

08/20/2001

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

RIGHT NUMBER: 29-7658

NAME AND ADDRESS: LAURA GERMER
VIRGIL T GERMER
5268 W PORTNEUF RD
INKOM, ID 83245

SOURCE: GROUND WATER

QUANTITY: 0.15 CFS
44.4 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.22 CFS. COMBINED RIGHT NOS.:
29-04067, 29-07658, AND 29-10698.

PRIORITY DATE: 08/25/1982

POINT OF DIVERSION: T07S R35E S23 SWNESE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	0.15 CFS 44.40 AFY
FIRE PROTECTION	01-01 12-31	0.15 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County
T07S R35E S23 NESE 11.1
FIRE PROTECTION Use same as IRRIGATION

11.1 ACRES TOTAL

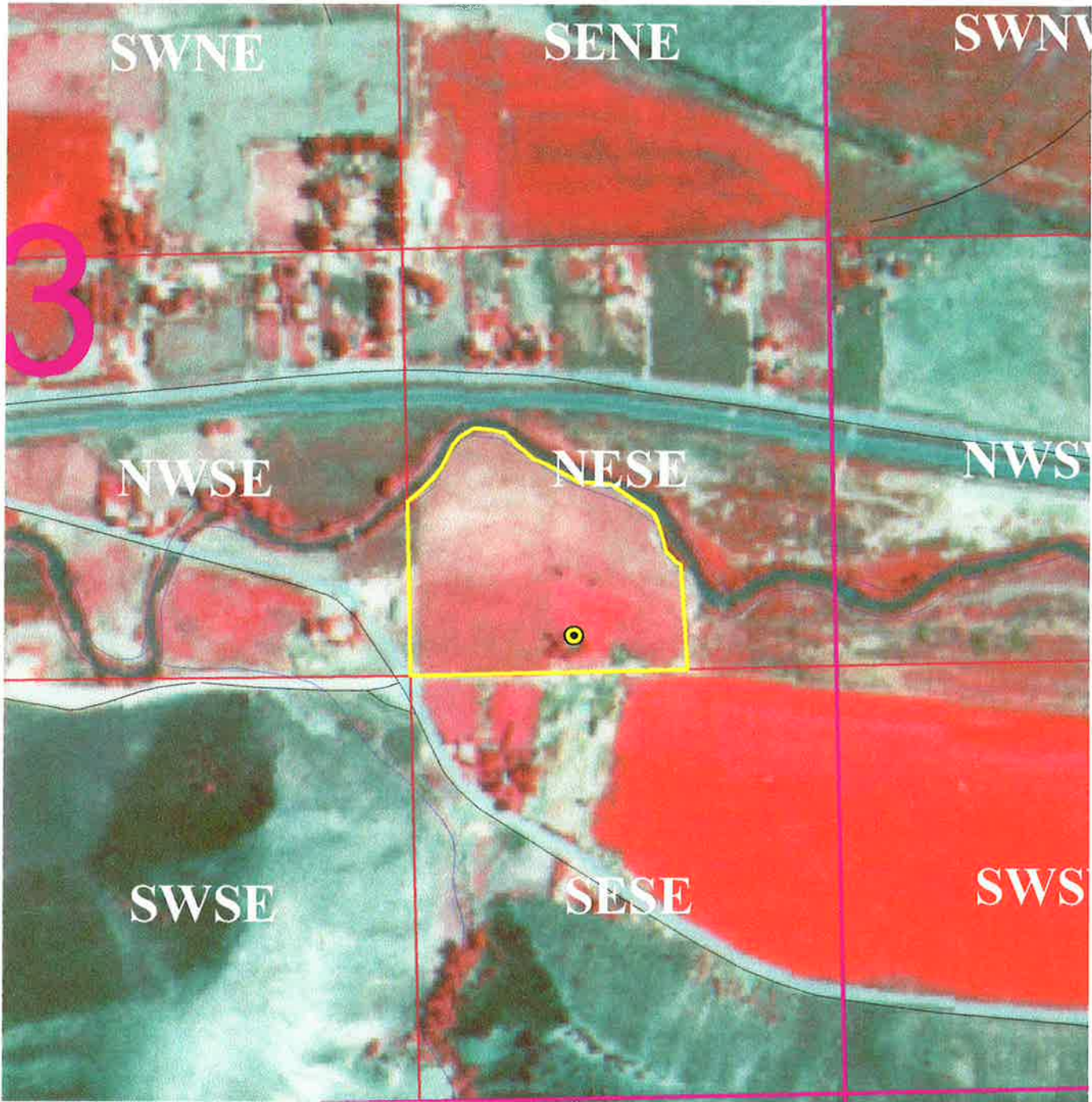
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 11.1 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 11.1 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-04067, 29-07658, AND
29-10698.

