

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: A36-10852  
Date Received: 9/30/1988  
Receipt No: S002629  
Received By: aw

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: DEWER DAIRY CO 208-531-4170  
Address: % HERBERT W. POTEET  
RT 4 BOX 223  
RUPERT, ID 83350

2. Date of Priority: JAN 01, 1968

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 08S      | 26E   | 16      | NE     | NW     | NE     |     | BLAINE |

5. Description of diverting works:  
240'X8", 7.5HP PUMP

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| STOCKWATER | 01/01 | 12/31 | 0.500  |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
S/500 DAIRY STOCK, 500 BEEF STOCK

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use   | Acres |
|----------|-------|---------|--------|--------|-----|-------|-------|
| 08S      | 26E   | 16      | NW     | NE     |     | STOCK |       |

11. Place of use in counties: BLAINE

A36-10852

Page 1

Date: 09/30/88

MICROFILMED  
FEB 07 1993



State of Idaho )  
County of TF ) SS.

Subscribed and sworn (or affirmed) before me this 30<sup>th</sup> day

of Sept 19 88

Lori White  
Notary Public

Seal

Residing at TF

My Commission Expires 5/95

MICROFILMED  
FEB 07 1993

## MEMORANDUM

TO: File 36-10852

FROM: Douglas Jones

DATE: 11/27/01

RE: Database record status

---

A new transfer is being proposed on this right. During transfer preparation it was found that the AJ and WR databases did not reflect approved transfer #4913. This transfer was NAP'ed to the court in 1996, the transfer approved on 3/20/1997, and a Partial Decree issued by the court on 12/1997 (before the approval could be NCAP'ed and contrary to Court protocol). The PD and the WR database reflect the claim elements from the B36 Dir. Rpt. The data for the approved transfer resides on the X-record database on the old VAX system.

Today I have asked Dave Grindle to migrate the data from the X-record into the WR database so that the Workflow transfer process can operate properly.

## Jones, Doug

---

**From:** Shaff, Don  
**Sent:** Tuesday, November 27, 2001 11:47 AM  
**To:** Grindle, Dave; Jones, Doug  
**Subject:** RE: Migrate Record

Yes Dave, we knew we had some transfers approved during the window between 1992 when the rights were reported and when the Court acknowledged water rights were subject to change and developed a system to deal with the changes. Compounding the problem is decrees were not issued, due to a wild hair of a stay of all water rights, until 1996. The dilemma is transfer were approved and not reflected in decrees issued after that. The administrative decision back in the VAX days of the mid-90s was to "ignore" the decree and reflect the non-sequential water right from the transfer in our data records. In this case, the X-record comes in but has a basis of Decree and a decree date like the current wrWaterRight of 12/04/1997.

Don  
dshaff@idwr.state.id.us  
208/327-7932

-----Original Message-----

**From:** Grindle, Dave  
**Sent:** Tuesday, November 27, 2001 9:23 AM  
**To:** Jones, Doug; Shaff, Don  
**Subject:** RE: Migrate Record

Don, Is WaterRight the correct place to put this?

Dave

-----Original Message-----

**From:** Jones, Doug  
**Sent:** Tuesday, November 27, 2001 8:24 AM  
**To:** Grindle, Dave; Shaff, Don  
**Subject:** Migrate Record

Dave,

A transfer application is in the works on 36-10852. Workflow has Claim and WaterRight (decreed as recommended), but a predecree transfer (X-record) is out there, too. We need the X-record migrated to replace the WaterRight record.

Don,

Is there anything else needed to be done?

Thanks, Gents.

Doug

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**TRANSFER OF WATER RIGHT**

**TRANSFER NO. 4913**  
**WATER RIGHT NO. 36-10852**

This is to certify that: **RICHARD F POTEET**  
**SHERMA F POTEET**  
**788 E 800 N**  
**RUPERT ID 83350**

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> |
|-----------------------|----------------------|-----------------------|
| IRRIGATION            | 04/01 to 10/31       | 0.14 CFS              |

SOURCE

GROUNDWATER

Priority: 01/01/1968

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 16, Township 08S, Range 26E  
BLAINE County

PLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u>                     | <u>ACRES</u> | <u>TOTAL</u> |
|------------|------------|------------|--------------|----------------------------------|--------------|--------------|
| 08S        | 26E        | 16         | SWNE 25      | SENE 25                          | NENW 32      |              |
|            |            |            | NWNW 40      | SWNW 40                          | SENW 40      |              |
|            |            |            | NESW 40      | NWSW 40                          | SWSW 5       |              |
|            |            |            | SESW 4       | NESE 37                          | NWSE 37      |              |
|            |            |            | SWSE 25      | SESE 35                          |              | 425          |
|            |            |            |              | Total number of acres irrigated: |              | 425          |

