

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: **A36-02061**

Date Received: 10/ 6/1989

Receipt No: S009697

Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name:	SHELLEY HARMAN	208-532-4236
Address:	1500 N 465 E	
	RT 3 BOX 3254	
	RUPERT ID	83350
AND/OR		
Name:	KENT M HARMAN	208-532-4236
Address:	1500 N 465 E	
	RT 3 BOX 3254	
	RUPERT ID	83350
AND/OR		
Name:	TAMARA HARMAN	208-532-4236
Address:	1500 N 465 E	
	RT 3 BOX 3254	
	RUPERT ID	83350
AND/OR		
Name:	JACK M HARMAN	208-532-4236
Address:	1500 N 465 E	
	RT 3 BOX 3254	
	RUPERT ID	83350

2. Date of Priority: FEB 20, 1948

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	25E	18	SE	NE	SW		MINIDOKA
			NE	SE	SE		MINIDOKA

5. Description of diverting works:
TWO WELLS & PUMPS DELIVERING TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
---------	------	----	-------	------	--------

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6. Water is used for the following purposes: Continued

Purpose	From	To	C.F.S (and/or)	A.F.A.
IRRIGATION	03/15	11/15	1.800	

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

8. Total consumptive use is 960.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	25E	18	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0

Section Acres 320.0

Total Acres 320.0

11. Place of use in counties: MINIDOKA

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

13. Other Water Rights Used:
NONE

14. Remarks:
OWNERSHIP CHANGE 02-10-1995 BY FH.
SF3 ADDRESS CHANGE 03/29/95 SS.

15. Basis of Claim: LICENSE

Water Right Number: 20315

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: A36-02061

Date Received: 10/ 6/1989

Receipt No: S009697

Received By: *Ownership Change H*

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name:	JACK M HARMAN	208-532-4236
Address:	ROUTE 3 BOX 253	
	RUPERT ID	83350
AND/OR		
Name:	SHELLEY HARMAN	208-532-4236
Address:	ROUTE 3 BOX 253	
	RUPERT ID	83350
AND/OR		
Name:	KENT M. HARMAN	208-532-4236
Address:	ROUTE 3 BOX 253	
	RUPERT ID	83350
AND/OR		
Name:	TAMARA HARMAN	208-532-4236
Address:	ROUTE 3 BOX 253	
	RUPERT ID	83350

2. Date of Priority: FEB 20, 1948

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	25E	18	SE	NE	SW		MINIDOKA
			NE	SE	SE		MINIDOKA

5. Description of diverting works:
TWO WELLS & PUMPS DELIVERING TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.800		

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

8. Total consumptive use is 960.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	25E	18	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0

Section Acres 320.0

Total Acres 320.0

11. Place of use in counties: MINIDOKA

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

13. Other Water Rights Used:
NONE

14. Remarks:
OWNERSHIP CHANGE 02-10-1995 BY FH.

15. Basis of Claim: LICENSE

Water Right Number: 20315

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: A36-02061
Date Received: 10/06/1989
Receipt No: 5009697
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MAX HERBOLD, INC. 208-436-6396
Address: P.O. BOX 67
RUPERT, ID 83350

2. Date of Priority: FEB 20, 1948

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	25E	18	SE	NE	SW		MINIDOKA
			NE	SE	SE		MINIDOKA

5. Description of diverting works:
TWO WELLS & PUMPS DELIVERING TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.800		

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

8. Total consumptive use is 960.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	25E	18	NE	NE		IRR	40.0
			NW	NE		IRR	40.0

A36-02061

Page 1

Date: 10/06/89

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JAN 25 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	25E	18	SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0

Section Acres 320.0

Total Acres 320.0

11. Place of use in counties: MINIDOKA

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
Water Right Number: 20315

(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.

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JAN 25 1993

COMMUNICATION DOCUMENTATION

Claim No. 36-08212, -08213

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent

7H

Date

11.07
02-22-95

Contact Person(s)

DON CHISHOLM 678-9181

Nature of Contact

ownership as cited in cover
memo to him 02-14-1995 re: change in
name(s)

Substance of Communication

msg left - call re: Liemel
Ownership re: HERBOLD, INC.

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Water Right Number - A36-02061

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number - 20315

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
HARMAN

SHELLEY

1 - 1500 N 465 E
2 - RT 3 BOX 3254
3 -
City- RUPERT
Phone - 208-532-4236
1 - 1500 N 465 E
2 - RT 3 BOX 3254
3 -

State- ID Zip- 83350

HARMAN

KENT M

City- RUPERT
Phone - 208-532-4236
1 - 1500 N 465 E
2 - RT 3 BOX 3254
3 -
City- RUPERT
Phone - 208-532-4236

State- ID Zip- 83350

HARMAN

TAMARA

1 - 1500 N 465 E
2 - RT 3 BOX 3254
3 -
City- RUPERT
Phone - 208-532-4236

State- ID Zip- 83350

HARMAN

JACK M

1 - PO BOX 67
2 -
3 -
City- RUPERT
Phone - 208-436-6396

State- ID Zip- 83350

*** O - ORIGINAL OWNER ***
MAX HERBOLD INC+ - - Priority Date - - +
02/20/1948+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
L - LICENSE

+ - - Status - - - +

+ - - Source - - - - - +
GROUNDWATER

+ - - Tributary - - - - - +

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County07S 25E 18 SE NE SW (67) MINIDOKA
NE SE SE (67) MINIDOKA

+ - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume +

01 - IRRIGATION

03/15

11/15

1.800

+ - Total Div. Rate - + + - Total Div. Volume - +
1.800+ - Total Consumptive Use - + + - KW Usage - +
960.0MICROFILMED
DEC 03 1996

Water right number - A36-02061

Prefix Translation: ADJUDICATION CLAIM

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	25E	18	NE NE		40.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	18	NW NE		40.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	18	SW NE		40.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	18	SE NE		40.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	18	NE SE		40.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	18	NW SE		40.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	18	SW SE		40.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	18	SE SE		40.0	01	IRRIGATION	(67) MINIDOKA

Total Acres: 320.0

+ - - Diversion Means - TWO WELLS & PUMPS DELIVERING TO SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

Remarks
OWNERSHIP CHANGE 02-10-1995 BY FH.
SF3 ADDRESS CHANGE 03/29/95 SS.

Old Water Right Numbers
No Old Water Right Numbers Found

Conditions of Approval
No Conditions of Approval found.

Decree Plaintiff	Decree Defendant	Decree Date
		00/00/0000

Comments
No Comments Found

Audit Fields
03/29/95 SSHERMAN

+ - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 10/06/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S009697	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	- C
				Notice of Error Flag	-

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Judge FYI - Sal 3-10-95

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

March 9, 1995

Jack M. and Shelley Harman
Kent M. and Tamara Harman
1500 North 456 East
Rupert, ID 83350

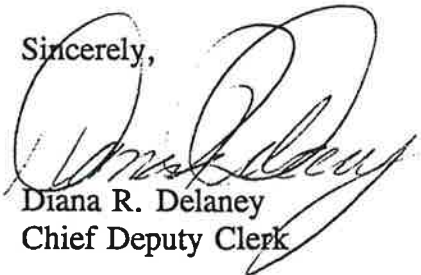
RE: Substitution of Party, Water Right Nos.: 36-02061, 36-02220, 36-02501, 36-02550,
36-08212, 36-08213 and 36-13113

The court received a *Standard Form 3 Consent to Substitution of Party* for the water rights listed above listing you as the new claimant/purchaser.

The Standard Form 3 will be accepted and filed **only** as to Water Right Nos. 36-02061, 36-02220, 36-02501, 36-02550 and 36-13113. Claims to these water rights have been reported in the *Director's Report for Basin 34*, filed with this court on June 18, 1992.

Water Right Nos. 36-08212 and 36-08213 have not been reported in a director's report before this court. You will need to contact David Shaw of the Idaho Department of Water Resource for instructions on how to proceed with these two water rights. The toll-free number for IDWR is 800-451-4129.

Sincerely,


Diana R. Delaney
Chief Deputy Clerk

DRD

cc: David Shaw
Chief Natural Resources Division
U.S. Department of Justice

RECEIVED

MAR 10 1995

Department of Water Resource

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

RECEIVED

MAR 16 1995

Department of Water Resources
Southern Region

MICROFILMED
DEC 03 1996

RECEIVED

APR 05 1995

Department of Water Resources
Southern Region

RECEIVED

MAR 06 1995

OFFICE OF THE
ATTORNEY GENERAL

RECEIVED

MAR 07 1995

Department of Water Resources
Adjudication Bureau

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.

