



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

13-Apr-1992

MAX HERBOLD, INC.
PO BOX 67
RUPERT ID 83350

RE: Snake River Basin Adjudication (SRBA)
Minidoka County - #A36-02233
Identification Number Change

Dear Claimants:

The Identification Number of your Notice of Claim to a Water Right has been changed from A36-02233 to A36-02233B. The suffix has been added in order to distinguish your claim from other claims that may claim a portion of the same original water right. This change does not affect your claim in any other way.

Enclosed is a computer-generated copy of your claim with the new Identification Number. Refer to this record number in any future inquiries or correspondence.

Sincerely,


Jeanie Robertson
Records Clerk

/jr
Enclosures:
Claim A36-02233B

MICROFILMED

JAN 26 1993

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: **A36-02233B**
Date Received: 10/ 6/1989
Receipt No: S009697
Received By: _____

**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: AUG 13, 1953

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	24E	21	SE	NE	SW		MINIDOKA

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.400		

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

8. Total consumptive use is 411.0 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	24E	21	NE	SW		IRR	40.0
			NW	SW		IRR	37.0
			SW	SW		IRR	23.0
			SE	SW		IRR	37.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	137.0
					Total Acres	137.0

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:

THE LAND IN SECTION 20 WHICH WAS ORIGINALLY INCLUDED IN THE
LICENSE WAS SOLD WITHOUT WATER RIGHTS AND THE RIGHTS WERE
RETAINED ON THE SECTION 21 LAND BY THE CLAIMANT.

15. Basis of Claim: LICENSE

Water Right Number: 24369

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

Water Right Number - A36-02233B

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number - 24369

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

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

1 - P.O. BOX 67

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone - 208-436-6396

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
08/13/1953 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
07S 24E 21 SE NE SW (67) MINIDOKA+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 2.400+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
2.400 411.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 24E 21 NE SW 40.0 01 IRRIGATION (67) MINIDOKA
07S 24E 21 NW SW 37.0 01 IRRIGATION (67) MINIDOKA
07S 24E 21 SW SW 23.0 01 IRRIGATION (67) MINIDOKA
07S 24E 21 SE SW 37.0 01 IRRIGATION (67) MINIDOKA

Total Acres: 137.0

+ - - Diversion Means - WELL & PUMP

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
THE LAND IN SECTION 20 WHICH WAS ORIGINALLY INCLUDED IN THE
LICENSE WAS SOLD WITHOUT WATER RIGHTS AND THE RIGHTS WERE
RETAINED ON THE SECTION 21 LAND BY THE CLAIMANT.

MICROFILMED

JAN 26 1993

Water right number - A36-02233B

Prefix Translation: ADJUDICATION CLAIM

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +

3602233

+ - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +

No Comments Found

+ - - Audit Fields - - +

00/00/00

+ - - - - 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	-	Presumption Flag	- C
				Notice of Error Flag	-

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JAN 26 1993

Water Right Number - R36-022338

Prefix Translation: RESEARCH

Old (D) Number - 24369

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

*** C - CURRENT OWNER ***
MAX HERBOLD INC1 - PO BOX 67
2 -
3 -
City- RUPERT
Phone - 208-436-6396

State- ID Zip- 83350

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
08/13/1953 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
07S 24E 21 SE NE SW (67) MINIDOKA+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 2.190+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
2.190 500.00 375.0+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
07S 24E 21 NE SW 39.0 01 IRRIGATION (67) MINIDOKA
07S 24E 21 NW SW 29.0 01 IRRIGATION (67) MINIDOKA
07S 24E 21 SW SW 20.0 01 IRRIGATION (67) MINIDOKA
07S 24E 21 SE SW 37.0 01 IRRIGATION (67) MINIDOKA

Total Acres: 125.0

+ - - Diversion Means - WELL & PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
No Remarks found.+ - - - - Old Water Right Numbers - - - - - +
3602233

MICROFILMED

JAN 26 1993

Water right number - R36-02233B

Prefix Translation: RESEARCH

+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

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

+ - - - - Comments - - - - - +

Date: 04/06/1992 User Id: BAUMHOFF Subject: RENUMBERED CLAIM
THIS CLAIM WAS ORIGINALLY FILED UNDER A36-02233 AND IT WAS FOUND THAT MR. HERBOLD HAD SOLD A PORTION OF THIS RIGHT TO YOUNG &
YOUNG WHO CLAIMED THE 12 ACRES ON A36-02233A. THEREFORE MR. HERBOLD'S CLAIM WAS RENUMBERED TO A36-02233B. 125 ACRES WILL BE
RECOMMENDED UNDER THIS CLAIM, AND THE DIVERSION RATE OF 2.19 CFS.
Date: 04/06/1992 User Id: BAUMHOFF Subject: RECOMMENDATION
THIS RIGTH HAS BEEN RECOMMENDED FOR THE 125 ACRES AS ORIGINALLY LICENSED IN THE SW1/4 OF SECTION 20, AND THE DIVERSION RATE
REDUCED TO REFLECT THAT 12 ACRES HAVE BEEN SOLD AND THE WATER WAS TRANSFERRED OUT OF THE ORIGINAL WELL. SEE MEMO IN FILE DATED
4-1-92.
Date: 04/06/1992 User Id: BAUMHOFF Subject: COPIED FROM REMARKS
THE LAND IN SECTION 20 WHICH WAS ORIGINALLY INCLUDED IN THE LICENSE WAS SOLD WITHOUT WATER RIGHTS AND THE RIGHTS WERE
RETAINED ON THE SECTION 21 LAND BY THE CLAIMANT.

+ - - Audit Fields - - +
00/00/00

+ - - - - 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	- 04/06/1992	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	-
				Notice of Error Flag	-

MICROFILMED

JAN 26 1993

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: ~~A36-02233~~ ^{A36-02233B}
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: AUG 13, 1953

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	24E	21	SE	NE	SW		MINIDOKA

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.400		

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

8. Total consumptive use is 411.0 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	24E	21	NE	SW		IRR	40.0
			NW	SW		IRR	37.0
			SW	SW		IRR	23.0

~~A36-02233~~

Page 1

Date: 10/06/89

A36-02233B

MICROFILMED

JAN 26 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	24E	21	SE SW		IRR	37.0
Section Acres						137.0
Total Acres						137.0

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:

*****IDWR NOTE*****
A36-02233A FOR 0.21 CFS YOUNG & YOUNG CLAIMS A PORTION OF THIS
RIGHT.

THE LAND IN SECTION 20 WHICH WAS ORIGINALLY INCLUDED IN THE
LICENSE WAS SOLD WITHOUT WATER RIGHTS AND THE RIGHTS WERE
RETAINED ON THE SECTION 21 LAND BY THE CLAIMANT.

15. Basis of Claim: LICENSE
Water Right Number: 24369

~~A36-02233~~

A36-02233B

Page 2

Date: 10/06/89

MICROFILMED

JAN 26 1993

16. Signature(s)

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

Number of attachments: 1 Map

For Organizations:

I do solemnly swear or affirm that I am PRESIDENT of
MAX HERBOLD INC, that I have signed the foregoing
Organization
document in the space below as PRESIDENT of
Title
MAX HERBOLD INC and that the statements contained in the
Organization
foregoing document are true and correct.

Dennis M. Herbold
Signature of Authorized Agent
PRESIDENT MAX HERBOLD INC.
Title and Organization

10/6/89
Date

State of Idaho)
County of Trin Falls) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of Oct. 19 89

David M. Meritt
Notary Public

Seal

Residing at Kimberly Idh
My Commission Expires 6/30/99

I 7



MICROFILMED
JAN 26 1993

MEMORANDUM AGREEMENT

COPY

THIS AGREEMENT made this 15th day of September, 1988, by and between MAX HERBOLD, INC., an Idaho corporation hereinafter known as Seller, and STEVEN D. YOUNG and MARIA YOUNG, husband and wife, and ROY M. YOUNG and CHERLYN YOUNG, husband and wife, hereinafter known as Buyer,

WITNESSETH:

The parties mutually agree as follows:

1. The Seller agrees to sell and the Buyer agrees to buy the following described property in Minidoka County, Idaho, on the terms and conditions set forth in this agreement:

TOWNSHIP 7 SOUTH, RANGE 24 EAST, BOISE MERIDIAN, MINIDOKA COUNTY, IDAHO

Section 20: That part of the E $\frac{1}{2}$ SE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Northeast corner of the SE $\frac{1}{4}$ of said Section 20, which point shall be known as the TRUE POINT OF BEGINNING;

Thence South 89°42'45" West for 1084.27 feet;
Thence South 11°07'56" East for 560.00 feet;
Thence South 33°27'23" East for 274.52 feet;
Thence North 90°00'00" East for 257.00 feet;
Thence South 0°00'00" East for 300.00 feet;
Thence South 70°19'00" East for 274.00 feet;
Thence South 8°43'00" East for 150.00 feet;
Thence North 89°45'55" East for 14.42 feet;
Thence South 1°31'00" West for 165.00 feet;
Thence South 27°25'00" East for 541.98 feet;
Thence South 73°40'13" East for 35.40 feet to a point on the East Section Line of said Section 20;
Thence North 0°11'19" West along said East Section Line to the TRUE POINT OF BEGINNING.

SUBJECT TO a Telephone Line Easement, dated May 23, 1941, executed by Agnes Wall, a widow, to American Telephone and Telegraph Company of Wyoming, its association and allied companies, and their respective successors, lessees and agents, recorded October 4, 1941, in Book 2, Page 413 of Miscellaneous, Minidoka County records, which recites inter alia: "hereby grants and conveys a right of way and easement to construct, operate, maintain, replace and remove a communication system consisting of such poles, fixtures, guys, anchors, wires, cables, testing-terminals, conduits, manholes, markers and other appurtenances, as the grantees may from time to time require, upon, across, over and under the land which the undersigned own or on which the undersigned have any interest in S $\frac{1}{2}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 20, Township 7 South, Range 24 East, Boise Meridian, County of Minidoka, State of Idaho; together with all rights of ingress and egress."

