

03/04/2002

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

RIGHT NUMBER: 29-10698

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

VIRGIL T GERMER
5268 W PORTNEUF RD
INKOM ID 83245

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.22 CFS

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: 06/10/1928

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	04/01 10/31	0.220 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R35E S23 NESE 11.1

11.1 ACRES TOTAL

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.

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

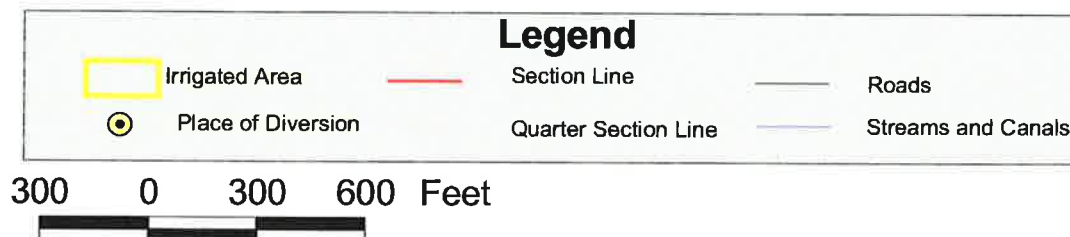
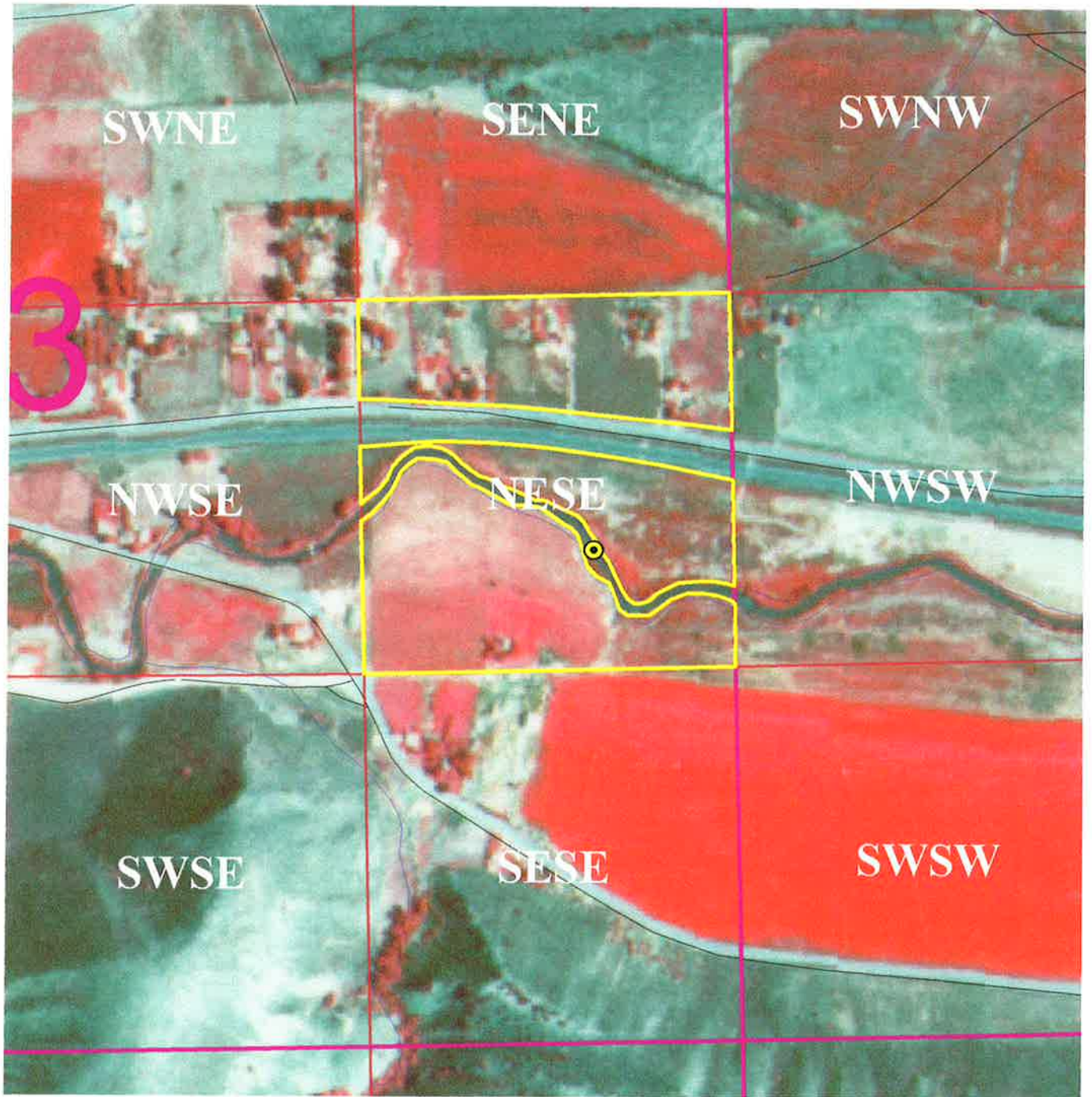
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