Case No. 39576

STANDARD FORM 3

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

STANDARD FORM FOR NOTICE
OF CHANGE IN ADDRESS

OR

Petitioner,

CONSENT TO SUBSTITUTION OF
PARTY

vs.

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

Respondents.

*Modified records
A + blank.
SS 3-30-95*
*36-02061
36-02220
36-02501
36-02550
36-08212
36-08213
36-13113*
Court did not accept these two.

INSTRUCTIONS FOR USE

This form must be used to provide notice of change in address or to substitute a party whose water right recommendation is in a director's report which has been filed with the court. The filing of Standard Form 3 cannot result in a contested matter. A hearing will not be scheduled.

This form has been adopted by the court in *SRBA Administrative Order 1* (amended June 21, 1993), Section 4A, which may be consulted for further information.

Standard Form 3 shall not operate to excuse compliance with the statutory requirements of I.C. § 42-1409(7) where a water right recommendation is not before the court.

As used in this form, the term "prior claimant/seller" means any person who, pursuant to I.C. § 42-1409(2), (3) and (6), filed a notice of claim asserting the right to the use of water or on whose behalf the right to the use of water was asserted. "New claimant/purchaser" means any successor in interest of a "prior claimant/seller," whether the interest is acquired by purchase, gift, inheritance or other means.

A *Consent to Substitution of Party (Substitution)* must be signed by the prior claimant/seller and the new claimant/purchaser. The *Substitution* shall be filed by the new claimant/purchaser.

Check either the *Change in Address* or *Consent to Substitution of Party* box and fill in the requested information. A party may copy or reproduce the standard form. The text of the form must be on the front and back of each page, exactly as it appears here.

Follow the instructions on the form or the court will not accept it for filing. The Verification and the Certificate of Mailing must be completed.

The standard form may be obtained from the Idaho Department of Water Resources and the court. You must provide a copy of this form to each party, or to their legal counsel, in any subcase in which you are a party.

☐ CHANGE IN ADDRESS

My name is _____

I am the claimant of _____
(Insert each water right number)

I have filed an objection/response to the following water right(s) _____

(Insert each water right number)

My new mailing address is _____

My phone number is: Work _____ Home _____

Court did not
accept 36-08212
36-08212

☐ **CONSENT TO SUBSTITUTION OF PARTY**

My name is Jack M. Harman and/or Shelley Harman
Kent M. Harman and/or Tamara Harman

My address is Rt. 3 Box 3254 1500 North 465 E.
Rupert, ID. 83350

My phone number is: Work (208) 532-4568 Home (208) 532-4137

The name and address of the party who I wish to be substituted for are:

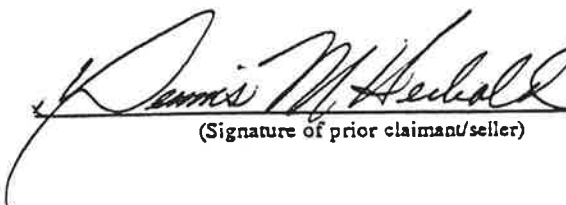
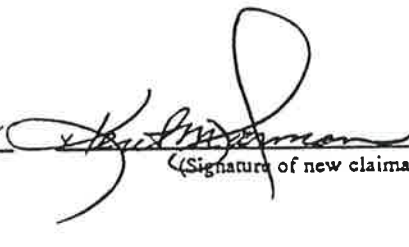
Max Herbold Inc.

2nd and Scott Ave. Rupert, Id 83350

I am the new claimant/purchaser of 36-02061 36-02220 36-02501 36-02550
36-08212 36-08213 36-13113 and

(Insert each water right number)

not accepted by Court per G.G. Seifert.
I am submitting proof of acquisition of the interest of the prior claimant/seller, which is required by the court to support my Substitution. Proof must contain a legal description of the property, including the water right numbers conveyed. You must describe the documents you are submitting.

 
(Signature of prior claimant/seller) (Signature of new claimant/purchaser)

☐ **ATTORNEY OF RECORD COMPLETING FORM**

My name is _____

I am the attorney of record for _____
(Identify party/claimant)

My address and phone number are _____

VERIFICATION

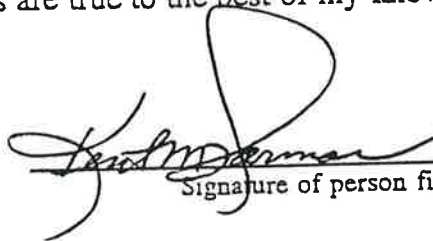
(Must be completed for either a *Notice of Change in Address* or for *Consent for Substitution of Party*)

State of _____

County of _____

_____, being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)

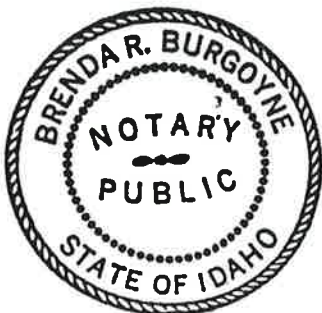
That I am the person or entity filing this form, that I am a water right claimant or party or their successor in interest, defined by I.C. §§ 42-1401A(1), (7) or (10); and that I have read this form, know its contents and that the statements are true to the best of my knowledge and belief.

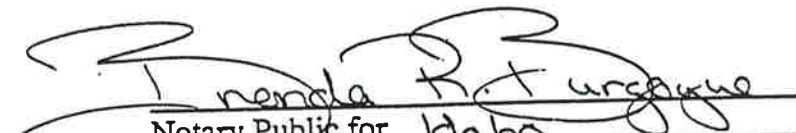


Signature of person filing form

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on March 3 - 1995
(Insert Date)





Notary Public for Idaho
Residing at: Burley - Idaho
My Commission expires: 2.29.99

INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on MARCH 3, 1995, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. A *Change of Address* must be served on each party, or their attorney, in each subcase in which you are a party at the following address(es):

3. A *Consent to Substitution of Party* must be served on the prior claimant/seller or their attorney at the following address:

Max Herbold Inc., 2nd and Scott Ave., Rupert, Id. 83350
Donald J. Chisholm, 223 E. Main, Burley, Id. 83318

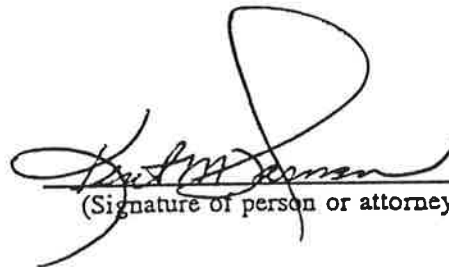
4. A *Consent to Substitution of Party* must be served on each party, or their attorney, to each subcase in which the prior claimant/seller is a party at the following address(es):

4. One copy to:

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

5. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734



(Signature of person or attorney mailing the form)

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent JEANIE M ROBERTSON

DATE	CUSTOMER
October 2, 1995 3:46pm	HENRY LEMOYNE 36-02061, 36-02220, 36-02501 36-02550, 36-08212

SUBJECT: STATUS IN DIRECTOR'S REPORT???

phone call (X) walk-in (.)

Asked how these claims were recommended in the Director's Report? Told him the priority dates, diversion amounts and irrigated acres for the first four claims and then told him that the last one was a water right which was Licensed in 1994. It was not required to be claimed in the adjudication because the proof of beneficial use was not due until 1990. He didn't want proof reports at this time.

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SD-0601-2	Last Name: M.	HERBOLD INC	STATE
S	O	W	
E			
L	First Name	Water Right No.	Priority Date
			Source
			Total Diversion
			Use Code Desc
	MAX HERBOLD INC		
	D 36-02061	02/20/1948	GROUNDWATER
	D 36-02220	05/02/1953	GROUNDWATER
	O 36-02233	08/13/1953	GROUNDWATER
			SPLIT RIGHT
	C 36-02233B	08/13/1953	GROUNDWATER
	D 36-02501	07/25/1961	GROUNDWATER
	D 36-02550	08/27/1962	GROUNDWATER
	D 36-13113	12/31/1956	GROUNDWATER
			04 STOCK
	O A36-02061	02/20/1948	GROUNDWATER
	O A36-02220	05/02/1953	GROUNDWATER
	O A36-02233	08/13/1953	GROUNDWATER
			RENUMBERED
			SPLIT RIGHT
	C A36-02233B	08/13/1953	GROUNDWATER

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

Status on-line after Ownership Change

NOTE:

2 permits were / are part of the change as of the date of the listing - both have been licensed and an attempt was made to change ownership status on the allocation side - see cc of Memos, 02-21-1995.

