

06/06/2003

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

RIGHT NUMBER: 29-7067

NAME AND ADDRESS: LEWIS L PROBART
2457 ADA ST
POCATELLO ID 83201

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.140 CFS
27.300 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND
STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 08/03/1971

POINT OF DIVERSION:

T07S R35E S7 NENSW Lot 3 Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS 0.40 AFY
IRRIGATION	03/15 11/15	0.140 CFS 24.50 AFY
DOMESTIC	01/01 12/31	0.060 CFS 2.40 AFY

PLACE OF USE: IRRIGATION Within BANNOCK County
T07S R35E S07 Lot 3 NWSW 7.0
STOCKWATER same as IRRIGATION
DOMESTIC same as IRRIGATION

7 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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF
HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: License

DOMESTIC: 2 HOMES

STOCKWATER: 12 HEAD

DOMESTIC PARCEL NO(S): RPCDV003000 AND RPCDV000800



Irrigated Area

Section Line

Roads

Place of Diversion

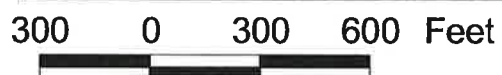
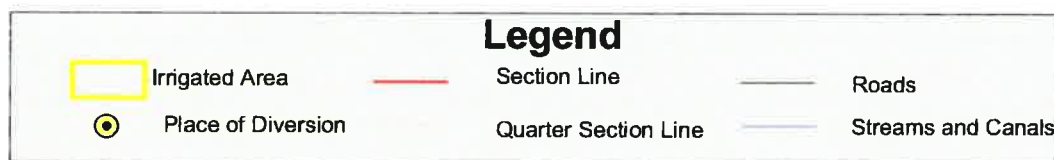
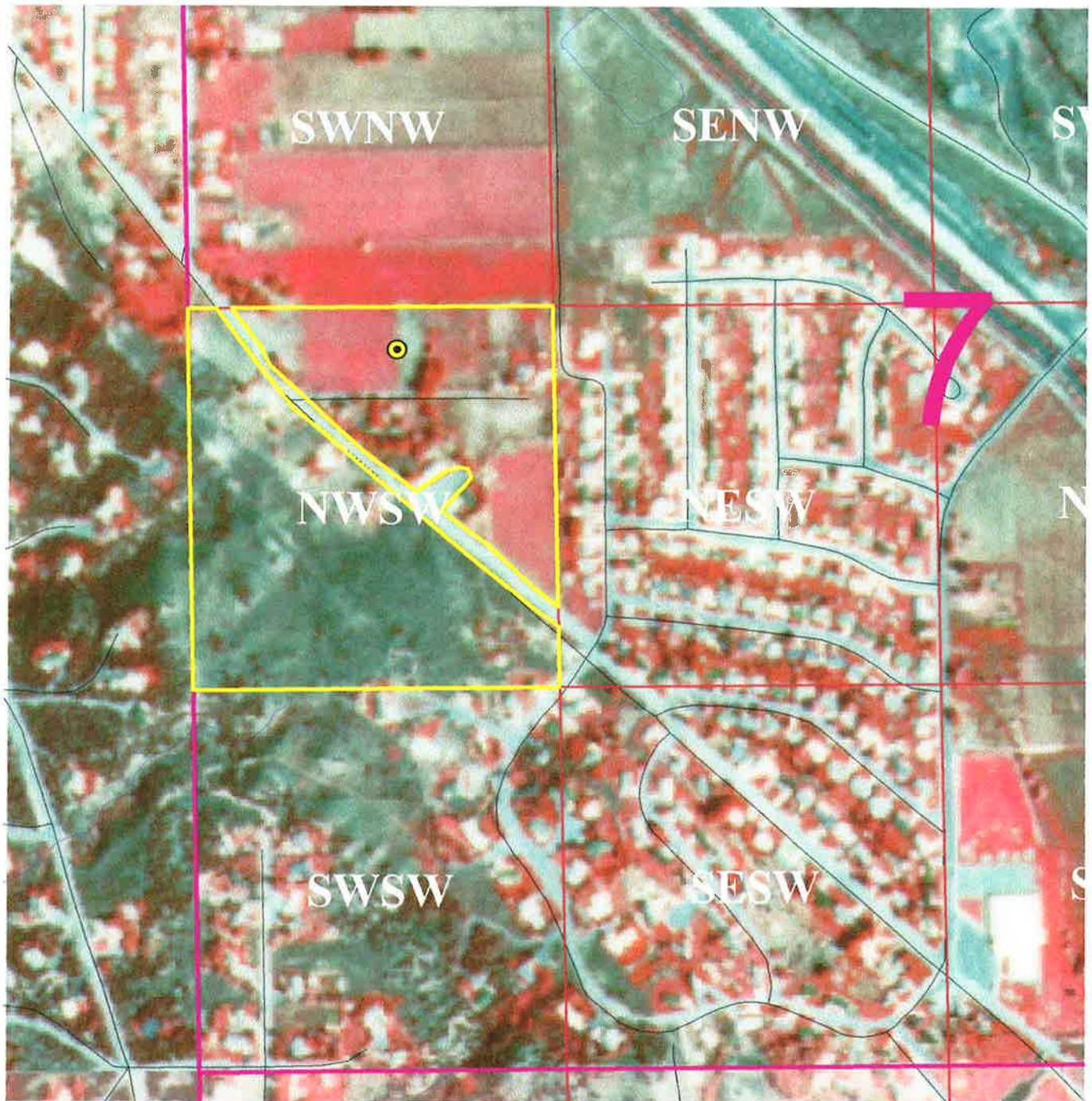
Quarter Section Line

Streams and Canals



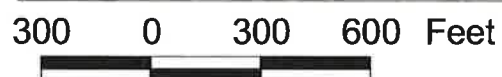
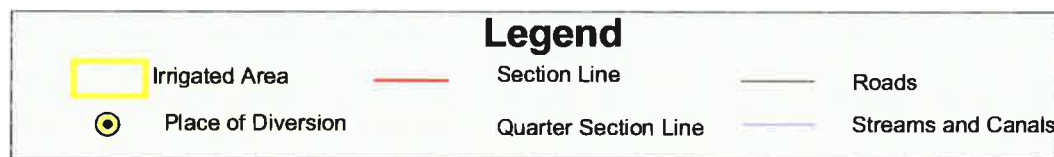
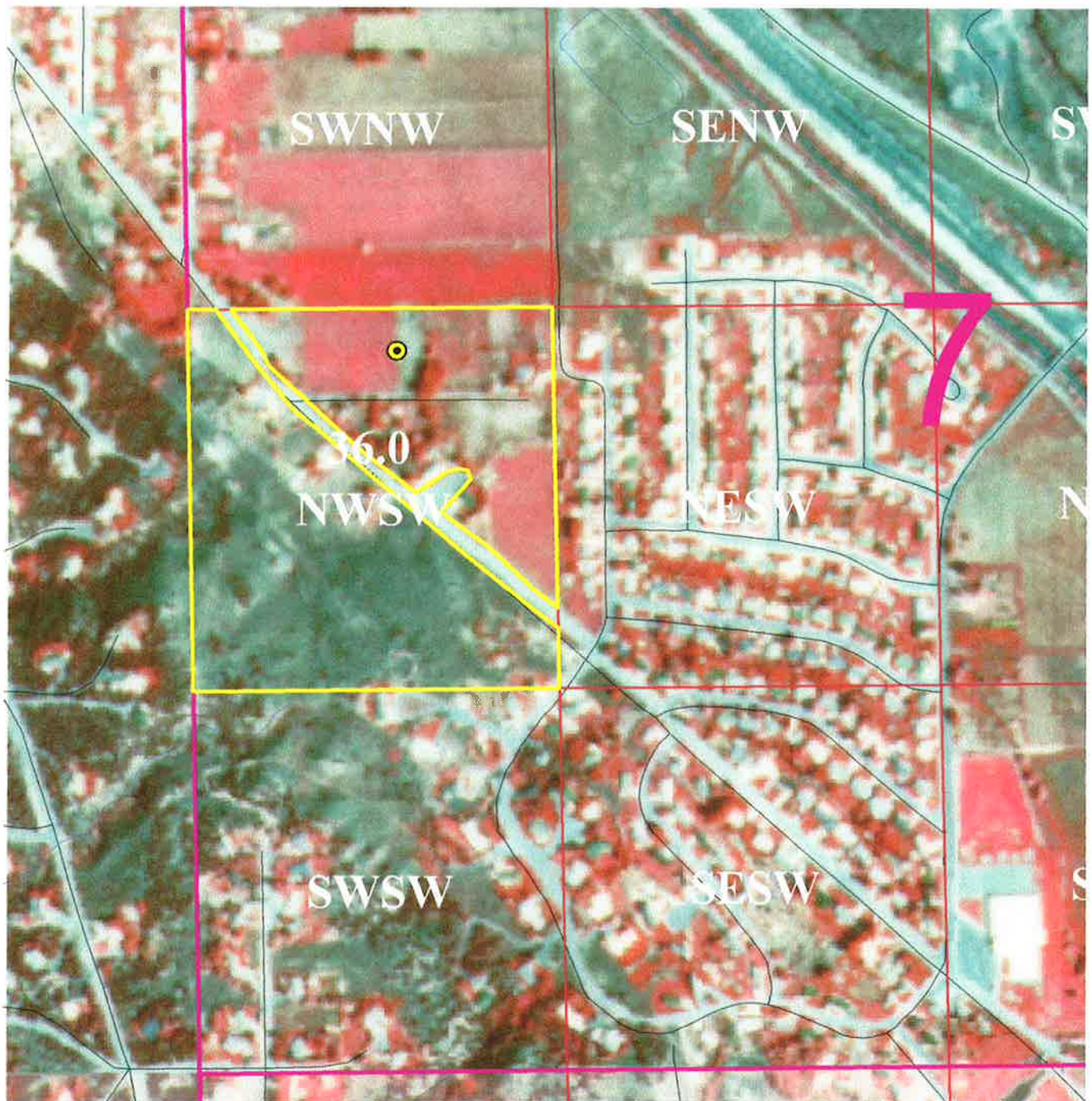
Water Right Claim Number A29-07067
Townships , 7S35E, 7S34E

