

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: A37-07631

Date Received: 7/11/1988

Receipt No: S000857

Received By: A.V. 2K.

*Change of Owner*

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

1. Name: NORMAN POTHIER 208-837-6613  
Address: P O BOX 120  
HAGERMAN ID 83332

Name: SHERYL HARMER 208-837-6613  
Address: P O BOX 120  
HAGERMAN ID 83332

2. Date of Priority: JUN 16, 1977

3. Source: SPRINGS Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 06S      | 13E   | 27      | SW     | NW     | NW     |     | GOODING |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.020 |      | 1.50   |
| AESTHETIC  | 01/01 | 12/31 | 0.040 |      |        |
| DOMESTIC   | 01/01 | 12/31 | 0.040 |      | 1.20   |

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

**MICROFILMED**

**FEB 24 1993**

10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 06S           | 13E   | 27      | NW     | NW  |     | IRR | 1.0   |
| Section Acres |       |         |        |     |     |     | 1.0   |
| Total Acres   |       |         |        |     |     |     | 1.0   |

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

14. Remarks:

2 SPRINGS. AC. IRR. = 0.5.

P/U ALSO KNOWN AS LOTS 12 & 14, SPRINGS ACRES SUBD.

THIS PROPERTY WAS INHERITED BY THE CLAIMANTS ON 3/31/1990 RVW

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Individuals:**

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

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

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FEB 24 1993

State of Idaho )  
County of \_\_\_\_\_ ) SS.

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

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

MICROFILMED  
FEB 24 1993



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: \_\_\_\_\_

LEGAL DESCRIPTION OF PROPERTY: Township 06S Range 13E  
Section 27, NW 1/4 of NW 1/4 of \_\_\_\_\_, BM.  
Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision/Townsite \_\_\_\_\_.  
If you have additional legal descriptions, please attach separate sheet.

- ☐ 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)  
Assigned by IDWR: A37-07631
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): FERN FOTIER  
P.O. Box 56  
HAGERMAN, ID 83332
- ☐ New Owner/Claimant (Purchaser): NORMAN FOTIER, SHERYL HARMER
- ☐ New Mailing Address: P.O. Box 120  
HAGERMAN, ID. 83332
- ☐ New Telephone Number: 208 837-6613
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes 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: \_\_\_\_\_

(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 1-22-92
- ☐ 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:

**MICROFILMED**  
**FEB 24 1993**

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

11:54

0551

TY OF GOODING

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o'clock P.M. this 18

20

ERS, Recorder

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JUDGMENT

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Full Satisfaction

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Inc., Plaintiff  
win Falls, Idaho  
Idaho, this 17

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Cecil D. Hobdey  
HOBDEY & HOBDEY  
Attorneys at Law  
P.O. Box 176  
Gooding, Idaho 83330  
934-4429

140552

STATE OF IDAHO, COUNTY OF GOODING

Filed for record at the request of Hobdey & Hobdey

30 min. past 2 o'clock P.M. this 18

of April 1990 Fee \$6.00

JOHN A. MYERS, Recorder

Helen K. Piatt Deputy

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

IN THE MATTER OF THE ESTATE OF: ) CASE NO. 21120  
FERN POTHIER, )  
Deceased. )  
DEED OF DISTRIBUTION

THIS INDENTURE Made this 21st day of March, 1990, by Sheryl  
Harmer and Norman Pothier, Personal Representatives of the Estate  
of Fern Pothier, deceased, hereinafter referred to as Grantors and  
Sheryl Harmer and Norman Pothier, share and share alike, hereinafter  
referred to as Grantees:

WITNESSETH:

NOW, THEREFORE, pursuant to the law in such cases made and provided,  
and particularly pursuant to the provisions of Section 15-3-907, Idaho  
Code, Grantors do hereby convey, transfer, distribute and set-over unto  
Grantees and to their successors in interest, heirs and assigns, the  
following described property:

Lots 11, 12, 14, 15 and 16, Spring Acres Subdivision according to the  
Plat thereof located in Section 27, Township 6 South, Range 13 E.B.M.,  
Gooding County, Idaho.