File with 436-02233

COPY

SUBJECT TO an Easement, as contained in Survey, dated April 16, 1987, executed by Desert West Land Surveys, Steven C. Pearson, to the Public, recorded July 1, 1987 as Document No. 383510, Minidoka County records.

2. The purchase price shall be the sum of TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00) payable as follows:

\$4,000 upon execution this agreement, receipt of which is acknowledged by the Seller. The balance, together with interest at 8% per annum from September 15, 1988 shall be paid in three equivalent annual installments of \$2,328.25 each on the 15th day of September, 1989, the 15th day of September, 1990, and the 15th day of September, 1991. All payments shall be applied first to accrued interest and the balance shall be applied to principal. Prepayment is permitted at any time, but the prepayment of any sum shall not execute any regularly scheduled payments until the entire balance of principal and interest are paid in full. The entire balance shall be paid in full on September 15, 1991.

3. The Buyer shall have the right to enter and occupy the premises from and after the date of execution of this agreement and payment of the down payment provided the Seller's grain harvest has been completed. Seller shall have the right to remove all personal property including irrigation lines.

4. Buyer shall not have the right to any of Seller's grain base under the ASCS grain program by reason of the purchase of the above described property nor shall Buyer acquire any of Seller's interest in contracts for growing of sugar beets or other crops by reason of this purchase.

5. The Buyer shall execute a promissory note for the deferred balance which is due on this agreement, together with a real estate mortgage to secure payment of the deferred balance. Seller shall provide the Buyer with title insurance from Rupert Abstract Company pursuant to Commitment for Title Insurance No. 8529 of the Chicago Title Insurance Company of Idaho. Seller shall pay real property taxes for calendar year 1988 before delinquency.

6. The parties acknowledge that the Seller has been farming approximately 19 acres of land in the above-described parcel, as shown by current ASCS aerial photos, and that the Seller may not have clear legal title to the remainder of the above-described property. Buyer agrees to accept the Seller's deed to the above-described property with said infirmity and agrees to waive any claim against Seller for failure of the Seller to warrant title to the remaining land contained within the foregoing description.

7. The Seller agrees that Buyer shall be entitled to the water rights which are appurtenant to said property on the condition that Buyer apply for and receive from the Idaho Department of Water Resources permission to change the point of diversion so that Seller will not have to provide water from Seller's well, pipelines or ditches to the property being acquired by Buyer. Seller makes no warranty as to the nature or extent of the water rights for said property. Seller expressly reserves all of Seller's water rights which are appurtenant to land retained by Seller. Buyer shall bear all costs of application and proof of the water rights on the property being acquired by Buyer, but Seller shall cooperate in providing information available to Seller.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

MAX HERBOLD, INC.

By

James M. Herbold
President

ATTEST:

[Signature]
Secretary

Steven D. Young
Steven D. Young

Maria Young
Maria Young

Roy M. Young
Roy M. Young

Cherlyn Young
Cherlyn Young

COPY

STATE OF IDAHO)
County of Minidoka) ss.
Cassia)

COPY

On this 15th day of September, 1988, before me the undersigned Notary Public in and for the State of Idaho, personally appeared Dennis M. Herbold and Richard Nielsen, known to me to be the President and Secretary, respectively, of MAX HERBOLD, INC., an Idaho corporation, the persons whose names are subscribed to the foregoing instrument and acknowledged to me that said persons executed the same on behalf of said corporation.

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

(SEAL)

Pamela J. Porter
Notary Public
Residing at Heyburn
My Commission expires 2-20-92

STATE OF IDAHO)
County of Minidoka) ss.
Cassia)

On this 16th day of September, 1988, before me the undersigned Notary Public in and for the State of Idaho, personally appeared STEVEN D. YOUNG and MARIA YOUNG, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that said persons 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)

Pamela J. Porter
Notary Public
Residing at Heyburn
My Commission expires 2-20-92

STATE OF IDAHO)
County of Minidoka) ss.
Cassia)

On this 16th day of September, 1988, before me the undersigned Notary Public in and for the State of Idaho, personally appeared ROY M. YOUNG and CHERLYN YOUNG, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that said persons 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)

Pamela J. Porter
Notary Public
Residing at Heyburn
My Commission expires 2-20-92



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 26, 1992

Max Herbold
PO BOX 67
Rupert, ID 83350

RE: Snake River Basin Adjudication (SRBA)
Minidoka County - Notice of Claim No. A36-02233

Dear Mr. Herbold:

We are currently in the process of reviewing your notice of claim to a water right #A36-02233, a copy is enclosed for your reference. Your claim includes a remark stating that the 12 acres in section 20, which were originally developed under the Licensed water right #36-02233, were sold and you retained the water. From your claim it appears that you transferred that water to 12 additional acres in the SW^{1/4} of section 21. Our review requires that when a transfer of water has occurred, especially when lands have been sold, we must request some evidence supporting the claimed transfer.

To support your claim as filed, you must state the year the water was withdrawn from section 20, as well as the year the water was first applied to the additional 12 acres in section 21. In addition, you must submit some evidence supporting the dates you give for moving the water off the 12 acres in section 20 and onto the new 12 acres in section 21. Some types of evidence you might submit could be the deed of sale for the 12 acres in section 20, which will establish dates of ownership, and a Notarized affidavit describing the transfer to support that the water was moved. Enclosed is a blank Affidavit form for your possible use.

We are rapidly approaching the final stage of review in your area therefore, please submit the requested information as soon as possible. If we do not receive the information, we may not recommend your right as you have claimed it. If you have any questions or require assistance please do not hesitate to contact me at 327-7858.

Sincerely,

Anna Baumhoff
Water Resource Agent, Sr.
Adjudication Bureau

ALB:tf

Enclosures:

Copy of A36-02233

Blank Affidavit Form

MICROFILMED

JAN 26 1993

4-1-92

For A36-02233B

The claim should be renumbered to A36-2233B as 12 acres and the appurtenant water was sold & is claimed in A36-2233A. See attached memorandum agreement dated Sept-15, 1988 item #7.

A36-2233B should only reflect the proportionate split of the base right. The claimant stated that he only irrigates the 125 licensed acres in sec 21, although the acres per quarter quarter should be shifted somewhat. There is waste acreage running from north to the south through the SW $\frac{1}{4}$ of sec 21.

Mr Herbold provided this information in an office visit this date.

KHC

MICROFILMED

JAN 26 1993

MICROFILMED
 JAN 26 1993

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: A36-02233^B
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: AUG 13, 1953

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4	of	1/4	of	1/4	Lot	County
07S	24E	21	SE		NE		SW		MINIDOKA

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.400		

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

8. Total consumptive use is 411.0 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	24E	21	NE		SW		IRR	40.0
			NW		SW		IRR	37.0
			SW		SW		IRR	23.0

A36-02233^B

Page 1

Date: 10/06/89

MICROFILMED
JAN 26 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	24E	21	SE	SW		IRR	37.0
Section Acres							137.0
Total Acres							137.0

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:

*****IDWR NOTE*****
A36-02233A FOR 0.21 CFS YOUNG & YOUNG CLAIMS A PORTION OF THIS
RIGHT.

THE LAND IN SECTION 20 WHICH WAS ORIGINALLY INCLUDED IN THE
LICENSE WAS SOLD WITHOUT WATER RIGHTS AND THE RIGHTS WERE
RETAINED ON THE SECTION 21 LAND BY THE CLAIMANT.

15. Basis of Claim: LICENSE
Water Right Number: 24369

16. Signature(s)

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

Number of attachments: 1 Map

For Organizations:

I do solemnly swear or affirm that I am PRESIDENT of
MAX HERBOLD INC, that I have signed the foregoing
Organization
document in the space below as PRESIDENT of
Title
MAX HERBOLD INC and that the statements contained in the
Organization
foregoing document are true and correct.

Dennis McHauld
Signature of Authorized Agent
PRESIDENT MAX HERBOLD INC.
Title and Organization

10/6/89
Date

State of Idaho)
County of Twain Falls) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of Oct. 19 89

[Signature]
Notary Public

Seal

Residing at Kimberly Idh
My Commission Expires 6/30/99

NOT TO SCALE

I 7



SE 1/4 Section 21 - Township 1S - Range 24 EBM

JAN 26 1993

MEMORANDUM AGREEMENT

COPY

THIS AGREEMENT made this 15th day of September, 1988, by and between MAX HERBOLD, INC., an Idaho corporation hereinafter known as Seller, and STEVEN D. YOUNG and MARIA YOUNG, husband and wife, and ROY M. YOUNG and CHERLYN YOUNG, husband and wife, hereinafter known as Buyer,

WITNESSETH:

The parties mutually agree as follows:

1. The Seller agrees to sell and the Buyer agrees to buy the following described property in Minidoka County, Idaho, on the terms and conditions set forth in this agreement:

TOWNSHIP 7 SOUTH, RANGE 24 EAST, BOISE MERIDIAN, MINIDOKA COUNTY, IDAHO

Section 20: That part of the E $\frac{1}{2}$ SE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Northeast corner of the SE $\frac{1}{4}$ of said Section 20, which point shall be known as the TRUE POINT OF BEGINNING;

Thence South 89°42'45" West for 1084.27 feet;
Thence South 11°07'56" East for 560.00 feet;
Thence South 33°27'23" East for 274.52 feet;
Thence North 90°00'00" East for 257.00 feet;
Thence South 0°00'00" East for 300.00 feet;
Thence South 70°19'00" East for 274.00 feet;
Thence South 8°43'00" East for 150.00 feet;
Thence North 89°45'55" East for 14.42 feet;
Thence South 1°31'00" West for 165.00 feet;
Thence South 27°25'00" East for 541.98 feet;
Thence South 73°40'13" East for 35.40 feet to a point on the East Section Line of said Section 20;
Thence North 0°11'19" West along said East Section Line to the TRUE POINT OF BEGINNING.