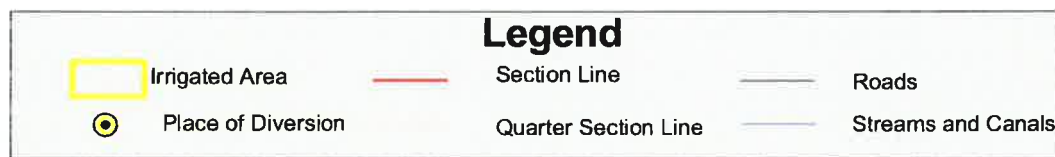
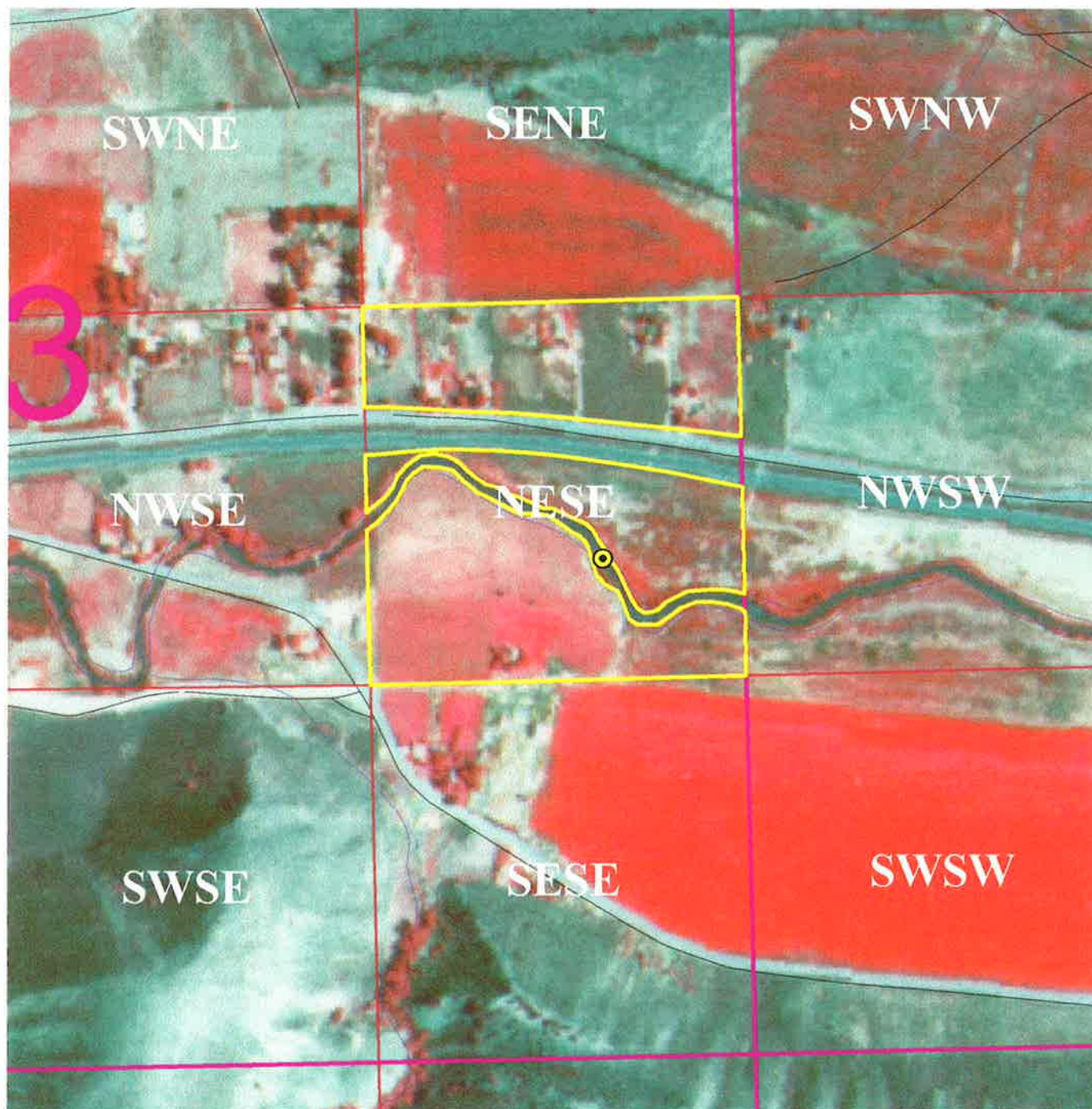
Water Right Claim Number A29-10698
Township , 7S35E