09/06/2000



Water Right Claim Number A29-07067
Townships , 7S35E, 7S34E

09/06/2000



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7067 V1

WATER RIGHT NUMBER: 29-7067 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LEWIS L PROBART 2457 ADA ST POCATELLO, ID 83201 (208) 327-9045
Original Owner	WILMA J PROBART 795 LEO LN POCATELLO, ID 83204 (208)232-5425

Priority Date: 08/03/1971

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.020 CFS	0.40 AF
IRRIGATION	03/15 to 11/15	0.140 CFS	24.50 AF
DOMESTIC	01/01 to 12/31	0.060 CFS	2.40 AF
	<u>Total Diversion:</u>	0.140 CFS	27.30 AF

Location of Point(s) of Diversion

GROUND WATER L3 (NE1/4NW1/4SW1/4) Sec. 7, Twp 07S, Rge 35E, B.M.
BANNOCK 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	
07S	35E	7																	7.0
																			L 3

Total Acres: 7

STOCKWATER same as IRRIGATION
DOMESTIC same as IRRIGATION

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. N09 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N14 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-7067 V1

Remarks:

1. Explanatory DOMESTIC: 2 HOMES
2. Explanatory STOCKWATER: 12 HEAD
3. Explanatory DOMESTIC PARCEL NO(S): RPCDV003000 AND RPCDV000800

Comments:

1. csaxton 3/8/2002 Recommendation
Comment: Recommended as licensed.
2. csaxton 4/29/2003 C/O
Comment: Changed ownership per claimant request (csaxton).
3. csaxton 6/5/2003 NOE
Comment: Through the NOE process I re-evaluated the preliminary recommendation for 29-07067. I originally recommended a portion of this right on LDS church ground. The permit map supplied by the claimant does not seem to include the LDS church ground. The field examiner map shows the LDS church ground as irrigated, but also indicates that 8 acres were included (do not know if he meant all 8 acres were irrigated). But written notes say, "Applicant is also irrigating leased land which belongs to the church." This has been interpreted to mean that the field examiner did see irrigation on the church ground, but did not include that in the license. In addition, E-mail from the claimants daughter states that her father owns 7.5 acres and only leased the church ground for two years. Recommend this right in full on claimants ground.
4. csaxton 6/6/2003 Change of address
Comment: Changed address through NOE by request of claimants daughter who has Power of Attorney through E-mail request.

Dates and Other Information:

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

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>
Priority Date	3/8/2002 9:48:05 AM	csaxton			Active
POD	3/8/2002 9:48:17 AM	csaxton			Active
Source	3/8/2002 9:49:32 AM	csaxton			Active
POU	3/8/2002 9:49:57 AM	csaxton			Active
Use	3/8/2002 9:51:56 AM	csaxton			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7067 V1

Season	3/8/2002 9:53:22 AM	csaxton	Active
Quantity	3/8/2002 9:55:03 AM	csaxton	Active
Summary		03/08/2002 csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Priority Date	3/8/2002 9:48:05 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
Season	3/8/2002 9:53:23 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?
Summary	3/8/2002 10:01:54 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
POD	3/8/2002 9:48:42 AM	csaxton	Edited point location
Source	3/8/2002 9:49:32 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	3/8/2002 9:50:17 AM	csaxton	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7067 V1

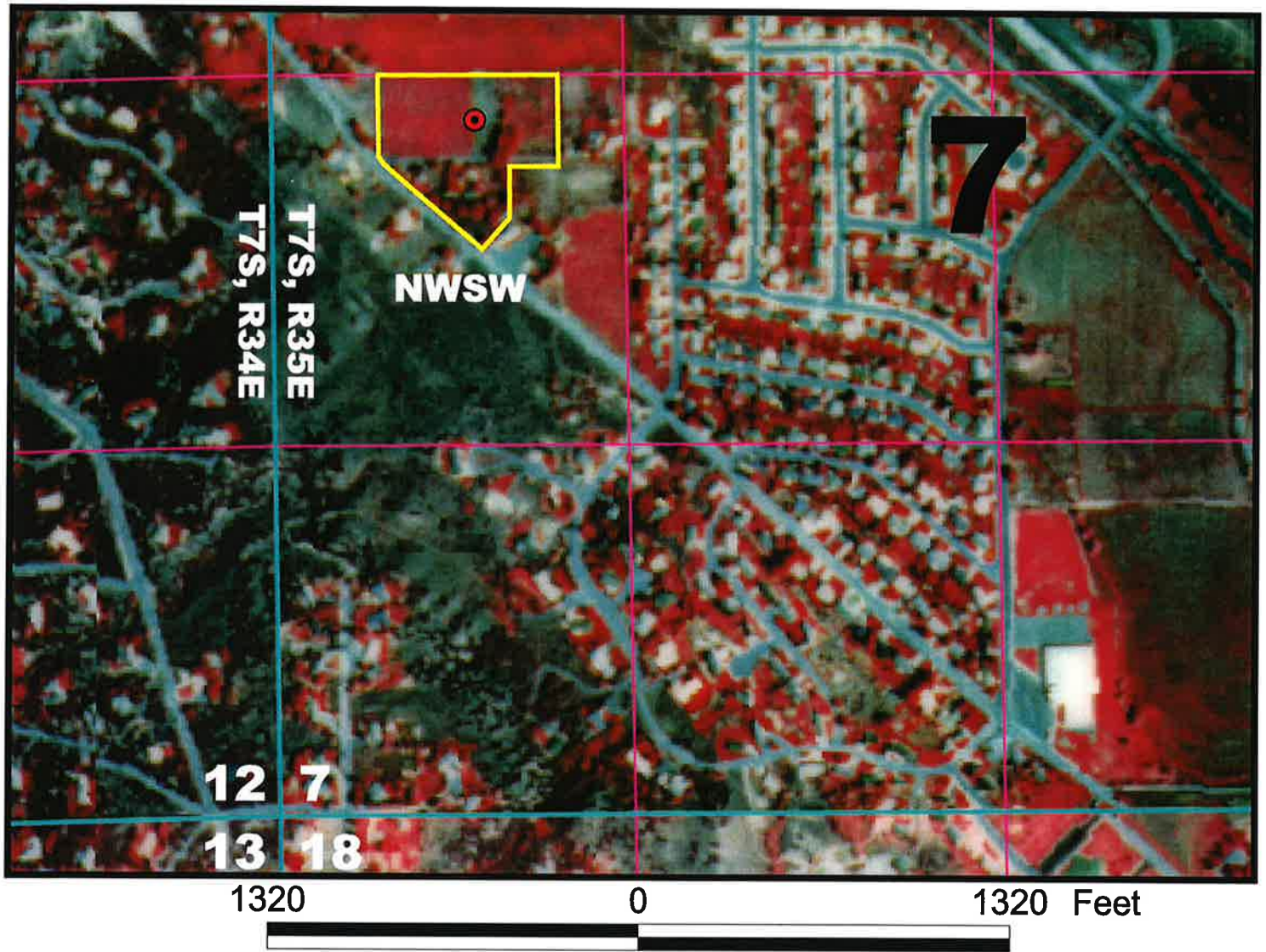
Contacts	3/8/2002 9:47:15 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop review
POD	3/8/2002 9:49:16 AM	csaxton	Edited PLS
POU	3/8/2002 9:49:57 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Use	3/8/2002 9:51:56 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
POD	3/8/2002 9:55:04 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - As licensed
POD	3/8/2002 9:48:17 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POU	6/5/2003 2:50:42 PM	csaxton	Edited shape boundary