SUBJECT TO a Telephone Line Easement, dated May 23, 1941, executed by Agnes Wall, a widow, to American Telephone and Telegraph Company of Wyoming, its association and allied companies, and their respective successors, lessees and agents, recorded October 4, 1941, in Book 2, Page 413 of Miscellaneous, Minidoka County records, which recites inter alia: "hereby grants and conveys a right of way and easement to construct, operate, maintain, replace and remove a communication system consisting of such poles, fixtures, guys, anchors, wires, cables, testing-terminals, conduits, manholes, markers and other appurtenances, as the grantees may from time to time require, upon, across, over and under the land which the undersigned own or on which the undersigned have any interest in S $\frac{1}{2}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 20, Township 7 South, Range 24 East, Boise Meridian, County of Minidoka, State of Idaho; together with all rights of ingress and egress."

COPY

SUBJECT TO an Easement, as contained in Survey, dated April 16, 1987, executed by Desert West Land Surveys, Steven C. Pearson, to the Public, recorded July 1, 1987 as Document No. 383510, Minidoka County records.

2. The purchase price shall be the sum of TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00) payable as follows:

\$4,000 upon execution this agreement, receipt of which is acknowledged by the Seller. The balance, together with interest at 8% per annum from September 15, 1988 shall be paid in three equivalent annual installments of \$2,328.25 each on the 15th day of September, 1989, the 15th day of September, 1990, and the 15th day of September, 1991. All payments shall be applied first to accrued interest and the balance shall be applied to principal. Prepayment is permitted at any time, but the prepayment of any sum shall not execute any regularly scheduled payments until the entire balance of principal and interest are paid in full. The entire balance shall be paid in full on September 15, 1991.

3. The Buyer shall have the right to enter and occupy the premises from and after the date of execution of this agreement and payment of the down payment provided the Seller's grain harvest has been completed. Seller shall have the right to remove all personal property including irrigation lines.

4. Buyer shall not have the right to any of Seller's grain base under the ASCS grain program by reason of the purchase of the above described property nor shall Buyer acquire any of Seller's interest in contracts for growing of sugar beets or other crops by reason of this purchase.

5. The Buyer shall execute a promissory note for the deferred balance which is due on this agreement, together with a real estate mortgage to secure payment of the deferred balance. Seller shall provide the Buyer with title insurance from Rupert Abstract Company pursuant to Commitment for Title Insurance No. 8529 of the Chicago Title Insurance Company of Idaho. Seller shall pay real property taxes for calendar year 1988 before delinquency.

6. The parties acknowledge that the Seller has been farming approximately 19 acres of land in the above-described parcel, as shown by current ASCS aerial photos, and that the Seller may not have clear legal title to the remainder of the above-described property. Buyer agrees to accept the Seller's deed to the above-described property with said infirmity and agrees to waive any claim against Seller for failure of the Seller to warrant title to the remaining land contained within the foregoing description.

7. The Seller agrees that Buyer shall be entitled to the water rights which are appurtenant to said property on the condition that Buyer apply for and receive from the Idaho Department of Water Resources permission to change the point of diversion so that Seller will not have to provide water from Seller's well, pipelines or ditches to the property being acquired by Buyer. Seller makes no warranty as to the nature or extent of the water rights for said property. Seller expressly reserves all of Seller's water rights which are appurtenant to land retained by Seller. Buyer shall bear all costs of application and proof of the water rights on the property being acquired by Buyer, but Seller shall cooperate in providing information available to Seller.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

MAX HERBOLD, INC.

By *James M. Herbald*
President

ATTEST:

[Signature]
Secretary

Steven D. Young
Steven D. Young

Maria Young
Maria Young

Roy M. Young
Roy M. Young

Cherlyn Young
Cherlyn Young

STATE OF IDAHO)
County of Minidoka) ss.
Cassia)

COPY

On this 15th day of September, 1988, before me the undersigned Notary Public in and for the State of Idaho, personally appeared Dennis M. Herbold and Richard Nielsen, known to me to be the President and Secretary, respectively, of MAX HERBOLD, INC., an Idaho corporation, the persons whose names are subscribed to the foregoing instrument and acknowledged to me that said persons executed the same on behalf of said corporation.

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

(SEAL)

Pamela J. Porter
Notary Public
Residing at Myburn
My Commission expires 2-20-92

STATE OF IDAHO)
County of Minidoka) ss.
Cassia)

On this 16th day of September, 1988, before me the undersigned Notary Public in and for the State of Idaho, personally appeared STEVEN D. YOUNG and MARIA YOUNG, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that said persons 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)

Pamela J. Porter
Notary Public
Residing at Myburn
My Commission expires 2-20-92

STATE OF IDAHO)
County of Minidoka) ss.
Cassia)

On this 16th day of September, 1988, before me the undersigned Notary Public in and for the State of Idaho, personally appeared ROY M. YOUNG and CHERLYN YOUNG, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that said persons 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)

Pamela J. Porter
Notary Public
Residing at Myburn
My Commission expires 2-20-92

District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

36-2233B
RECEIVED

DEC 12 2001

Department of Water Resources

Important Information About Your Water Right

December 4, 2001

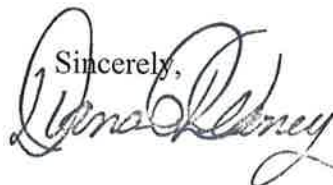
Max Herbold Inc
PO Box 67
Rupert, ID 83350

Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an **Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc** (hereinafter "**Order**") for water right number 36-02233B. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The purpose of the **Order** is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the **Order**, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This **Order** also incorporates into the **Partial Decree** an express statement that the **Partial Decree** is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This **Order**, in combination with the **Partial Decree** that was issued for this water right on December 29, 1997, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the **Partial Decree** to show evidence of this water right. The original of this **Order** and the original of the **Partial Decree** for this water right are on file with SRBA Court. If you do not have a copy of the original **Partial Decree**, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the **Order** is entered **Nunc Pro Tunc**, meaning that the **Order** will be treated as if it were issued on the same date that the **Partial Decree** was originally issued.

Sincerely,


Diana Delaney
Case Administrator

DEC 12 2001

Department of Water Resources

2001 DEC -4 PM 4: 27

FILED
TWIN FALLS CO., IDAHO

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

In Re SRBA	)	Water Right 36-02233B
	)	
	)	
Case No. 39576	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for the above-captioned irrigation water right on December 29, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on June 24, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this *Supplemental Director's Report*

THEREFORE, IT IS ORDERED that the period of use element for the irrigation portion of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 04-01 to 10-31

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

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 a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Dated December 4, 2001.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

STATE OF IDAHO
District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707



RETURNED
TO
SENDER
NOT DELIVERABLE
AS ADDRESSED -
UNABLE TO FORWARD





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

July 28, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

36-02233B
MAX HERBOLD INC
PO BOX 67
RUPERT ID 83350

RE: Water Rights in Reporting Area 3, Basin 36
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources supplemental recommendations for your water right(s) in basin 36 (the area north of the Snake River from near Lake Walcott on the east to near Hagerman on the west). We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended right(s) in your area.

In response to the Idaho Supreme Court's decision in Basin-wide Issue 5 after most water rights in Basin 36 had been decreed, the SRBA Court requested me to file supplemental reports for Basin 36 regarding the period of use for irrigation water uses and general provisions applying to all water rights in Basin 36. The enclosed documents fulfill that request. The general provision enclosed is in addition to those already adopted by the Court.

Note you have just over 30 days in which to review the water rights of other claimants and to file any objection to our recommendations. Information on the other water rights can be found at the county courthouses in Hailey, Arco, Jerome, Rupert, Gooding, and Shoshone and at all of the Idaho Department of Water Resources offices (see addresses in enclosure).

If the SRBA Court does not receive an objection to our recommendation from you and no other party objects to your water right, your water right will be decreed later this year as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions you have about your water right(s) or this adjudication process.

Sincerely,

Karl J. Dreher
Director

Enclosures

RIGHT NUMBER: 36-02233B

NAME AND ADDRESS: MAX HERBOLD INC
PO BOX 67
RUPERT ID 83350

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE
	IRRIGATION	04-01 10-31

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

**NOTICE OF FILING SUPPLEMENTAL REPORTS
FOR REPORTING AREA 3 (IDWR BASIN 36) REGARDING
REVISION OF THE FOLLOWING:**

- ▶ **Period of Use (For Irrigation Water Uses)**
- ▶ **Conjunctive Management General Provision**

EXPLANATION

In response to the Idaho Supreme Court's decision in Basin-wide Issue 5, the Snake River Basin Adjudication (SRBA) District Court requested the Director of the Idaho Department of Water Resources (IDWR) to file supplemental reports for Basin 36 regarding the period of use for irrigation water uses and the conjunctive management general provision. This notice is to inform you that IDWR has filed those reports with the SRBA District Court.