CONDITIONS OF APPROVAL AND REMARKS

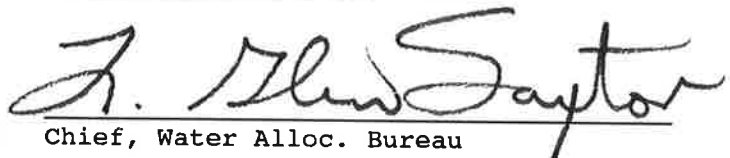
1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

TRANSFER NO. 4913  
WATER RIGHT NO. 36-10852

CONDITIONS OF APPROVAL AND REMARKS

4. Right Nos. 36-02089 and 36-10852 when combined shall not exceed a total diversion rate of 4.98 cfs, a total annual diversion volume of 1700.0 af, and the irrigation of 425.0 acres.
5. The well previously used under Right No. 36-10852 shall be abandoned in a manner which complies with Department well abandonment rules.

Dated this 20<sup>th</sup> day of March, 1997.

  
Chief, Water Alloc. Bureau

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION NUMBER INDEX

DATE: 03/27/97

PAGE: 1

WATER RIGHT  
NUMBER

NAME

CFS

36-10852

POTEET , RICHARD F  
POTEET , SHERMA F

0.14

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4913  
WATER RIGHT NO. 36-10852

This is to certify that: RICHARD F POTEET  
SHERMA F POTEET  
788 E 800 N  
RUPERT ID 83350

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> |
|-----------------------|----------------------|-----------------------|
| IRRIGATION            | 04/01 to 10/31       | 0.14 CFS              |

SOURCE

GROUNDWATER

Priority: 01/01/1968

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 16, Township 08S, Range 26E  
BLAINE County

PLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u>                     | <u>ACRES</u> | <u>TOTAL</u> |
|------------|------------|------------|--------------|----------------------------------|--------------|--------------|
| 08S        | 26E        | 16         | SWNE 25      | SENE 25                          | NENW 32      |              |
|            |            |            | NWNW 40      | SWNW 40                          | SENW 40      |              |
|            |            |            | NESW 40      | NWSW 40                          | SWSW 5       |              |
|            |            |            | SESW 4       | NESE 37                          | NWSE 37      |              |
|            |            |            | SWSE 25      | SESE 35                          |              | 425          |
|            |            |            |              | Total number of acres irrigated: |              | 425          |

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

TRANSFER NO. 4913  
WATER RIGHT NO. 36-10852

CONDITIONS OF APPROVAL AND REMARKS

4. Right Nos. 36-02089 and 36-10852 when combined shall not exceed a total diversion rate of 4.98 cfs, a total annual diversion volume of 1700.0 af, and the irrigation of 425.0 acres.
5. The well previously used under Right No. 36-10852 shall be abandoned in a manner which complies with Department well abandonment rules.

Dated this 20<sup>th</sup> day of March, 1997.

  
Chief, Water Alloc. Bureau

Page 1 of 5STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 4913APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1RECEIVED  
NOV 22 1996Name of applicant Richard E. & Sherma E. Poteet Phone 587-7090  
Post Office address 788 East 800 North, Rupert, ID 83350

## A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☒ Change nature of use ☒ Change period of use ☐ Other \_\_\_\_\_

2. Describe the reason for the proposed changes Existing irrigation well is pumping over the licensed flow rate. We want to convert a stock-well right to irrigation to cover some of the excess flow rate.

## B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 36-10852 Priority 1st Amount (cfs/ac-ft) 0.14 cfs Nature of Use Irrig. Period of Use 4-1 to 10-31  
1-1-1968 to \_\_\_\_\_  
 to \_\_\_\_\_  
 to \_\_\_\_\_
2. Total amount of water being transferred 0.14 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.
3. Source of water Groundwater tributary to \_\_\_\_\_
4. Point(s) of Diversion: \_\_\_\_\_

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     | SW  | NE  | SW  | 16   | 8S   | 26E  | Blaine |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

## 5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 8S   | 26E  | 16   |        |        | 25     | 25     | 32     | 40     | 40     | 40     | 40     | 40     | 5      | 4      | 37     | 37     | 25     | 35     | 425    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 425

**PART 1**

## 6. General Information:

a. Description of diversion system Existing well & pump, sprinklersb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ✓ Yes \_\_\_\_\_ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Stock will not be watered on the original land.

d. Remarks:

Proposed P/U is covered by Claim 36-02089.**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_

And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

## PART 2

TRANS NO. 4913

## A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 36-10852

STAGE: BENEFICIAL USE

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION<br/>RATE</u> |
|-----------------------|----------------------|---------------------------|
| STOCKWATER            | 01/01 to 12/31       | 0.14 CFS                  |