Sheryl Harmer  
Sheryl Harmer

Norman Pothier  
Norman Pothier

PERSONAL REPRESENTATIVES

FEB 24 1993

ODING  
Sheryl Harmer  
M. this 18  
see 462  
order  
Daguer

OF THE

Sheryl  
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3-907, Idaho  
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12

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ACKNOWLEDGMENT

STATE OF WASHINGTON )  
County of Pierce ) ss.

On this 2nd day of March, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared SHERYL HARMER, Personal Representative of the Estate of Fern Pothier, known to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that she executed the same as said Personal Representative.

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

Walter P. Bush  
NOTARY PUBLIC FOR WASHINGTON  
Residing at : Spokane  
Commission Expires: 6-15-91

ACKNOWLEDGMENT

STATE OF IDAHO )  
County of Kitsap ) ss.

On this 16th day of April, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared NORMAN POTHIER, Personal Representative of the Estate of Fern Pothier, known to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he executed the same.

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

Gene M. Fitch  
NOTARY PUBLIC FOR WASHINGTON,  
Residing at : Postle  
Commission Expires: 2-1-92

TAX NOTICES:

Sheryl Harmer  
2102 36th Place S.E.  
Puyallup, WA 98374

DEED OF DISTRIBUTION P. 2

MICROFILMED  
FEB 24 1991

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: A37-07631  
Date Received: 7/11/1988  
Receipt No: S000857  
Received By: W

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: FERN POTHIER 208-837-6613  
Address: P.O. BOX 56  
HAGERMAN, ID 83332

2. Date of Priority: JUN 16, 1977

3. Source: SPRINGS Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 06S      | 13E   | 27      | NW     | NW     |     |     | GOODING |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.020 |      | 1.50   |
| AESTHETIC  | 01/01 | 12/31 | 0.040 |      |        |
| DOMESTIC   | 01/01 | 12/31 | 0.040 |      | 1.20   |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 06S      | 13E   | 27      | NW     | NW  |     | IRR           | 1.0   |
|          |       |         |        |     |     | Section Acres | 1.0   |

10. Place of Use: Continued

Total Acres 1.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

14. Remarks:

2 SPRINGS. AC. IRR. = 0.5.

P/U ALSO KNOWN AS LOTS 12 & 14, SPRINGS ACRES SUBD.

15. Basis of Claim: LICENSE

MICROFILMED  
FEB 24 1988

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): Fern Pothier Date: 7-11-88  
\_\_\_\_\_  
Date: \_\_\_\_\_

