONS TO EXAMINERS

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

29465

SCANNED
AUG 15 2007



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

29/10/05 15 2007

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. G-29465

REPORT ON PROOF OF Completion of Works and Beneficial Use

George Ostermiller, Sr., Rexford S. Howard
Reese J. Godfrey, Newdale, Idaho

SCANNED

AUG 15 2007

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 22-2200

Date Received:
Receipt Nos:
Received By:

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

REESE J GODFREY
8671 E HWY 33
NEWDALE, ID 83436
(208)458-4179

Name of Claimant

CAROL OSTERMILLER
8881 E HWY 33
PO BOX 142
NEWDALE, ID 83436
(208)458-4135

BOYD E HOWARD
PO BOX 76
NEWDALE, ID 83436
(208)458-4318

Priority Date: 06/01/1900
Basis: Decreed/License
Status: Active

Source

Ground Water
Teton River

Tributary

Snake River

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	2.7 CFS	595 AFA

Total Diversion 2.7 CFS

Location of Point(s) of Diversion:

GROUND WATER SWSENE Sec. 03 Township 06N Range 41E MADISON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION MADISON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	41E	3	1	NENE 28	2	NWNE 2			SWNE 24			SENE 39		
				NESE 38		NWSE 39								

Total Acres: 170

Remarks: This water right includes the right to divert water which is recovered ground water resulting from recharge for irrigation and/or water resulting from irrigation under the Canyon Creek Canal Company irrigation works for use on lands within said irrigation entity's authorized place of use. Diversion of this right for the purpose of irrigation is authorized for a maximum acreage equivalent to the authorized place of use for this right. This right includes an accomplished change in place of use pursuant to Section 42-1425, Idaho Code. § I.C. 42-1425 and/or I.C. 42-228. This right includes an accomplished change in point of diversion pursuant to Sections 42-1425 and/or 42-228, Idaho Code. In the event recharge or recovered water is not available, the priority date shall revert to the previously licensed priority date.

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.

1. C18

Describe any other water rights used at the same place and for the same purposes as describe above: Those water rights recommended as of the date of this amended claim.

Basis of Claim: Decreed/License

Signature(s)

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

Number of attachments: Previously submitted and on file with IDWR

For Individuals/Organizations:

I do solemnly swear or affirm under penalty of perjury that I am the attorney for the above individual or organization, that I have signed the foregoing document in the space below as attorney for the individual or organization and that the statements contained in the forgoing document are true and correct.

DATED this 17th day of August, 2010.

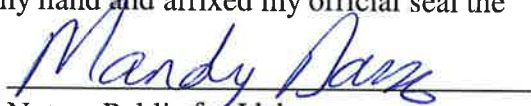

Jerry R. Rigby, Attorney for Claimant

STATE OF IDAHO,)
ss.

County of Madison.)

On this 17th day of August, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Jerry R. Rigby, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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


Notary Public for Idaho
Residing at: St. Anthony
My Commission Expires: 6/24/2011



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: A22-02200

Date Received: 8/12/1988

Receipt No: E001389

Received By: PM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BOYD E. HOWARD 208-458-4318
Address: 150 CHURCH ST.
NEWDALE, ID 83436
OR
Name: REESE J. GODFREY 208-458-4179
Address: 8671 EAST HIWAY 33
NEWDALE, ID 83436
OR
Name: JUNIOR OSTERMILLER 208-458-4135
Address: EAST HIWAY 33
NEWDALE, ID 83436

A2202200



2. Date of Priority: MAY 14, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	41E	3	SE	NE			MADISON

5. Description of diverting works:
WELL AND PUMP WITH SPRINKLERS AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.700		

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

8. Total consumptive use is 370.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A22-02200

Page

1

Date: 08/12/88

SCANNED MICROFILMED

AUG 15 2007

OCT 29 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	41E	3	NE		NE		IRR	25.0
			NW		NE		IRR	2.0
			SW		NE		IRR	23.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0

Section Acres 170.0

Total Acres 170.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT COVERS LAND OWNED BY EACH OF THE CURRENT CLAIMANTS.

