

10/18/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-7294

NAME AND ADDRESS: ROBERT CLOUD NORTH
6321 NW 34TH ST
HOLLYWOOD FL 33024

JOSEPHINE MOTLOW NORTH
6321 NW 34TH ST
HOLLYWOOD FL 33024

SOURCE: SPRINGS

TRIBUTARY: WEISER RIVER

QUANTITY: 0.040 CFS
12.00 AFY

Right Nos. 67-7294 and 67-4163 are limited to a total combined diversion rate of 0.22 cfs.

PRIORITY DATE: 12/02/1976

POINT OF
DIVERSION:

T17N R01W S1 NWSE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/31	0.040 CFS 12.00 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 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.		

PLACE OF USE: IRRIGATION in ADAMS County

T17N R01W S01 NWSE 3.00
3 ACRES TOTAL

Right Nos. 67-7294 and 67-4163 are limited to the irrigation of a combined total of 11.2 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The following rights are also diverted through point of diversion described above: 67-7294, 67-7061

10/11/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-7294

NAME AND ADDRESS: ROBERT C NORTH
6321 NW 34TH ST
HOLLYWOOD FL 33024

JOSEPHINE M NORTH
6321 NW 34TH ST
HOLLYWOOD FL 33024

SOURCE: SPRINGS TRIBUTARY: WEISER RIVER

QUANTITY: 0.040 CFS
12.00 AFY

Right Nos. 67-7294 and 67-4163 are limited to a total combined diversion rate of 0.22 cfs.

PRIORITY DATE: 12/02/1976

POINT OF
DIVERSION: T17N R01W S1 NWSE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/31	0.040 CFS 12.00 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 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.

PLACE OF USE: IRRIGATION in ADAMS County

T17N R01W S01 NWSE 3.00
3 ACRES TOTAL

Right Nos. 67-7294 and 67-4163 are limited to the irrigation of a combined total of 11.2 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The following rights are also diverted through point of diversion described above: 67-7294, 67-7061

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7294 V1

WATER RIGHT NUMBER: 67-7294 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DWILA R PROBST 2709 HIGHWAY 95 COUNCIL, ID 83612-5102 (208)253-4793
Original Owner	GLEN H PROBST 2709 HIGHWAY 95 COUNCIL, ID 83612-5102 (208)253-4793
Directors Report Owner	SHARMAN R JANUIK 2709 HWY 95 COUNCIL, ID 83612
Directors Report Owner	JOHN L JANUIK 2709 HWY 95 COUNCIL, ID 83612
Current Owner	ROBERT C NORTH 6321 NW 34TH ST HOLLYWOOD, FL 33024 (954)931-1153
Current Owner	JOSEPHINE M NORTH 6321 NW 34TH ST HOLLYWOOD, FL 33024 (954)931-1153

Priority Date: 12/02/1976

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	0.040 CFS	12.00 AF
	<u>Total Diversion:</u>	0.040 CFS	12.00 AF

Location of Point(s) of Diversion

SPRINGS	NW1/4SE1/4	Sec. 1, Twp 17N, Rge 01W, B.M.
ADAMS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
17N	01W	1															3.0		3.0

Total Acres: 3

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-7294 V1

Conditions of Approval:

1. E51 Right Nos. 67-7294 and 67-4163 are limited to a total combined diversion rate of 0.22 cfs.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. E55 Right Nos. 67-7294 and 67-4163 are limited to the irrigation of a combined total of 11.2 acres in a single irrigation season.
4. F06 The following rights are also diverted through point of diversion described above: 67-7294, 67-7061
5. S39 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.

Remarks:

Comments:

1. mmount 6/15/2006 pod
Comment: source is a spring and is also shared with domestic claim 67-7061
2. mmount 6/15/2006 pou
Comment: overlaps 3 ac with 67-4163. Added e55 condition limiting to 11.2 acres
3. mmount 6/15/2006 quantity
Comment: Added e51 condition limiting to 0.22 cfs for overlapping claim 67-4163.