09/12/2000



Water Right Claim Number A29-10698
Township , 7S35E

09/12/2000

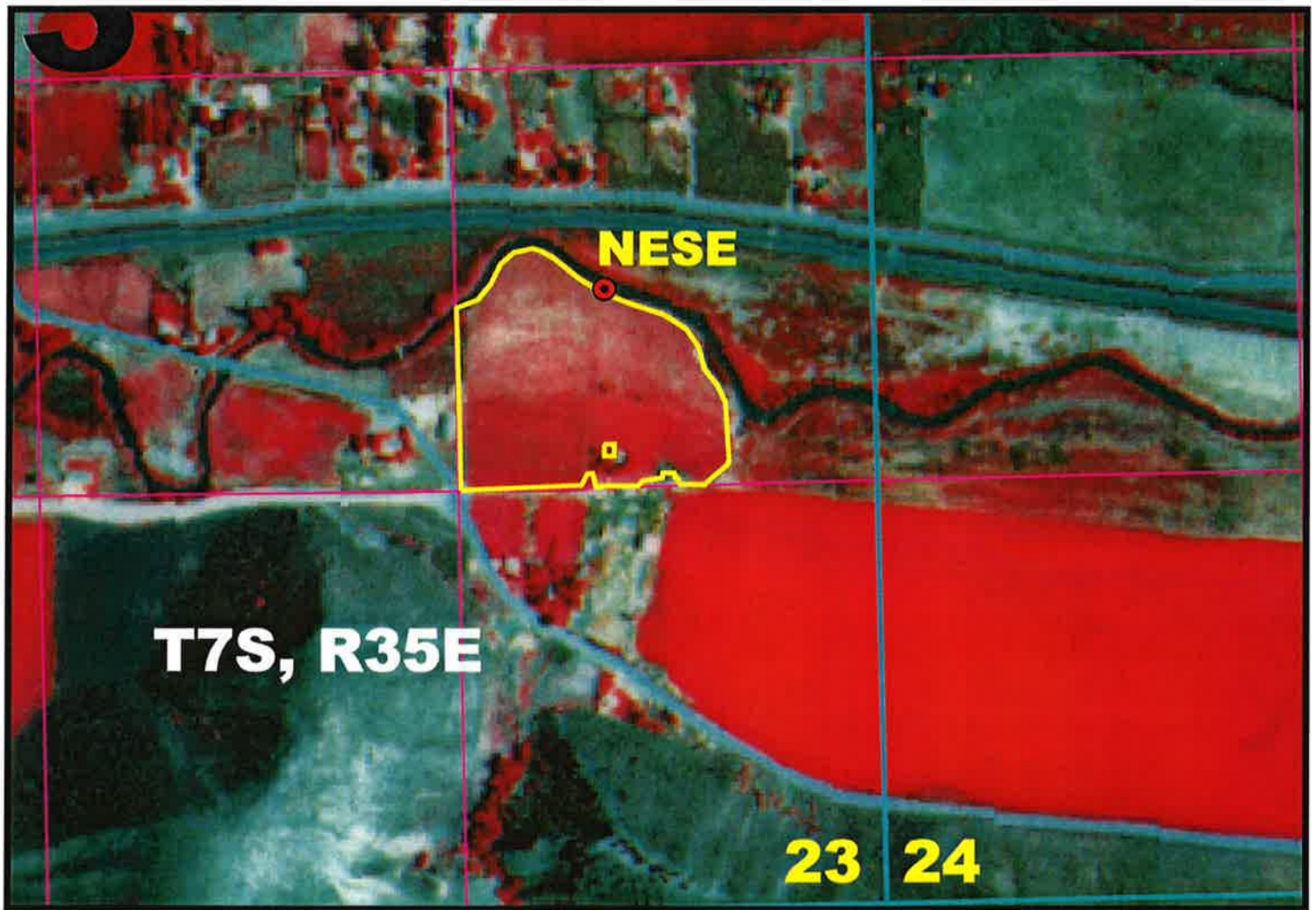




STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-10698



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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10698 V1

WATER RIGHT NUMBER: 29-10698 V1

<u>Owner Type</u>	<u>Name and Address</u>
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
Current Owner	VIRGIL T GERMER 5268 W PORTNEUF RD INKOM, ID 83245 (208)775-3782

Priority Date: 06/10/1928

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
PORTNEUF RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.220 CFS	
<u>Total Diversion:</u>		0.220 CFS	

Location of Point(s) of Diversion

PORTNEUF RIVER	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

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.

Remarks:

1. 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 29-10698 V1

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

Comments:

1. csaxton 2/5/2002 POU

Comment: 1992 private adjudication Scofield Vs. Smith found 11.1 acres of irrigation. Based on this information I am recommending 11.1 acres of irrigation.

2. csaxton 2/5/2002 Priority date

Comment: Only evidence of the year. Recommend last day of irrigation season for year supported.

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>
Priority Date	3/4/2002 8:52:29 AM	csaxton			Active
POD	3/4/2002 8:52:50 AM	csaxton			Active
Source	3/4/2002 8:55:26 AM	csaxton			Active
POU	3/4/2002 8:55:59 AM	csaxton			Active
Use	3/4/2002 9:00:05 AM	csaxton			Active
Season	3/4/2002 9:00:28 AM	csaxton			Active
Quantity	3/4/2002 9:01:50 AM	csaxton			Active
Summary			03/04/2002	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	3/4/2002 8:53:34 AM	csaxton	Edited point location
POD	3/4/2002 8:54:31 AM	csaxton	Edited PLS
POU	3/4/2002 8:56:20 AM	csaxton	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10698 V1

Priority Date	3/4/2002 8:52:29 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavit from Grace Palmer.
Source	3/4/2002 8:55:26 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Napp Photography