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-07067



Total Irrigated Acres: 7.0

 Point(s) of Diversion

 Place of Use

 Quarter Quarter Lines

 Section Lines

SCANNED

APR 13 2006

PROFILED



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: June 2003

Saxton, Craig

From: Cheatum, Debra [debrac@portmed.org]
Sent: Friday, June 06, 2003 11:59 AM
To: Saxton, Craig
Subject: RE: Notice of Error reply for SRBA recommendation 29-07067

06/06/03

Dear Craig,

Thank you for your assistance in this matter. I appreciate your time and expertise. The amended graph is a closer match to the maps owned by my father and filed with the City of Pocatello and we accept the notification for water rights to the 7 acres as indicated on the updated attachments. Granted, I realize the graphics are from aerial photos and not necessarily to scale, etc, etc.

Please make sure the mailing address for any future correspondence regarding the property owned by Lewis L. Probart is as listed below. Again, thank you for your assistance.

Lewis L Probart: (POA: Debra L Probart Cheatum)

Mailing Address: 2457 Ada Street Pocatello, Idaho 83201
208-237-9045

Property Location: 795 Leo Lane Pocatello, Idaho 83201

Sincerely,

Debra Probart Cheatum
2475 Ada ST
Pocatello, Id 83201
Home: 208-237-9045
Office: 208-239-2146
debrac@portmed.org

-----Original Message-----

From: Saxton, Craig [mailto:csaxton@idwr.state.id.us]
Sent: Thursday, June 05, 2003 3:12 PM
To: Cheatum, Debra
Subject: RE: Notice of Error reply for SRBA recommendation 29-07067

Dear Debra

I have re-reviewed the licensing field exam and available data and made the change of removing recommended irrigated ground from the church property and adding it to your fathers.

6/6/2003

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APR 13 2006

Enclosed is and updated map of the recommended POU and a copy of the recommendation.

Please let me know if you have further questions.

Respectfully submitted,

Craig L. Saxton
SR. Water Resource Agent
Adjudication Bureau
csaxton@idwr.state.id.us
(208) 334-2190

-----Original Message-----

From: Cheatum, Debra [<mailto:debrac@portmed.org>]
Sent: Friday, May 30, 2003 3:01 PM
To: Saxton, Craig
Subject: RE: Notice of Error reply for SRBA recommendation 29-07067

05/30/03

Dear Mr Saxton,

I apologize for the delay in responding back to you. I had to confirm a few points with my father.

In regards to the "leased" ground, my father leased the property owned by the Church for two summers and irrigated the property from his well at no expense to the Church. However, he owns 7 1/2 acres on the property known as Leo Lane and has always maintained the water rights to said 7 1/2 acres. The land owned by the Church may have their own water rights but they have no right whatsoever to the Probart wells or water rights.

I am not sure why the documentation lists 7 acres which includes the Church property. According to my father, he has always maintained all water rights to the 7 1/2 acres of his property. The only thing I can think of that may have caused the confusion, is the Church property which was temporarily leased by my parents, was confused by the examiner with the corner section we own next to the Church building on Bannock Highway. This is an assumption on my part as neither my father nor I know why our water rights for our 7 1/2 acres included the property owned by the Church.

As per our telephone discussion we hold the water rights to the fields and two home sites on the property which would be the 7 1/2 acres owned by my father. If you include the property owned by the Church it would exceed 7 acres.

We are absolutely not willing to split our water rights for the 7 acres with any other property owner. We will maintain the water rights to the 7 1/2 acres owned by Lewis L Probart as has been held for over 50 years.

If you need any additional information or if we need to continue our discussion, please contact me via e-mail or call me at 208-239-2146. I appreciate your assistance with this matter.

Thank you,
Debra L. Probart Cheatum
2475 Ada St
Pocatello, Id 83201
Office: 208-239-2146
Home: 208-237-9045
e-mail: debrac@portmed.org

SCANNED

APR 13 2006

6/6/2003

-----Original Message-----

IMPORTANT NOTICE: This communication, including any attachments, may contain information that may be confidential or privileged and is intended solely for the entity or individual to whom it is addressed. If you are NOT the intended recipient, you must delete this message and attachments and are hereby notified that any disclosure, copying, or distribution of this message is strictly prohibited. Nothing in this email, including any attachment, is to be a legally binding signature.

From: Saxton, Craig [mailto:csaxton@idwr.state.id.us]
Sent: Tuesday, April 29, 2003 3:23 PM
To: Cheatum, Debra
Subject: Notice of Error reply for SRBA recommendation 29-07067

Dear Ms. Cheatum,

Per our phone conversation I am sending you several items via e-mail. Drop me a line if for some reason they don't make it through.

1) PDF file of the historical licensing exam for 29-07067. As you review this I would refer you to a couple items.

Page 13 shows a portion of the recommended POU as "leased ground".

Page 14: The field examiners notes at the bottom of the page state, "Applicant is also irrigating leased land which belongs to the church. Examiner confirmed with owner 2/28/77."

I feel that based on the available data, the intent of the examiner was to license a portion of the 7 acres of irrigated ground on the churches property. However, as stated before, take a look at the information and let me know if you feel my assessment is inaccurate.

2) Amended recommendation for 29-07067 removing Wilma Probart's name.

3) JPG showing ownership and recommended POU. Please keep in mind that sometimes aerial photography, tax lot data, and survey lines don't match up perfectly.

If I have the drawing wrong, please print off a copy, make changes, and return it to this office.

Conclusion:

I think at this point the best thing to do is not to reduce the recommended irrigated acreage by removing the churches property. I will solicit a change of ownership to put a portion of the water right in the churches name and split the right. But I will wait on this until you have had a chance to review the information and get back to me. If I don't hear from you, the recommendation will remain as attached.

Respectfully submitted,

Craig L. Saxton
 Sr. Water Resource Agent
 Adjudication Bureau

SCANNED
 APR 13 2003

6/6/2003

csaxton@idwr.state.id.us
(208) 334-2190

SCANNED

APR 13 2000

6/6/2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

From: Saxton, Craig

Sent: Tuesday, April 29, 2003 3:23 PM

To: 'debrac@portmed.org'

Subject: Notice of Error reply for SRBA recommendation 29-07067

DIRK KEMPTHORNE
GovernorKARL J. DREHER
Director

Dear Ms. Cheatum,

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1) PDF file of the historical licensing exam for 29-07067. As you review this I would refer you to a couple items.