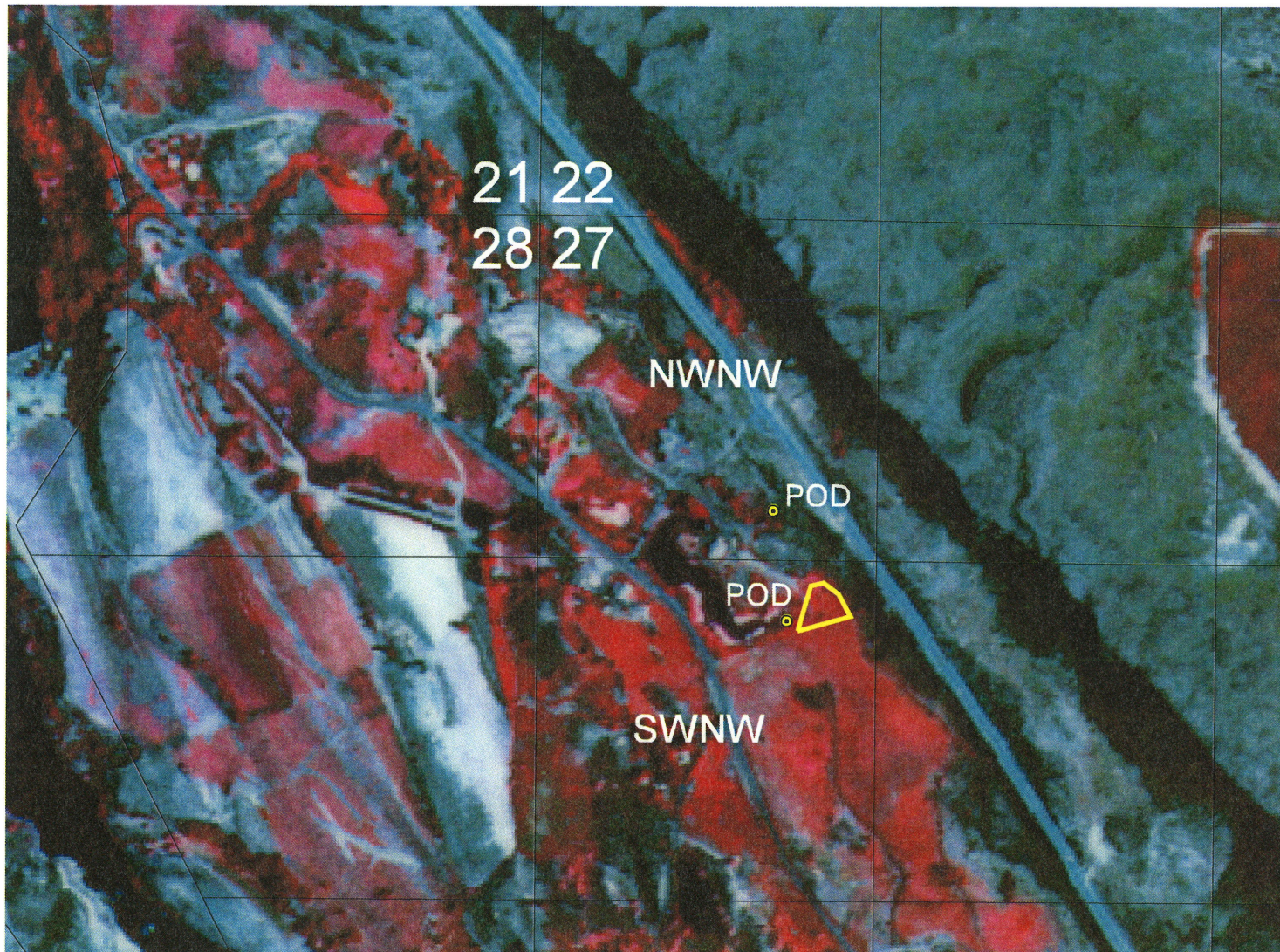
State of Idaho )  
County of T.F. ) SS.

Subscribed and sworn (or affirmed) before me this 11<sup>th</sup> day  
of July 19 88 Lori White  
Notary Public

Seal

Residing at TF  
My Commission Expires 5/95

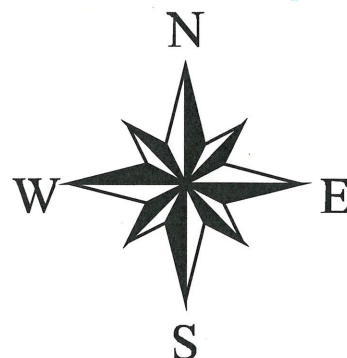
# 37-7631



600 0 600 1200 1800 2400 Feet

## T06S R13E S27

Map prepared by: Carter Fritschle  
Date prepared: 03/18/05  
1987-1988 NAPP photography  
Idaho Department of Water Resources



03/29/2005

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

RIGHT NUMBER: 37-7631  
NAME AND ADDRESS: SHERYL HARMER  
PO BOX 120  
HAGERMAN ID 83332  
  
NORMAN POTHIER  
PO BOX 120  
HAGERMAN ID 83332

SOURCE: LOWER WADDINGTON SPRING  
UPPER WADDINGTON SPRING  
TRIBUTARY: STODDARD CREEK  
TRIBUTARY: STODDARD CREEK

QUANTITY: 0.040 CFS

PRIORITY DATE: 06/16/1977

POINT OF DIVERSION:

T06S R13E S27 SENWNW Within GOODING County  
T06S R13E S27 NESWNW Within GOODING County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>       |
|-----------------------|----------------------|-----------------------|
| DOMESTIC              | 1/01 12/31           | 0.040 CFS<br>1.20 AFY |
| AESTHETIC             | 1/01 12/31           | 0.040 CFS             |
| IRRIGATION            | 4/01 11/01           | 0.020 CFS<br>1.50 AFY |

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 November 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: DOMESTIC Within GOODING County

T06S R13E S27 NWNW 1.0

AESTHETIC Within GOODING County

T06S R13E S27 SWNW 1.0

IRRIGATION Within GOODING County

T06S R13E S27 SWNW 1.0 T06S R13E S27 SWNW 1.0

2 ACRES TOTAL

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

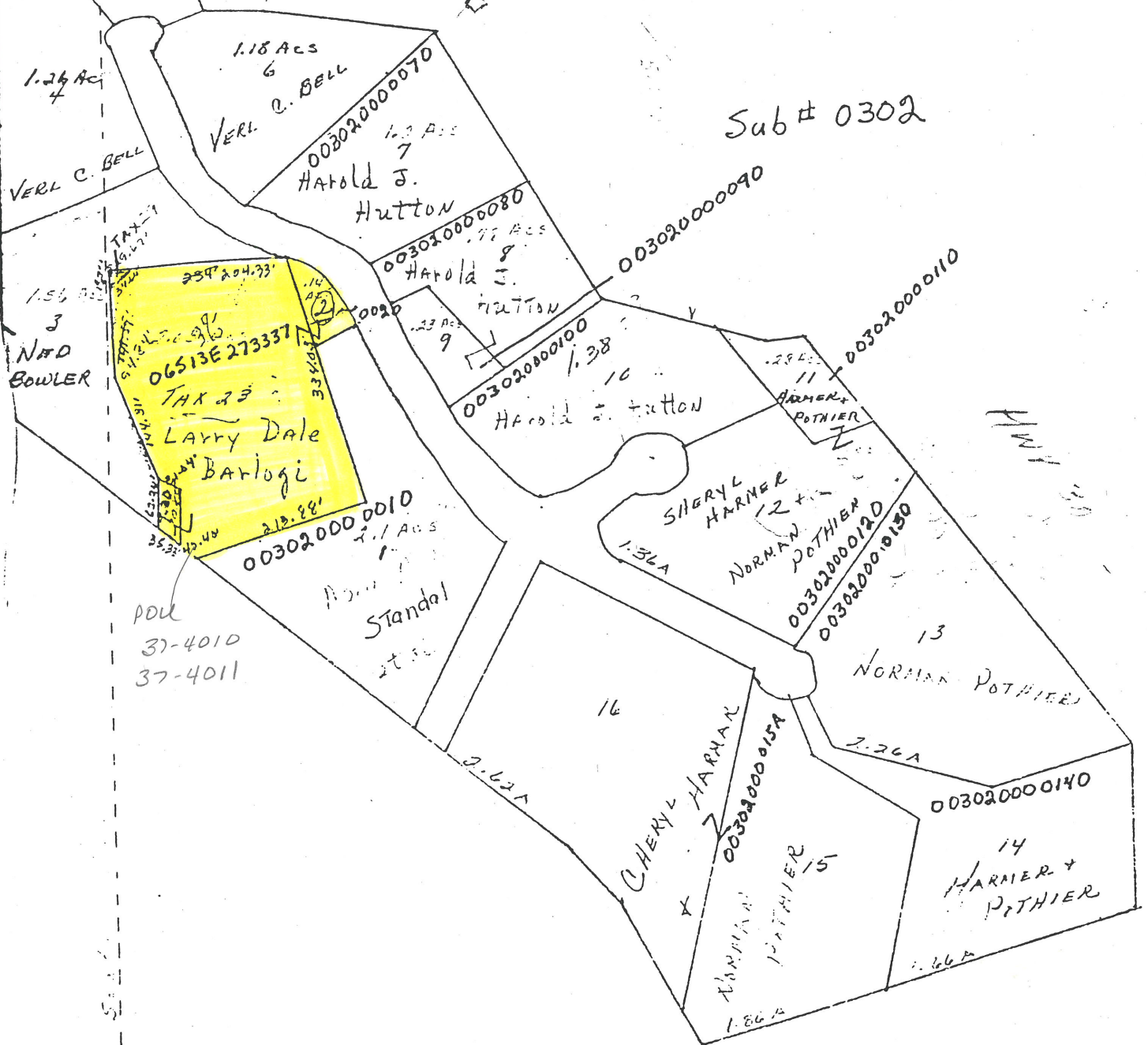
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: License