Water Supply Bank:



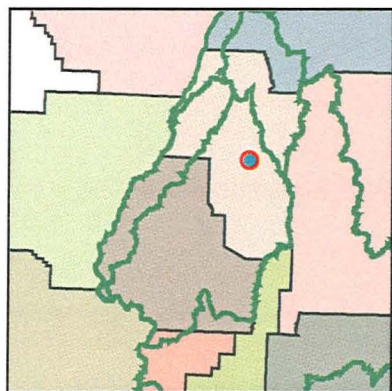
Idaho Department of Water Resources

SRBA Recommendation:

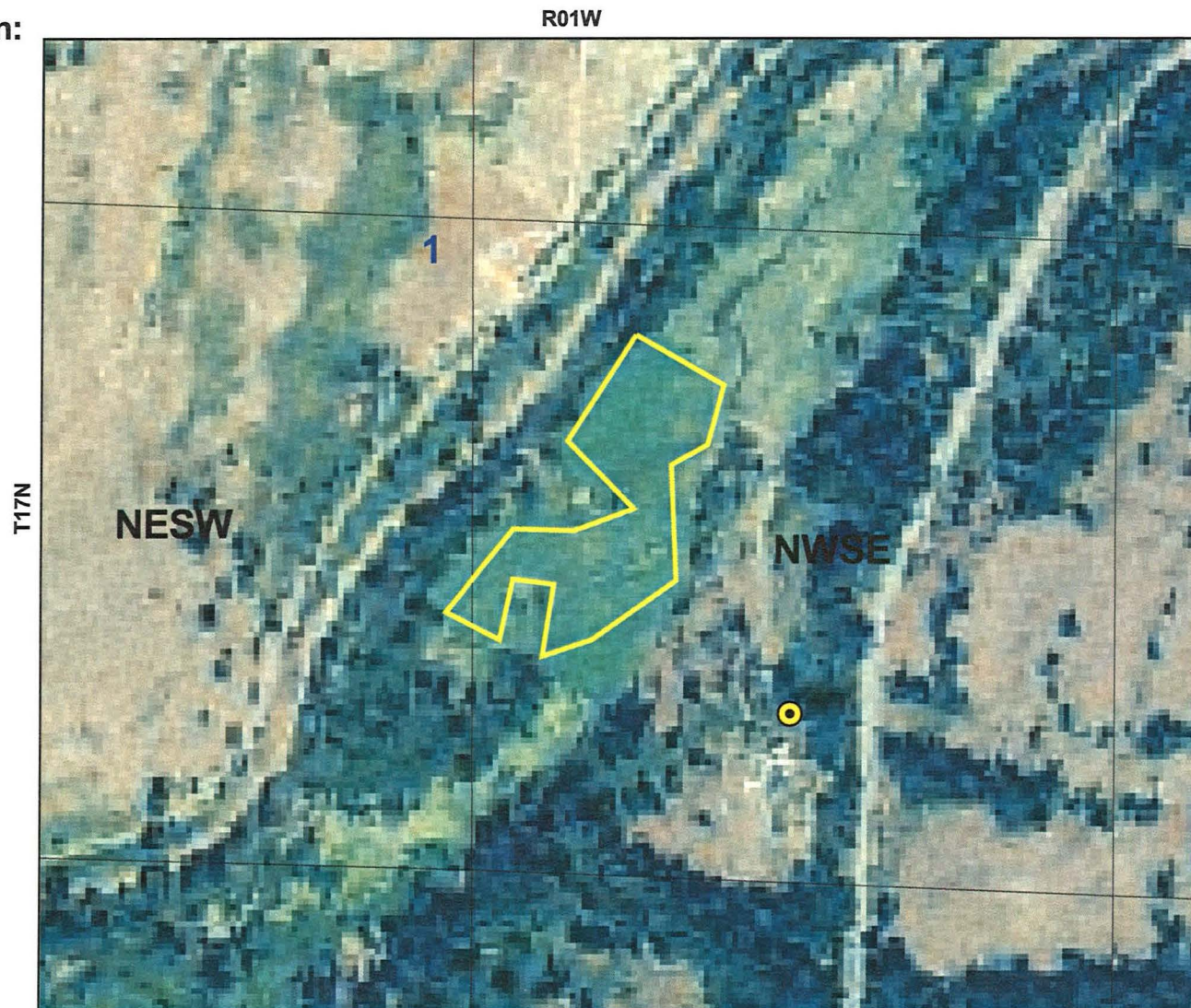
67-7294

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Adams County
IDWR Basin 67



0 0.1 0.2 Miles



Prepared by M. Mount
On Thursday, June 15, 2006
1987/88 Aerial Photography

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: **A67-07294**
Date Received: 11/ 2/1989
Receipt No: W006616
Received By: _____

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

1. Name: JOHN L JANUIK
Address: 2709 HWY 95
COUNCIL ID 83612

AND

Name: SHARMAN R JANUIK
Address: 2709 HWY 95
COUNCIL ID 83612

2. Date of Priority: DEC 2, 1976

3. Source: SPRINGS Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	1	NW	SE			ADAMS

5. Description of diverting works:
COLLECTION BOX & GRAVITY FLOW.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.040		12.00

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) 12.00 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
17N	01W	1	NW	SE		IRR	3.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	3.0
					Total Acres	3.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
A67-4163.