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Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau
csaxton@idwr.state.id.us
(208) 334-2190

SCANNED

APR 13 2003

4/29/2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

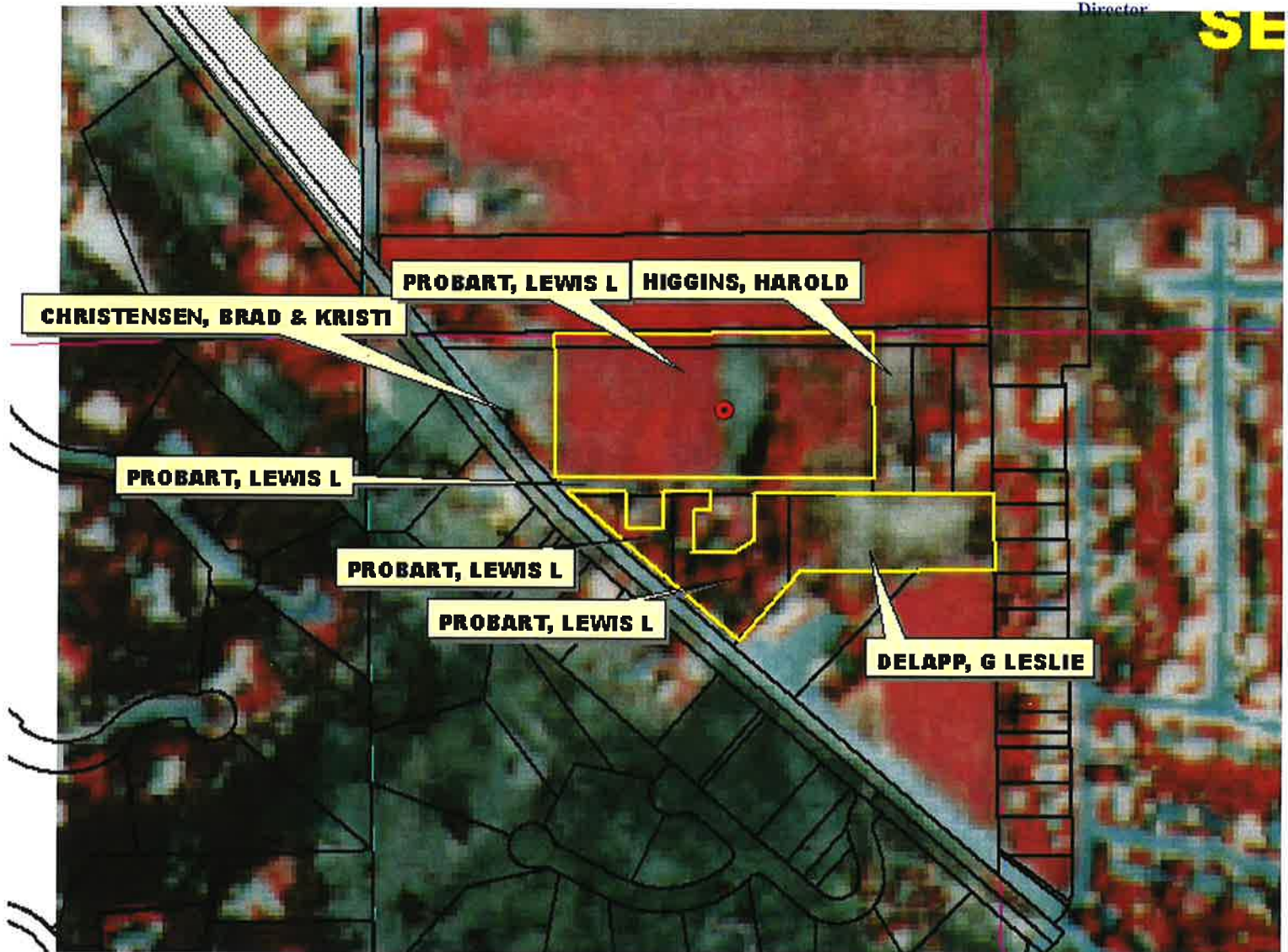
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

29-07067

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director



Point of Diversion - N/A

Total Acres: 7.0



City of Pocatello Tax Lot Data



Recommended POU



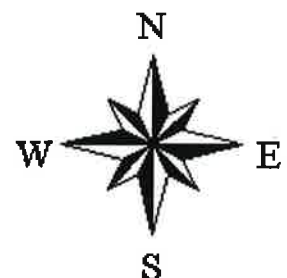
Indian Allotment Boundary N/A



Section Lines



Quarter Quarter Lines



SCANNED
APR 13 2003

Prepared By: Craig Saxton
April 2003

Craig

02/13/2003

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: April 21, 2003

Water right number: 29-7067

LEWIS L PROBART
795 LEO LN
POCATELLO ID 83204
Telephone Number: (208)232-5245

WILMA J PROBART
795 LEO LN
POCATELLO ID 83204
Telephone Number: (208)232-5425

2475 Ada
Pocatello, ID 83201

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

PORTION OF AREA ON MAP NOT OWNED BY LEWIS PROBART.
ATTACHED COPY OF MAP PROVIDED WITH CORRECTION MARKED.
ATTACHED COPY OF CORRECTED MAP SHOWING PROPERTY LINES.

2. Describe the changes you wish to make in the proposed recommendation:

CORRECT PROPERTY DESIGNATION. SEE MAPS.
REMOVE WILMA PROBART'S NAME FROM NOTICE, WILMA PROBART
PASSED AWAY 6/9/1997, COPY OF DEATH CERTIFICATE ATTACHED.
3. LEWIS PROBART HAS SOLE OWNERSHIP - CORRECT MAILING ADDRESS

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: _____ SIGNATURE: _____

Please print your name: _____

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

Please make corrections as
noted above.

Thank you
Delia & Creation, POA

3/25/03

PROFILED

SCANNED

APR 13 2006

02/13/2003

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

RIGHT NUMBER: 29-7067
NAME AND ADDRESS: LEWIS L PROBART
795 LEO LN
POCATELLO ID 83204
WILMA J PROBART
795 LEO LN
POCATELLO ID 83204

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.140 CFS
27.30 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND
STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 08/03/1971

POINT OF DIVERSION:
T07S R35E S7 NENWSW Lot 3 Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS 0.40 AFY
IRRIGATION	03/15 11/15	0.140 CFS 24.50 AFY
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PLACE OF USE: IRRIGATION Within BANNOCK County
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7 ACRES TOTAL

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF
HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

DOMESTIC: 2 HOMES

STOCKWATER: 12 HEAD

DOMESTIC PARCEL NO(S): RPCDV003000 AND RPCDV000800

SCANNED

APR 13 2006

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 (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
	29-07067				

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) LEWIS L PROBART
WILMA J PROBART
4. New Owner/Claimant(s) LEWIS L. PROBART
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 2475 AOA ST
- City, State and ZIP Code POCATELLO, ID 83201
- New Telephone Number (208) 237-9045
5. Date you acquired the property _____

WILMA PROBART PASSEO AWAY 6/9/1997,
 COPY OF DEATH CERTIFICATE ATTACHED.
 SPOUSE, LEWIS L PROBART IS SOLE OWNER
 OF PROPERTY.

APR 13 2006

Delia L Cheatum, POA
 208-239-2146

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) LEWIS L PROBART
(include title if applicable) Delia L Cheatum
Power of Attorney

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 _____ AJ Date _____ WR _____ Date _____

COPY OF POWER OF ATTORNEY ATTACHED

SCANNED
APR 13 2000



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-07067

*not owned by
Lewis Prosser
- area marked w/ X
see copy of map*



1320 0 1320 2640 Feet

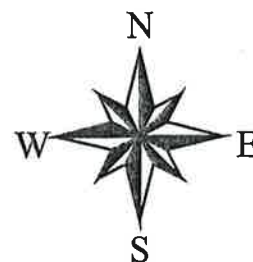
Total Irrigated Acres: 7.0

● Point(s) of Diversion

□ Place of Use

□ Quarter Quarter Lines

□ Section Lines



SCANNED

APR 13 2006

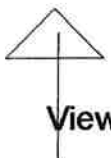
GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: March 2002

PROBART PROPERTY
OUTLINED IN BLACK

CEDERVALE

THIS PROPERTY
IS NOT OWNED
BY LEWIS L. PROBART

NO REPRODUCTION OF THIS MATERIAL IN ANY FORM IS AUTHORIZED
WITHOUT WRITTEN CONSENT OF THE CITY OF POCA TELLO.
THE CITY OF POCA TELLO DOES NOT GUARANTEE THE INFORMATION
CONTAINED IN THIS MAP TO BE AN ACCURATE
REPRESENTATION OF ACTUAL CONDITIONS OR PROPERTY LINES.



1"=100'

APR 13 2006

CORRECTED MAP

State File No. _____
Local Reg. No. 6-236

ONLY A COPY OF THIS DOCUMENT, CERTIFIED BY THE STATE REGISTRAR, WITH THE DEPT. OF HEALTH & WELFARE RAISED SEAL, SHALL BE USED AS PRIMA FACIE EVIDENCE OF THIS DEATH UNDER (BANO CODE 39-2410) & 39-271

JANE S. SMITH
STATE REGISTRAR

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE



DURABLE POWER OF ATTORNEY

TO PERSON EXECUTING THIS DOCUMENT:

THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES A DURABLE POWER OF ATTORNEY. BEFORE EXECUTING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS.