Part of W $\frac{1}{2}$  NW $\frac{1}{4}$  of 1-6  
Part of Lot 1 Sec 28 Twp 6 Rge 13

Spring Acres Subdivision

From claim file 37-4011



Rex Barlogi to John Lemoyne

Lemoyne gave to Larry Barlogi

State of Idaho  
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 37-7631 Priority June 16, 1977 Amount 0.04 cfs

THIS IS TO CERTIFY, that Fern Pothier  
of Hagerman, Idaho, has complied with the terms and conditions of Permit  
No. 37-7631 issued pursuant to Application for Permit dated June 16, 1977,  
and has submitted proof to the Department of Water Resources on June 8, 1982,  
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a  
capacity for the diversion of 0.04 cfs of water from springs (2),  
tributary to Snake River, and that the permit holder has applied to a beneficial use and  
established a right to use water as follows:

| Beneficial Use        | Period of Use                 | Rate of Diversion | Annual Volume |
|-----------------------|-------------------------------|-------------------|---------------|
| Irrigation            | from April 1 to November 1    | at 0.02 cfs and   | 1.5 acre feet |
| Domestic<br>(2 Units) | from January 1 to December 31 | at 0.04 cfs and   | 1.2 acre feet |
| Aesthetics            | from January 1 to December 31 | at 0.04 cfs and   | N/A           |

(both dates inclusive)

Subject, however, to the condition that no more than 0.04 cfs of water be diverted at any one time, and  
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose  
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed  
2.7 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$  Section 27,  
Twp 6S, Rge 13E in the County of Gooding

Description and location of place of use:

| Twp. | Range | Sec. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | Totals |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 6S   | 13E   | 27   |                  |                  |                  |                  | 0.5              |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 0.5    |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres irrigated 0.5

Place of use is also known as Lots 12 & 14, Springs Acres Subdivision.