Irrigation Season of Use

The supplemental report on irrigation season of use changes IDWR's recommendation for the irrigation season of use for irrigation water rights in Basin 36. Even water rights that have received partial decrees are receiving a new irrigation season recommendation because the Idaho Supreme Court determined that the use of the term "irrigation season" is not acceptable and specific dates must be set. The irrigation season of use recommendations only affect the season of use, and no other elements of the irrigation water rights.

If you claimed an irrigation water right a description of the Director's irrigation season of use recommendation for your claim is attached to this Notice. You need to carefully review the new season of use recommended for your irrigation right. The complete Irrigation Season of Use Supplemental Report for Basin 36 is available at the SRBA courthouse in Twin Falls and the locations listed on the third page of this notice. Copies of the report can be made, but you may be charged for copying and mailing.

Conjunctive Management General Provisions

Additionally, the Director of IDWR has filed with the SRBA District Court his supplemental report on conjunctive management for Basin 36. This Report is the Director's recommendation for the conjunctive management general provision that should be decreed for Basin 36. Attached to this Notice is a complete copy of the conjunctive management general provision the Director recommends for Basin 36.

INSTRUCTIONS FOR REVIEWING THESE REPORTS

You are free to agree or disagree with the Director's recommendations. If you agree with the Director's recommendations you do not need to do anything, pending further notice as described below. If you disagree with the Director's recommendations, you need to file an objection as described below. **You may only object to the Director's recommendations on irrigation season of use and conjunctive management.** You may not object to any other elements of your water right under this notice unless you have evidence that the irrigation season of use or conjunctive management recommendations affect other elements of your right.

INSTRUCTIONS FOR TAKING AN ISSUE TO COURT

What do I do if I disagree with a conjunctive management provision or a season of use recommendation?

If you disagree with a conjunctive management provision, or the season of use recommendation for your water right or anyone else's water right, and want to be heard in court, file an objection with the SRBA Court. Objections must be made on the standard objection form attached to this Notice. Copies are available from any IDWR office or from the SRBA Court. You may also download a copy of the objection form from the SRBA Web Site at www.srba.state.id.us.

Your objection to IDWR's conjunctive management provision, or the irrigation season of use for the rights listed above must be **received** by the SRBA Court on or before **September 10, 1999**.

What do I do if someone else objects to a conjunctive management provision or a season of use recommendation?

If someone files an objection to a conjunctive management provision, or the season of use recommendation for your water right or anyone else's water right, you may file a response to that objection. Responses to objections must be made on the standard response form available from any IDWR office or from the SRBA Court. Your response must be **received** by the SRBA Court on or before **November 12, 1999**.

What happens if there are no objections to a recommendation?

After the deadline for filing objections, the SRBA Court will hear the uncontested recommendations on **November 16, 1999**, at **1:30 P.M.** at the **SRBA Courthouse**. Any part of the report to which no objections are filed may be decreed by the district court.

How will I know about the proceedings on water right recommendations to which objections were filed?

A notice will be mailed to you for court dates on your water right or for those where you filed an objection or a response. You will not receive notice of court dates on any other water right recommendations. Additional information regarding the SRBA can be found on the SRBA Web Site at www.srba.state.id.us.

Note: The SRBA Court publishes a monthly Docket Sheet listing all objections and responses filed. It does not list court dates for individual water right cases, but provides general information helpful to all participants in the SRBA. The Docket Sheet is available at your county courthouse and all IDWR offices, or you may subscribe by contacting the SRBA Court or IDWR. The annual subscription fee is \$7.50. The Docket Sheet is also available on the SRBA Web Site at www.srba.state.id.us.

ADDITIONAL INFORMATION

If you have questions about the SRBA, public information brochures are available at any IDWR office. You are also welcome to call IDWR at any of its offices or the SRBA Court. You may also want to consider contacting an attorney to assist you.

Snake River Basin Adjudication

District Court

253 Third Avenue North
P.O Box 2707
Twin Falls, Idaho 83303-2707
(208) 736-3011

Idaho Department of Water Resources

Western Region

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

Idaho Department of Water Resources

Southern Region

1341 Fillmore, Suite 200
Twin Falls, Idaho 83301-3380
(208) 736-3033

Blaine County Courthouse

1st and Croy St.
Hailey, ID 83333

Jerome County Courthouse

300 N. Lincoln, Rm. 301
Jerome, ID 83338

Minidoka County Courthouse

715 G St.
Rupert, ID 83350

Idaho Department of Water Resources

1301 North Orchard
Box 83720
Boise, Idaho 83720-0098
(208) 327-7906
(800) 451-4129

Idaho Department of Water Resources

Northern Region

1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

Idaho Department of Water Resources

Eastern Region

900 North Skyline, Suite A
Idaho Falls, Idaho 83402-3653
(208) 525-7161

Butte County Courthouse

248 W. Grand Ave.
Arco, ID 83213

Lincoln County Courthouse

111 W. B St.
Shoshone, ID 83352

Gooding County Courthouse

624 Main St.
Gooding, ID 83330

BASIN 36 GENERAL PROVISION

The director recommends that the following general provision be included in the decree determining rights to water from Basin 36:

The following water rights from the following sources of water in Basin 36 shall be administered separately from all other water rights in Basin 36:

Water Right No.

None

Source

None

The following water rights from the following sources of water in Basin 36 shall be administered separately from all other water rights in the Snake River Basin:

Water Right No.

None

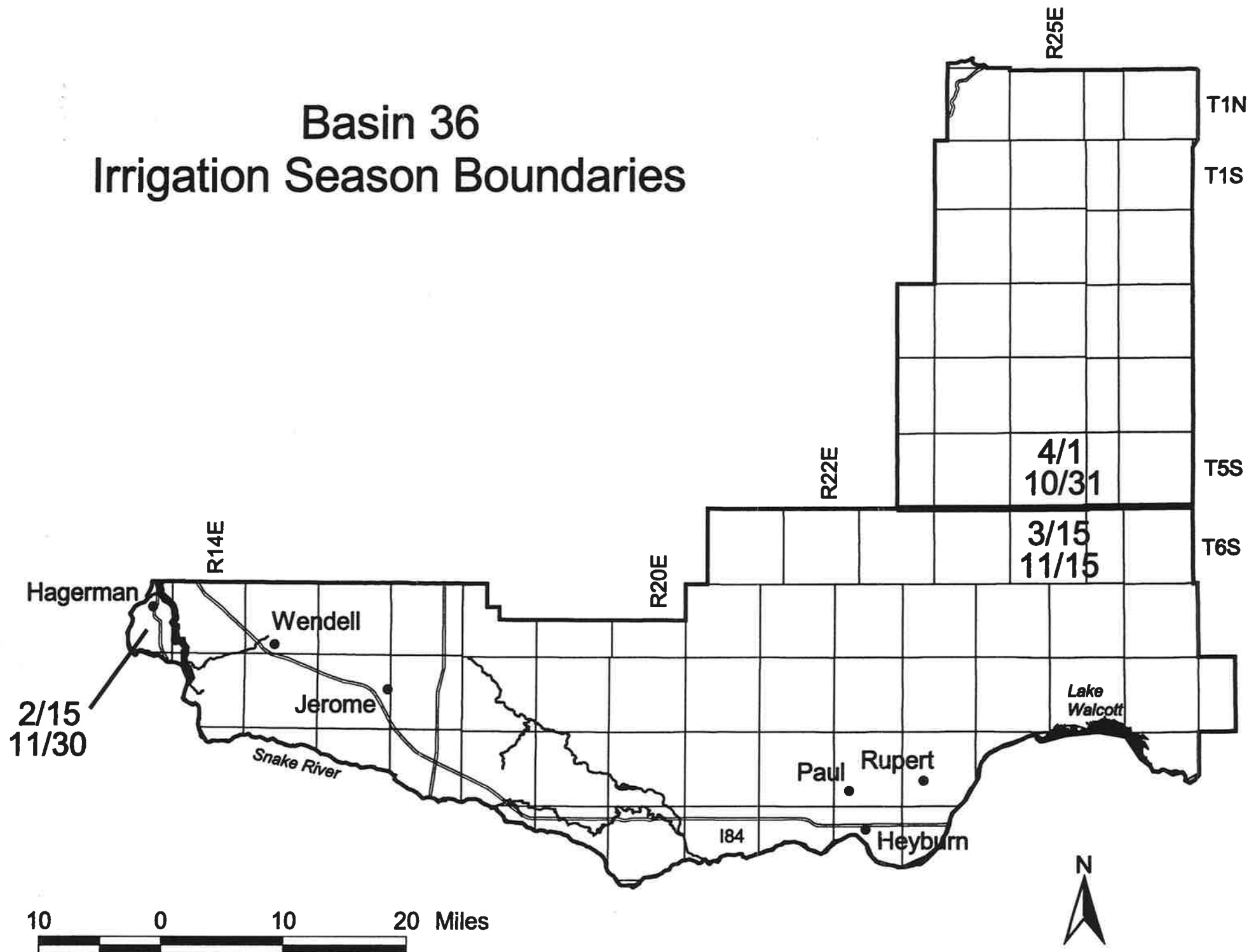
Source

None

All water rights with Basin 36 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

Basin 36

Irrigation Season Boundaries



**INSTRUCTIONS FOR FILING
OBJECTIONS TO WATER RIGHTS IN THE
SNAKE RIVER BASIN ADJUDICATION
BASED UPON THE SUPPLEMENTAL DIRECTOR'S REPORT**

The attached form is for your use if you file an objection to irrigation season recommendations and/or general provisions, as recommended in the Supplemental Director's Report. You may copy or reproduce this blank form.

To object to more than one water right, you must use a **separate form for each objection** and there must be **only one objector** for each form.