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INTER-DEPARTMENT MEMO

TO: DRJSUBJECT: Ownership - LicenseFROM: JHDATE: 02-21-1995

What is SO. REGION policy for ownership change of a license for which proof filed after commencement date of the SRBA?

How is hard copy addition to water allocation file made and by whom?

Should A.I. agent turn over information to an allocation agent for completion of data entry and hard copy filing?

() For your information .

JH
signature

(X) Response required

INTER-DEPARTMENT MEMO

TO: FHSUBJECT: Ownership - LicenseFROM: DFDATE: 2/21/95

① Department policy is that ownership is NOT changed on license-stage rights. If present owner insists, then memo is attached to file in Boise (attn: Sharla Curtis, vault) and cc Southern File @ staple to existing paper or insert in numerical order @ put memo in file/route basket on Secret desk with instructions.

② Assignment of permit can be filed if license has not been sent from S.O. - provide form or refer customer in difficult situation. Ownership changed if right is transferred etc.

(X) For your information

() Response required

DF
signature

COPY
MICROFILMED

DEC 03 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor
PHIL BATT

R. KEITH HIGGINSON
Director

February 16, 1995

Mr. Jack M. Harman and/or Shelley Harman
Mr. Kent M. Harman and/or Tamara Harman

RE: Snake River Basin Adjudication (SRBA)
Notice(s) of claim #36-02061, 36-02220, 36-02051, 36-02550 and
36-13113.

Dear Mr. and Mrs. Harman:

Thank you for notifying us of your change in ownership of the water rights referenced above.

District Judge Daniel C. Hurlbutt, Jr. of the SRBA court issued an Order June 17, 1993 requiring claimants like yourself identified in a Director's Report to use Standard Form 3 for change in ownership.

I have already sent the Form 3 papers to Kent Harman and enclose the claims noted above showing the change into your name(s). Please review the claims and the accompanying profile copies for your records. I've sent two sets for your convenience.

Please note that I have changed the ownership of the claims filed in the SRBA only. The two water right numbers shown in the ownership change form 36-08212 and 36-08213 are licenses that were proven after the commencement of the SRBA in 1987 so they aren't involved in the case at this time.

Max Herbold, Inc. remains on the license as the original owner and you are now the present owner of record. This is a different method of record keeping and I mention it simply to account for all the numbers on the original form that you filled out at closing and to point out that they aren't copied to you like the SRBA claims.

Please call me if this is not clear and I will be glad to talk with you. I am sending a copy of this letter to Mr. Don Chisholm for his information to show that we have transacted the seller's water rights as everyone involved thought had been done last spring.

Sincerely Yours,

Francis G. Hitchcock
Water Resource Agent Sr.

COPY
MICROFILMED
DEC 03 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

cc: Mr. Don Chisholm

enclosures: copies of SRBA claims and profile reports.

COPY
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DEC 03 1996

INTER-DEPARTMENT MEMO

#24983 MC

TO: LAND TITLE & ESCROW
FROM: F. HITCHCOCK - IDWR

SUBJECT: HERCULES, INC.
DATE: 02-14-1995

Per your letter of 02-07-1995 please find enclosed a date-stamped copy of same. No SASE was received.

We are working through the changes to SRBA and water right records to document the conveyance done in your office 04-15-1994 and the notice of change received here at my request 02-08-1995. Results to the parties.

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(X) For your information

cc: DON CHISHOLM

F. Hitchcock

signature

() Response required

MICROFILMED

COMMUNICATION DOCUMENTATION

Claim No. 36-02061

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent HDate 02-09-95Contact Person(s) Kent HAMMON 532-4568Nature of Contact Follow-up on OWN CHANGE now that reg form title co. received.Substance of Communication 2 forms -
w/ card -
SF 3 - call 736-3011.Mailed 02-09-95, 4³⁰ P.M.02-10-95begin A/Bank record changesA47-02061 w/ claim / purg / regill
A47-02220 " " " "

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DEC 03 1996

DEC 03 1996

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JACK M HARMAN	02/20/1948	IRRIGATION	04-01 10-31	1.80 CFS	1280.00 AFA
C	SHELLEY HARMAN ROUTE 3 BOX 253 RUPERT ID 83350 (208) 532-4236				1.80 CFS	1280.00 AFA
				TOTAL DIVERSION:		960.00 AFA
				CONSUMPTIVE USE:		

C KENT M HARMAN
C TAMARA HARMAN
ROUTE 3
BOX 253
RUPERT ID 83350
(208) 532-4236

D MAX HERBOLD INC
PO BOX 67
RUPERT ID 83350
(208) 436-6396

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R25E S18

SENESE

NESESE

MINIDOKA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
07S	25E	18	:	40		40		:					:					:	40		40		:	320.0
																							TOTAL ACRES	320.0

POU County: MINIDOKA

Other Rights: NONE

Conditions of Approval:

- C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO IDAHO CODE 42-1416A.

Remarks: THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 36-02220 AND 36-02501.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag: C

MICROFILMED
DEC 03 1998

AJ0749NP
No. 36-02061

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 02/14/95
PAGE: 2

Comments: Date: 03/11/1991 User-ID: BEDKE Subject: SCC-STAFF REVIEW

Date: 02/10/1995 User-ID: FHITCHCO Subject: CHANGE OF OWNERSHIP
OWNERSHIP CHANGE RECIEVED 02-08-1995. FORMER OWNER MAX HERBOLD,
INC.; NEW OWNER JACK M. HARMAN AND/OR SHELLEY HARMAN AND KENT M.
HARMAN AND/OR TAMARA HARMAN. COPY OF WARRANTY DEED ATTACHED TO
FORM.

Audit: 02/14/95 FHITCHCO

MICROFILMED
DEC 03 1996

FRANCIS G. HITCHCOCK
SR. WATER RESOURCE AGENT
SOUTHERN REGIONAL OFFICE
(208) 736-3033
FAX (208) 736-3037

02-07-1995 please find enclosed
copy of same. NO SASE was
received.

We are working through the changes to SRBA and
water right records to document the conveyance
done in your office 04-15-1994 and the notice
of change received here at my request 02-08-1995.
Results to the parties.

(X) For your information

cc: Don Christensen

signature

() Response required

02-14-1995

MR. CHRISTENSEN:

I've changed the ownership of the SRBA drains:

36-02061
-02220
-02501
-02550
-13113

The water right licenses developed after the
commencement of the SRBA will be changed by
other staff in water allocation* - enclosures:

36-08212
-08213

* to allocation staff this date

Frank Hitchcock

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DEC 03 1992
COPY

COMMUNICATION DOCUMENTATION

Claim No.

36-02061 et al

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent

7H 1015

Date

02-09-95

Contact Person(s)

BOB CHRISTOLAN

Nature of Contact

confirm HERBOLDT closing date

Substance of Communication

reviewed receipt of copies (fax) and
originals.also - what I would do next re:SF-3.

MICROFILMED
DEC 03 1996

Land Title a

A FULL SERVICE

February 7, 1995

Via Facsimile

Mr. Frank Hitchcock
Idaho Dept. of Water Resources
Fax No. 1-208-736-3037

Idaho Dept. of Water Resources
Southern Region

*We will make the ownership
change to the water right claims
files here for the numbers shown.
You will receive copies of the
updated forms... it will take me
awhile though. Frank Hitchcock*

RE: Conveyance from Max Herbold, Inc. to Jack M. Harman
and Shelly Harman, husband and wife, and Kent M.
Harman and Tamera Harman, husband and wife

Dear Mr. Hitchcock:

Enclosed please find an executed New Property Owner Notice of
Change of Water Right Ownership which has been signed by the
purchasers of the Max Herbold, Inc. property in Minidoka
County, Idaho.

Would you please receipt for a copy of this letter enclosed and
return to this office in the enclosed self-addressed stamped
envelope. Also please make the necessary changes in your
records to show that Harmans are the current owners of the
property on the attached Warranty Deed.

Should you have any questions concerning this letter, please do
not hesitate to contact this office.

Very truly yours,
LAND TITLE AND ESCROW, INC.

Larry Roberts
Larry Roberts *nrg*
Manager

LR/nrg
enc.