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



 Irrigated Area

 Place of Diversion

 Section Line

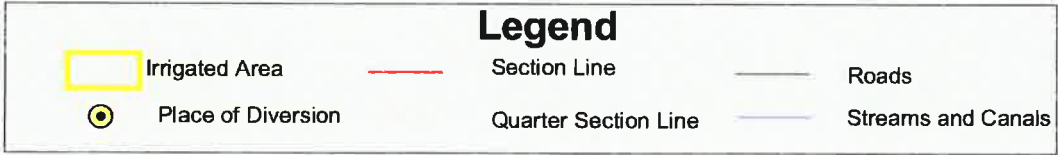
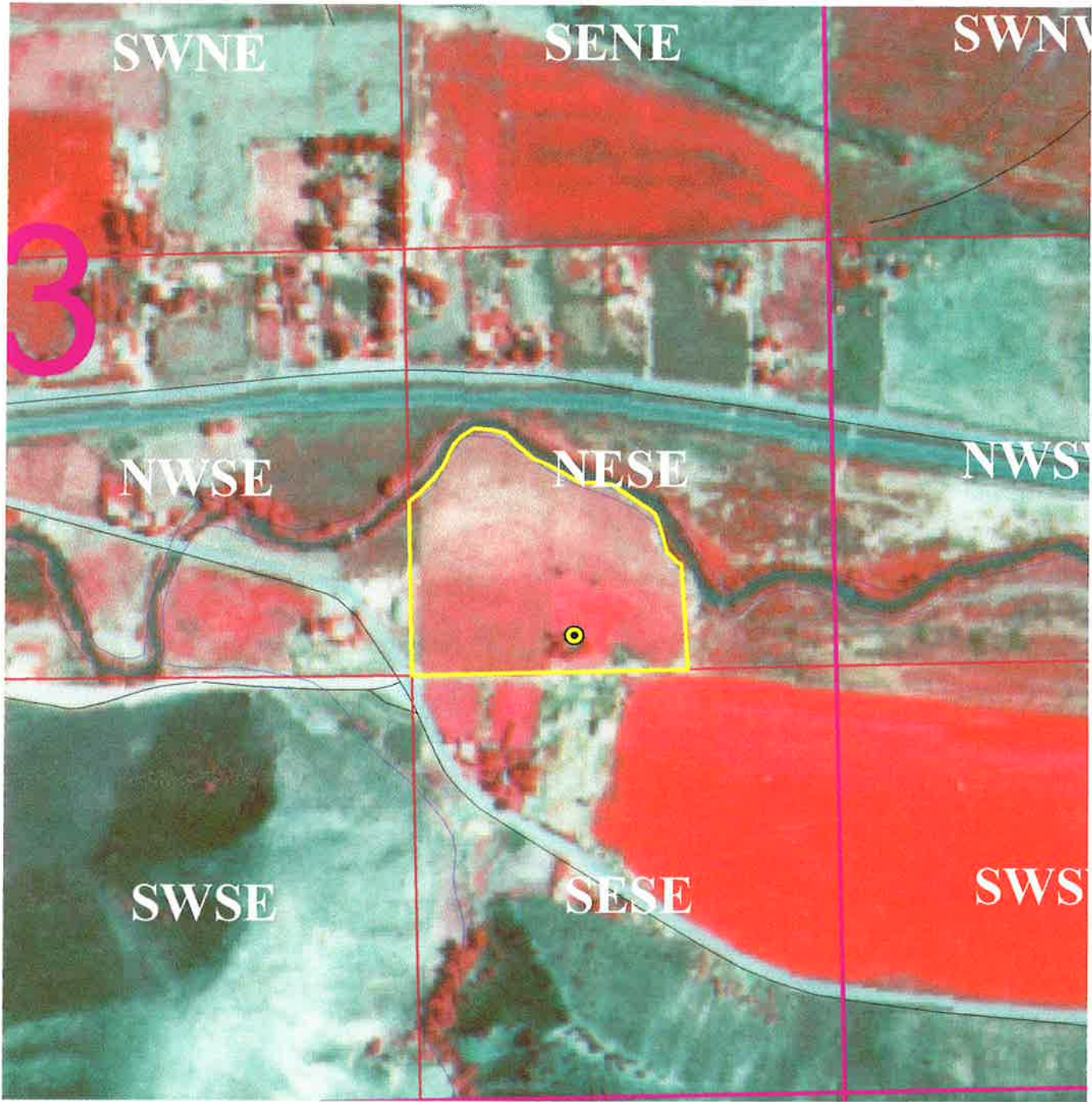
 Quarter Section Line

 Roads

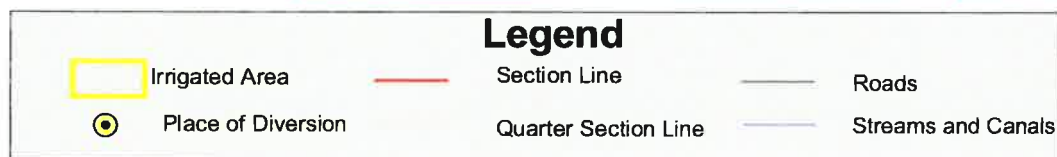
 Streams and Canals

Legend





09/08/2000



N

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7658 V1

WATER RIGHT NUMBER: 29-7658 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VIRGIL T GERMER 5268 W PORTNEUF RD INKOM, ID 83245 (208)775-3782
Current Owner	LAURA GERMER 5268 W PORTNEUF RD INKOM, ID 83245 (208)775-3782
Attorney	REED W LARSEN RACINE OLSON NYE COOPER & BUDGE CHARTERED PO BOX 1391 POCATELLO, ID 832041391 (208)232-6101

Priority Date: 08/25/1982

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>
FIRE PROTECTION	01/01 to 12/31	0.150 CFS	
IRRIGATION	03/15 to 11/15	0.150 CFS	44.40 AF
	<u>Total Diversion:</u>	0.150 CFS	44.40 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4SE1/4	Sec. 23, Twp 07S, Rge 35E, B.M.
BANNOCK County		

Place of UseIRRIGATION Within BANNOCK County

T07S R35E S23 NESE 11.1

Total Acres: 11.1

FIRE PROTECTION same as IRRIGATIONConditions 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.

Remarks:

1. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 11.1 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.22 CFS. COMBINED RIGHT NOS.: 29-04067, 29-07658, AND

29-10698.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7658 V1

3. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 11.1 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-04067, 29-07658, AND 29-10698.

Comments:

1. csaxton 8/20/01 POU

Comment: Tax lot information indicate lot is only 12 acres. 1992 private adjudication Scoffield Vs. Smith found 11.1 acres of irrigation. Based on this information I am recommending 11.1 acres of irrigation.

2. csaxton 8/20/01 Recommendation

Comment: Other than POU, recommend as licensed.

Dates and Other Information:

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

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	8/20/01 1:53:55 PM	csaxton			Active
Priority Date	8/20/01 1:55:21 PM	csaxton			Active
POD	8/20/01 1:59:20 PM	csaxton			Active
Source	8/20/01 2:01:28 PM	csaxton			Active
POU	8/20/01 2:01:55 PM	csaxton			Active
Use	8/20/01 2:03:26 PM	csaxton			Active
Season	8/20/01 2:04:13 PM	csaxton			Active
Quantity	8/20/01 2:05:18 PM	csaxton			Active
Summary	8/20/01 2:22:15 PM	csaxton	8/20/01 2:22:15 PM	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	8/20/01 1:53:51 PM	csaxton	1. Appointment has not been scheduled. Comment for 1: Desktop review.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7658 V1