Your objection must be **received and filed** by the court on or before the deadline specified in the notice that the Idaho Department of Water Resources mailed to you. If you are filing 25 or more objections you must contact the Clerk of the SRBA court at least 14 days before the filing deadline and arrange an appointment for filing.

You may attach any explanation or documentation that you feel is necessary to support your objection.

INSTRUCTIONS FOR COMPLETING THE OBJECTION FORM

- A. **Subcase.** Fill in the water right number to which you are objecting at the top of the form in the blank following Subcase. The water right number will become the Subcase Number.
- B. **Name and Address of Person Objecting.** Enter your name, address and daytime telephone in the blanks provided.
- C. **Claimant of Water Right As Listed in Supplemental Director's Report.** Fill in the claimant/owner blank of the water right to which you are objecting as it is listed in the Supplemental Director's Report.
- D. **Elements of the Water Right.** If you disagree with irrigation season or general provisions listed in the Supplemental Director's Report, check the appropriate box(es) and write in the space provided what you think the element should be. If objecting to a general provision, please indicate the number of the provision, and the basin it was reported in.
- E. **Reasons supporting objection.** Attach to the objection form a separate sheet explaining why you are objecting. (this is optional)
- F. **Verification.** You must sign the objection form in front of a notary. By filing this objection form, you are certifying that the objection is well-grounded in fact; that it is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase the cost of litigation.
- G. **Certificate of Mailing.** Fill in the appropriate blanks for the date and the owner of the water right, and sign the form. Remember that the original objection form must be mailed to the Clerk of the SRBA District Court with copies mailed to the parties listed in this section.

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

In Re SRBA

Case No. 39576

A. Subcase _____

STANDARD FORM 1a

**OBJECTION TO IRRIGATION SEASON
AND/OR CONJUNCTIVE MANAGEMENT
GENERAL PROVISIONS**

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: _____

Name & address of attorney, if any:

Address: _____

Daytime Phone: (____) _____

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

Name: _____

Address: _____

D. ELEMENTS OBJECTED TO:

8. Period (Irrigation Season) of Use

Should be: _____

12. General Provision

Number: _____ Reported in Basin: _____

Comments: _____

E. REASONS SUPPORTING OBJECTION: (if you have additional reasons, please attach to this form)

This standard form is for the sole purpose of objecting to the Director's supplemental recommendations on irrigation season of use and general provisions. This form may not be used to object to any other elements of your water right.

If you have evidence that the recommendations on irrigation season of use and/or conjunctive management adversely affect other elements of your water right, please contact the Snake River Basin Adjudication at 208-736-3011. A deputy clerk of the court will inform you of how to proceed.

F. VERIFICATION (Must be Completed)

State of _____)
)ss.
County of _____)

_____, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

(Signature of person filing objection)

Subscribed and sworn to before me on: _____

(Attorney signing in representative capacity)

Notary Public
for _____

Residing at: _____

My Commission Expires: _____

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on _____, 199____, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: _____

Address: _____

3. Copies to:

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

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

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

Signature of Objector or attorney

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

ADDRESS SERVICE
REQUESTED

PRESORTED
FIRST CLASS



RECEIVED

AUG 05 1999

Department of Water Resources
Southern Region

RECEIVED

AUG 04 1999

Department of Water Resources

IMPORTANT WATER RIGHT INFORMATION

36-02233B

RETURNED TO SENDER
UNDELIVERABLE AS ADDRESSED
FOR MAILING

CLAIM NUMBERS 36-02233B

DATE 3/14/98

TRANSFER NUMBER _____

OBJECTION FILED _____

AGENT [Signature]

TOTAL ACRES FROM RECOMMENDATION 125

GEOGRAPHIC INFO SYSTEM 128

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	<u>25</u>	<u>24E</u>	<u>21</u>									<u>39</u>	<u>29</u>	<u>20</u>	<u>37</u>				<u>125</u>
GIS												<u>40</u>	<u>33</u>	<u>20</u>	<u>35</u>				<u>128</u>
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			

UPDATED

POLYGON #

UPDATED

B36-DBPOU.DBF _____

B36-DBPOD.DBF ✓

POLYGON CREATED ON 604 () _____

ATTRIBUTES OF B36-POU.SHP (777, 778) _____

ATTRIBUTES OF B36-POD.SHP (194, 7/97) _____

P/U CONFLICT yes () no ()

P/D CONFLICT yes () no ()

READY FOR DECREE yes () no ()

SENT FOR DECREE yes () no ()

KKC: 8/13/97



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE ST E
TWIN FALLS ID 83301
(208) 736-3033

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

November 4, 1996

YOUNG & YOUNG PARTNERSHIP
C/O STEVE YOUNG
300-A EAST 1600 NORTH
RUPERT ID 83350

RE: SRBA Claim(s) 36-02253, 36-02410, 36-07580, 36-02058,
36-02075, 36-02233A, 36-08068, 36-15366,
36-02211, 36-02454B, 36-07007B, 36-07021,
36-07042, 36-08274, 36-08275B, 36-02209,
36-02214, 36-02210, 36-15456, 36-02530,
36-07795

7524E

Dear Claimant:

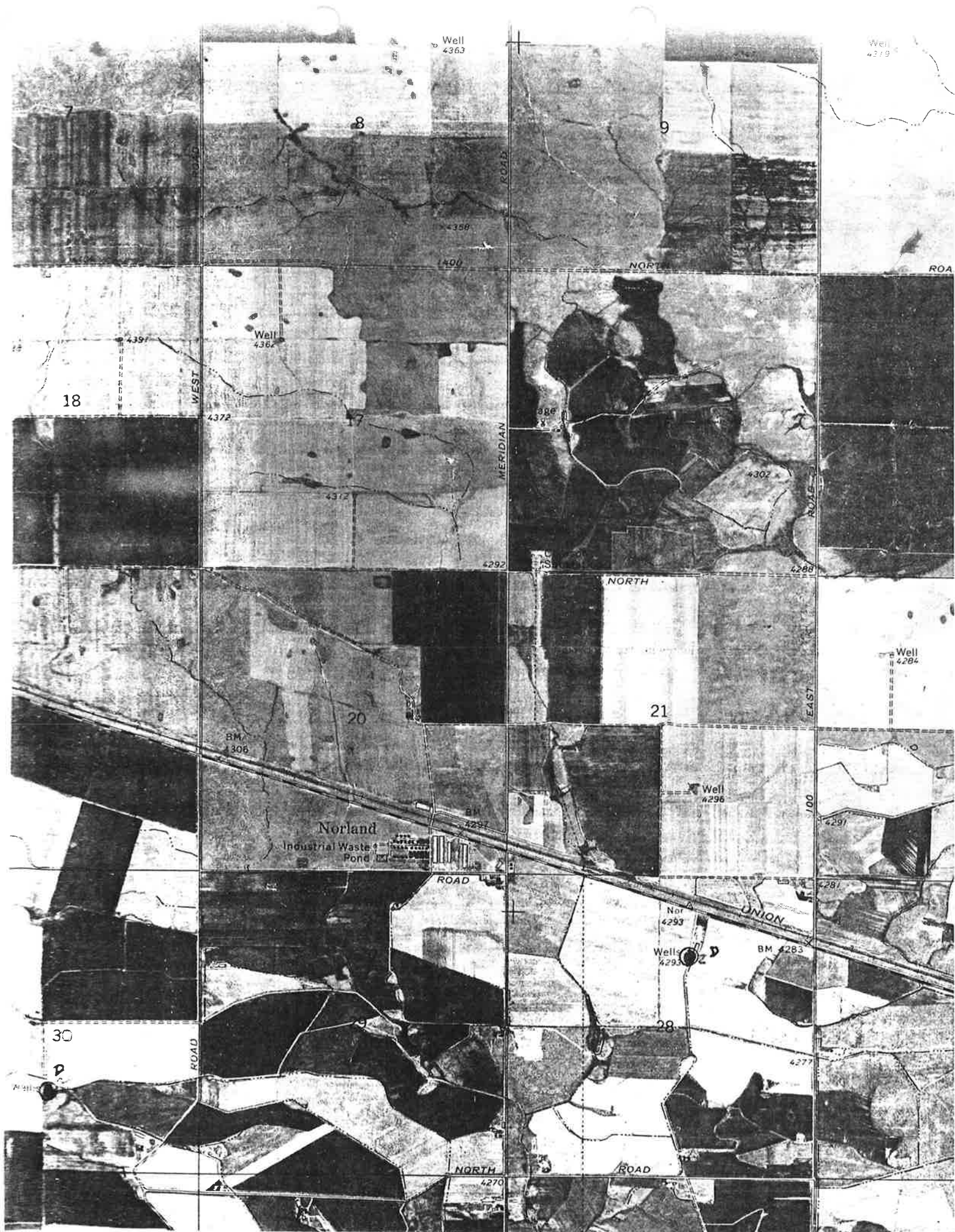
Please find the enclosed copy of the Notice of Administrative Proceeding which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

After IDWR completes the indicated administrative process, and has modified the SRBA claims, you will be forwarded a Notice of Completed Administrative Proceeding. Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

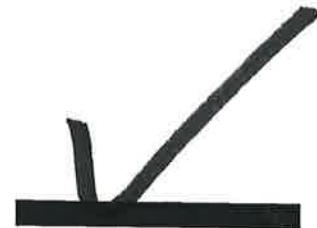
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Enc