BOX 177, BURLEY, IDAHO 83318 cc: Don Chisholm
PHONE 678-3524 - FAX 678-4435

BOX 349, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8981

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0608 - FAX 436-1199

COPY

02-09-1995

*Copies of materials sent to
view down Kent Harman
12-13-1998
H*

MICROFILMED
DEC 13 1998

NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

FEB 08 1995



DATE OF CLOSING: 4-15-94

Please print or type
(see instructions on back of page)

Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township 7 South Range 25 East of Boise Meridian
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

[] See attached copy of Deed
Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s) 36-02061, 36-02220, 36-02501, 36,02.
Assigned by IDWR: 36-08212, 36-08213, 36-13113

[] Name and Address of Former Owner/Claimant(s)(Seller): Max Herbold, Inc.

[] New Owner/Claimant (Purchaser):

Jack M. Harman and/or Shelley Harman and
Kent M. Harman and/or Tamara Harman

[] New Mailing Address:

Route 3 Box 253
Rupert, Idaho 83350

[] New Telephone Number: (208) 532 - 4236

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Attach proof of ownership, describe proof attached: Warranty Deed attached

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New Owner/Claimant(s) Jack M. Harman Shelley Harman Date 4-15-94

[] Signature of Former Owner/Claimant(s): Tamara Harman Date 4-15-94

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:

Further Action Taken
Date: _____ By: _____

Final Review and Data-Entry
Date: _____ By: _____

Claim Numbers of Split, if any:

COPY

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED
DEC 03 1996

NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

FEB 08 1995



DATE OF CLOSING: 4-15-94

Please print or type
(see instructions on back of page)

Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township 7 South Range 25 East of Boise Meridian
Section 1/4 of 1/4 of 1/4, Govt. Lot BM.
Lot Block Subdivision/Townsite
If you have additional legal descriptions, please attach separate sheet.

[] See attached copy of Deed
Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s) 36-02061, 36-02220, 36-02501, 36,02550,
36-08212, 36-08213, 36-13113
Assigned by IDWR:

[] Name and Address of Former Owner/Claimant(s)(Seller): Max Herbold, Inc.

[] New Owner/Claimant (Purchaser):

Jack M. Harman and/or Shelley Harman and
Kent M. Harman and/or Tamara Harman
Route 3 Box 253

[] New Mailing Address:

Rupert, Idaho 83350

[] New Telephone Number: (208) 532 - 4236

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(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New Owner/Claimant(s)

Jack M. Harman
Shelley Harman

Shelley Harman
Tamara Harman

Date 4-15-94

Date

Date 4-15-94

[] Signature of Former Owner/Claimant(s):

Date

Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date:

By:

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

Claim Numbers of Split, if any:

COPY

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED

DEC 03 1996

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.

Case No. 39576

STANDARD FORM 3

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

STANDARD FORM FOR NOTICE
OF CHANGE IN ADDRESS

OR

Petitioner,

CONSENT TO SUBSTITUTION OF
PARTY

vs.

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

Respondents.

Court # 736-3011
asr for DIANA
DELANEY or
TERRI HARRIS

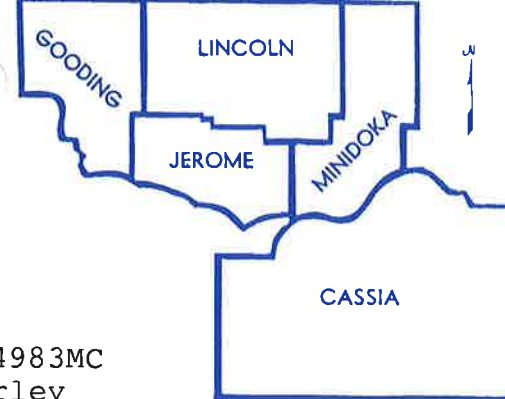
INSTRUCTIONS FOR USE

This form must be used to provide notice of change in address or to substitute a party whose water right recommendation is in a director's report which has been filed with the court. The filing of Standard Form 3 cannot result in a contested matter. A hearing will not be scheduled.

This form has been adopted by the court in *SRBA Administrative Order 1* (amended June 21, 1993), Section 4A, which may be consulted for further information.

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: #24983MC

OFFICE: Burley

February 7, 1995

RECEIVED

FEB 08 1995

Department of Water Resources
Southern Region

Via Fascimile

Mr. Frank Hitchcock
Idaho Dept. of Water Resources
Fax No. 1-208-736-3037

RE: Conveyance from Max Herbold, Inc. to Jack M. Harman
and Shelly Harman, husband and wife, and Kent M.
Harman and Tamera Harman, husband and wife

Dear Mr. Hitchcock:

Enclosed please find an executed New Property Owner Notice of
Change of Water Right Ownership which has been signed by the
purchasers of the Max Herbold, Inc. property in Minidoka
County, Idaho.

Would you please receipt for a copy of this letter enclosed and
return to this office in the enclosed self-addressed stamped
envelope. Also please make the necessary changes in your
records to show that Harmans are the current owners of the
property on the attached Warranty Deed.

Should you have any questions concerning this letter, please do
not hesitate to contact this office.

Very truly yours,
LAND TITLE AND ESCROW, INC.

Larry Roberts
Larry Roberts
Manager

LR/nrg
enc.

cc: Don Chisholm

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0606 - FAX 436-1199

02-08-95:

Q SASE
MICROFILMED
DEC 03 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

Please print or type
(see instructions on back of page)

FEB 08 1995

DATE OF CLOSING: 4-15-94

Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township 7 South Range 25 East of Boise Meridian
Section 1/4 of 1/4 of 1/4 Govt. Lot BM.

Lot , Block , Subdivision/Townsite
If you have additional legal descriptions, please attach separate sheet.

See attached copy of Deed

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[] Water Right Number(s) 36-02061, 36-02220, 36-02501, 36,02550,
Assigned by IDWR: 36-08212, 36-08213, 36-13113

[] Name and Address of Former Owner/Claimant(s)(Seller): Max Herbold, Inc.

[] New Owner/Claimant (Purchaser):

Jack M. Harman and/or Shelley Harman and
Kent M. Harman and/or Tamara Harman

[] New Mailing Address:

Route 3 Box 253
Rupert, Idaho 83350

[] New Telephone Number: (208) 532 - 4236

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Attach proof of ownership, describe proof attached: Warranty Deed attached

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New Owner/Claimant(s) [Signature] [Signature] Date 4-15-94

[] Signature of Former Owner/Claimant(s): Date 4-15-94
 Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 02-08-95 By: H

Further Action Needed:

Further Action Taken

Date: 02-09-95 By: H

Final Review and Data-Entry

Date: 02-14-95 By: H

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

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DEC 03 1996

WARRANTY DEED

FOR VALUE RECEIVED, MAX HERBOLD, INC., an Idaho corporation, of Rupert, Idaho, the Grantor, does hereby grant, bargain, sell and convey unto KENT M. HARMAN and TAMARA HARMAN, husband and wife, and JACK M. HARMAN and SHELLEY HARMAN, husband and wife, the Grantees whose current address is Route 3 Box 253, Rupert, Idaho, the following described premises, located in Minidoka County, Idaho, to wit:

Parcel 1:

Lots 1, 2, 3 & 4, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, all in Section 19, Township 7 South, Range 25 East, Boise Meridian, Minidoka County, Idaho.

Parcel 2:

All of Section 18, Township 7 south, Range 25 East, Boise Meridian, Minidoka County, Idaho. SAVE AND EXCEPT the following described parcel:

A part of the Southeast quarter of Section 18 of Township 7 South, Range 25 East, Boise Meridian, Minidoka County, Idaho.

The true point of beginning is located S 89°20' E 3007.80 feet from the Southwest corner of Section 18; thence S 89°20' E for 337.50 feet along the South section line; thence N 0°40' E for 546.00 feet; thence N 89°20' W for 337.50 feet; thence S 0°40' W 546.00 feet to the point of beginning.

This tract contains 4.230 acres. A 25 foot county road easement extends along the South side of this tract.

ALL SUBJECT TO:

POWER LINE EASEMENT from Lawrence H. Duffin and Doris E. Duffin, his wife, to Idaho Power Company, a corporation, its licenses, successors and assigns, dated December 10, 1953, and recorded March 16, 1954, as Instrument No. 116958 in Book 29 of Deeds, Page 569, records of Minidoka County, Idaho.

POWER LINE EASEMENT from Lawrence H. Duffin and Doris E. Duffin, his wife, to Idaho Power Company, a corporation, its licenses, successors and assigns, dated

RECEIVED

FEB 08 1995

Department of Water Resources
Southern Region

MICROFILMED

DEC 03 1996

April 19, 1952, and recorded August 19, 1955, as Instrument No. 121468 in Book 36 of Deeds, Pages 75 and 76, records of Minidoka County, Idaho.