14. Remarks:
OWNERSHIP CHANGED BY LH 5/12/95.

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: _____

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 _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

MAY 10 1995

Department of Water Resources

DATE OF CLOSING: 4-28-95

RECEIVED

MAY 11 1995

WATER RESOURCES
WESTERN REGION

LEGAL DESCRIPTION OF PROPERTY: Township 17N Range 01W
Section 1, 1/4 of 1/4 of 1/4 Govt. Lot , BM.
Lot , Block , Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet.

☐ 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: #A67-04163, #A67-07061, & #A67-07294

☐ Name and Address of Former Owner/Claimant(s)(Seller): Glen H. & Dwila R. Probst
HC 64 Box 3300

☐ New Owner/Claimant (Purchaser): Council, ID 83612
John L. & Sharman R. Januik

☐ New Mailing Address: 2709 Hwy 95
Council, ID 83612

☐ New Telephone Number: () -

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

☐ Attach proof of ownership, describe proof attached: Copy of recorded Warranty Deed & Quitclaim Deed

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

☐ Signature of New Owner/Claimant(s) [Signature] Date 4-21-95
Sharman R. Januik Date 4-21-95

☐ 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: 5-12-95 By: JH

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 5-12-95 By: JH

Claim Numbers of Split, if any:

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

MICROFILMED

OCT 23 1996

INSTRUMENT NO. 87712
WARRANTY DEED

For Value Received GLEN H. PROBST, aka GLENN H. PROBST, and DWILA R. PROBST, husband and wife

the grantors , do hereby grant, bargain, sell and convey unto

JOHN L. JANUIK and SHARMAN R. JANUIK, husband and wife

the grantees, whose current address is, 11 Cottontail Court, McCall, ID 83638

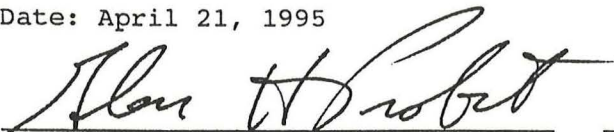
the following described premises, in Adams County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A" MADE A PART HEREOF.

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantees their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees , that they are the owners in fee simple of said premises; that they are free from all incumbrances excepting for all easements of record, rights of way, matters visible, and all matters of record and title.

and that they will warranty and defend the same from all lawful claims whatsoever.

Date: April 21, 1995



Glen H. Probst, aka Glenn H. Probst



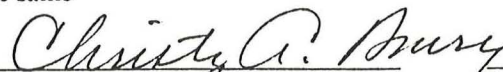
Dwila R. Probst

STATE OF IDAHO)
) ss
COUNTY OF ADAMS)

On this 21st day of April, in the year of 1995, before me a Notary Public, personally appeared GLEN H. PROBST, aka GLENN H. PROBST & DWILA R. PROBST known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same

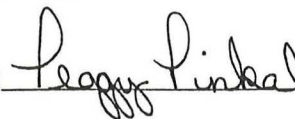
STATE OF IDAHO, COUNTY OF ADAMS
I hereby certify that this instrument was filed for record at the request of Timberline Title & Escrow

at 40 minutes past 3 o'clock P M.
this 28th day of April, 1995, in my office, and duly recorded in Book of Deeds at page


Notary Public
Residing at Fruitvale, Idaho
Commission expires: 8/4/98

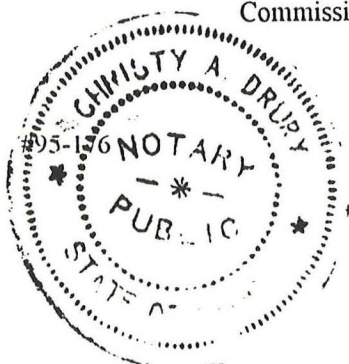
MICHAEL FISK

Ex-Officio Recorder

By: 
Deputy

Fees \$ 6.00

Mail to: Timberline Title & Escrow



RECEIVED

MICROFILMED MAY 11 1995
OCT 23 1996 WATER RESOURCES
WESTERN REGION

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho

Section 1: A tract or parcel of land in the NW1/4SE1/4 and NE1/4SW1/4 more particularly described as follows:

Commencing at a point that is 1730 feet, more or less, North of the quarter corner common to Sections 1 and 12;

Thence South 57 degrees 01'00" East to the West boundary of U.S. Highway 95 as now established (constructed under F.A.P. No. 104-A Reop. Sept., 1940);

Thence on and along the said Highway boundary line in a Northeasterly direction to the North line of the NW1/4SE1/4 of said Section;

Thence West along the North line of said NW1/4SE1/4 to the Weiser River;

Thence down the Weiser River in a meandering but general Southwesterly direction to a point North 57 degrees 01'00" West of the POINT OF BEGINNING;

Thence South 57 degrees 01'00" East to the REAL AND TRUE POINT AND PLACE OF BEGINNING.

SUBJECT TO THE FOLLOWING:

GENERAL TAXES AND ASSESSMENTS for the year 1995 which are a lien but not yet due or payable.

TERMS AND CONDITIONS OF AN EASEMENT granted to GLENN H. PROBST and DWILA R. PROBST, husband and wife, for private roadway purposes, recorded October 5, 1970 in Book 7M Misc. page 79 as Instr. No. 49130.

RIGHT-OF-WAY granted to STATE OF IDAHO for public highway, recorded December 8, 1937 in Book 15 Deeds page 258 as Instr. No. 23341.

EASEMENT granted to WEISER RIVER FLOOD CONTROL DISTRICT NO. 3, recorded August 27, 1956 in Book 23 Deeds page 505 as Instr. No. 37499.

EASEMENT granted to WEISER RIVER FLOOD CONTROL DISTRICT NO. 3, recorded September 10, 1956 in Book 23 Deeds page 518 as

MICROFILMED

OCT 23 1996

QUITCLAIM DEED

RECEIVED

MAY 11 1995

WATER RESOURCES
WESTERN REGION

For Value Received GLEN H. PROBST, aka GLENN H. PROBST and DWILA R. PROBST, husband and wife

do hereby convey, release, remise and forever quitclaim unto JOHN L. JANUIK and SHARMAN R. JANUIK, husband and wife

whose current address is 11 Cottontail Court, McCall, ID 83638

the following described premises, to-wit:

Township 17 North, Range 1 West, Boise Meridian

Section 1: That part of the S1/2NE1/4 lying North of the center of the natural channel of the Weiser River, as it existed prior to November, 1937, and South of the center of the relocated channel of the Weiser River, Adams County, Idaho.

EXCEPTING the rights of the State of Idaho and the Public in the bed of the Weiser River.

~~SEE ATTACHED EXHIBIT "A" MADE A PART HEREOF.~~

together with their appurtenances.

Dated: April 21, 1995



INSTRUMENT NO. 87713
State of Idaho)
County of Adams) ss.

Filed for record at the request of
Timberline Title & Escrow

MICROFILMED
OCT 23 1996

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A67-07294**
Date Received: 3/21/1995
Receipt No: W006616
Received By: de RAB

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

1. Name: GLEN H PROBST 208-253-4793
Address: HC 64 BOX 3300
COUNCIL ID 83612
AND
Name: DWILA R PROBST 208-253-4793
Address: HC 64 BOX 3300
COUNCIL ID 83612

2. Date of Priority: DEC 2, 1976

3. Source: SPRINGS Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	1	NW	SE			ADAMS

5. Description of diverting works:
COLLECTION BOX & GRAVITY FLOW.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.040		12.00

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) 12.00 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
17N	01W	1	NW	SE		IRR	3.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	3.0
					Total Acres	3.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
A67-4163.

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

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 _____

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:

30576

Ident. Number

A67-07294

Date Received

11-2-89 3-21-95

Receipt Number

W0066616

RECEIVED

MAR 21 1995

WATER RESOURCES
WESTERN REGION

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

NOV 02 1989
Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) Glen H. and Dwila R. Probst Phone (208) 253-4793Mailing Address HC 64 Box 3300 Council, Idaho Zip 836122. Date of Priority (Only one (1) per claim) December 2, 19763. Source of water supply (a) Springswhich is tributary to (b) Weiser River4. a. Location of existing point of diversion is: Township 17 N Range 1 W B.M. Section 1,
NW 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Adams

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.Collection box on 1 spring, 3 Springs, Used Gravity
FlowMICROFILMED
OCT 23 1996

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April 1 to Oct 31 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.04 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 12.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>17N</u>	<u>1W</u>	<u>1</u>																<u>3</u>	<u>3</u>

Total number of acres irrigated 3

11. In which county (ies) are lands listed above as place of use located? Adams

12. Do you own the property listed above as place of use? Yes Yes No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Claim No. 67-4163 or None ()

14. Remarks:

MICROFILMED
OCT 23 1996

Last Name Probst Ident No. 67-7294

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 16x16 grid of graph paper. Handwritten notes include:

- "T. 12N" in the 6th row, 14th column.
- A drawing of a spring with the label "springs" in the 7th row, 7th column.
- "R+1 w B m" in the 10th row, 7th column.