Priority Date	8/20/01 1:55:08 PM	csaxton	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (NO) The basis of claim is not beneficial use. 5. (NO) The basis of claim is not a posted notice. 6. (YES) Parent right has a priority date. 7. (NO) The basis of claim is not an application or permit. 12. (YES) The claim is recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
POD	8/20/01 1:59:15 PM	csaxton	1. (NO) The basis is not beneficial use. 2. (NO) Parent right does not have a Point of Diversion. 4. (NO) There is not evidence that there has been a change in the Point of Diversion. 6. (YES) The file contains all the necessary information to verify the POD. 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.
POD	8/20/01 2:00:03 PM	csaxton	Edited point location
Source	8/20/01 2:01:26 PM	csaxton	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a source. 3. (YES) The claimed source can be verified using the water right file. 8. (NO) The source is not surface water. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.
POU	8/20/01 2:01:45 PM	csaxton	1. (YES) The POU is required. 2. (NO) The basis of claim is not beneficial use. 3. (YES) The Parent Right has a POU. 4. (YES) The claimed POU can be verified using the water right file. 12. (NO) POU remark was not required. 13. (NO) POU condition was not required.
POU	8/20/01 2:02:01 PM	csaxton	Edited shape boundary
Use	8/20/01 2:03:18 PM	csaxton	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a purpose of use. 3. (YES) The claimed purpose of Use can be verified using the water right file. 11. (NO) Purpose of Use remark was not required. 12. (NO) Purpose of Use condition was not required.
Quantity	8/20/01 2:05:10 PM	csaxton	1. (NO) The basis of claim is not beneficial use. 2. (NO) The basis of claim is not a posted notice. 3. (YES) The parent right has a diversion rate and/or diversion volume. 4. (YES) The claimed diversion rate and/or volume can be verified using the water right file. 7. (YES) The parent right has an annual diversion volume limit. 8. (YES) Irrigation is a purpose of use. 9. (NO) Quantity remark was not required. 10. (NO) Quantity condition was not required.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7658 V1

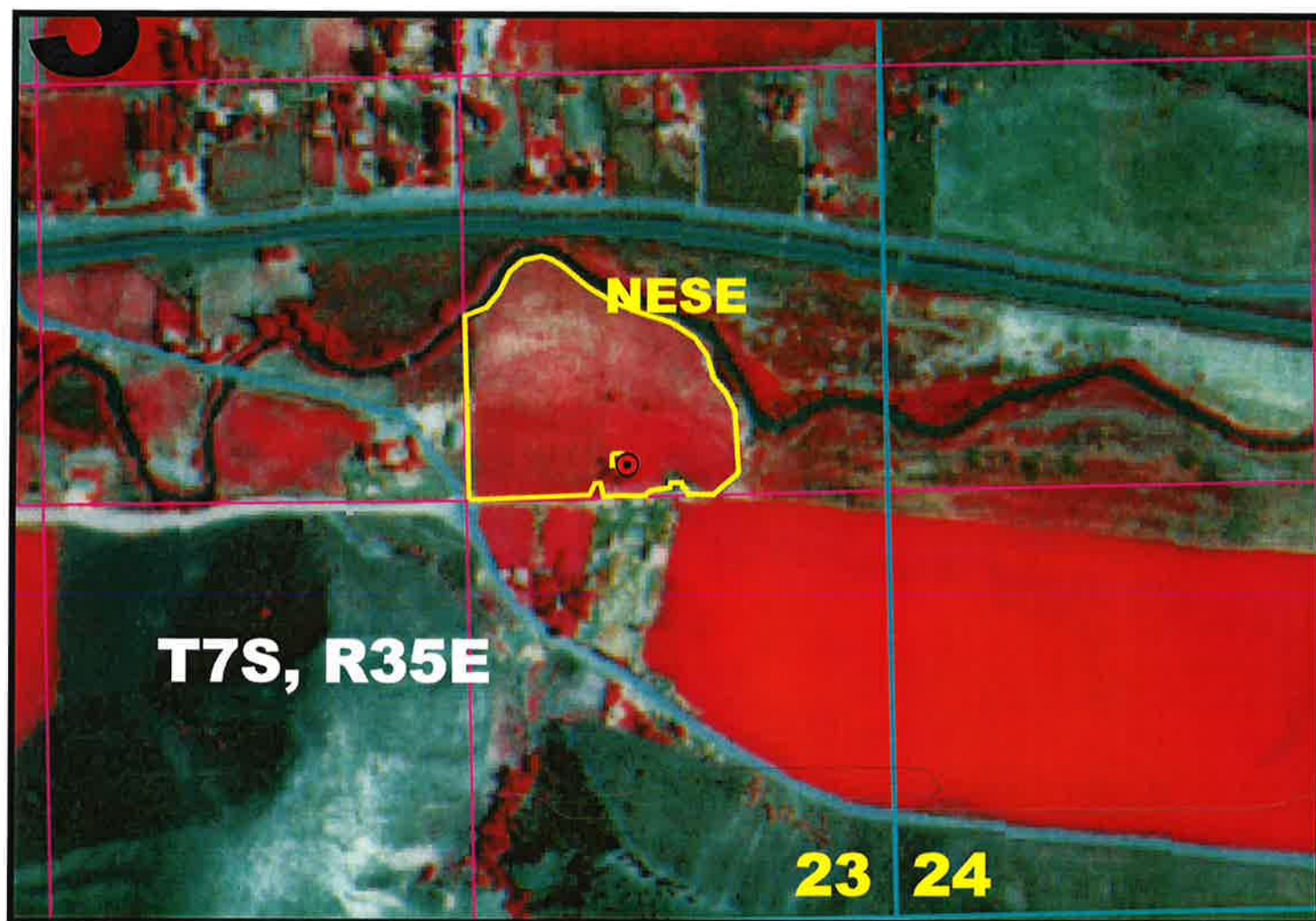
Summary	8/20/01 2:21:40 PM	csaxton	1. (NO) The basis of the claim is not beneficial use. 3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture. 5. (NO) General remark was not required. 6. (YES) Explanatory remark was required. 7. (YES) Additional condition was required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.
Season	8/20/01 2:04:04 PM	csaxton	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a period of use. 3. (YES) The claimed Period of Use can be verified using the water right file. 12. (YES) Irrigation is the purposed use. 14. (NO) The period of use on the decree, license or transfer is not shorter on either the start or end date than allowable under IDWR's current standard. 15. (NO) Period of Use remark was not required. 16. (NO) Period of Use condition was not required.