POWER LINE EASEMENT from Max Herbold and Norma Herbold, his wife, to Idaho Power Company, a corporation, its licenses, successors and assigns, dated June 9, 1962, and recorded August 20, 1962, as Instrument No. 159570 on Film No. 15, records of Minidoka County, Idaho.

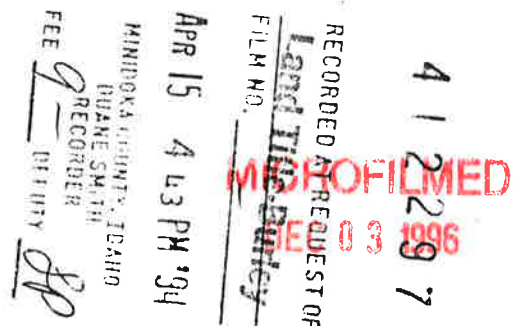
POWER LINE EASEMENT from Max V. Herbold, and Norma Herbold, his wife, to Idaho Power Company, a corporation, its licenses, successors and assigns, dated March 22, 1965, and recorded August 16, 1965, as Instrument No. 179626, records of Minidoka County, Idaho.

POWER LINE EASEMENT from Max Herbold, Inc. to Idaho Power Company, a corporation, its licenses, successors and assigns, dated August 22, 1978, and recorded December 14, 1978, as Instrument No. 287731, records of Minidoka County, Idaho.

EXCEPTION contained in Patent between the Bureau of Land Management, and James E. Brennan, dated May 25, 1966, and recorded March 20, 1986, as Instrument No. 362102, records of Minidoka County, Idaho, which reads as follows: "Excepting and reserving, also, to the United States all the oil and gas in the land so patented, and to it or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of July 17, 1914 (38 Stat. 509)".

Together with appurtenances and all water rights, claims, permits and licenses listed as follows:

<u>Claim, License, or Permit #</u>	<u>Priority Date</u>
36-02061 License	02/20/48
36-02220 License	05/02/53
36-02501 License	07/25/61
36-02550 License	08/27/62
36-08212 Permit	06/22/83



36-08213 Permit
36-13113 Claim

06/22/83
12/31/56

To have and to hold the said premises with their appurtenances to the said Grantees, their heirs and assigns forever. And the Grantor does hereby covenant to and with the Grantees that Grantor is the owner in fee of said premises, that said premises are free from all encumbrances and that Grantor will warrant and defend the same from all lawful claims whatsoever.

This deed is executed and delivered pursuant to an Agreement to Facilitate Exchange between Grantor, Grantees and Land Title and Escrow, Inc., the Facilitator, dated April 15, 1994, and a Contract for Sale or Exchange of Real and Personal Property dated March 1, 1994.

DATED this 15th day of April, 1994.

MAX HERBOLD, INC.

by

Dennis M. Herbold
Dennis M. Herbold, President

ATTEST:

Hanna Powers
Hanna Powers, Secretary

STATE OF IDAHO)

) ss.

County of Cassia)

On this 15th day of April, 1994, before me the undersigned notary public in and for said state, personally appeared DENNIS M. HERBOLD, known to me to be the president, and HANNA POWERS, known to me to be the secretary, of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

(SEAL)

Donald J. Herbold
Notary Public

Residing at Boise, ID

My Commission expires Dec 3 1996

DEC 03 1996

6/9/94

COMMUNICATION DOCUMENTATION

11 44

Claim No. 36-02061

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent

71-

Date

02-06-95

Contact Person(s)

Ken Harmon - Harmon Land/Livestock

Nature of Contact

copies of: from owner - attorney
MAX HERBOLD DON
04-15-94 CHISHOLM

Substance of Communication

A983
A1339
A1453
A2036
X
X
A1569

A	36-02061	532-4568 ofc.
	-02220	678-4428 mob
	-02501	home - 1237
	-02550	
	-08212	have cc of everything
	-08213	ex W. DEFED.
	-13113	

cc from CHISHOLM recd 12-28-95
TT: CHISHOLM 678-9181 - from sent?
TT: HARMON 337 may: call me
TT: BAILY S. 405 CW: review A record
charge done by DEC 31 1995 from
A.G.'s.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. 36-02061 et al

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent 7H Date 02-06-95

Contact Person(s) Don Christman 5 PM

Nature of Contact phone: TF - msg left

Substance of Communication Land Title and Easement has
change form - we should receive it today
02-07-95. by mail.

8⁴⁰ TT title co: please FAX to expedite...
Heather

10¹⁰ TT title co: when was this copy of the
02-07-95 form sent to the dept.?

2¹⁰ TF/TT: they've never sent 1409-7. Asked
(Annette) them to note form as come letter of
when it was being sent. she w/ call
our brother-in-law Ken Harman and
apologize - I w/ try to reach him to explain
what to be done now w/ the court.

MICROFILMED
DEC 03 1996



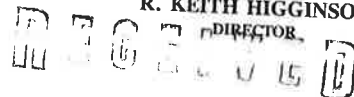
State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 4, 1995



JAN 06 1995

Department of Water Resources
Southern Region Office

KENT HARMAN AND JACK HARMAN
RT 3 BOX 253
RUPERT ID 83350

RE: Snake River Basin Adjudication (SRBA)
Notice(s) of Claim #36-02061, 36-02220, 36-02550
and 36-13113
Change of Ownership

Dear New Owners:

The ownership change form you signed April 15, 1994, has either been misplaced or not filed with IDWR; all we have is a copy sent to us by Dennis Herbold.

Rather than asking you to complete a duplicate ownership change form for us, I have enclosed the form required by the SRBA court for claimants like yourself identified in a Director's Report.

The ownership form you first completed was signed by both of you as well as Shelley Harman and Tamara Harman. However, only your two names were typed on the form as New Owner/Claimant (Purchaser). If Shelley and Tamara are co-claimants, please add their names next to yours on the enclosed Standard Form 3.

If you have any questions, you may contact the SRBA court at 208/736-3011.

Sincerely,

Sally Sherman
Secretary, Adjudication Bureau
Department of Water Resources

SS:region

Enclosure:

Standard Form 3

cc: Dennis Herbold

Tim Luke

See 36-02061 for
related correspondence
1/6/95

MICROFILMED

DEC 03 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

December 31, 1994

Jack or Kent Harman
Route 3, Box 253
Rupert, ID 83350

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Re: Water Rights Ownership & Water Measurement Requirements

Dear Mr. Harman:

Several weeks ago the Department sent orders and information to ground water well owners in your area concerning the measurement and reporting of ground water withdrawals. A copy of the order and pertinent information is attached.

The order and attachments were not originally sent to you since we had no information concerning your ownership of any ground water wells or rights within the water measurement reporting area. It has since come to our attention that you may own certain rights and wells within this area. These wells are identified on the attached ground water measurement option form.

Also attached to this letter is a copy of a Notice of Change of Water Right Ownership which you completed and signed on April 15, 1994. Please note that IDWR can not find this document in any of its records and that the adjudication water rights ownership records still have not been updated. Our adjudication office will contact separately you concerning this matter.

In the interim, we have updated our water measurement records by listing you as the current owner of those wells identified on the attached ground water measurement option form. We ask that you review the attached materials and return the measurement option form on or before January 20, 1994.

Please contact me directly at 327-7864 if you have questions concerning this matter.

Sincerely,

Tim Luke
Water Allocations

cc: Southern Region
Sally Sherman, IDWR

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**IDAHO DEPARTMENT OF WATER RESOURCES
GROUND WATER MEASUREMENT OPTION FORM**

Department records show that you are the holder of certain water rights which describe the following points of diversion or wells:

WATER RT. NUMBER	NAME	POINT OF DIVERSION TWP RNG SEC Q Q Q LT	OPTION 1	OPTION 2
*36-02061	HARMAN, KENT & JACK	07S 25E 18 NESESE	☐	☐
*36-02061	HARMAN, KENT & JACK	07S 25E 18 SENESW	☐	☐
*36-02550	HARMAN, KENT & JACK	07S 25E 19 NESENW	☐	☐

This form may not list all rights and names associated with the above wells.

Please note that you may be responsible for measurement of other wells which you own that are not on this form or are listed under a different name.

** Denotes water right number from SRBA Directors Report.*

Instructions for Completing Form:

Please choose a measurement option for each point of diversion listed above. Place a check mark in the space provided above under either **OPTION 1** or **OPTION 2** for each point of diversion. These options are defined as follows:

OPTION 1: I choose to install a measuring device according to Department of Water Resources criteria and file an annual report on forms provided by the Department.