POU	3/4/2002 8:55:59 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - NAPP Photography
POU	3/4/2002 8:56:37 AM	csaxton	Edited PLS
Use	3/4/2002 9:00:05 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Claimant contact on 5/2/02

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10698 V1

Season	3/4/2002 9:00:28 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POD	3/4/2002 9:01:50 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - Theoretical calculation based on information provided by claimant.
Summary	3/4/2002 9:04:16 AM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (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?
Contacts	3/4/2002 8:31:10 AM	csaxton	(No) 1. Do you want to schedule an appointment?
POD	3/4/2002 8:52:50 AM	csaxton	Comment for 1: Contact with claimant 2/5/02. (No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

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.

Craig

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
<i>done</i>	29-10698				
<i>4-11-03</i>	29-4067				
	29-7658				

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

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

Date Filed OCTOBER 02, 1995State File No. 1995-05852

DECEDENT - NAME VIRGIL T. GERMER				AGE 67 YEARS	
DATE OF DEATH SEPT. 21, 1995		SEX MALE	SOCIAL SECURITY NUMBER 518-30-6857	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. DUE TO (or as a consequence of): LUNG CA					MONTHS
c. DUE TO (or as a consequence of): SMOKING					YEARS
d. DUE TO (or as a consequence of): 					
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

Craig

02/08/2003

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: 29-10698

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

VIRGIL T 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

RECEIVED
APR 03 2003
Department of Water Resources
Eastern Region

spoke with Laura Germer

2-5-02: 2-3 Sprinkler lines
with 13 heads on each line

1.4" Pipe

1.3" Pipe

1.2" Pipe

: Grows Alfalfa and Grain and Grass

: Bought from Martin Palmer

: Virgil Germer Passed in 1995.