SOURCE

GROUNDWATER

Priority: 01/01/1968

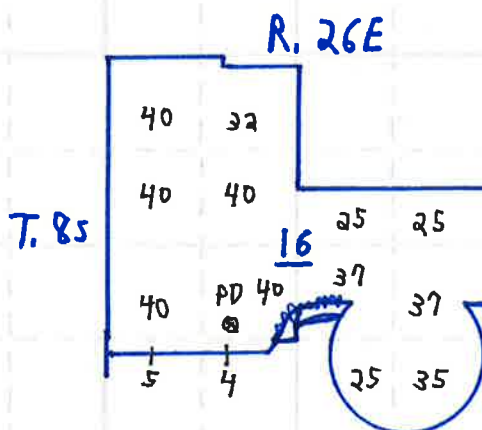
LOCATION OF POINT(S) OF DIVERSION:NENWNE , Sec. 16, Township 08S, Range 26E  
BLAINE CountyPLACE OF USE: STOCKWATERTWN RGE SEC

08S 26E 16 NWNE

CONDITIONS/REMARKS:

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



**PART 3****B. CHANGES IN NATURE OF USE**

| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use |
|---|-------------------|-----------------------|-----------------|---------------|
|   |                   |                       |                 | to            |
|   |                   |                       |                 | to            |

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 16<sup>th</sup> day of May, 19 96.

J. F. Stanton  
(Notary Public)

My commission expires 10-25-2000

**FOR DEPARTMENT USE ONLY**

Transfer contains 5 pages and 1 attachments

Received by J. F. Stanton Date 5-16-96 Protest filed by None

Prelim. check by GLS Fee \$100, \$019/38

Receipted by J Date 5-16-96

Published in Wood River Journal Copies of protest forwarded by \_\_\_\_\_

Pub. dates 10/2 & 10/9/96 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on N/A Recommended for ☒ approval ☐ denial

\_\_\_\_\_ rec'd. by Adm

Copy of transfer sent to lien holder \_\_\_\_\_

# WARRANTY DEED

## FOR VALUE RECEIVED

Robert C. Chilcott, a married man, as to his undivided 1/2 interest, and Elizabeth C. Reziel, a married woman, as to her undivided 1/2 interest,

the Grantor s do hereby grant, bargain, sell and convey unto

WETU ENTERPRISES, a General Partnership

the Grantee, whose address is 1149 N. Las Palmas Ave.

Los Angeles, CA 90038

the following described premises, to-wit:

Section Sixteen (16), Township Eight (8) South,  
Range Twenty-six (26) East, B.M., situated in  
Blaine County, Idaho.

THIS INSTRUMENT FILED FOR RECORD  
BY SUN VALLEY TITLE COMPANY AS AN  
ACCOMMODATION ONLY. IT HAS NOT  
BEEN EXAMINED AS TO ITS EXECUTION  
OR AS TO ITS EFFECT UPON THE TITLE.

297949  
Blaine Co  
RECEIVED  
SEP 6 PM 4 02  
D. Chilcott  
D. Chilcott

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee  
heirs and assigns forever. And the said Grantor s do hereby covenant to  
and with the said Grantee that not it is the owner in fee simple of said premises; that  
said premises are free from all encumbrances

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

Dated September 1, 1988

*Robert C. Chilcott*  
Robert C. Chilcott  
*Elizabeth C. Reziel*  
Elizabeth C. Reziel

*Janine M. Chilcott*  
Janine M. Chilcott, Spouse

STATE OF CA COUNTY OF Los Angeles

On this 1st day of September, 1988,  
before me, a notary public in and for said State, personally  
appeared Robert C. Chilcott, Janine M.  
Chilcott & Elizabeth C. Reziel

known to me to be the persons who so - who C. etc.  
subscribed to the within instrument, and acknowledged to  
me that they executed the same.

*Notary Public*

Residing at Sunland, California  
Comm. Expires 8/17/92

STATE OF IDAHO, COUNTY OF

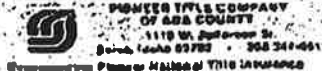
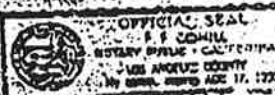
I hereby certify that this instrument was filed for record  
at the request of

at \_\_\_\_\_ o'clock m.  
this \_\_\_\_\_ day of \_\_\_\_\_  
19 \_\_\_\_\_ in my office, and duly recorded in Book  
of Deeds of page \_\_\_\_\_

Ex-Officio Recorder

By \_\_\_\_\_ Deputy

Fee \$  
Mail to:



First American Title

of pages = 1

|                |           |
|----------------|-----------|
| To TERRI       | From CURT |
| Co. LAND TITLE | Co. FATCO |
| Dept.          | Phone #   |
| Box # 436-1199 | Box #     |

RECEIVED

FEB 28 1996

Department of Water Resources  
Southern Region

T#4913

in corporation  
N. Las Palmas  
State of CA,

, and  
cy,

grantee  
for the sum of

DOLLARS.  
County,

1343  
Street

and thereby was duly  
meeting duly held

affixed by its duly  
A.D. 19 88

(CORPORATE NAME)

*Chilcott*  
ott, President

*Reziel*  
Reziel, Vice President

*Janine*  
was filed for record at the

clock P.