OPTION 2: I choose not to install a measuring device because I believe installation will be burdensome and that ground water withdrawals can be estimated by power records.

Date

Signature

Return this form to :
Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83720

Address Correction:

**MICROFILMED
DEC 03 1996**



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

December 31, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Dennis M. Herbold
Max Herbold Inc.
PO Box 533
Rupert, ID 83350

Re: Water Rights Ownership & Water Measurement Requirements

Dear Mr. Herbold:

Thank you again for promptly responding to my last correspondence. I have reviewed the copy of the Notice of Change of Water Right Ownership which you submitted with your last letter. Based on this information, I have revised the ground water measurement option form to reflect the one water right and well which you currently own. A separate form will be sent to Jack and Kent Harman for the other wells and rights which Max Herbold Inc. formerly owned. We again ask that you return the attached form on or before January 15, 1995.

Although we have updated ownership records as it pertains to the water measurement program, I must advise you that the Department still does not have the original Notice of Change of Water Right Ownership for the rights and wells which apparently are now owned by Jack and Kent Harman. I again asked our adjudication division to make a thorough check of all their files. The completed change of ownership form which you sent me does not appear in any of our records. Either IDWR misplaced the document or the document was completed but not filed with IDWR. I noticed that the copy which you submitted to me did not have any IDWR date stamp.

Please note that we are making every effort possible to contact Jack and Kent Harman to resolve this documentation and ownership problem. I believe that we will be able to officially update the adjudication records within a few weeks.

Thank you again for your assistance.

Sincerely,

Tim Luke
Tim Luke
Water Allocations

cc: Southern Region

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6/9/94

COMMUNICATION DOCUMENTATION

Claim No. 36-02061

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent H An JG Date 12-28-94

Contact Person(s) TIM LUKE / SALLY SHERMAN - DEPT.

Nature of Contact see correspondence in file -
unresolved ownership documentation.

Substance of Communication

tim & sally

called out.

- wait 2 sal
& him to call

12/28/94

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DEC 03 1996



MAX HERBOLD INC.

P.O. Box 533
2nd St. and Scott Ave.
Rupert, Idaho 83350

208 436 6396

208 436 6793 fax

famous Idaho potatoes

RECEIVED

DEC 28 1994

Department of Water Resources

December 27, 1994

Mr. Tim Luke
State Of Idaho
Department of water resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Dear Mr. Luke:

In answer to your letter of December 23, 1994 I have enclosed a copy of a notice of change of water right ownership dated April 15, 1994. I hope this will clear up any misunderstanding concerning the water rights belonging to Max Herbold, Inc.

Sincerely yours,


Dennis M. Herbold
President

DH:bh

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DEC 03 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

December 23, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Dennis M. Herbold
Max Herbold Inc.
PO Box 533
Rupert, ID 83350

Re: Water Rights Ownership & Water Measurement Requirements

Dear Mr. Herbold:

Thank you for promptly returning the Department's ground water measurement option form. I have reviewed your comments concerning the ownership of certain water rights and wells identified on the form (copy attached). As you requested, I have investigated the Department's records concerning the ownership of rights 36-02061 and 36-02550.

Our records show that Max Herbold Inc. is the current owner of rights 36-02061 and 36-02550. Right 36-02061 was originally owned by Lawrence H. Duffin but was claimed by Max Herbold Inc. in the Snake River Basin Adjudication (SRBA). Right 36-02550 was originally owned by James E. Brennan but was also claimed by Max Herbold Inc. in the SRBA. The Department has no record of any other owners for either of these rights. Additionally, the Department has no record of having received from you or any other party a notice to change the ownership of either of these rights.

Attached to this letter are forms which can be used to notify the Department about property and/or water right ownership changes. Please complete these forms yourself or forward them to the appropriate owners of the above referenced water rights. If you wish, you may contact me directly and advise me as to the correct names and addresses of the new owners. I can then contact the new owners and send them the appropriate change of ownership forms and groundwater measurement option forms.

Please be aware also that water rights 36-02220 and 36-02501 are also diverted from the same wells which are listed under right 36-02061. Our records show that Max Herbold Inc. is also the current owner of these rights.

If you have further questions regarding this matter or believe that my investigation is incorrect, please call me directly at 327-7864.

Sincerely,

Tim Luke
Tim Luke

Water Allocations

cc: Southern Region

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DEC 03 1996

I. O DEPARTMENT OF WATER RESOURCE
GROUND WATER MEASUREMENT OPTION FORM

Department records show that you are the holder of certain water rights which describe the following points of diversion or wells:

WATER RT. NUMBER	NAME	POINT OF DIVERSION	OPTION 1	OPTION 2
*36-02233B	MAX HERBOLD INC	TWP RNG SEC Q Q Q LT		
*36-02061	MAX HERBOLD INC	07S 24E 21 SENESW	☐	☐
*36-02061	MAX HERBOLD INC	07S 25E 18 NESESE	☐	☐
*36-02550	MAX HERBOLD INC	07S 25E 18 SENESW	☐	☐
		07S 25E 19 NESENW	☐	☐

*This form may not list all rights and names associated with the above wells.
Please note that you may be responsible for measurement of other wells which you own that are not on this form or are listed under a different name.
* Denotes water right number from SRBA Directors Report.*

Instructions for Completing Form:

Please choose a measurement option for each point of diversion listed above. Place a check mark in the space provided above under either OPTION 1 or OPTION 2 for each point of diversion. These options are defined as follows:

OPTION 1: I choose to install a measuring device according to Department of Water Resources criteria and file an annual report on forms provided by the Department.

OPTION 2: I choose not to install a measuring device because I believe installation will be burdensome and that ground water withdrawals can be estimated by power records.

Date _____

Signature _____

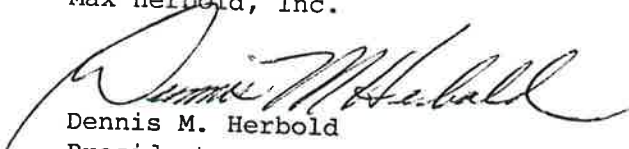
Return this form to :
Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83720

Address Correction:

Gentlemen:

Please check and correct your records. Max Herbold, Inc. no longer owns the property associated with all the water rights listed above. Our records indicate water right #36-02233B is the only right currently owned by Max Herbold, Inc. in basin 36. If after investigation of your records you agree, please correct your information and forward to us a new request.

Max Herbold, Inc.


Dennis M. Herbold
President

RECEIVED

DEC 16 1994

Department of Water Resources



P.O. Box 533
2nd St. and Scott Ave.
Rupert, Idaho 83350

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IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)12/28/94 14:02:22
Page 1

Water Right Number - 36-02061

Prefix Translation: WATER RIGHT

Old (D) Number - 20315

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
MAX HERBOLD INC

1 - PO BOX 67

2 -

3 -

City- RUPERT

Phone - 208-436-6396

State- ID Zip- 83350

*** O - ORIGINAL OWNER ***
DUFFIN

LAWRENCE H

1 -

2 -

3 -

City- RUPERT

Phone - 208-000-0000

State- ID Zip- XXXXX

+ - - Priority Date - - +
02/20/1948+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +

L - LICENSE

+ - - Status - - - +

+ - - Source - - - - - +
GROUNDWATER

+ - - Tributary - - - - - +

Tw	Rng	Sec	Tract	Lot	RFlg	Point of Diversion	County
07S	25E	18	SE NE SW NE SE SE			(67) MINIDOKA (67) MINIDOKA	

Code	Description	Period From	Water Use Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31	1.800	1280.00
+ - Total Div. Rate - + 1.800		+ - Total Div. Volume - + 1280.00		+ - Total Consumptive Use - + 960.0	

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
07S	25E	18	NE NE		40.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	18	NW NE		40.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	18	SW NE		40.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	18	SE NE		40.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	18	NE SE		40.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	18	NW SE		40.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	18	SW SE		40.0	01	IRRIGATION	(67) MINIDOKA
07S	25E	18	SE SE		40.0	01	IRRIGATION	(67) MINIDOKA

Total Acres: 320.0

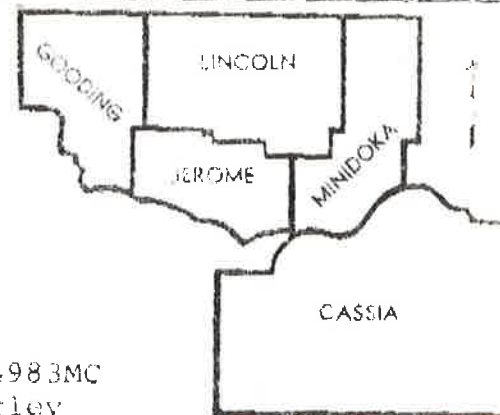
+ - - Diversion Means - TWO WELLS & PUMPS DELIVERING TO SPRINKLERS

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Dec 03 1996

MICROFILMED
DEC 03 1996

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: #24983MC
OFFICE: Burley

February 7, 1995

RECEIVED

FEB 07 1995

Via Facsimile

Mr. Frank Hitchcock
Idaho Dept. of Water Resources
Fax No. 1-208-736-3037

Department of Water Resources
Southern Region

RE: Conveyance from Max Herbold, Inc. to Jack M. Harman
and Shelly Harman, husband and wife, and Kent M.
Harman and Tamera Harman, husband and wife

Dear Mr. Hitchcock:

Enclosed please find an executed New Property Owner Notice of
Change of Water Right Ownership which has been signed by the
purchasers of the Max Herbold, Inc. property in Minidoka
County, Idaho.