Last Name Probst

Ident No. 67-7294

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 67-7294
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

Signature of Claimant (s) Alan H. Probst

Date 2 Oct 1989

Danila R. Probst

Date 2 Oct - 1989

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)
County of Adams) SS.

Subscribed and sworn (or affirmed) before me this 20 day of March 19 95

SEAL

Notary Public Patricia M. [Signature]

Residing at New Meadows

My Commission Expires 10-22-99

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Probst Ident. Number 67-7294

MICROFILMED

OCT 23 1996

Copies White-State, Yellow-Claimant

ADJUDICATION CLAIM REVIEW CHECKLIST

12-1-92

CLAIMANT'S NAME Brown, Glenn & DuilaCLAIM IDENT. NO. AL67-07294DATE RECEIVED 11-2-89 RECEIPT # W006616 FEE PAID \$53⁰⁰ FEE REQ'D \$53⁰⁰

	YES	NO	Requi: Info:
1. Is the name and address complete with zip code?	<u>X</u>	___	*
2. Is a priority date entered?	<u>X</u>	___	*
Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.	<u>X</u>	___	*
3. (a) Is a source entered?	<u>X</u>	___	*
(b) Is a tributary to entered? (if required) N/A	<u>X</u>	___	
4. Is the legal description of the p.d. sufficient?	<u>X</u>	___	*
5. Is there a description of the diverting works?	<u>X</u>	___	
6. Are the water uses appropriate for the form? The short form is limited to D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.	<u>X</u>	___	*
Is the period of use included?	<u>X</u>	___	
Is a quantity claimed for each use?	<u>X</u>	___	*
7. Is a total quantity claimed entered?	<u>X</u>	___	
8. If required is a consumptive use entered? N/A	<u>X</u>	___	
Is the consumptive use correct? N/A	___	___	
9. Are the non-irrigation uses listed showing # of homes, hd. of stock? If multiple domestic, is single ownership indicated?	___	___	*
10. Is (are) the place(s) of use and purpose(s) indicated?	<u>X</u>	___	*
11. Is (are) the county(ies) entered?	<u>X</u>	___	
12. Is the ownership of p.u. checked?	<u>X</u>	___	
13. Are other water rights listed or "none" indicated?	<u>X</u>	___	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A	<u>X</u>	___	
15. Is the basis of the claim indicated?	<u>X</u>	___	
16. If the basis of claim is shown as license, permit, or decree is the existing water right no. listed? N/A	<u>X</u>	___	
If yes, compare claim w/existing right and attach proof report noting any differences in comments. If no, was water right no. found?	___	___	*
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal description or name on the claim? N/A	<u>X</u>	___	
(If yes, attach a proof report & complete number change) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.			
18. If the claimant requested a monthly docket sheet, was the fee paid? N/A	<u>X</u>	___	
19. Is the claim signed by the claimant, and is the signature appropriate?	<u>X</u>	___	*
20. Has the claim been signed, sealed, and dated by a notary?	<u>X</u>	___	*
21. Was this claim filed on time? (Check ML3 for date mailed-not all were mailed on the planned date) If no, was an extension of time filed & approved?	<u>X</u>	___	*
22. Is the fee enclosed correct? Exempt	<u>X</u>	___	