R PROOF



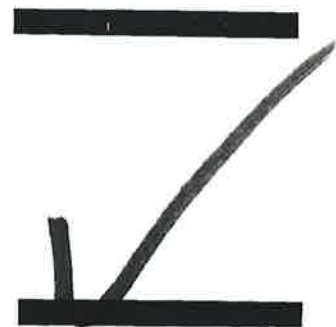
CVR



MAPS



PHOTOS



MISC

ED

JAN 26 1993

Water Right Number - R36-02233B

Prefix Translation: RESEARCH

Old (D) Number - 24369

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

*** C - CURRENT OWNER ***
MAX HERBOLD INC1 - PO BOX 67
2 -
3 -
City- RUPERT
Phone - 208-436-6396

State- ID Zip- 83350

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
08/13/1953 17 SOUTHERN L - LICENSE+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

07S 24E 21 SE NE SW (67) MINIDOKA

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 2.190+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
2.190 500.00 375.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 24E 21 NE SW 39.0 01 IRRIGATION (67) MINIDOKA
07S 24E 21 NW SW 29.0 01 IRRIGATION (67) MINIDOKA
07S 24E 21 SW SW 20.0 01 IRRIGATION (67) MINIDOKA
07S 24E 21 SE SW 37.0 01 IRRIGATION (67) MINIDOKA

Total Acres: 125.0

+ - - Diversion Means - WELL & PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
No Remarks found.+ - - - - Old Water Right Numbers - - - - - +
3602233+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

MICROFILMED

JAN 26 1993

Prefix Translation: RESEARCH

+ - Decree Date - +
00/00/0000

+ - - Audit fields 04/06/92 BAUMHOFF

[illegible]

Date: 04/06/1992 User Id: BAUMHOFF Subject: RENUMBERED CLAIM

THIS CLAIM WAS ORIGINALLY FILED UNDER A36-02233 AND IT WAS FOUND THAT MR. HERBOLD HAD SOLD A PORTION OF THIS RIGHT TO YOUNG & YOUNG WHO CLAIMED THE 12 ACRES ON A36-02233A. THEREFORE MR. HERBOLD'S CLAIM WAS RENUMBERED TO A36-02233B. 125 ACRES WILL BE RECOMMENDED UNDER THIS CLAIM, AND THE DIVERSION RATE OF 2.19 CFS.

Date: 04/06/1992 User Id: BAUMHOFF Subject: RECOMMENDATION

THIS RIGHT HAS BEEN RECOMMENDED FOR THE 125 ACRES AS ORIGINALLY LICENSED IN THE SW1/4 OF SECTION 20, AND THE DIVERSION RATE REDUCED TO REFLECT THAT 12 ACRES HAVE BEEN SOLD AND THE WATER WAS TRANSFERRED OUT OF THE ORIGINAL WELL. SEE MEMO IN FILE DATED 4-1-92.

Date: 04/06/1992 User Id: BAUMHOFF Subject: COPIED FROM REMARKS

THE LAND IN SECTION 20 WHICH WAS ORIGINALLY INCLUDED IN THE LICENSE WAS SOLD WITHOUT WATER RIGHTS AND THE RIGHTS WERE RETAINED ON THE SECTION 21 LAND BY THE CLAIMANT.

+ - - - - - 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	- 04/06/1992	Old Judicial District	-
Claim Received Date	- 10/06/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- S009697	Federal/State Indicator	- S
Claims Tape Error Flg	-	POU Ownership Flag	- Y	Presumption Flag	-
Fee Exempt Flag	-	Name Connector	-	Notice of Error Flag	-

Microfilmed

JAN 26 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

01:25:50
08/17/90

A36-62233B

PAGE: 11
QUICKLOOK INFORMATION

CLAIM NUMBER: ~~A36-02233~~

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						B 4/6/92	B 4/6/92	B 4/6/92
POINT OF DIV	Y		B 4/6/92	N	6			
SOURCE								
PLACE OF USE	Y		B 4/6/92	yes	6, 4, 2, 1			
DIV. AMOUNT CFS/VOLUME			B 4/6/92	yes	6			
CONSUMPTIVE USE	-		B 4/6/92	yes	6			
PURPOSES								
PERIOD OF USE	Y		B 4/6/92	yes	6			
BASIS OF CLAIM	Y		B 4/6/92	N				
REMARKS	Y							

"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.

MICROFILMED

JAN 26 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

01:25:50
08/17/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-02233 **B**

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?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: *****IDWR NOTE*****
A36-02233A FOR 0.21 CFS YOUNG & YOUNG CLAIMS A PORTION OF THIS
RIGHT.

THE LAND IN SECTION 20 WHICH WAS ORIGINALLY INCLUDED IN THE
LICENSE WAS SOLD WITHOUT WATER RIGHTS AND THE RIGHTS WERE
RETAINED ON THE SECTION 21 LAND BY THE CLAIMANT.

FIELD EXAMINATION INFORMATION

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 26 1993

A. AJ CLAIM: # A36-02233 PRIORITY DATE: 08-13-1953 STAGE: L
B. WR RECORD: # 36-02233 PRIORITY DATE: 08-13-1953 STAGE: L

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE N FIELD EXAMINER

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

REMARKS: claimed as licensed recommend as claimed

RECOMMENDED PRIORITY DATE:
08-13-1953

REVIEWED BY

DATE

4/6/92

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JAN 26 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-02233	07S	24E	21	SE	NE	SW		MINIDOKA

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-02233	07S	24E	21		NE	SW		MINIDOKA

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE

NONE

NONE

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
N

FIELD
EXAMINER
JB

REMARKS:

P.D. confirmed from licensing exam to be same 10AC depth as claimed
recommend as claimed

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JAN 26 1993

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
75	24E	21	SE	NE	SW	—	Minidoka

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY:

[Signature]

DATE:

4/6/92

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JAN 26 1993

A. ROOT WATER RIGHT NUMBERS: A36-02233A
A36-02233

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM	RECOMM ACRES
07S	24E	21	NW	SW		MAX HERBOLD INC. HERBOLD, MAX	A36-02233 /37.0	36-02233 /35.0 36-02218 /20.0	41.0		29.0
07S	24E	21	SW	SW		MAX HERBOLD INC. HERBOLD, MAX	A36-02233 /23.0	36-02233 /20.0 36-02218 /20.0	41.0		20.0
07S	24E	21	SE	SW		MAX HERBOLD INC.	A36-02233 /37.0	36-02233 /35.0	40.0		37.0
07S	24E	21	NE	SW		MAX HERBOLD INC.	A36-02233 /40.0	36-02233 /35.0	40.0		39.0
TOTAL ACRES							A36-02233	137.00	125.00	162.00	125.0

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

PRESUMPTION FLAG: C

REMARKS:

using ASCS, orthophotoquad and NAPP photos
I have recommended the same numbered irrigated
acres as were originally licensed however I have
adjusted the distribution of acres by legal description.

RECOMMENDATIONS:

TOTAL ACRES: 125

REVIEWED BY: [Signature]

DATE: 4/6/92

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JAN 26 1993

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-02233 IRRIGATION	FROM 03-15 TO 11-15	2.400 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		2.400 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-02233 IRRIGATION	FROM TO	2.400 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		2.400 CFS

PRESUMPTION FLAG: C

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N()

Explain in remarks, below.

REMARKS:

Recommend standard period of use as of 4/6/92
4/1 - 10/31

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JAN 26 1993

3

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 2.400 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 2.400 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?

FIELD
DATABASE EXAMINER
N

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/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

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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JAN 26 1993

B

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 125 x 0.02 CFS/ACRE = 2.5 CFS
(Taken from p/u review)

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

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

1b. CALCULATIONS

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 411.0 AF/A

ACRES 125 x CONSUMPTIVE VOL. AF/A FOR AREA 3.0 =
TOTAL CONSUMPTIVE USE 375 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 125 x DIVERSION VOL. AF/A FOR AREA 4.0 =
TOTAL DIVERSION VOLUME 500 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

~~claim~~ is This Right is for 125/137 of 2.4 cp. = 2.19 cp
Because claim A36-02233A is for 12/137 of 2.4 cp = 0.21 cp.

add Div. Volume at new standard for Region:

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JAN 26 1993

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 EXAMINER 2.400 B	DATABASE EXAMINER 2.400 B	DATABASE EXAMINER 411.0 B
TOTAL FOR THIS RIGHT	4-1 10-31	2.400 219	500 AFA	411.0 375
REVIEWED BY: Bearce	DATE: 4/6/92			

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JAN 26 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP 2 claim filers
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-02233

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
2.400

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A36-02233	A36-02233A	0.210	-		36-02233	2.400
	A36-02233	2.400	-		36-02233	2.400
TOTAL CFS		2.610				2.400

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
N

FIELD
EXAMINER

REMARKS:

See Memo dated 4-1-92 from Kelly Christensen.
Transfer of 12 Acres was done in 1988 see attached Deed.

AUTHENTICATION:

SIGNATURE: _____

NAME OF FIELD EXAMINER: Anna Balthoff

DATE: 4/6/92

TITLE: Sr. WR Agent

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JAN 26 1993

State of Idaho
License and Certificate of Water Right

Water License No. G-24369

Amount 2.4 c.f.s.

Water District No.

Priority Aug. 13, 1953

THIS IS TO CERTIFY that MAX HERBOLD
of Rupert, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated August 13, 1953; that Permit No. G-24369
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.4 second feet, was issued thereunder on June 24, 1959, showing that said works
were completed on the 12 day of August, 1958; and that on the 12
day of August, 1958,

MAX HERBOLD

of Rupert, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. G-24369 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
11 of Licenses at page 6668, on the 24 day of June, 1959;

The right hereby confirmed dates from August 13, 1953;

The Point of Diversion is located
in the NE 1/4 SW 1/4, Sec. 21, Twp. 7 S., R. 24 E., B. M. Minidoka County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 2.4 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 S.	24 E.	20	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	12
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	35
		21	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	35
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	20
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	35
			Total number of acres to be irrigated:		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
24 day of June, 1959.