Would you please receipt for a copy of this letter enclosed and
return to this office in the enclosed self-addressed stamped
envelope. Also please make the necessary changes in your
records to show that Harman are the current owners of the
property on the attached Warranty Deed.

Should you have any questions concerning this letter, please do
not hesitate to contact this office.

Very truly yours,
LAND TITLE AND ESCROW, INC.

Larry Roberts
Larry Roberts
Manager

LR/nrg
enc.

BOX 177, BURLEY, IDAHO 83318
PHONE 878-3524 - FAX 878-4435

BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 438-0806 - FAX 438-1188

cc: Don Chisholm

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DEC 03 1995

Form 42-1409(7)



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 4-15-94

LEGAL DESCRIPTION OF PROPERTY: Township 7 South Range 25 East of Boise Meridian
Section 1/4 of 1/4 of 1/4 Govt. Lot BM.
Lot Block Subdivision/Townsite

If you have additional legal descriptions, please attach separate sheet.

See attached copy of Deed

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

- ☐ Water Right Number(s) 36-02061, 36-02220, 36-02501, 36-02550,
Assigned by IDWR: 36-08212, 36-08213, 36-13113

- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Max Herbold, Inc.

- ☐ New Owner/Claimant (Purchaser): Kent Harman and Jack Harman

- ☐ New Mailing Address: Route 3 Box 253
Purert, Idaho 83350

- ☐ New Telephone Number: (208) 532 - 4236

- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: Warranty Deed attached

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) [Signature] Date 4-15-94

- ☐ Signature of Former Owner/Claimant(s) [Signature] Date 4-15-94

Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any

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DEC 03 1996

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

#24983 MC

WARRANTY DEED

FOR VALUE RECEIVED, MAX HERBOLD, INC., an Idaho corporation, of Rupert, Idaho, the Grantor, does hereby grant, bargain, sell and convey unto KENT M. HARMAN and TAMARA HARMAN, husband and wife, and JACK M. HARMAN and SHELLEY HARMAN, husband and wife, the Grantees whose current address is Route 3 Box 253, Rupert, Idaho, the following described premises, located in Minidoka County, Idaho, to wit:

Parcel 1:

Lots 1, 2, 3 & 4, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{4}$ SW $\frac{1}{4}$, all in Section 19, Township 7 South, Range 25 East, Boise Meridian, Minidoka County, Idaho.

Parcel 2:

All of Section 18, Township 7 south, Range 25 East, Boise Meridian, Minidoka County, Idaho. SAVE AND EXCEPT the following described parcel:

A part of the Southeast quarter of Section 18 of Township 7 South, Range 25 East, Boise Meridian, Minidoka County, Idaho.

The true point of beginning is located S 89°20' E 3007.80 feet from the Southwest corner of Section 18; thence S 89°20' E for 337.50 feet along the South section line; thence N 0°40' E for 546.00 feet; thence N 89°20' W for 337.50 feet; thence S 0°40' W 546.00 feet to the point of beginning.

This tract contains 4.230 acres. A 25 foot county road easement extends along the South side of this tract.

ALL SUBJECT TO:

POWER LINE EASEMENT from Lawrence H. Duffin and Doris E. Duffin, his wife, to Idaho Power Company, a corporation, its licenses, successors and assigns, dated December 10, 1953, and recorded March 16, 1954, as Instrument No. 116958 in Book 29 of Deeds, Page 569, records of Minidoka County, Idaho.

POWER LINE EASEMENT from Lawrence H. Duffin and Doris E. Duffin, his wife, to Idaho Power Company, a corporation, its licenses, successors and assigns, dated

MICROFILMED

DEC 03 1996

April 19, 1952, and recorded August 19, 1955, as Instrument No. 121468 in Book 36 of Deeds, Pages 75 and 76, records of Minidoka County, Idaho.

POWER LINE EASEMENT from Max Herbold and Norma Herbold, his wife, to Idaho Power Company, a corporation, its licenses, successors and assigns, dated June 9, 1962, and recorded August 20, 1962, as Instrument No. 159570 on Film No. 15, records of Minidoka County, Idaho.

POWER LINE EASEMENT from Max V. Herbold, and Norma Herbold, his wife, to Idaho Power Company, a corporation, its licenses, successors and assigns, dated March 22, 1965, and recorded August 16, 1965, as Instrument No. 179626, records of Minidoka County, Idaho.

POWER LINE EASEMENT from Max Herbold, Inc. to Idaho Power Company, a corporation, its licenses, successors and assigns, dated August 22, 1978, and recorded December 14, 1978, as Instrument No. 287731, records of Minidoka County, Idaho.

EXCEPTION contained in Patent between the Bureau of Land Management, and James E. Brennan, dated May 25, 1966, and recorded March 20, 1986, as Instrument No. 362102, records of Minidoka County, Idaho, which reads as follows: "Excepting and reserving, also, to the United States all the oil and gas in the land so patented, and to it or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of July 17, 1914 (38 Stat. 509)".

Together with appurtenances and all water rights, claims, permits and licenses listed as follows:

<u>Claim, License, or Permit #</u>	<u>Priority Date</u>
36-02061 License	02/20/48
36-02220 License	05/02/53
36-02501 License	07/25/61
36-02550 License	08/27/62
36-08212 Permit	06/22/83

MINIDOKA COUNTY, IDAHO
COUNTY CLERK
RECORDED
FILED
9-11-94

APR 15 4 43 PM '94

LAND TITLE BUREAU

RECORDED AT REQUEST OF

MICROFILMED
DEC 03 1996

4 2297

36-08213 Permit 06/22/83
36-13113 Claim 12/31/56

To have and to hold the said premises with their appurtenances to the said Grantees, their heirs and assigns forever. And the Grantor does hereby covenant to and with the Grantees that Grantor is the owner in fee of said premises, that said premises are free from all encumbrances and that Grantor will warrant and defend the same from all lawful claims whatsoever.

This deed is executed and delivered pursuant to an Agreement to Facilitate Exchange between Grantor, Grantees and Land Title and Escrow, Inc., the Facilitator, dated April 15, 1994, and a Contract for Sale or Exchange of Real and Personal Property dated March 1, 1994.

DATED this 15th day of April, 1994.

MAX HERBOLD, INC.

by

Dennis M. Herbold
Dennis M. Herbold, President

ATTEST:

Hanna Powers
Hanna Powers, Secretary

STATE OF IDAHO)
) ss.
County of Cassia)

On this 15th day of April, 1994, before me the undersigned notary public in and for said state, personally appeared DENNIS M. HERBOLD, known to me to be the president, and HANNA POWERS, known to me to be the secretary, of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

(SEAL)

Donald J. Herbold
Notary Public

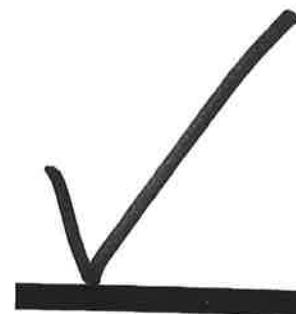
Residing at Payson

My Commission expires May

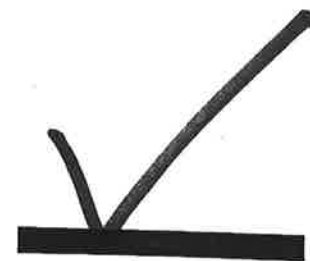
MICROFILMED

DEC 03 1996

R PROOF



CVR



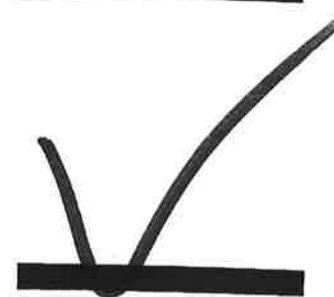
MAPS



PHOTOS



MISC



VERIFIED BY

Water Right Number - R36-0206

Prefix Translation: RESEARCH

Old (D) Number - 20315

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
MAX HERBOLD INC.1 - P.O. BOX 67
2 -
3 -
City- RUPERT
Phone - 208-436-6396

State- ID Zip- 83350

*** O - ORIGINAL OWNER ***
DUFFIN

LAWRENCE H.