1. THIS DOCUMENT MAY PROVIDE THE PERSON YOU DESIGNATE AS YOUR ATTORNEY-IN-FACT WITH BROAD POWERS TO DISPOSE, SELL, CONVEY AND ENCUMBER YOUR REAL AND PERSONAL PROPERTY.

2. THESE POWERS WILL EXIST FOR AN INDEFINITE PERIOD OF TIME UNLESS YOU LIMIT THEIR DURATION IN THIS DOCUMENT. THESE POWERS WILL CONTINUE TO EXIST NOTWITHSTANDING YOUR SUBSEQUENT DISABILITY OR INCAPACITY.

3. YOU HAVE THE RIGHT TO REVOKE OR TERMINATE THIS DURABLE POWER OF ATTORNEY AT ANY TIME.

TO WHOM IT MAY CONCERN:

LEWIS L. PROBART, presently a resident of Pocatello, Bannock County, Idaho, hereby appoints my daughter DEBRA L. CHEATUM, as the principal's true and lawful attorney in fact for the principal and in the principal's name, place and stead:

1. To manage, control, lease, sublease, and otherwise act concerning any real property which the principal may own, collect and receive rents or income therefrom; pay taxes, charges and assessments on the same; repair, maintain, protect, preserve, alter and improve the same; and to do all things necessary or expedient to be done in the agent's judgment in connection with the property.

2. To purchase, sell, invest, reinvest and generally deal with all stocks, bonds, debentures, warrants, partnership interests, rights and securities owned by the principal.

3. To collect and deposit for the benefit of the principal all debts, interest, dividends or other assets that may be due or belong to the principal, and to execute and deliver receipts and other discharges therefor; to demand, arbitrate and pursue litigation on the principal's behalf concerning all rights and benefits to which the principal may be entitled; and to compromise, settle and discharge all such matters as my agent considers appropriate under the circumstances.

4. To pay any sums of money which may at any time be or become owing from the principal, to sell, and to adjust and compromise any claims which may be made against the principal

as my agent considers appropriate under the circumstances.

5. To grant, sell, transfer, mortgage, pledge and otherwise deal in all property, real and personal, owned by me including

Lots 8, 10, 18, 20, 22, 24, 26, 28, 30, 32 and 36 of Cedarvale Tracts,
a subdivision in Lot Three (3), Section Seven (7), Township Seven (7)
South, Range Thirty Five (35) EBM, Bannock County, Idaho

free of my homestead rights; and to execute such instruments as my agent deems proper in conjunction with all matters covered in this paragraph 5.

6. To prepare and file all income and other federal and state tax returns which the principal is required to file; to sign the principal's name; hire preparers and advisors and pay for their services; and to do whatever is necessary to protect the principal's assets from assessments for income taxes and other taxes for the years 1998 and subsequent years. My agent is specifically authorized to receive confidential information; to receive checks in payment of any refund of taxes, penalties, or interest; to execute waivers (including offers of waivers) of restrictions on assessments or collection of tax deficiencies and waivers of notice of disallowance of claims for credit or refund; to execute consents extending the statutory period for assessment or collection of taxes; to execute closing agreements under Internal Revenue Code Section 7121, or any successor statute; and to delegate authority or substitute another representative with respect to all above matters.

7. To deposit in and draw on any checking, savings, agency or other accounts which the principal may have in any banks, savings and loan associations, and any accounts with securities brokers or other commercial institutions, and to establish and terminate all such accounts.

8. To invest and reinvest the principal's funds in every kind of property, real, personal or mixed, and every kind of investment, specifically including, but not limited to, corporate obligations of every kind; preferred or common stocks; shares of investment trusts, investment companies and mutual funds; that, under the circumstances then prevailing (specifically including but not limited to the general economic conditions and the principal's anticipated needs) persons of skill, prudence and diligence acting in a similar capacity and familiar with those matters would use in the conduct of an enterprise of a similar character and with similar aims, to attain the principal's goals; and to consider individual investments as part of an overall plan.

9. To have access to all safe deposit boxes in the principal's name or to which the principal is an authorized signatory; to contract with financial institutions for the maintenance and continuation of safe deposit boxes in the principal's name; to add to and remove the contents of all such safe deposit boxes; and to terminate contracts for all such safe deposit boxes.

10. My agent is authorized to undertake all acts and do all things necessary to provide for the principal's personal care, support and maintenance, to maintain the principal's customary standard

of living, including the authority to enter into contracts to provide suitable living quarters by purchase, lease, contract with care providers or other arrangement, or by paying the ongoing costs of maintenance of the principal's present residence, including but not limited to interest, taxes, repairs and procurement of domestic help. My agent is authorized to procure and pay for clothing, transportation, medical care, food and other needs and to make arrangements and enter into contracts on the principal's behalf with hospitals, hospices, nursing homes, convalescent homes and similar establishments and to hire and compensate household, nursing and other employees as my agent considers advisable for the principal's well being.

11. My agent is authorized to apply for and make any elections required for payment of governmental, insurance, retirement, or other benefits to which the principal may be entitled, to take possession of all such benefits, and to distribute such benefits to or for the principal's benefit.

12. Generally to do, execute and perform any other act, deed, matter or thing, that in the opinion of my agent ought to be done, executed or performed in conjunction with this power of attorney, of every kind and nature, as fully and effectively as the principal could do if personally present. The enumeration of specific items, acts, rights or powers in this instrument does not limit or restrict, and is not to be construed or interpreted as limiting or restricting the general powers granted to my agent except where powers are expressly restricted. My agent is authorized and directed to commence enforcement proceedings, at the principal's expense, against any third party who fails to honor this durable power of attorney.

13. Notwithstanding any other possible language to the contrary in this instrument, my agent is specifically not granted the power to use the principal's assets for my agent's own legal obligations.

14. Any third party from whom my agent may request information, records or other documents regarding the principal's personal affairs may release and deliver all such information, records or documents to my agent. The principal hereby waives any privilege that may apply to release of such information, records or other documents.

15. My agent's signature under the authority granted in this power of attorney may be accepted by any third party or organization with the same force and effect as if the principal were personally present and acting on the principal's own behalf. No person or organization who relies on my agent's authority under this instrument shall incur any liability to the principal, the principal's estate, heirs, successors or assigns, because of reliance on this instrument.

16. The principal's estate, heirs, successors and assigns shall be bound by my agent's acts under this power of attorney.

17. This power of attorney shall not be affected by the subsequent disability or incapacity of the principal.

18. The principal hereby ratifies and confirms all that my agent shall do, or cause to be done, by virtue of this power of attorney.

19. In the event protective proceedings for the principal's person or estate are hereafter commenced, I hereby nominate and appoint my daughter, DEBRA L. CHEATUM, as guardian of my person and conservator of my estate.

20. In the event my daughter, DEBRA L. CHEATUM, declines to act or cannot for any reason continue to serve as my attorney in fact, then and in that event I appoint my daughter, JUDY F. LONG, as my attorney in fact in the place and stead of Debra L. Cheatum.

I hereby revoke all durable powers of attorney previously executed by me for the purpose of asset management but do not revoke the Durable Power of Attorney for Health Care heretofore executed.

IN WITNESS WHEREOF, the principal has signed this durable power of attorney on

30 March, 1998.


LEWIS L. PROBART

STATE OF IDAHO)
 :SS
County of Bannock)

On this 30 day of March, 1998, before me the undersigned notary public, personally appeared LEWIS L. PROBART, personally known to me or proved to me on the basis of satisfactory evidence 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.