GEO. N. CARTER

State Reclamation Engineer.

(SEAL)

NOT TO SCALE

L7

R24E

T1065
1944

T1919
1941

T
7
S

A36-02233B

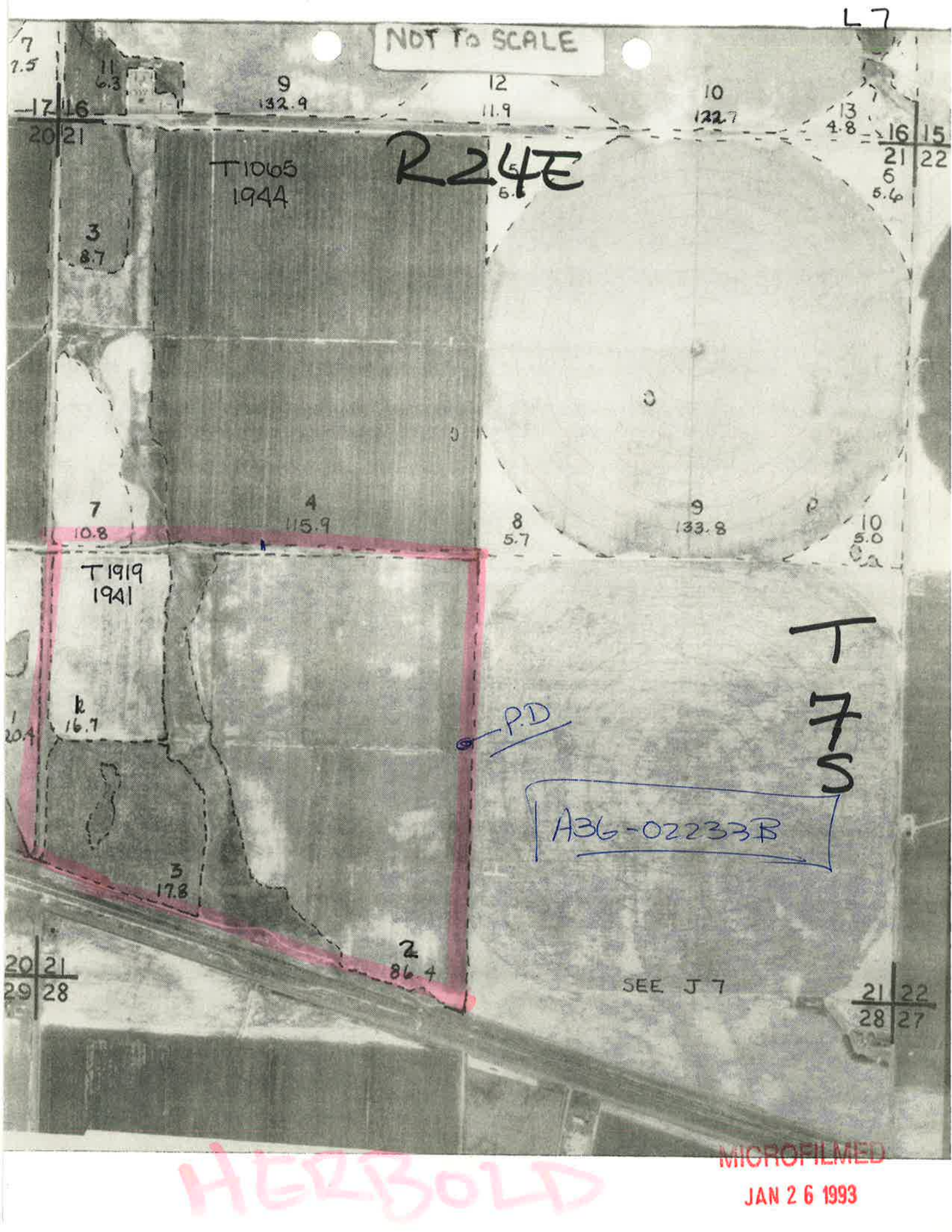
P.D

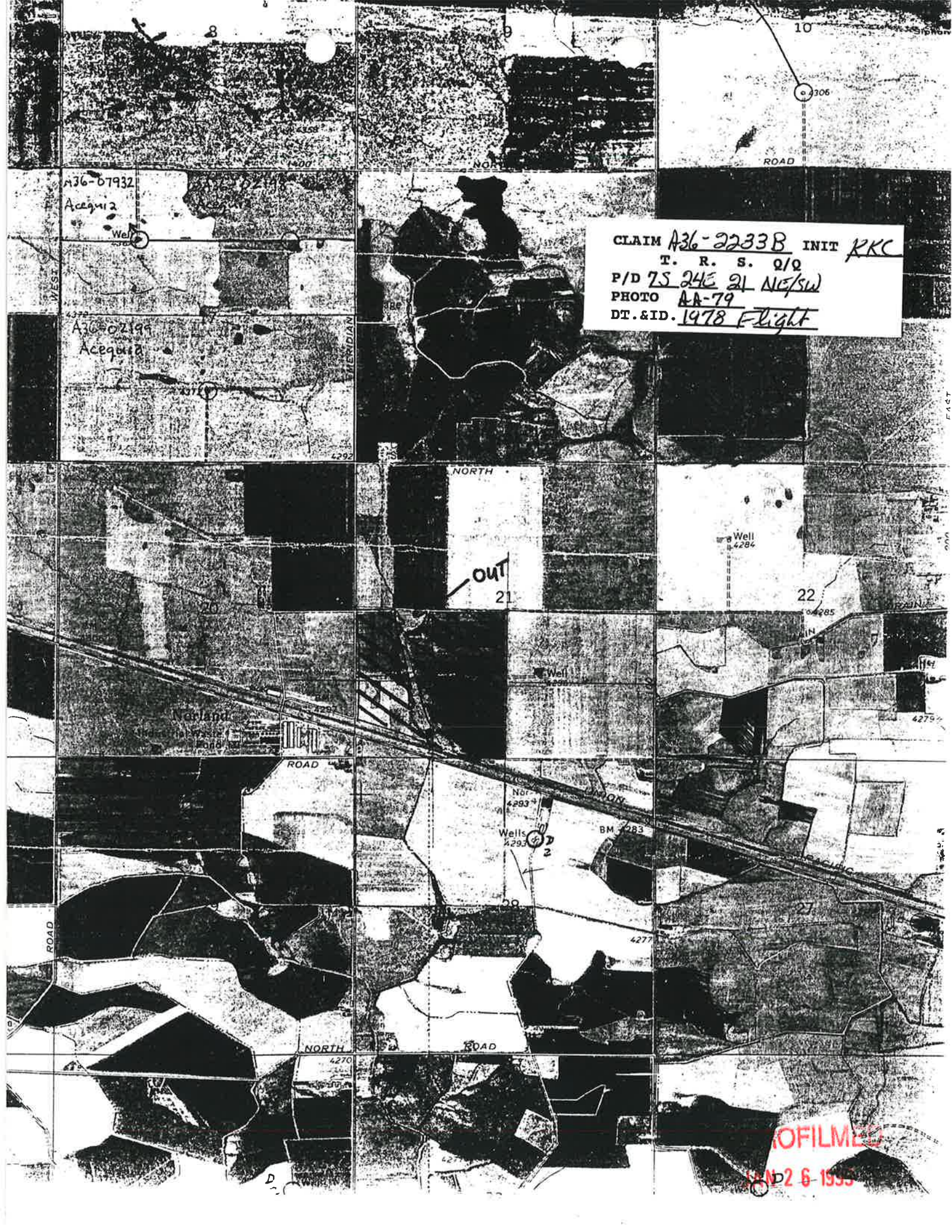
SEE J 7

HERBOLD

MICROFILMED

JAN 26 1993





A36-07932

Acequia 2

Well 4284

A36-02199

Acequia 2

CLAIM A36-2233B INIT RKC
T. R. S. Q/Q
P/D 7S 24E 21 NE/SW
PHOTO AA-79
DT. & ID. 1978 Flight

NORTH

OUT
21

22

Well 4284

Well 4284

ROAD

Nor 4293

Wells 4293

BM 4283

NORTH

ROAD

OFILMED

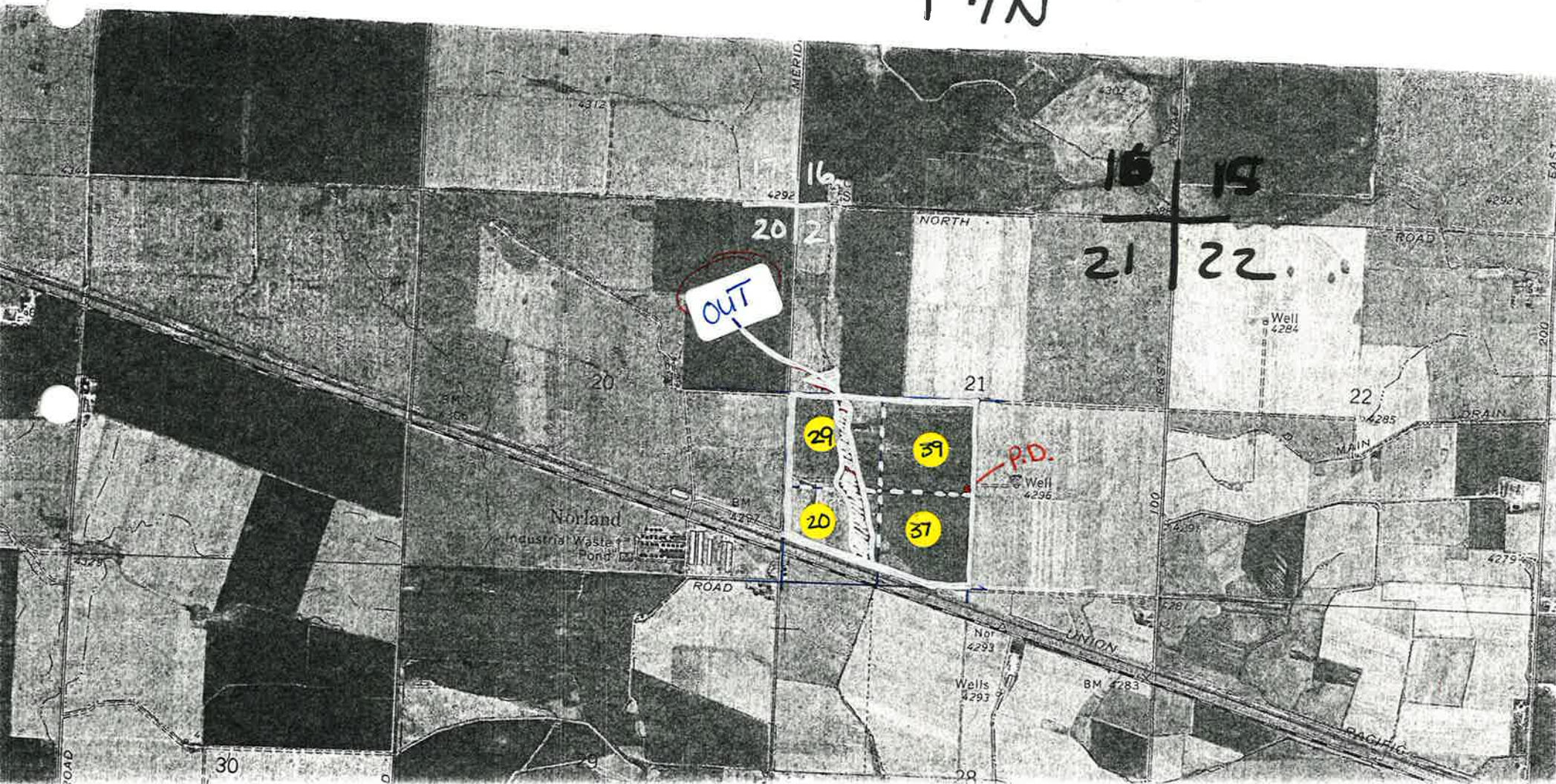
SEP 26 1955

A36-02233B

NAPP PHOTO 1179 SE

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JAN 26 1993

R24E
T7N



4-1-92

For A36-02233B

The claim should be renumbered to A36-2233B as 12 acres and the appurtenant water was sold & is claimed in A36-2233A. See attached memorandum agreement dated Sept-15, 1988 item #7.

A36-2233B should only reflect the proportionate split of the base right. The claimant stated that he only irrigates the 125 licensed acres in sec 21, although the acres per quarter quarter should be shifted somewhat. There is waste acreage running from north to the south through the SW 1/4 of sec 21.

Mr Herbold provided this information in an office visit this date.

KHC

(Kelly Christensen)

MICROFILMED

JAN 26 1993

MEMORANDUM AGREEMENT

COPY

THIS AGREEMENT made this 15th day of September, 1988, by and between MAX HERBOLD, INC., an Idaho corporation hereinafter known as Seller, and STEVEN D. YOUNG and MARIA YOUNG, husband and wife, and ROY M. YOUNG and CHERLYN YOUNG, husband and wife, hereinafter known as Buyer,

WITNESSETH:

The parties mutually agree as follows:

1. The Seller agrees to sell and the Buyer agrees to buy the following described property in Minidoka County, Idaho, on the terms and conditions set forth in this agreement:

TOWNSHIP 7 SOUTH, RANGE 24 EAST, BOISE MERIDIAN, MINIDOKA COUNTY, IDAHO

Section 20: That part of the E $\frac{1}{2}$ SE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Northeast corner of the SE $\frac{1}{4}$ of said Section 20, which point shall be known as the TRUE POINT OF BEGINNING;

Thence South 89°42'45" West for 1084.27 feet;
Thence South 11°07'56" East for 560.00 feet;
Thence South 33°27'23" East for 274.52 feet;
Thence North 90°00'00" East for 257.00 feet;
Thence South 0°00'00" East for 300.00 feet;
Thence South 70°19'00" East for 274.00 feet;
Thence South 8°43'00" East for 150.00 feet;
Thence North 89°45'55" East for 14.42 feet;
Thence South 1°31'00" West for 165.00 feet;
Thence South 27°25'00" East for 541.98 feet;
Thence South 73°40'13" East for 35.40 feet to a point on the East Section Line of said Section 20;
Thence North 0°11'19" West along said East Section Line to the TRUE POINT OF BEGINNING.

SUBJECT TO a Telephone Line Easement, dated May 23, 1941, executed by Agnes Wall, a widow, to American Telephone and Telegraph Company of Wyoming, its association and allied companies, and their respective successors, lessees and agents, recorded October 4, 1941, in Book 2, Page 413 of Miscellaneous, Minidoka County records, which recites inter alia: "hereby grants and conveys a right of way and easement to construct, operate, maintain, replace and remove a communication system consisting of such poles, fixtures, guys, anchors, wires, cables, testing-terminals, conduits, manholes, markers and other appurtenances, as the grantees may from time to time require, upon, across, over and under the land which the undersigned own or on which the undersigned have any interest in S $\frac{1}{2}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 20, Township 7 South, Range 24 East, Boise Meridian, County of Minidoka, State of Idaho; together with all rights of ingress and egress."

COPY

SUBJECT TO an Easement, as contained in Survey, dated April 16, 1987, executed by Desert West Land Surveys, Steven C. Pearson, to the Public, recorded July 1, 1987 as Document No. 383510, Minidoka County records.

2. The purchase price shall be the sum of TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00) payable as follows:

\$4,000 upon execution this agreement, receipt of which is acknowledged by the Seller. The balance, together with interest at 8% per annum from September 15, 1988 shall be paid in three equivalent annual installments of \$2,328.25 each on the 15th day of September, 1989, the 15th day of September, 1990, and the 15th day of September, 1991. All payments shall be applied first to accrued interest and the balance shall be applied to principal. Prepayment is permitted at any time, but the prepayment of any sum shall not execute any regularly scheduled payments until the entire balance of principal and interest are paid in full. The entire balance shall be paid in full on September 15, 1991.

3. The Buyer shall have the right to enter and occupy the premises from and after the date of execution of this agreement and payment of the down payment provided the Seller's grain harvest has been completed. Seller shall have the right to remove all personal property including irrigation lines.

4. Buyer shall not have the right to any of Seller's grain base under the ASCS grain program by reason of the purchase of the above described property nor shall Buyer acquire any of Seller's interest in contracts for growing of sugar beets or other crops by reason of this purchase.

5. The Buyer shall execute a promissory note for the deferred balance which is due on this agreement, together with a real estate mortgage to secure payment of the deferred balance. Seller shall provide the Buyer with title insurance from Rupert Abstract Company pursuant to Commitment for Title Insurance No. 8529 of the Chicago Title Insurance Company of Idaho. Seller shall pay real property taxes for calendar year 1988 before delinquency.

6. The parties acknowledge that the Seller has been farming approximately 19 acres of land in the above-described parcel, as shown by current ASCS aerial photos, and that the Seller may not have clear legal title to the remainder of the above-described property. Buyer agrees to accept the Seller's deed to the above-described property with said infirmity and agrees to waive any claim against Seller for failure of the Seller to warrant title to the remaining land contained within the foregoing description.

7. The Seller agrees that Buyer shall be entitled to the water rights which are appurtenant to said property on the condition that Buyer apply for and receive from the Idaho Department of Water Resources permission to change the point of diversion so that Seller will not have to provide water from Seller's well, pipelines or ditches to the property being acquired by Buyer. Seller makes no warranty as to the nature or extent of the water rights for said property. Seller expressly reserves all of Seller's water rights which are appurtenant to land retained by Seller. Buyer shall bear all costs of application and proof of the water rights on the property being acquired by Buyer, but Seller shall cooperate in providing information available to Seller.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

MAX HERBOLD, INC.

By *James M. Herbold*
President

ATTEST:

[Signature]
Secretary

Steven D. Young
Steven D. Young

Maria Young
Maria Young

Roy M. Young
Roy M. Young

Cherlyn Young
Cherlyn Young

STATE OF IDAHO)
County of Minidoka) ss.
Cassia)

COPY

On this 15th day of September, 1988, before me the undersigned Notary Public in and for the State of Idaho, personally appeared Dennis M. Herbold and Richard Nielsen, known to me to be the President and Secretary, respectively, of MAX HERBOLD, INC., an Idaho corporation, the persons whose names are subscribed to the foregoing instrument and acknowledged to me that said persons executed the same on behalf of said corporation.

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

(SEAL)

Samela J. Porter
Notary Public
Residing at Myburn
My Commission expires 2-20-92

STATE OF IDAHO)
County of Minidoka) ss.
Cassia)

On this 16th day of September, 1988, before me the undersigned Notary Public in and for the State of Idaho, personally appeared STEVEN D. YOUNG and MARIA YOUNG, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that said persons 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)

Samela J. Porter
Notary Public
Residing at Myburn
My Commission expires 2-20-92

STATE OF IDAHO)
County of Minidoka) ss.
Cassia)

On this 16th day of September, 1988, before me the undersigned Notary Public in and for the State of Idaho, personally appeared ROY M. YOUNG and CHERLYN YOUNG, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that said persons 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)

Samela J. Porter
Notary Public
Residing at Myburn
My Commission expires 2-20-92