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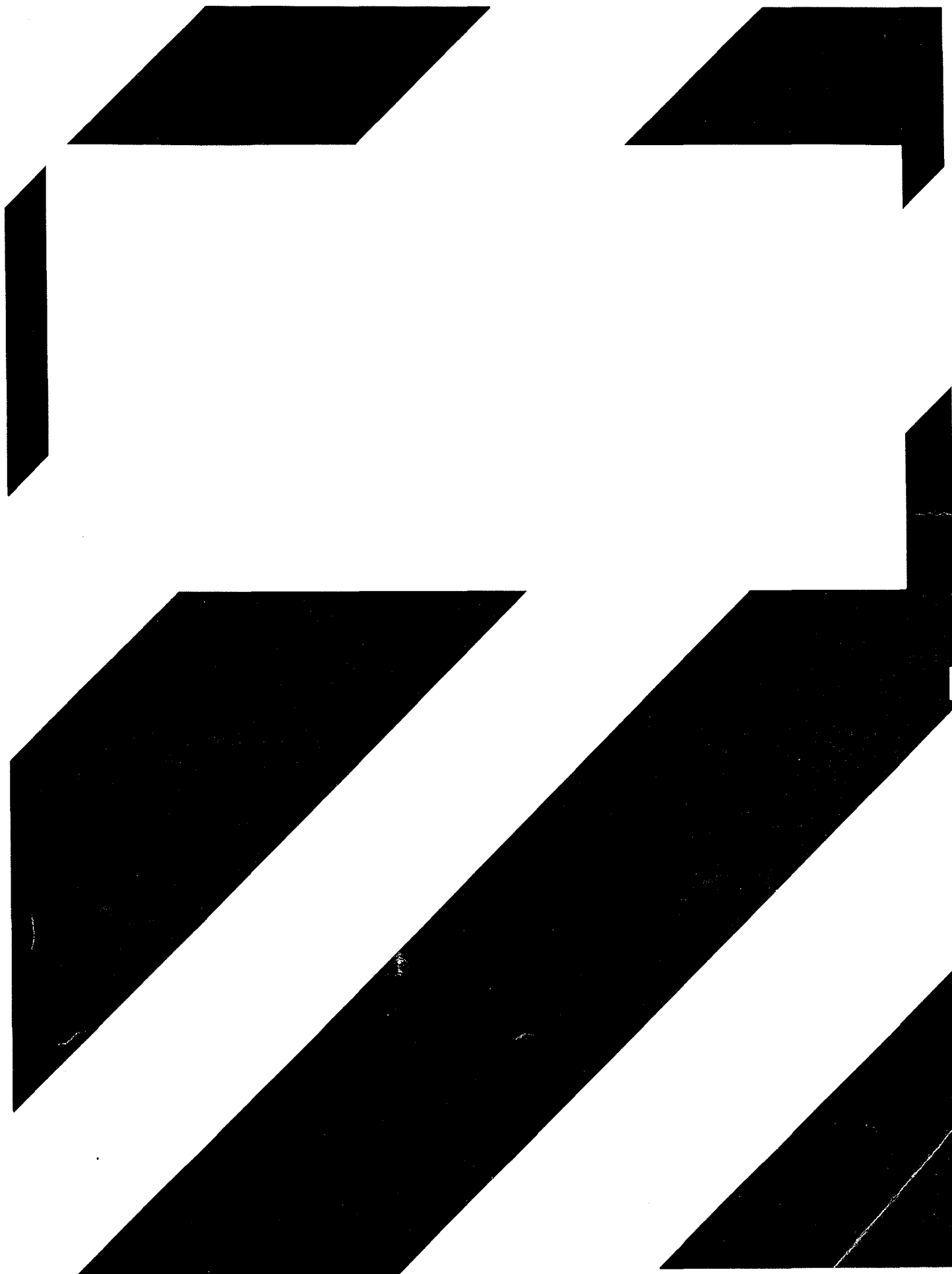
- | | YES | NO |
|--|---------------|---------------|
| 23. Is this claim being rejected and returned to claimant? | <u>X</u> | <u>ok rat</u> |
| 24. Can this claim be data entered? | <u> </u> | <u>X</u> |
| 25. Was claim modified? | <u> </u> | <u> </u> |
| If yes, do modifications require notification to claimant? | | |
| Note: Modifications made must be explained in comments stating | | |
| where the information for any changes was found. | | |

Claim reviewed by: ZHI Date 11-2-94
Claim data entered by: RAT Date 3-24-95

IF REQUIRED INFORMATION IS INCOMPLETE SEE INSTRUCTIONS TO DECIDE WHETHER
THE CLAIM NEEDS TO BE RETURNED OR IF IT CAN BE MODIFIED. IF IT MUST BE
RETURNED INSTRUCTIONS WILL SPECIFY WHICH FORM LETTER TO USE.