STATE OF IDAHO

Department of Water Resources
Eastern Region

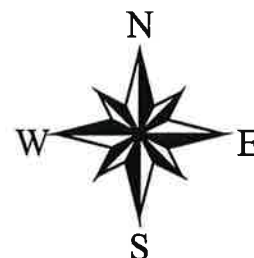
Water Right(s): 29-07658



0 1320 Feet

Total Irrigated Acres: 11.1

-  Point(s) of Diversion
-  Place of Use
-  Quarter Quarter Lines
-  Section Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: August 2001

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
APR 10 2003
Department of Water Resources
Eastern Region

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>29-10698</u>					
<u>29-4067</u>					
<u>29-7658</u>					

The following REQUIRED information must be submitted with this form:

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

OR

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

Name and Address of Former
Owner/Claimant(s)

Virgil Germer

New Owner/Claimant(s)

Laura Germer

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

Same
New Mailing Address

5268 W Portneuf Rd

City, State and ZIP Code

Idaho Id. 83245-1611

New Telephone Number

(208) 775-3782

Date you acquired the property

PROFILED

SCANNED
MAY 12 2006

STATE OF IDAHO
IDAHO DEPARTMENT OF HEALTH AND WELFARE
CENTER FOR VITAL STATISTICS AND HEALTH POLICY
CERTIFICATE OF DEATH

Date Filed OCTOBER 02, 1995

State File No. 1995-05852

DECEDENT - NAME VIRGIL T. GERMER				AGE 67 YEARS	
DATE OF DEATH SEPT. 21, 1995		SEX MALE	SOCIAL SECURITY NUMBER ~~528-60-1207~~	DATE OF BIRTH MAR. 03, 1928	
BIRTHPLACE IDAHO					
WAS DECEDENT EVER IN U.S. ARMED FORCES? YES	MARITAL STATUS MARRIED	SURVIVING SPOUSE (If wife, maiden name) LAURA B. ABBEY		CITY, TOWN OR LOCATION OF DEATH POCATELLO, IDAHO	
RESIDENCE STATE IDAHO		CITY, TOWN OR LOCATION INKOM			
FATHER - NAME JOHN GERMER				BIRTHPLACE IDAHO	
MOTHER - FULL MAIDEN NAME VIRGINIA BERDOLLI				BIRTHPLACE ITALY	
NAME AND ADDRESS OF MORTUARY MANNING-WHEATLEY FUNERAL CHAPEL, POCATELLO, IDAHO					
FUNERAL SERVICE LICENSEE MICHAEL S. HAMMOND					
METHOD OF DISPOSITION BURIAL		TIME OF DEATH 7:00 A.M.		MANNER OF DEATH NATURAL	
CAUSE OF DEATH (underlying cause last)					
a. MULTIPLE METASTATIC CA TO BRAIN					Approximate Interval Between Onset and Death MONTHS
b. LUNG CA					MONTHS
c. SMOKING					YEARS
d.					
OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above CONCURRENT CVA 2NDARY BRAIN METS					AUTOPSY PERFORMED? NO
NAME OF CERTIFIER CHRISTOPHER C. SHIELDS, M.D.				TITLE OF CERTIFIER PHYSICIAN	
CORONER REVIEW AREA					
ACTION				NAME	
EXTERNAL CAUSES ONLY					
DATE OF INJURY		HOUR OF INJURY		INJURY AT WORK?	
DESCRIPTION OF HOW INJURY OCCURRED					
PLACE OF INJURY		LOCATION OF INJURY			

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO CENTER FOR VITAL STATISTICS AND HEALTH POLICY.

DATE ISSUED: DECEMBER 12, 2000

This copy is not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

Jane S. Smith
JANE S. SMITH
STATE REGISTRAR

02/08/2003

Craig

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: 29-7658

VIRGIL T GERMER
5268 W PORTNEUF RD
INKOM ID 83245
Telephone Number: (208) 775-3782

LAURA GERMER
5268 W PORTNEUF RD
INKOM ID 83245
Telephone Number: (208) 775-3782

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: March 25-03

SIGNATURE: *Laura B Germer*

Please print your name: Laura B Germer

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

PROFT

RECEIVED
APR 03 2003
Department of Water Resources
Eastern Region

SCANNED

MAY 12 2006

sent ownership
change form
4-3-03
JC

March 25-03
5268 W Fortney Rd
Inkom - Id 83245

I am returning the papers with one exception
Please leave my name (Laura B Germer)

Laura B Germer as Primary on notice.
And remove Virgil T. Germer my husband.
Passed away Sept. 21st 95. - and add my
Son - Laval V. Germer in place of Virgil's.

Thank you

Sincerely

Laura B Germer

Phone No. and address
The Same as notice.

REC'D

Records Section
468 03 5003
468 03 5003

SCANNED

MAY 12 2005

SCANNED

JUN 13 2001

Log for claim A29-07658

Spatial Dynamics BTD

9/8/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	23	NESE	13	12	
Totals:			13	12	

5/3/01 Overlapping w/ 29-04067 + 29-10698

i> Carter is getting back to me about shapes regarding
acresage.

AJ5809NP
No. A29-07658

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 259

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	VIRGIL T GERMER	08/25/1982	IRRIGATION	03-15 11-15	0.150 CFS	45.50 AFA
C	LAURA GERMER		FIRE PROTECTION	01-01 12-31	0.150 CFS	
	5268 W PORTNEUF RD					
	INKOM ID 83245					
	(208) 775-3782					
				TOTAL DIVERSION:	0.150 CFS	45.50 AFA
				CONSUMPTIVE USE:		32.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R35E S23

NESE

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	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	SUM		
07S	35E	23	:	:	:	:	:	:	:	:	:	:	:	13.0		
													TOTAL ACRES	13.0		

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

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: 29-04067, 10698

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

29-07659 A29-04065 A29-04156 A29-07659 A29-10094 A29-10696 A29-10698

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

A29-04065 A29-04067 A29-04156 A29-04425 A29-10696 A29-10698 R29-04067

Conditions of Approval:

- R30 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 3.5 afa per acre for
- irrigation of the lands above.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 03/22/90 DCARLSON 03/01/93 FRAZEE 03/29/95 POST-STD 04/12/00 CVANDERM

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 29-07658

Priority: August 25, 1982

Maximum Diversion Rate: 0.15 CFS
Maximum Diversion Volume:¹ 45.5 AF

This is to certify, that VIRGIL GERMER
LAURA GERMER

5268 W. PORTNEUF RD.
INKOM, ID 832450000

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 25, 1982; and has submitted Proof of Beneficial Use on October 1, 1987. An examination indicates that the works have a diversion capacity of .150 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.15 CFS	45.5 AF
FIRE PROTECTION	01/01 to 12/31	0.15 CFS	
	Totals	0.15 CFS	45.5 AF

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 23, Township 07S, Range 35E
BANNOCK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S	35E	23	NESE	13		13
Total number of acres irrigated:						13

PLACE OF USE: FIRE PROTECTION, same as IRRIGATION use

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

MICROFILMED

MAR 20 1990

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 29-07658

CONDITIONS/REMARKS:

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 15TH
day of MARCH, 1990.