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 7<sup>TH</sup> day of

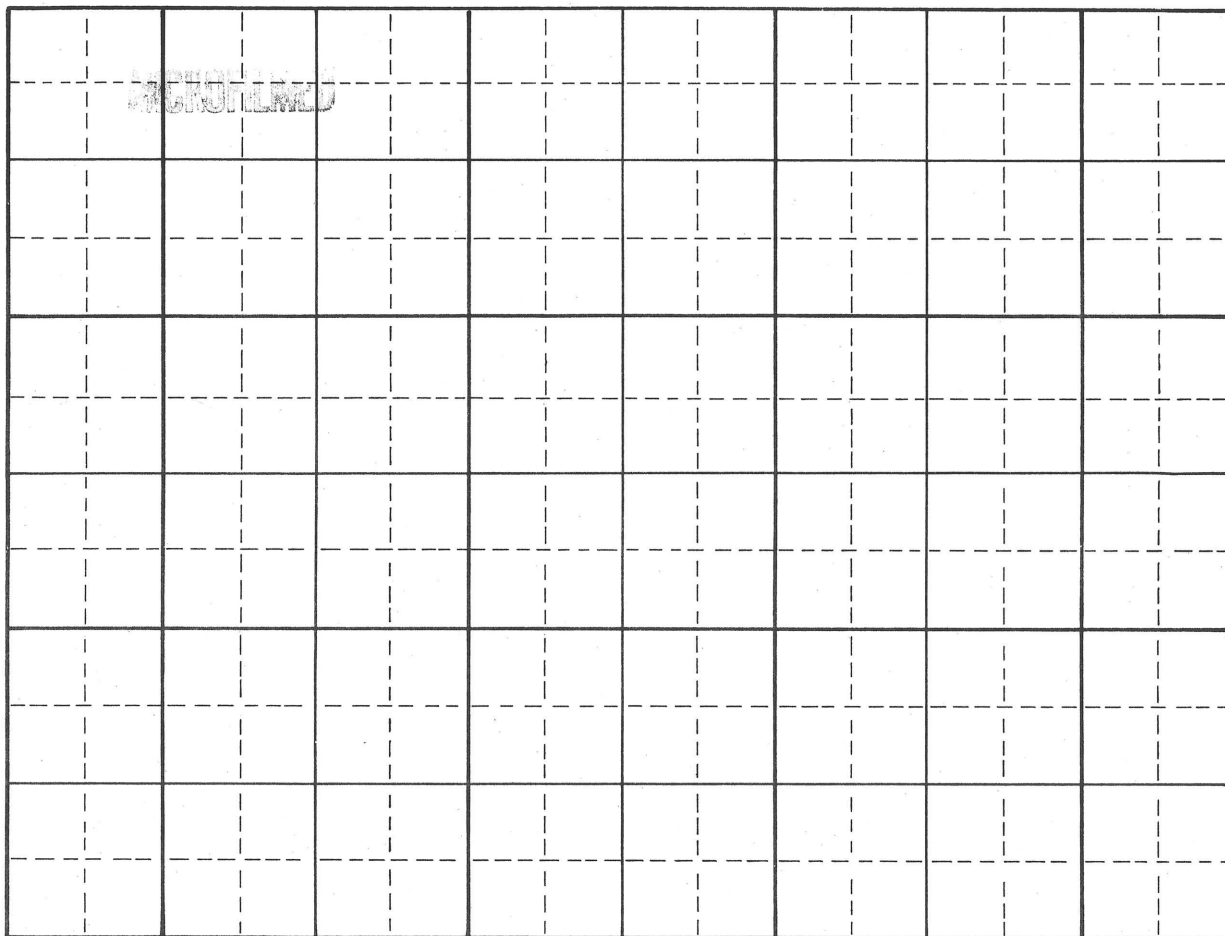
NOVEMBER

, 19 84.

Acting for the Director

*Norman C. Young*

springs are trib. to Snake R. per USGS quad.



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: ✓ NW 1/4 NW 1/4, Sec 27 T6S R 13E

Place(s) of Use ✓ less 0.5 acre

| TWP. | RGE. | SEC. | NE% |     |     |     | NW% |     |     |     | SW% |     |     |     | SE% |     |     |     | TOTALS |
|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|      |      |      | NE% | NW% | SW% | SE% | NE% | NW% | SW% | SE% | NE% | NW% | SW% | SE% | NE% | NW% | SW% | SE% |        |
| 6S   | 13E  | 27   |     |     |     |     |     | 0.5 |     |     |     |     |     |     |     |     |     |     | 0.5    |
| 6S   | 13E  | 27   |     |     |     |     | X   |     |     |     |     |     |     |     |     |     |     |     |        |
|      |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