1 -
2 -
3 -
City- RUPERT
Phone - 208-000-0000

State- ID Zip- XXXXX

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
02/20/1948 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
07S 25E 18 SE NE SW (67) MINIDOKA
07S 25E 18 NE SE SE (67) MINIDOKA+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 1.800 1280.00+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.800 1280.00 960.0+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
07S 25E 18 NE NE 40.0 01 IRRIGATION (67) MINIDOKA
07S 25E 18 NW NE 40.0 01 IRRIGATION (67) MINIDOKA
07S 25E 18 SW NE 40.0 01 IRRIGATION (67) MINIDOKA
07S 25E 18 SE NE 40.0 01 IRRIGATION (67) MINIDOKA
07S 25E 18 NE SE 40.0 01 IRRIGATION (67) MINIDOKA
07S 25E 18 NW SE 40.0 01 IRRIGATION (67) MINIDOKA
07S 25E 18 SW SE 40.0 01 IRRIGATION (67) MINIDOKA
07S 25E 18 SE SE 40.0 01 IRRIGATION (67) MINIDOKA

Total Acres: 320.0

+ - - Diversion Means - TWO WELLS & PUMPS DELIVERING TO SPRINKLERS

MICROFILMED

JAN 25 1993

Water right number - R36-02061

Prefix Translation: RESEARCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - - Remarks - - - - - +
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 36-02220 AND 36-02501.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +
C03 - RIGHT INCLUDES CHANGE IN POINT OF DIVERSION.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - - +
07/23/91 WELLS

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 07/23/1991	Old Judicial District	-
Claim Received Date	- 10/06/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S009697	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	- C

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JAN 25 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:04:10
08/17/90

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-02061

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV	Added 2ND Y WHAT? POD			N	1,2		DB	
SOURCE				N				
PLACE OF USE				N	1,2,6.			
DIV. AMOUNT CFS/VOLUME	Y			N	6. license			
CONSUMPTIVE USE				N				
PURPOSES				N				
PERIOD OF USE				N				
BASIS OF CLAIM	Y			N				
REMARKS				N				

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:04:10
08/17/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-02061

LAST: DUFFIN
ADDRESS:
CITY: RUPERT
PHONE NUMBER: 208-000-0000

FIRST: LAWRENCE H.

STATE: ID ZIP: XXXXX

OWNER CODE: O

LAST: MAX HERBOLD INC.
ADDRESS: P.O. BOX 67
CITY: RUPERT
PHONE NUMBER: 208-436-6396

FIRST:

STATE: ID ZIP: 83350

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

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JAN 25 1993

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

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JAN 25 1993

A. AJ CLAIM: # A36-02061 PRIORITY DATE: 02-20-1948 STAGE: L
B. WR RECORD: # 36-02061 PRIORITY DATE: 02-20-1948 STAGE: L

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER
N

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(X)
IF YES EXPLAIN.

REMARKS:

RECOMMENDED PRIORITY DATE:
02-20-1948

REVIEWED BY

See

DATE

10-31-90

RECEIVED

JAN 25 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-02061	07S	25E	18	NE	SE	SE		MINIDOKA
A36-02061	07S	25E	18	SE	NE	SW		MINIDOKA

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A36-13113 NONE
A36-02220
A36-02501

WR RECORDS IN SAME 40 ACRE TRACT

36-02220
36-08213

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-02061	07S	25E	18		SE	SE		MINIDOKA

OTHER WR RECORDS WITH SAME WR POD

NONE

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX R PREFIX

A36-13113 NONE
A36-02220
A36-02501

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

	DUE TO POD DISCREPANCY? (Y/N)	DUE TO SOURCE DISCREPANCY? (Y/N)	DATABASE	FIELD EXAMINER
			Y	<u>N</u>
			N	<u>N</u>

REMARKS:

When did 2nd well go to use?

Same POD is used on A36-02220 + A36-02501

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
------	------	------	-----	-----	-----	-----	--------

_____	_____	_____	<u>same</u>	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY: see DATE: 10-31-90

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JAN 25 1993

A. ROOT WATER RIGHT NUMBERS: A36-02061

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	25E	18	NE	NE		MAX HERBOLD INC.	A36-02061 /40.0	36-02061 /40.0	39.0		
07S	25E	18	NW	NE		MAX HERBOLD INC. HERBOLD , MAX	A36-02061 /40.0	36-02061 /40.0 36-02501 / 5.0	41.0		OK
07S	25E	18	SW	NE		MAX HERBOLD INC.	A36-02061 /40.0	36-02061 /40.0	39.0		
07S	25E	18	SE	NE		MAX HERBOLD INC.	A36-02061 /40.0	36-02061 /40.0	39.0		
07S	25E	18	NE	SE		MAX HERBOLD INC.	A36-02061 /40.0	36-02061 /40.0	41.0		
07S	25E	18	NW	SE		MAX HERBOLD INC.	A36-02061 /40.0	36-02061 /40.0	39.0		
07S	25E	18	SW	SE		MAX HERBOLD INC. NIELSEN , RICHARD G.	A36-02061 /40.0 A36-13114 /	36-02061 /40.0 -	39.0		
07S	25E	18	SE	SE		MAX HERBOLD INC. MAX HERBOLD, INC.	A36-02061 /40.0 A36-13113 /	36-02061 /40.0 -	38.0		
TOTAL ACRES						A36-02061	320.00	320.00	315.00		320

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N(X)
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
X

within Tolerances + as licensed.

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PRESUMPTION FLAG: C

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: 320 Ac.

REVIEWED BY: See

DATE: 10-31-90

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A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-02061 IRRIGATION	FROM 03-15 TO 11-15	1.800 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		1.800 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-02061 IRRIGATION	FROM TO	1.800 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		1.800 CFS

PRESUMPTION FLAG: C

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N	<u>N</u>
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	N	<u>N</u>
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	<u>N</u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(~~X~~) N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N(~~X~~) Explain in remarks, below.

REMARKS:

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 1.800 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.800 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
N N

B. FLOW MEASUREMENT
MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(☐) N(☒) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-13114	DOMESTIC	NIELSEN , RICHARD G.	FROM 01-01 TO 12-31	.040 CFS	
A36-13113	DOMESTIC	MAX HERBOLD, INC.	FROM 01-01 TO 12-31	.040 CFS	
A36-13113	STOCKWATER	MAX HERBOLD, INC.	FROM 01-01 TO 12-31	.040 CFS	

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D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 320 x 0.02 CFS/ACRE = 6.4 CFS
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N(X)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 960.0 AF/A

ACRES 320 x CONSUMPTIVE VOL. AF/A FOR AREA 3.0 =
TOTAL CONSUMPTIVE USE 960 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 320 x DIVERSION VOL. AF/A FOR AREA 4.0 =
TOTAL DIVERSION VOLUME 1280 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	03-15 11-15	DATABASE 1.800 EXAMINER <u>+</u>	DATABASE 1280 EXAMINER <u>1280</u>	DATABASE 960.0 EXAMINER <u>1</u>
TOTAL FOR THIS RIGHT		1.800		960.0

REVIEWED BY: See

DATE: 10-31-70

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JAN 25 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

ACCEPTED AS CLAIMED	NEEDS REVIEW
(☒)	()
(☒)	()
(☒)	()

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-02061

	DATABASE	EXAMINER	CFS
TOTAL DIVERSION RATE OF WR SPLITS	1.800	_____	

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-02061	1.800	-		36-02061	1.800
TOTAL CFS		1.800				1.800

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE	FIELD EXAMINER
Y	<u>OK</u>

REMARKS:

AUTHENTICATION:

SIGNATURE: Steve Callahan

DATE: 10-31-90

NAME OF FIELD EXAMINER: _____ TITLE: _____

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JAN 25 1993

R36-02061

Adm

**PRESUMPTION
CODE**

[illegible]

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JAN 25 1993