Edda B. McDaniel
NOTARY PUBLIC FOR IDAHO
Residing at Peacabell
My Commission Expires: 7/25/2003

SCANNED

JUN 15 2001

Log for claim A29-07067

Spatial Dynamics LTD

9/6/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	7	NWSW	7	36	POD placement? / Indiscernible
Totals:			7	36	

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILMA J PROBART 795 LEO LN POCATELLO ID 83204 (208) 232-5425	08/03/1971	IRRIGATION STOCKWATER DOMESTIC	03-15 11-15 01-01 12-31 01-01 12-31	0.140 CFS 0.020 CFS 0.060 CFS	24.50 AFA 0.40 AFA 2.40 AFA
TOTAL DIVERSION:					0.140 CFS	27.30 AFA
C	LEWIS L PROBART 795 LEO LN POCATELLO ID 83204 (208) 232-5245			CONSUMPTIVE USE:		21.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R35E S07 NWSW

BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE								
NENE NWNE SWNE SENE				NENW NWNW SWNW SENW				NESW NWSW SWSW SESW				NESE NWSE SWSE SESE								
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
07S	35E	7	:																	7.0
TOTAL ACRES																			7.0	

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

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

POU County: BANNOCK

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

29-10743 29-11448 29-11449 29-11450 A29-10743 A29-11448 A29-11449 A29-11450

Other Water Rights Listing Overlapping Place(s) of Use:

A29-10731

Remarks: GEN 4 IN. SPRINKLER PIPE WITH SPRINKLERS - 14 TO 20 SPRINKLERS PER
SETTING. DOMESTIC AND STOCKWATER TROUGHS.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 05/29/90 FRITSCHL 07/25/94 THOMPSON 03/29/95 POST-STD

Identification No. 29-7067

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Lewis L. Probart and/or Wilma J. Probart
post office address Rt 3, Box 185, Pocatello, Idaho 83201
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 7 Township 7S
Range 35E B.M. Bannock County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.06 (cfs or acre-feet per annum) for domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
Amount 0.14 (cfs or acre-feet per annum) for irrigation purpose from March 15 to Nov. 15 (both dates inclusive)
Amount 0.02 (cfs or acre-feet per annum) for stockwater purpose from Jan. 1 to Dec. 31 (both dates inclusive)
5. Total quantity to be appropriated:
a. 0.20 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well, 5 hp irrigation pump,
3/4 hp domestic pump, sprinkler system

- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ (Mo. Day) inclusive.
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
b. Estimated construction cost is \$ 3000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 7 Township 7S
Range 35E B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered 12 head of horses

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 2.
(5) If water is to be used for other purposes describe: _____

29-7067

Received by LY Date 8-3-71 Time 3:15 PM

Preliminary check by AK Fee \$ 10.00

Receipted by LY Date 8-3-71

Publication prepared by bj Date 8-9-71

Published in Idaho State Journal

Publication dates 8-19 & 8-26

Publication approved AK Date 9-1-71

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by SA [Signature]

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 29-7067, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 1976.
- c. Other: _____

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

Witness my hand this 22 day of September, 1971.

[Signature]
Director

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 29-7067 Priority August 3, 1971 Amount 0.14 cfs

THIS IS TO CERTIFY, that LEWIS L &/OR WILMA J. PROBART
of Pocatello, Idaho, has complied with the terms and conditions of Permit
No. 29-7067 issued pursuant to Application for Permit dated August 3, 1971,
and has submitted proof to the Department of Water Resources on July 20, 1976,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.14 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic	from <u>January 1</u> to <u>December 31</u>	at <u>0.06</u> cfs and	<u>2.4</u> acre feet
Irrigation	from <u>March 15</u> to <u>November 15</u>	at <u>0.14</u> cfs and	<u>24.5</u> acre feet
Stockwater	from <u>January 1</u> to <u>December 31</u>	at <u>0.02</u> cfs and	<u>.4</u> acre feet

(both dates inclusive)

Subject, however, to the condition that no more than 0.14 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed

27.3 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, Twp. 7S,
Rge. 35E, B.M., in the County of Bannock

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 $\frac{1}{4}$	
7S	35E	7																	

Total number of acres irrigated 7

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of

May, 19 79.


Director

MICROFILMED

FIELD REPORT

RECEIVED
272 5245

AUG-23-1976

- Rt. 3, Box 185, Pocatello, ID 83201

Post office address

Department of _____

Person to contact

Phone _____

2. Source of water supply: Groundwater ☒ Surface water ☐

(name spring, stream, etc.)

Tributary to

3. Water will be used for the following purposes:

Amount 0.06 c.f.s. for Domestic (2)
AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31
(mo.-day) inclusive (mo.-day)

Amount 0.14 c.f.s. for Irrigation
 AF/Annum (nature of use)

Period of Use: from March 15 to Nov. 15
(mo.-day) inclusive (mo.-day)

Amount	0.02	c.f.s. for	Stockwater (12 head horses)
		AF/Annum	(nature of use)

Period of Use: from Jan. 1 to Dec. 31
(mo.-day) inclusive (mo.-day)

Other uses:

4. Total amount to be appropriated:

Max Rate of Diversion 0.20 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 7S N/S, Range 35E E/W, B.M., Section 7, Subdivision NW SW 1/4 1/4 Barnock

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 1/4

Township	N/C	D	E/W	P/M	S	U/I	County
----------	-----	---	-----	-----	---	-----	--------

County

Other Points of Diversions:

Description of diverting works: 88' deep, 10" casing, 5 hp submersible pump, sprinkler system
1 hp pump

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]**TOTAL ACREAGE**

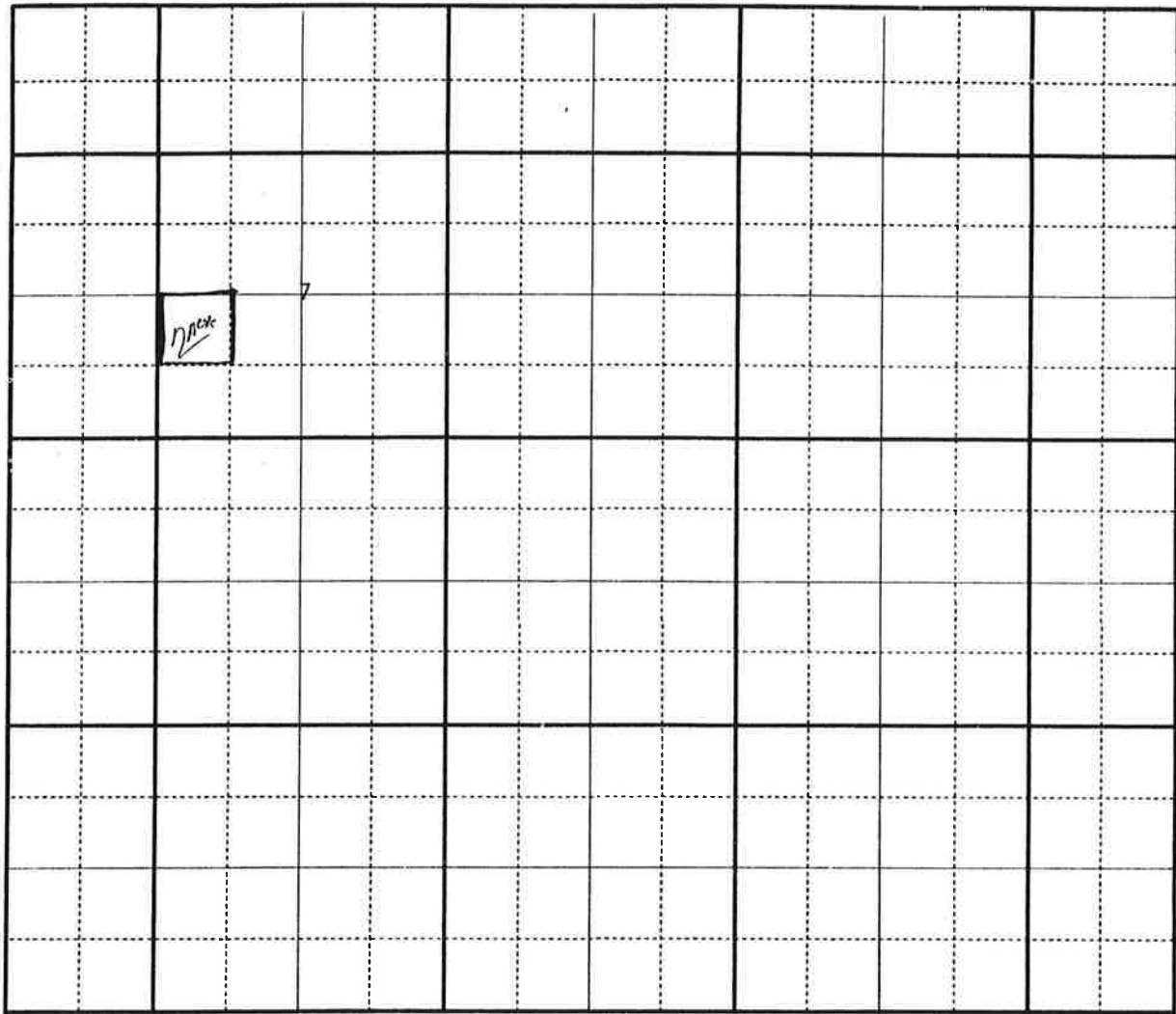
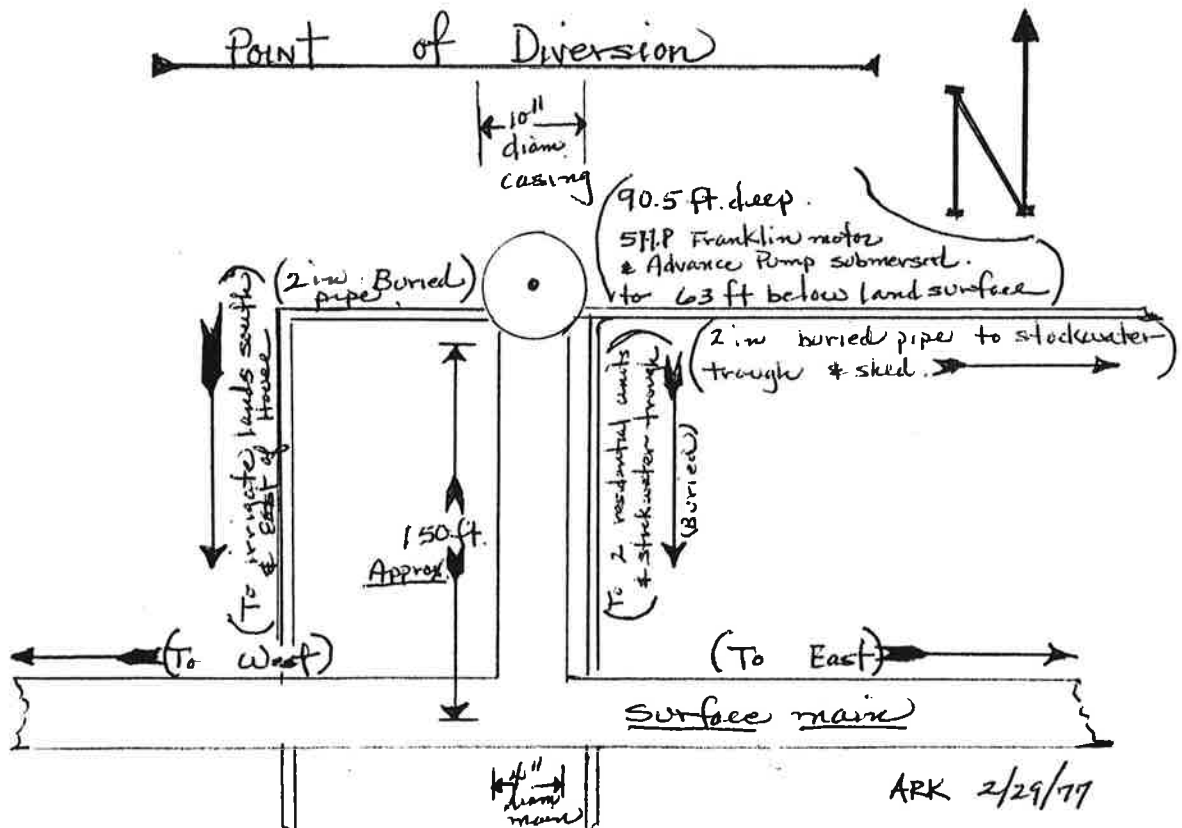
T
7
S