0.5

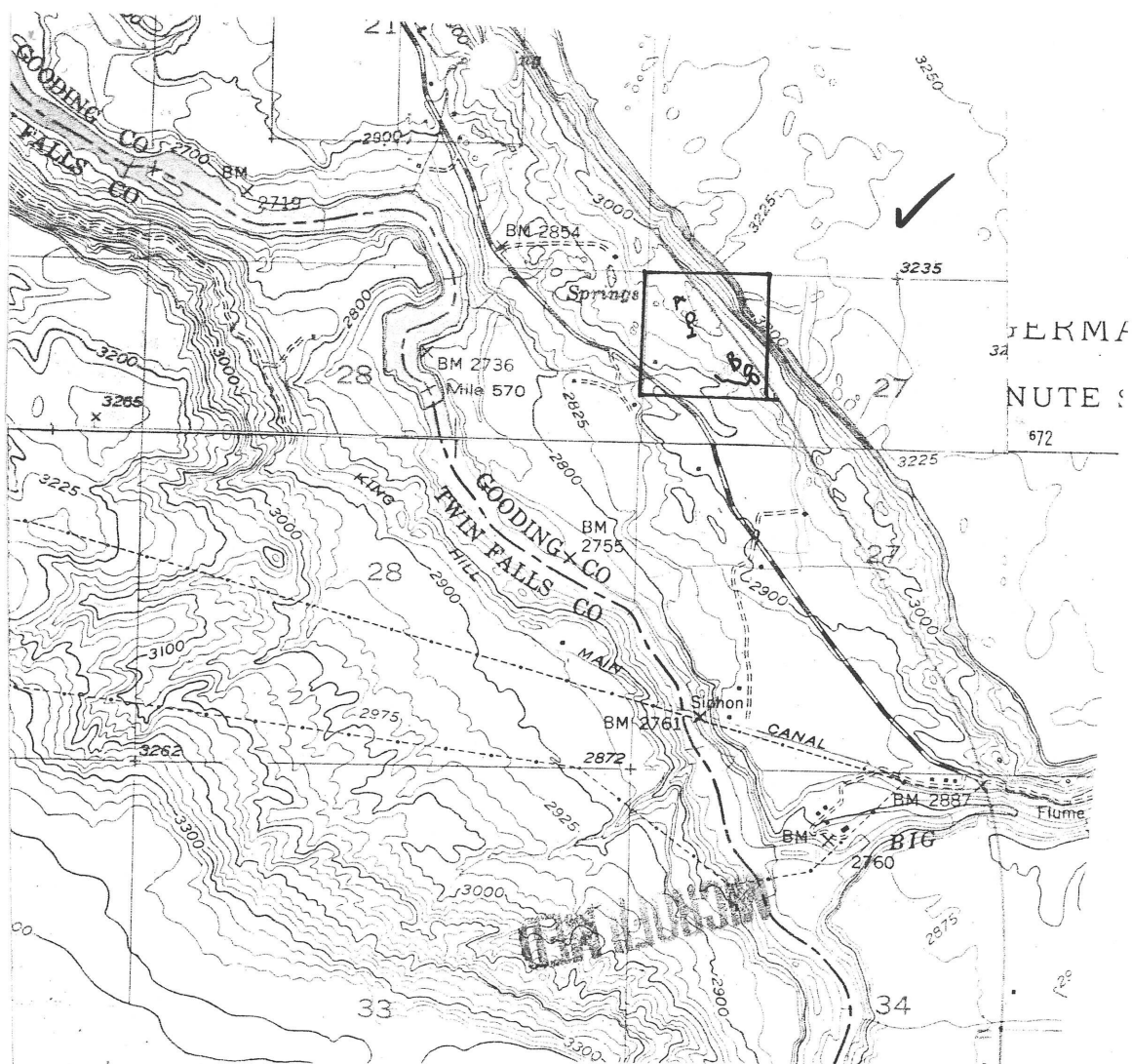
Recommended Amendments:

- ☒ Change P.D. as reflected above   
 ☒ Add P.D. as reflected above  
☒ Change P.U. as reflected above   
 ☒ Add P.U. as reflected above

☒ None  
☒ Other use of right from 1 home to 2

Examiner's Signature Larry Zanderburg  
 Checked by J.F. Stanton  
 Approved by L.W. Walker

Date 10-21-1983  
 Date 10-21-83  
 Date 10-5-84



1645-1  
D

A  
Spring  
Have to be  
Built  
B  
Spring

CENTRAL