Comments: Return for notary ✓ rat

CEMIFOPOM
100 61 120





State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 16, 1995

Re: Notices of Claim to a Water Right Nos. A67-07294, A67-07061,
A67-04163

John L. Januik
Sharman R. Januik
2709 Hwy. 95
Council, ID 83612

Mr. & Mrs. Januik:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LH:l
Enclosure

cc: Glen & Dwila Probst

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

3 claims

3-15-95

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Glen H. & Dwila R. Probst
HC 64 Box 3300
Council ID 83612

Dear Claimant(s):

This office is presently processing the Notice of Claim(s) to a Water Right you submitted during the Snake River Basin Adjudication claims filing in your area. However, due to the items checked below, we cannot continue to process this claim(s). We are returning this claim(s) to you to complete items required that were incomplete on your claim form. **ONLY THE ITEMS CHECKMARKED IN THIS LETTER NEED COMPLETION. IF AN ITEM IS NOT CHECKMARKED, IT IS NOT PERTINENT TO THIS CLAIM(S).** Also enclosed is the receipt for the filing fee previously submitted with this claim(s).

_____ Fee - No fee received or inadequate fee received, fee due is _____.
(Filing fees, based on use(s) of water, were due on all claims filed)

_____ Late Notice of Claim - This claim was received on _____ which is after the deadline for filing claims in _____ County. The deadline for this County was _____, and the late fee now due is _____. The enclosed Late Fee Notice explains the late fee and how it is computed.

_____ Item No. 2 - Date of priority - month/day/year that water was first put to use, regardless of ownership. If month or day is unknown, the Dept. will recommend 12/31 of the year designated.

_____ Item No. 3 - Source of Water

_____ Item No. 4 - Point of Diversion - must be shown by quarter-quarter (40 acre tract), section, township and range. Lot and block for subdivision are not acceptable as the legal description for the point of diversion, however, please include this information in the remarks section of your claim. See page two of this letter for additional information.

_____ Item No. 6 - Uses of Water

_____ Item No. 9 - Non-Irrigation Uses

_____ Item No. 10 - Place of Use - must be listed by quarter-quarter (40 acre tract), section, township, and range. Lot and block for subdivision are not acceptable as the legal description for the place of use, however, please include this information in the remarks section of your claim. See page two of this letter for additional information.

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Item No. 12 - Ownership of place of use - It appears that the places of use filed on this claim are owned by separate individuals. This claim form can only be used when the places of use are under single ownership, even when all the uses are from one source. Enclosed are claim forms to be used to file on each separately owned place of use. The claim being returned will need to be modified to show one owner, with the changes initialed and dated. The \$25 fee for this claim has been submitted, however, the additional claims returned need to submit a \$25 fee each.

Item No. 15 - Basis of Claim - Please designate if your water right is based on beneficial use of the water - Beneficial Use, or if it is based upon a previously filed water right - Posted Notice, License, Permit or Decree.

✓ ^{Both} Item No. 16 - Signature - this claim form does require your signature be affixed and notarized by a notary public. Note, the notary public signs below the signature blocks listed in this item.

MAP ENCLOSED: Please mark the location of the well(s) and the location of the place(s) of use on this map. Then return the map with your claim and the additional information requested, if any. We can then determine the quarter-quarter(1/41/4) legal description based on the locations marked on this map.

✓ Other: A67-04163 - please clarify acres - 11.25 or 14.25. If 14.25, please submit additional \$3 and correct claim form. If 11.25, please make appropriate changes at "Totals"

Please complete the above item(s) on your claim form(s), initial and date any changes or additions, and return the claim(s), with the requested fee(if one was requested), to our office within 30 days from the date of this letter. If the claim(s), or fee requested, is not received within this 30-day period, the claim(s) will be rejected and your fee, if one was paid previously, will be refunded. Please contact our office listed in the address below, within the 30 day time period, either in writing or by phone, to let us know if there is a problem returning the claim(s), or fee, in order to keep this claim(s) valid. If the claim(s) is rejected and fee refunded, due to no response within the 30-days, the claim(s) can be resubmitted up until claims in this area are prepared for court decree. However, at that time the corrected claim(s) along with the regular filing fee that was refunded, and an additional late fee will be required. Please return your claim(s), any other claims, information or fees requested, if any, to the Department of Water Resources, Western Region Office, 2735 Airport Way, Boise, ID 83705.

Feel free to contact this office if you have any questions concerning this letter.