Diagram of System



DATE OF EXAM 5/20/77

ACREAGE
Found 7 ac
Recommended 7 ac

Irrigation Requirement 35 Ac Ft/Ac

USE
Irrigation Q = .14 c.f.s. V = 24.50 AF/Ann. from March 15 to Nov 15
Domestic Q = .06 c.f.s. V = 2.40 AF/Ann. from Jan 1 to Dec 31
Livestock Q = .02 c.f.s. V = .40 AF/Ann. from Jan 1 to Dec 31
Total .14 cfs → 27.30 AF/Ann

Is water co-mingled? yes _____ no X

Name source: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no X

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured .14 cfs Method of measurement Pitot tube

Total Q recommended .14 cfs Meter No. n/a Type n/a Condition n/a

Total V recommended 27.30 AF/Ann

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None

MEASUREMENT CALCULATION:

18 5/32" nipples measured 27 psi/nipple
13 equivalent to 3.61 gpm/nipple
3.61 X 18 = 65 gpm total
1 cfs = 448.8 gpm
1/448.8 = X/65, X = .14 cfs

V = 2.15 X 1.983 X .14 = 59.70 AF/yr > V = 7 X 35 = 245 AF/Ann
APK 5/1/77

Water level is 14 ft. below land surface.
SYSTEM DESCRIPTION: Well is 90.5 ft deep - 10" casing around entire length
63 ft of 2" drop pipe from land surface to submersible
pump. Motor on pump is a 5 H.P. Franklin M/N-2241132003
single phase with an Advance Pump. 4 in permanent
main runs length of acreage along Leo Lane. There are
4 - 4 in diam portable handlines with 7 sprinklers each line.
There are also flexible hose lines on hill behind Probert Residence
REMARKS: with 10 sprinklers. Nozzles are all different diameters.
2 domestic units are hooked up to the well at present.
Leo Lane takes up 20 ft on North side of Lane & 5 ft
on South side. Applicant is also irrigating leased land
which belongs to the church. Examination conferred
with owner 2/28/77. Applicant maintains 12 Horses.

Examiner's Signature Anthony R. Kozlowski Date 5/20/77

Checked by Ernest Cullum Date 1-12-78

Approved by _____ Date _____

There are 2 other licenses appurtenant to lands on this 40 ac tract
29-2443 & 29-2399 - Both are for domestic use of water
only.