15. Basis of Claim: LICENSE

Water Right Number: 29465

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): *Barth E. Howard* Date: 8-14-88

Date: _____

State of Idaho)
County of Fremont) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of August 19 88

Susan Lott
Notary Public

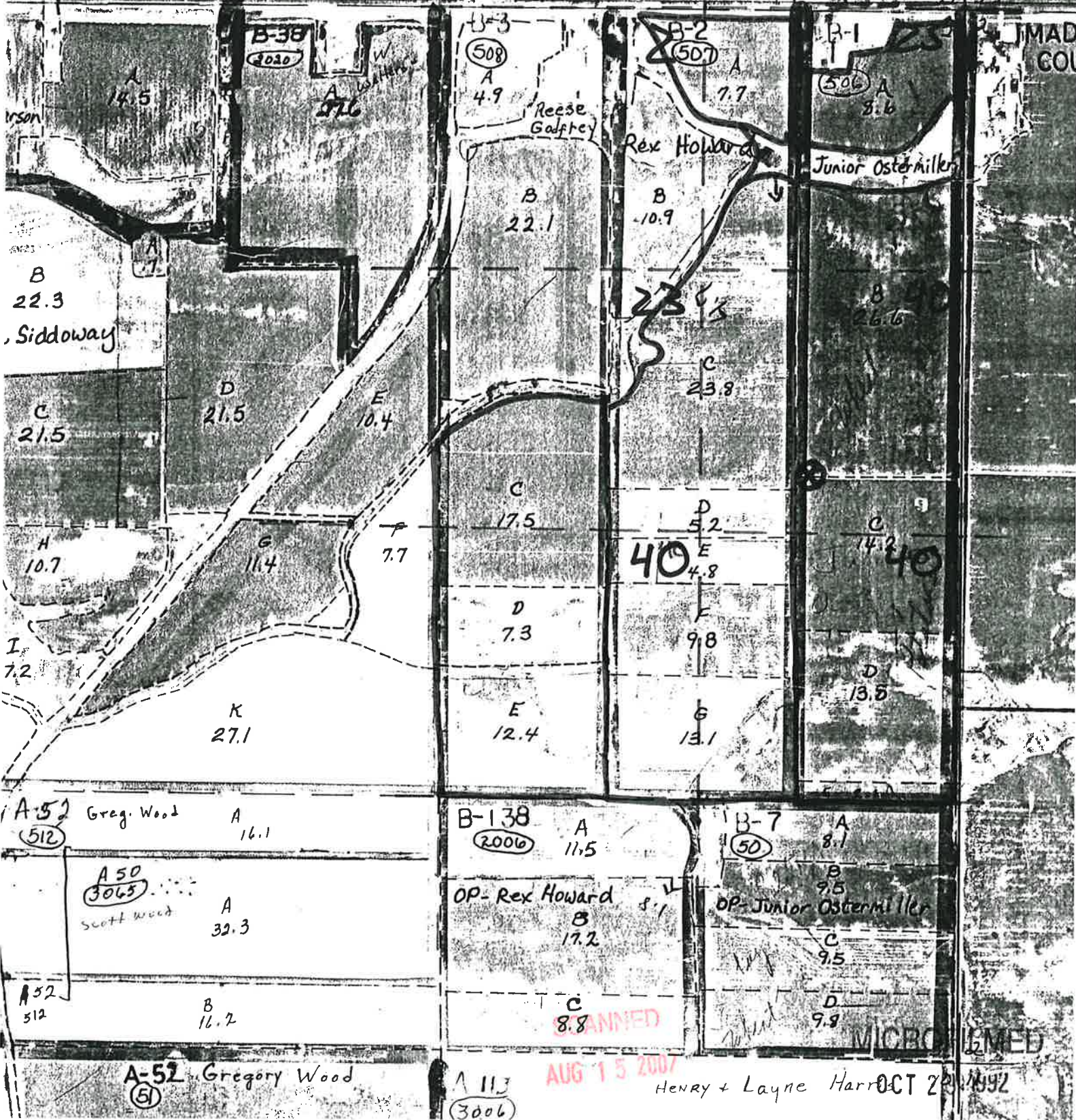
Seal

Residing at Newdale, Fremont Co.
My Commission Expires 3-18-1994

A22-02100

FREM
COU

JMAD
COU



ANNED

MICROFILMED

AUG 15 2007

HENRY + Layne Harris OCT 22 1992