Acting for R. Keith Higginson, Director

MICROFILMED

MAR 20 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Virgil or Laura Germer Phone 775-3782

Post office address Rt. 2, Inkom, Idaho 83245

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

3. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 23 Township 7S

Range 35E B.M. Bannock County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.28 for Irrigation purposes from 3-15 to 11-15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.28 for Fire Protect purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.28 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well, pump, mainline to hand
lines

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 6 inches; proposed depth of well is 100 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 23 Township 7S

Range 35E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

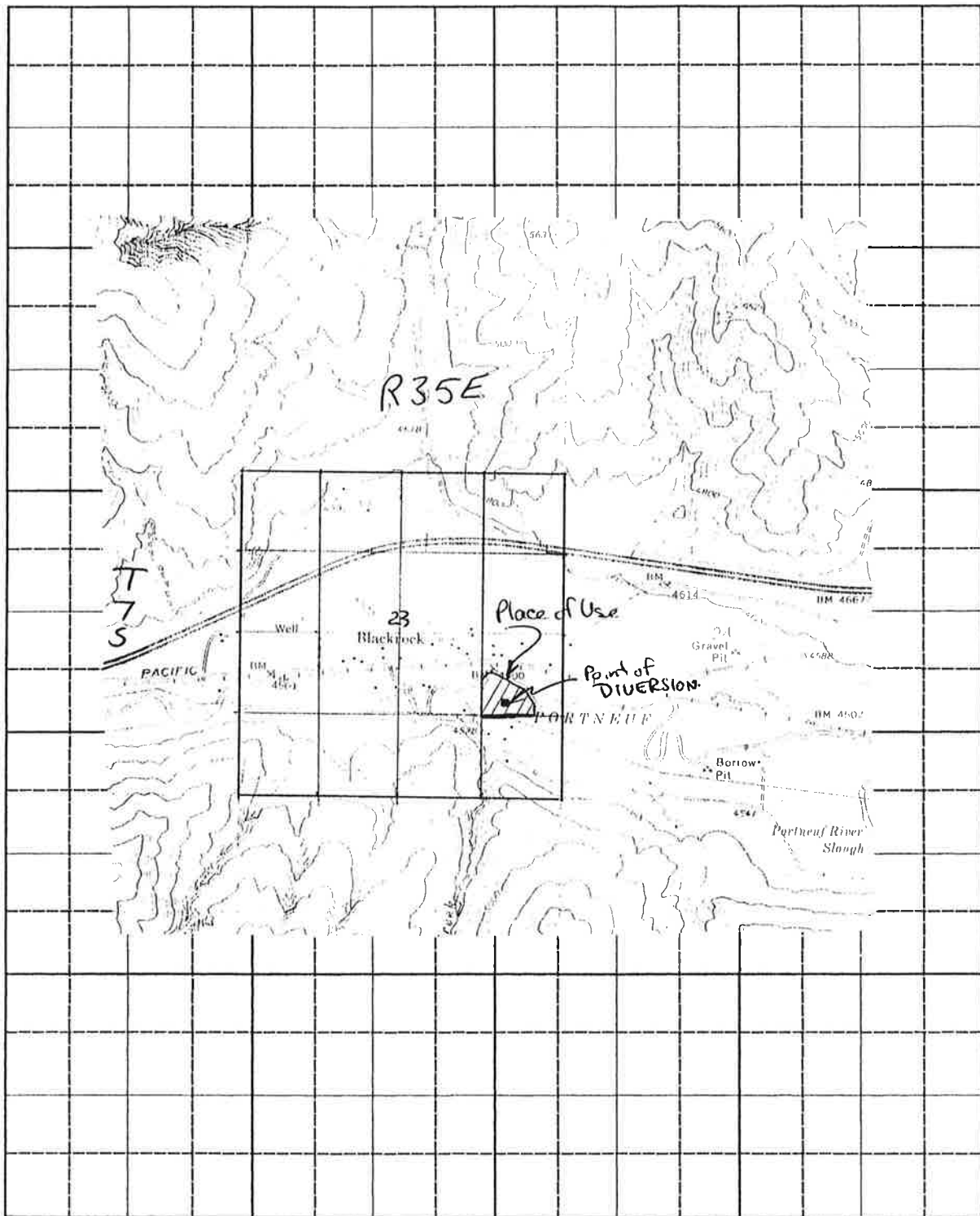
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____

(5) If water is to be used for other purposes describe: _____

Fire Protection for single domestic home

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



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Virgil J. Gerner
(Applicant)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JAN 20 1989