Sincerely,



Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

HHT:h

Enclosures

SPECIAL NOTE: IF YOU NO LONGER OWN THE PROPERTY UPON WHICH THIS CLAIM WAS FILED, PLEASE CONTACT THIS OFFICE IMMEDIATELY. IDAHO STATE LAW REQUIRES THAT THE DEPARTMENT BE NOTIFIED OF A CHANGE OF OWNER OR ADDRESS ON A WATER RIGHT.

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POOR ORIGINAL

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: 30576
Ident. Number AL 7-07294
Date Received 11-2-89
Receipt Number W0066116

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
NOV 02 1989
Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) Glen H. and Dwila R. Probst Phone (208) 253-4793
Mailing Address HC 64 Box 3300 Council, Idaho Zip 83612

2. Date of Priority (Only one (1) per claim) December 2, 1976

3. Source of water supply (a) Springs
which is tributary to (b) Weiser River

4. a. Location of existing point of diversion is: Township 17 N Range 1 W, B.M. Section 1,
NW 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Adams

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Collection box on 1 spring, 3 Springs, Used Gravity
Flow

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April 1 to Oct 31 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.04 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 12.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>17N</u>	<u>1W</u>	<u>1</u>														<u>3</u>			<u>3</u>

Total number of acres irrigated 3

11. In which county (ies) are lands listed above as place of use located? Adams

12. Do you own the property listed above as place of use? Yes Yes No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

Claim No. 67-4163

or None ()

14. Remarks:

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Last Name Probst Ident No. 67-7294

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

The image shows a 16x16 grid of squares, each containing a crosshair. The grid is divided into four 8x8 quadrants. Handwritten annotations include:

- T12N**: Located in the top-right quadrant, specifically in the 12th row and 15th column.
- springs**: Located in the middle-left quadrant, specifically in the 8th row and 7th column, with a small diagram of a spring next to it.
- R+1 w B-m**: Located in the bottom-left quadrant, specifically in the 12th row and 7th column.

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Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 67-7294

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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

Signature of Claimant (s) [Signature] Date 2 Oct 1989

Daniel R. Probst Date 2 Oct - 1989

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of _____) SS.

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

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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OCT 23 1996

Last Name Probst Ident. Number 67-7294

Copies White-State, Yellow-Claimant

Water Right Number - 67-07294

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***

PROBST

GLEN H.

1 - TAMARACK STAR RT.

2 -

3 -

City- COUNCIL

State- ID Zip- 83612

Phone -

PROBST

DWILA R.

1 - TAMARACK STAR RT.

2 -

3 -

City- COUNCIL

State- ID Zip- 83612

Phone -

+ - - Priority Date - - +
12/02/1976

+ - - Region - - - +
14 WESTERN

+ - - Stage - - - +
L - LICENSE

+ - - Status - - - +

+ - - - - Source - - - - - +
SPRINGS

+ - - - - Tributary - - - - - +
WEISER RIVER

+ - - - - Point of Diversion - - - - - +							+ - - - - +		
TwN	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
17N	01W	1	NW SE		(3)	ADAMS			

+ - - - - Water Use - - - - - +					
Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31	0.040	12.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.040 12.00

+ - - - - Place of Use - - - - - +								
TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
17N	01W	1	NW SE		3.0	01	IRRIGATION	(3) ADAMS
Total Acres:					3.0			

+ - - Diversion Means - COLLECTION BOX & GRAVITY FLOW.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - CLAIM 67-4163.

+ - - - - Remarks - - - - - +
No Remarks found.

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

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Water right number - 67-07294

Prefix Translation: WATER RIGHT

+ - - - - Conditions of Approval - - - - - +
R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 67.

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

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

+ - - Audit Fields - 06/03/85 05/01/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 02/01/1979	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 01/08/1977	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date- 00/00/0000	Verified Date - 06/03/1985	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District - 67
Licensed Date - 04/12/1982	Appl Received - 00/00/0000	Transfer/Amended -
Decree Date - 00/00/0000	Name Connector -	POU Ownership Flag-
Presumption Flag -		

960123130
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OCT 23 1996

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that GLEN H. & DWILA R. PROBST
of Council, Idaho, has complied with the terms and conditions of Permit
No. 67-7294 issued pursuant to Application for Permit dated December 2, 1976,
and has submitted proof to the Department of Water Resources on January 18, 1979,
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 12.0 cfs of water from springs,
tributary to Weiser River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Subject, however, to the condition that no more than .04 cfs of water be diverted 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 12.0 acre feet per year, said waters to be diverted within the NW 1/4, Sec. 1, Twp. 17N, Rge. 1W, B.1N. in the County of Adams

[illegible]

DET