: Assuming an average of each sprinkler head pumping
5 GPM on a minimum of 2 lines with 13 heads

$$\frac{(5 \text{ gpm})(13)(2)}{(448)} = 0.29 \text{ cfs}$$

Since Claimant said she runs 3 lines and with 2
lines we still exceed a diversion rate of 1 inch
per acre of 0.22 cfs I feel comfortable recommending
0.22 cfs.

3-1-02 : Based on HP Info provided by Claimant Diversion rate
calculated at 0.23 cfs. Rec. 0.22 cfs.

IRRIGATION

measurement Calculations

Irrigation System Evaluation - The evaluation should focus on three areas. 1. The pumping plant(s) 2. The water distribution system and 3. Location of the place of use. A logical starting point is at the pumping plant. This will allow you to evaluate whether the pumping plant will supply water to the reported place of use.

1. Pumping Plant information to collect. (at each point of diversion)

1. Motor data (include hp, name, model and serial numbers)
2. Pump data (include, name, model, serial numbers, rated flow)
3. Power input data (optional) (disc revolution, meter constant, power factor)
4. Flow and Pressure data (if measured use supplemental sheet) (show psi)
5. Pumping water level (depth to water)
6. Estimate pumping plant efficiency (use 70% if no other information is available)

Exhibit 6 provides an example of data to collect, most of the motor and pump data will be located on the equipment. Some of the data is contained only in the motor and pump specification material provided by the manufacture. If possible request this information from the water user. Some of this information may not be used immediately in preparing the for licensing, but, it may be useful information in the future for detailed analysis of pumping plant discharge to resolve questions or water disputes.

With this information you will be able to estimate discharge using the Horsepower equation. Appendix D lists discharge using 40 psi, and 70% pumping plant efficiency. To file the discharge look-up motor horsepower and depth to water.

$$Q = \frac{8.8 * (\overset{70\%}{\text{efficiency}}) * \overset{5 \text{ hp}}{\text{hp}}}{\underset{20'}{\text{depth to water}} + \underset{2.1}{2.31 * (\text{psi})} + \underset{2.1}{\text{friction}}} = 0.23 \text{ cfs}$$

See exhibit 8

2. Water Distribution System information to collect.

1. Mainline size and distance (list all pipe sizes and distance)
2. Number of laterals, sizes and lengths.
3. Number and size of sprinkler heads on each lateral
4. Psi reading on most critical lateral (generally the furthest from the pump)

With this information you will be able to calculate capacity of distribution system. See exhibit 7



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 5, 2002

LAURA GERMER
5268 W PROTNEUF RD.
INKOM ID 83275

RECEIVED

FEB 19 2002

WATER RESOURCES
WESTERN REGION

RE: System information from the Portneuf River pump.

Dear Laura,

As we discussed on the phone, any information you could provide about your system that you use to pump from the Portneuf River to irrigate your property would be useful to help me determine a diversion rate for your water right. Below is a list of information that I need.

- 1) We already spoke about the sprinkler lines. I understand that you can run up to 3 sprinkler lines with 13 sprinkler nozzles on each line. If this is incorrect, please let me know.
- 2) What is the average nozzle size on the sprinkler heads? *9/64*
- 3) If you attempt to maintain a particular pressure at the sprinkler heads, what is that pressure? *unknown*
- 4) What is the Horsepower of your pump? *5 HP*
- 5) What is the estimated vertical distance from the Portneuf River to the pump.

I appreciate any of the above information you could provide.

*Pumps-out of River
Sits on bank to pump.*

Lastly, when we spoke on the phone you mentioned that Virgil passed in 1995. If you would like to remove his name from the water rights, the department requires a copy of the death certificate and a letter from you requesting his name be removed. You can also mention in the request to have Reed W Larsen removed from your water rights if he is no longer your attorney.

Can leave as is for this time.

I apologize for the inconvenience. Please feel free to contact me at (208) 334-2190 if you have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig L. Saxton". The signature is written in a cursive, flowing style.

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

February 5, 2002

LAURA GERMER
5268 W PROTNEUF ROD
INKOM ID 83275

RE: System information from the Portneuf River pump.

Dear Laura,

As we discussed on the phone, any information you could provide about your system that you use to pump from the Portneuf River to irrigate you property would be useful to help me determine a diversion rate for your water right. Below is a list of information that I need.

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I apologize for the inconvenience. Please feel free to contact me at (208) 334-2190 if you have any questions.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

SCANNED

JUN 13 2001

Log for claim A29-10698

Spatial Dynamics LTD

9/12/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	23	NESE	13	33	Indiscernible
Totals:			13	33	

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. - an Add my
Son - Laval V. Germer in place of Virgils.