Department of Water Resources

A. GENERAL INFORMATION

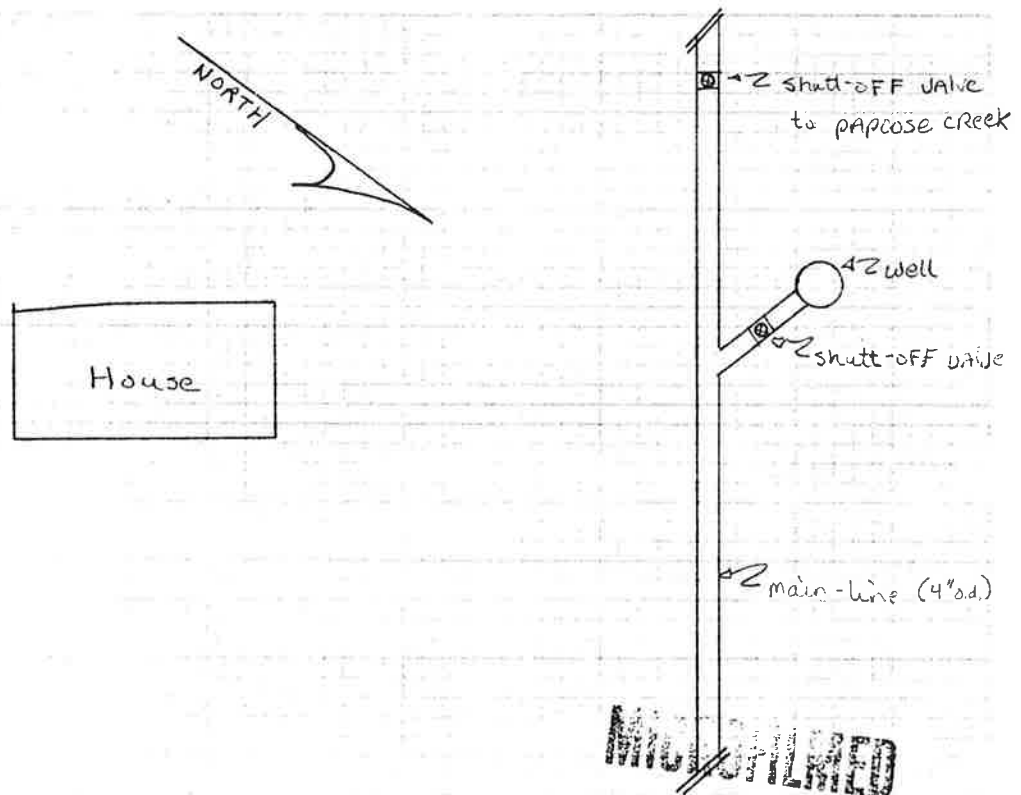
1. Owner: Virgil or LAURA GERMER Permit No. 29-7658
Current Address: 5268 W. Portneuf Rd. Inkom Idaho Phone No. 775-3782
2. Accompanied by: owner EXAM. DATE: 5-23-88
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Groundwater tributary to —

B. OVERLAP REVIEW

1. Other water rights with same place of use: 29-4067, claim to a water
Right for Papoose Creek ☐ Copies Attached
2. Other water rights with same point of diversion: NO
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



Scale: 1" = No Scale

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

MAR 20 1990

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Pitot gauge		Ashcroft			0-160 psi	

2. Measurements:

8 psi	8 psi	8 psi	8 psi	10 psi	10 psi	7 psi	6 psi	6 psi	6 psi	6 psi	6 psi	6 psi	7 psi
x	x	x	x	x	x	x	x	x	x	x	x	x	x
4 psi	4 psi												
x	x												
← 2 birds by house													
Average Pressure = 6.9 psi													

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

- Measured Method: $d = 5/32"$ nozzle is AVERAGE size of the 3 sites observed.
bird g.p.m. from bird chart on model 20 L for $1/64"$ and then interpolated for 7 psi.
 $Q_{birds} = (2.25 \text{ g.p.m.})(29 \text{ birds})/448.8 = 0.15 \text{ c.f.s.}$
- Alternate Method for Checking Purposes:
Theoretical $\Rightarrow Q = \frac{(3 \text{ hp})(8.814)(0.8)}{(90') + (2.31)(6.9)} = 0.2 \text{ c.f.s.}$

PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)
Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) $\div$ 8.8 = _____ (5)
Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)
Meter Input HP: (6) x 1.34 = _____ (7)
Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)
Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (13 \text{ ac})(3.5) = 45.5$
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (0.15)(245)(1.9835) = 72.89$
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 45.5$

☒ Volume Calculations for Other Uses:

MAR 20 1990

15 16
22 23

14 15
23 24

R35E
T7S

PETE MILLER
#130
T195
95

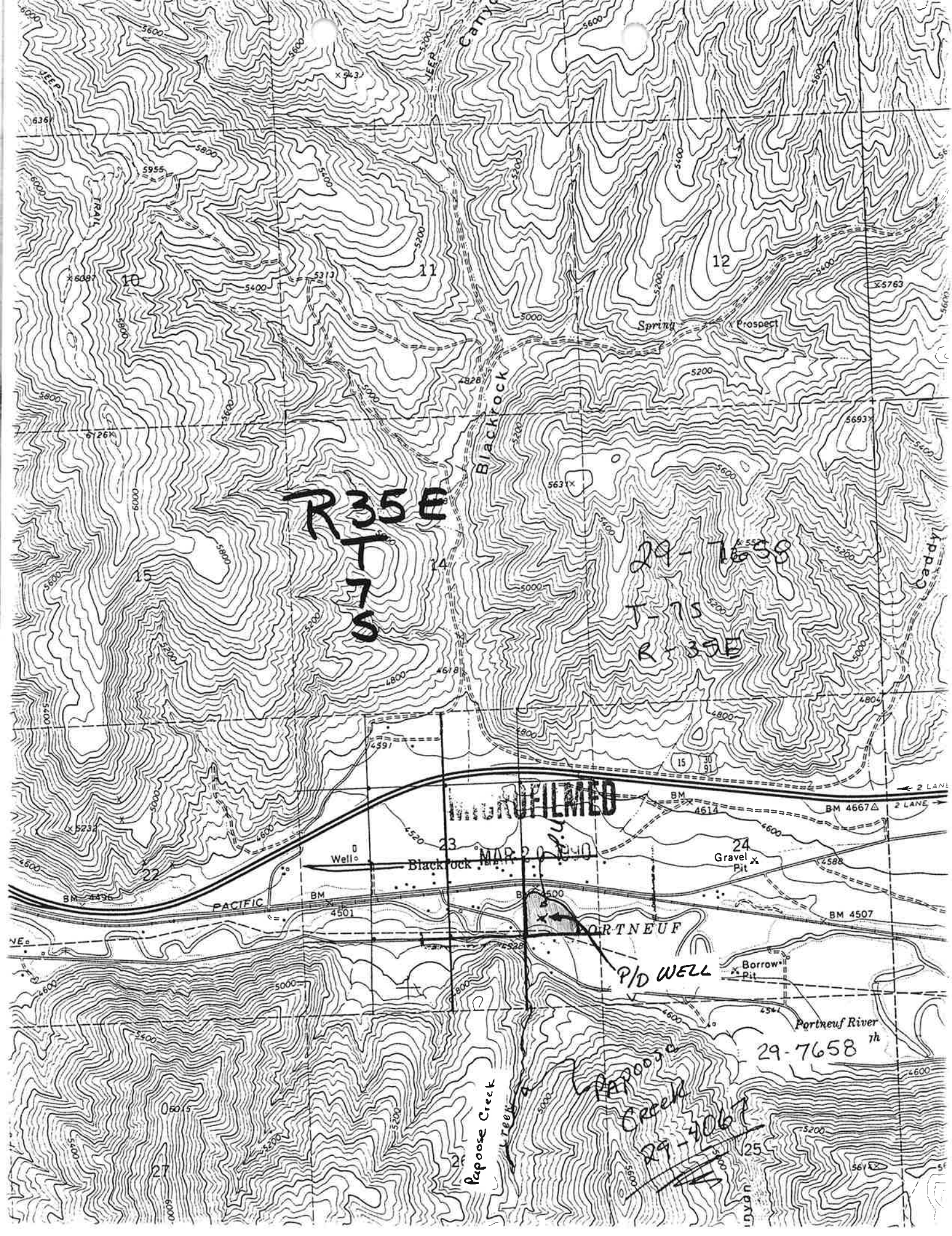
R35E
T7S

22 23
27 28

23 24
26 25

29-7658

PAPOOSE CREEK



GRAY YOUNG
BRUCE BELZER
Attorneys at Law
J. R. Simplot Company Legal Department
999 Main Street, Suite 1300
P.O. Box 27
Boise, ID 83707
(208) 389-7318
(208) 389-7515 Telefacsimile

Attorneys for J. R. Simplot Company

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CASSIA

In Re the General Adjudication
of Rights to the Use of Water
From the Snake River Drainage
Basin Water System.

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

Petitioner,

vs.

The United States;
The State of Idaho;
and All Claimants to the Use
of Water from the Snake River
Basin Water System,

Respondents.

ALICE FOSHA, HELEN FLINT, and
BEVERLY ADAMS, individuals,

Plaintiffs,

vs.

A. KENNETH DUNN, Director of the
Department of Water Resources
of the State of Idaho,

Twin Falls County
Civil Case No. 39576

and

Cassia County
Civil Case No. 13770-12-83

NOTICE OF APPEARANCE

Don modified thru
C.A.N. program.
4-1-93

RECEIVED

APR 07 1993

Department of Water Resources
Eastern District Office

MICROFILMED
APR 12 1994

Defendants.)

IN THE MATTER OF THE GENERAL)
DETERMINATION OF RIGHTS TO THE)
USE OF GROUNDWATER DIVERTED)
FROM SECTIONS 19, 20, 21, 28, 29,)
30, 31, 32, AND 33, T. 11 S.,)
R. 27 E., B.M.)

A. KENNETH DUNN, Director of the)
Department of Water Resources)
of the State of Idaho,)

Counterplaintiff,)

vs.)

ALICE FOSHA, HELEN FLINT, and)
BEVERLY ADAMS, individuals,)

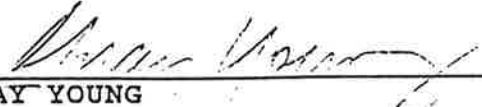
Counterdefendants.)

TO ALL PARTIES:

GRAY YOUNG, Assistant General Counsel, J. R. Simplot
Company, hereby enters his appearance as co-counsel on behalf
of J. R. Simplot Company in this action. All notices to
J. R. Simplot Company should be delivered to the following
address:

Gray Young
Bruce Belzer
J. R. Simplot Company
Legal Department
999 Main Street, Suite 1300
P.O. Box 27
Boise, ID 83707

DATED this 20th day of January, 1992.

By 
GRAY YOUNG
Assistant General Counsel

4607v/1-20-92/1:42

MICROFILMED
APR 12 1994

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true and correct copy of the foregoing NOTICE OF APPEARANCE was mailed this 20th day of January, 1992, in an envelope with sufficient first-class postage prepaid thereon to the following:

Idahome Farms, Inc.
1925 Oakley Avenue
Burley, ID 83318

Dennis Jay Harper
Star Route
Declo, ID 83323

Roland Allen Land &
Livestock
Star Route
Malta, ID 83342

Mark J. Taylor
Strong & Hanni
5th Floor, Boston Building
Salt Lake City, UT 84111
Attorney for Fosha, et al.

Leo A. Jardine
Jardine, Linebaugh,
Brown & Dunn
Suite 400
370 East South Temple
Salt Lake City, UT 84111
Attorney for Raft River Ranches, Inc.

A. Lynne Krogh-Hampe
Deputy Attorney General
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706-2237


VICKI SPANGLER

MICROFILMED

APR 12 1994

ADDITIONAL
INPUT: _SELECTION:FRAZEE-NAME-SIMPLOT.SEL

ADJUDICATION ATTO NAME ADD/UPDATE

TIME: 21 :11.4
PAGE: 1

TYPE OF ACTION: ADD

MODIFY ALL FIELDS FLAG:

LAST NAME: YOUNG, GRAY OR BRUCE BELZER
ADDRESS LINE 1: J R SIMPLOT CO LEGAL DEPT
ADDRESS LINE 3: PO BOX 27
CITY: BOISE

FIRST NAME:

ADDRESS LINE 2:999 MAIN ST STE 1300

STATE: ID ZIP: 837070027

PHONE NUMBER: (208) 389-7318

36-02208 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02212 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02213 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02542 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02619 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02620 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02648A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02648B ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02729 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-04006 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-04179 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
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36-04182 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-04256 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
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36-07636 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
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36-13319 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-13320 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
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A02-10026 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
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A22-07451 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A24-07113 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A24-07164 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A24-07169 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE

*You have N.O.A. copy.
-Jal*

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APR 0 1993

Department of Water Resources
Eastern District Office

*Printout attach to ea claim?
J.R. Smith*

APR 12 1994
MICROFILMED

INPUT: SELECTION:FRAZEE-NAME-SIMPLOT.SEL

TYPE OF ACTION: ADD

MODIFY ALL FIELDS FLAG:

LAST NAME: YOUNG, GRAY OR BRUCE BELZER
ADDRESS LINE 1: J R SIMPLOT CO LEGAL DEPT
ADDRESS LINE 3: PO BOX 27
CITY: BOISE

STATE: ID ZIP: 837070027

FIRST NAME:
ADDRESS LINE 2:999 MAIN ST STE 1300
PHONE NUMBER: (208) 389-7318

A25-13297 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A25-13298 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A27-02138 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
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A36-02648 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-02729 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-04006 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-04179 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE

APR 12 1994
LIMED

SEL	First Name	OWN	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
GERMER							
	VIRGIL	C	A29-07659/	08/25/1982	GROUNDWATER	0.040	04 STOCK 43 DOMEST
	LAURA	C	A29-07659/	08/25/1982	GROUNDWATER	0.040	04 STOCK 43 DOMEST
	VIRGIL	C	A29-10698	06/10/1928	PORTNEUF RI	0.260	01 IRR
	VIRGIL	C	R29-07659/	08/25/1982	GROUNDWATER	0.040	04 STOCK 43 DOMEST
	LAURA	C	R29-07659/	08/25/1982	GROUNDWATER	0.040	04 STOCK 43 DOMEST
	VIRGIL T	C	A29-04067/	04/01/1945	PAPOOSE CRE	0.260	01 IRR
	VIRGIL	C	A29-07658/	08/25/1982	GROUNDWATER	0.150	01 IRR 49 FIRE
	LAURA	C	A29-07658/	08/25/1982	GROUNDWATER	0.150	01 IRR 49 FIRE
	LAURA	C	A29-10698	06/10/1928	PORTNEUF RI	0.260	01 IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

Modified all
+ AZ9-10101 - Coxall
Saffield - A+R AZ9-04064B
✓ ✓ - 10103
Palmer AZ9-10102
Matthews A+R AZ9-04064C
Thompson A+R AZ9-04064D

DTank NOA
to each record
A + R?

N.O.A.

MICROFILMED

APR 12 1994

Reed W. Larsen
RACINE, OLSON, NYE, COOPER
& BUDGE, CHARTERED
P.O. Box 1391 - Center Plaza
Pocatello, ID 83204-1391
Telephone: (208) 232-6101

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 Drainage Basin
Water System,

Case Nos. 39576 ✓
41798

The State of Idaho, ex rel.
R. Keith Higginson in his official
capacity as director of the Idaho
Department of Water Resources,

AMENDED NOTICE OF
APPEARANCE

Petitioner,

vs.

Document No.
92-01-011

United States; State of Idaho; and
all unknown claimants to the use
of water from the Snake River
Drainage Basin Water System,

Respondents.

THERON J. SMITH and CARMA B.
SMITH, husband and wife,

Plaintiffs,

vs.

AMENDED NOTICE OF APPEARANCE - 1

MICROFILMED

APR 12 1994

JAY SCOFFIELD and TARA
SCOFFIELD, husband and wife;
GRACE PALMER, a single person;
BILLIE JEANNE CROXALL, a single
person; VIRGIL T. GERMER and
LAURA GERMER, husband and wife;
KEITH HIGGINSON, director of the
Idaho Department of Water Resources,
and JOHN DOES I, II, III and IV,

Defendants.

TO: THE ABOVE-NAMED PLAINTIFFS AND THEIR ATTORNEY OF RECORD:

COMES NOW Reed W. Larsen, of the firm of Racine, Olson, Nye, Cooper & Budge, Chartered, and hereby enters an amended appearance on behalf of Defendants Virgil Germer and Laura Germer, husband and wife, Thomas R. Thompson and Tracy Thompson, husband and wife, and Joseph E. Matthews and Tahna Matthews, husband and wife, in the above matter and hereby gives notice of their representation by the firm of Racine, Olson, Nye, Cooper & Budge, Chartered. All future pleadings and correspondence and notice should be sent to the undersigned counsel.

Thomas R. Thompson and Tracy Thompson are the predecessors in interest to the property owned by the Defendant Grace Palmer and Joseph E. Matthews and Tahna Matthews are the successors in interest of property owned by Billie Jean Croxall, Defendants in the above action, and as such they are proper parties to appear and defend this litigation.

AMENDED NOTICE OF APPEARANCE - 2

MICROFILMED

APR 12 1994

DATED this 27 day of December, 1991

RACINE, OLSON, NYE, COOPER
& BUDGE, CHARTERED

By 
REED W. LARSEN

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 31 day of December, 1991, a true, correct and complete copy of the foregoing was mailed, postage prepaid, to the following:

Thomas J. Holmes
P.O. Box 967
Pocatello, ID 83204

Isaac McDougall
P.O. Box 4048
Pocatello, ID 83205

Billie Jeanne Croxall
5230 W. Portneuf Road
Inkom, ID 83245

Grace Palmer
5208 W. Portneuf Road
Inkom, ID 83245

Jim Jones
Attorney General
Statehouse, Room 210
Boise, ID 83720

Peter C. Monson
U.S. Attorney
Land & Natural Resources Div.
Indian Resources Section
P.O. Box 44378
Washington, D.C. 20026

A. Lynne Krogh-Hampe
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

Jay and Tara Scoffield
5195 West Portneuf Road
Inkom, ID 83245



AMENDED NOTICE OF APPEARANCE - 3

MICROFILMED

APR 12 1994

SCANNED

JUN 13 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: A29-07658

Date Received: 3/22/1990

Receipt No: E017496

Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VIRGIL GERMER 208-775-3782
Address: 5268 W. PORTNEUF RD.
INKOM, ID 83245-0000

Name: LAURA GERMER 208-775-3782
Address: 5268 W. PORTNEUF RD.
INKOM, ID 83245-0000

2. Date of Priority: AUG 25, 1982

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	35E	23		NE	SE		BANNOCK

5. Description of diverting works:
WELL/ PUMP TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.150		45.50
FIRE PROTECTION	01/01	12/31	0.150		

7. Total Quantity Appropriated is:
0.150 C.F.S. (and/or) 45.50 A.F.A.

8. Total consumptive use is 32.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A2907658



A29-07658

Page 1

Date: 03/22/90

MICROFILMED

NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	23	NE	SE		IRR	13.0
Section Acres							13.0
Total Acres							13.0

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:
29-04067, 10698

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: 0

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): Virgil F. Gorman Date: 3/22/90
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 22 day
of March 19 90 Dave Carls
Notary Public

Seal

Residing at Heise, Id
My Commission Expires 2/26/96