DATE OF EXAM 5/20/99

ACREAGE
Found 7 ac
Recommended 7 ac

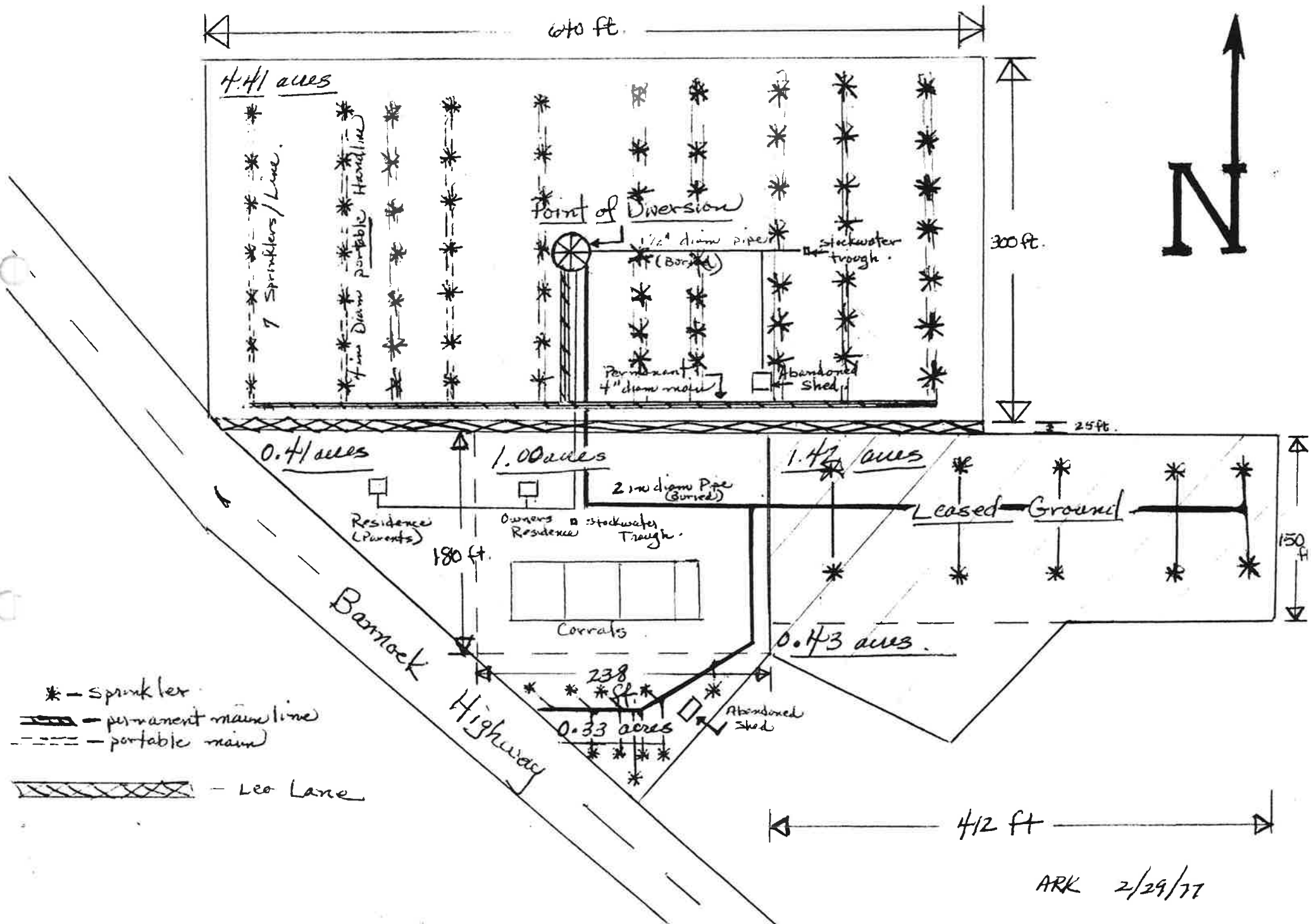
Irrigation Requirement 35 Ac Ft/Ac

USE
Irrigation Q = .14 c.f.s. V = 24.50 AF/Ann. from March 15 to Nov 15
Domestic Q = .06 c.f.s. V = 2.40 AF/Ann. from Jan 1 to Dec 31
Livestock Q = .02 c.f.s. V = .40 AF/Ann. from Jan 1 to Dec 31
Total .14 cfs → 27.30 AF/Ann

Is water co-mingled? yes _____ no X

Name source: n/a
Twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____
~

Total 8.00 acres Lewis Probert Permit no. 29-7067 NW 1/4 SW 1/4 Sec 7, Twp 7S Rge 35E



ARK 2/29/77

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME	<u>Proband</u>	CLAIM IDENT. NO.	<u>A 29-07067</u>
DATE RECEIVED	<u>4-9-90</u>	CK # <u>R# C016174</u>	AMOUNT \$ _____
		YES	NO
1. Is the name and address complete with zip code?	<u>✓</u>	_____	Required Info? *
2. Is a priority date entered?	<u>✓</u>	_____	*
Is the priority date acceptable in view of mandatory filing dates?	<u>✓</u>	_____	*
See Adjudication Memos #1 and #4 to determine if a Permit is required.	<u>✓</u>	_____	*
3. (a) Is a source entered?	<u>✓</u>	_____	*
(b) Is a tributary to entered? (if required)	N/A <u>✓</u>	_____	_____
4. Is the legal description of the p.d. sufficient?	<u>✓</u>	_____	*
5. Is there a description of the diverting works?	<u>✓</u>	_____	_____
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.	<u>✓</u>	_____	*
Is the period of use included?	<u>✓</u>	_____	_____
Is a quantity claimed for each use?	<u>✓</u>	_____	*
7. Is a total quantity claimed entered?	<u>✓</u>	_____	_____
8. If required is a consumptive use entered?	N/A <u>✓</u>	_____	_____
Is the consumptive use correct?	N/A <u>✓</u>	_____	_____
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.	N/A <u>✓</u>	_____	✓ *
10. Is (are) the place(s) of use and purpose(s) indicated?	<u>✓</u>	_____	*
11. Is (are) the county(ies) entered?	<u>✓</u>	_____	_____
12. Is the ownership of p.u. checked?	<u>✓</u>	_____	_____
13. Are other water rights listed or "none" indicated?	<u>✓</u>	_____	_____
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	N/A <u>✓</u>	_____	_____
15. Is the basis of the claim indicated?	<u>✓</u>	_____	_____
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)	N/A <u>✓</u>	_____	_____
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	<u>✓</u>	_____	*
18. Has the claim been signed, sealed, and dated by a notary?	<u>✓</u>	_____	*
19. Was this claim filed on time, or was an extension granted?	<u>✓</u>	_____	*
20. Is the fee enclosed correct?	Exempt <u>✓</u>	_____	*
21. If this claim is based on an existing water right, has the identification number been entered?	N/A <u>✓</u>	_____	_____
22. Should this claim be data entered?	<u>✓</u>	_____	_____

Claim checked by: CA Date: 5-29-90Claim must be returned to claimant: _____ (Yes) _____ (No)Claimant must be notified of modifications: _____ (Yes) _____ (No)Receipt Prepared by: _____
Claim data entered by: HHT
Sent to claimant by: _____Date: _____
Date: _____
Date: _____

Checked by: _____ Date: _____

MICROFILMED

Comments: _____

NOV 13 1992

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: 3956
Ident. No.

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

Please type or print clearly:

Name of claimant(s) LEWIS L. PROBART
WILMA J. PROBART

Mailing Address
(including zip code) 795 LED LANE
POCATELLO
IDAHO
83204

Phone Number (208) 232-5245

MICROFILMED

NOV 13 1992

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 29-7067
Date Received: 4/9/1990
Receipt No: C016174
Received By:

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

1. Name of Claimant(s)

LEWIS L PROBART Phone: (208) 327-9045

2457 ADA ST
POCATELLO ID USA 83201

2. Date of Priority: 08/03/1971

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	35E	7	NW SW	BANNOCK	

5. Description of diverting works:

SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.14	24.5
STOCKWATER	1/01	12/31	0.02	0.4
DOMESTIC	1/01	12/31	0.06	2.4

7. Total Quantity Appropriated is:
0.14 C.F.S. and/or 27.3 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
07S	35E	7	NW SW	IRRIGATION	7

Section Acres 7
Total Acres 7

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

CHANGED OWNERSHIP PER CLAIMANTS DAUGHTERS REQUEST. WILMA PROBART PASSED IN 1997. CLAIMANTS DAUGHTER DEBRA L CHEATUM HAS POWER OF ATTORNEY. SEE FILE (CSAXTON 4/29/03).

4 IN. SPRINKLER PIPE WITH SPRINKLERS - 14 TO 20 SPRINKLERS PER SETTING. DOMESTIC AND STOCKWATER TROUGHS.

15. Basis of Claim: License

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

JUN 15 2001

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: A29-07067
Date Received: 4/09/1990
Receipt No: C016174
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEWIS L. PROBART 208-232-5245
Address: 795 LEO LANE
POCATELLO, ID 83204

AND/OR

Name: WILMA J. PROBART 208-232-5425
Address: 795 LEO LANE
POCATELLO, ID 83204

2. Date of Priority: AUG 03, 1971

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	35E	7	NW	SW			BANNOCK

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.140		24.50
STOCKWATER	01/01	12/31	0.020		0.40
DOMESTIC	01/01	12/31	0.060		2.40

7. Total Quantity Appropriated is:
0.140 C.F.S. (and/or) 27.30 A.F.A.

8. Total consumptive use is 21.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	7	NW	SW		IRR	7.0

Section Acres	7.0
---------------	-----

Total Acres	7.0
-------------	-----

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:

4 IN. SPRINKLER PIPE WITH SPRINKLERS - 14 TO 20 SPRINKLERS PER
SETTING. DOMESTIC AND STOCKWATER TROUGHS.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-07067

Date Received: 4-9-90

Receipt No: 0016174

Received By: Quinn

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
APR 9 1990

Department of Water Resources

1. Name: LEWIS L. PROBART
Address: 795 LEO LANE
POCATELLO, ID

83204

AND/OR

Name: WILMA J. PROBART
Address: 795 LEO LANE
POCATELLO, ID

83204

2. Date of Priority: AUG 03, 1971

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	35E	7	NW	SW			BANNOCK

5. Description of diverting works:

4 in. SPRINKLER PIPE with SPRINKLERS - 14 to 20 SPRINKLERS per SETTING -
DOMESTIC & STOCK WATER TROUGHS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.140		24.50
STOCKWATER	01/01	12/31	0.020		0.40
DOMESTIC	01/01	12/31	0.060		2.40

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

27.30 A.F.A.

8. Total consumptive use is 21.0

Acre Feet Per Annum.

9. Non-irrigation uses:

A29-07067

Page

1

Date: 03/27/90

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10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	35E	7	NW SW		IRR	7.0
Section Acres						7.0
Total Acres						7.0

11. Place of use in counties: BANNOCK

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: LICENSE

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): Lewis L Probart Date: 4-6-90
Wilma J. Probart Date: 4-6-90

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of April 19 90

[Signature]
Notary Public

Seal

Residing at Pocatello, ID
My Commission Expires 10-14-94