Thank you

Sincerely

Laura B Germer

Phone No. and address
The Same as notice.

REC
A

AJ5809NP
No. A29-10698

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 293

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	VIRGIL T GERMER	06/10/1928	IRRIGATION	03-15 11-15	0.260 CFS	
C	LAURA GERMER					
	5268 W PORTNEUF RD			TOTAL DIVERSION:	0.260 CFS	
	INKOM ID 83245			CONSUMPTIVE USE:		32.50 AFA
	(208) 775-3782					

Water Source: PORTNEUF RIVER

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T07S R35E S23 NESE BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		SUM
07S	35E	23	:				:				:				:	13.0
TOTAL ACRES																13.0

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: 29-07658, 04067

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-07659 A29-04065 A29-04156 A29-07658 A29-07659 A29-10094 A29-10696

Other Water Rights Listing Overlapping Place(s) of Use:
A29-04065 A29-04067 A29-04156 A29-04425 A29-07658 A29-10696 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

1 Feb 1995

To whom it may concern in
regards to Claim for water right
from the Portneuf River for
irrigation AJ5809ND NO. A29-10698

This property now owned by Virgil
Germer and Laura Germer. Water
was first pumped from the Portneuf
River for irrigation purpose in
the year of 1928.

Grace Palmer

2-1-95

Cynthia A. Brangton

NOTARY COMMISSION
EXPIRES 3-5-98

MICROFILMED

NOV 13 1996

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

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
36-04180 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-04181 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-04182 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-04256 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-07333 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-07636 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-08154 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-13319 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-13320 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
57-02202 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
57-02203 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A01-04058 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A01-10101 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-00006 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-00015 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-00060 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-00076 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
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A02-07040 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-07382 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-10002 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-10026 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-10049 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A22-07423 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
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.
- Sel*

RECEIVED

APR 0 1993

Department of Water Resources
Eastern District Office

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

MICROFILMED

APR 13 1994

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

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

STATE: ID ZIP: 837070027

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
A27-02168 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A27-07126 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A27-07294 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A27-11241 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
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A29-02375 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
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A29-11313 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A33-02054 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A33-02075 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A33-02076A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A33-02076B ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A33-02119 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A33-02125 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A33-07007 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A33-07053 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A33-07061 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A33-10092 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A35-02413 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A35-04175 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A35-04189 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A35-08114 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A35-08131 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A35-08162 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A35-11480 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-02208 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-02212 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-02213 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-02542 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
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A36-02620 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
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

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APR 13 1994

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

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Department of Water Resources
Eastern District Office

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APR 13 1994

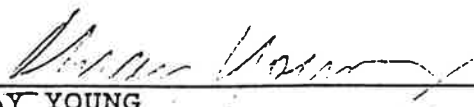
Defendants.	)
	)
IN THE MATTER OF THE GENERAL	)
DETERMINATION OF RIGHTS TO THE	)
USE OF GROUNDWATER DIVERTED	)
FROM SECTIONS 19, 20, 21, 28, 29,	)
30, 31, 32, AND 33, T. 11 S.,	)
R. 27 E., B.M.	)
	)
	)
A. KENNETH DUNN, Director of the	)
Department of Water Resources	)
of the State of Idaho,	)
	)
Counterplaintiff,	)
	)
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 13 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 13 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 13 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 13 1994

DATED this 31 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 13 1994

SD-0601-2	Last Name: GERMER	STATE
S	O	
E	W	
L	N	
First Name	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 - Crossall
 Suffield - A+R29-04064B
 ✓ - 10103
 Palmer AZ9-10102
 Matthews A+R29-04064C
 Thompson A+R29-04064D

Attach NOA
 to each record
 A + R?

NOA.

MICROFILMED

APR 13 1994

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: A29-10698
Date Received: 3/22/1990
Receipt No: E012496
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: JUN 10, 1928

3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER

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:
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	0.260		

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

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

9. Non-irrigation uses:
NONE

A2910698



A29-10698

Page 1

Date: 03/22/90

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NOV 16 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:
29-07658, 04067

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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NOV 16 1992

16. Signature(s)

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

Number of attachments: 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 J. Hansen 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 Steve Carl
Notary Public

Seal

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