Book

Book

Book

Book

Book

Book

Book

Book

Book

Book

Book

Book

Book

Book

Book

Book

Book

Book

Book

Book

Book

Book

Book

RECORD  
AS AN  
S NOT  
UTION  
TITLE

TO  
INTOR.  
  
TO  
DIARY.  
TO  
TO  
TO

and, a Notary  
nally appeared  
  
attorney in fact  
that the power

ity however  
using corporate  
formance  
or  
y however  
of present  
the corporation  
the number 1840,  
location of the  
with interest

A and provisions  
went 1982-1983  
1 part herein

100 check P. M.  
27

in Reserve.  
Jorge.

THIS INSTRUMENT FILED FOR RECORD  
BY SUN VALLEY TITLE COMPANY  
WARRANTY DEED  
(CORPORATE FORM)

DEWEY DAIRY CO.  
a corporation  
organized and existing under the laws of the State of CA with its principal office at 1149 N. Las Palmas  
Ave., Los Angeles, CA 90038, of County of Los Angeles State of CA.  
grantor, hereby CONVEYS or GRANTS and WARRANTS TO  
Robert C. Chilcott, a married man, as his separate property, and  
Elizabeth C. Heslep, a married woman, as her separate property,  
each as to an undivided 1/2 interest,  
of 1149 N. Las Palmas Ave., Los Angeles, CA 90038.

The following described interests of land in Blaine  
State of Idaho:

Section Sixteen (16), Township Eight (8) South,  
Range Twenty-six (26) East, T.8N., situated in  
Blaine County, Idaho.

Location of above described property Blaine, ID 83767  
The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly  
authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held  
and attended by a quorum.  
In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly  
authorized officer this 1st day of September A.D. 1988



DEWEY DAIRY CO.  
Robert C. Chilcott, President  
Elizabeth C. Heslep, Vice President

ACKNOWLEDGMENT - Corporate  
STATE OF CALIFORNIA  
County of Los Angeles  
On the 1st day of September in  
the year of 1988 before me,  
a Notary Public,  
personally appeared Robert C. Chilcott  
and Elizabeth C. Heslep, known or  
identified to me to be the President and  
Vice President of the corporation that executed the instrument,  
and the person who executed the instrument on behalf of said corporation, and acknowledged in  
me that such corporation executed the same.  
Notary Public  
Residing at 2500 Brighton Ave.

STATE OF IDAHO, COUNTY OF Blaine  
I hereby certify that this instrument was filed for record at the  
request of Dewey Dairy Co.  
this 6th day of September 1988, in my office, and duly recorded in Book  
of Deeds at once.  
Notary Public  
D. Dudley

OFFICIAL SEAL  
SUN VALLEY TITLE COMPANY  
1001 W. 5th Street  
Boise, Idaho 83702 - 238-2700  
FEB 26 1988

|                      |           |                |
|----------------------|-----------|----------------|
| First American Title |           | # of pages = 1 |
| To TERRI             | From CURT |                |
| Co. LAND TITLE       | Co. FATCO |                |
| Dept.                | Phone #   |                |
| Fax # 436-1199       | Fax #     |                |

RECEIVED

FEB 28 1996

Department of Water Resources  
Southern Region

#18554

# WARRANTY DEED

4

#EC1193  
18554

For Value Received

## WETU ENTERPRISES, General Partnership

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

**RICHARD F. POTEET and SHERMA F. POTEET, husband and wife**  
Address: Rt. 4 Box 224 Rupert, ID 83350

Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

**Township 8 South, Range 26 East of the Boise Meridian, Blaine County, Idaho**

**SECTION 16: All**

Together with all water and water rights, ditches or ditch rights, used thereon or appurtenant thereto.

**SUBJECT TO:**

All reservations in patents or deeds in the chain of title.

Taxes for 1996 and subsequent years.

Reservations contained in those certain Deeds recorded January 28, 1952, as Instrument Nos. 100350 and 100351, records of Blaine County, Idaho.

Power Line Easement in favor of Idaho Power Company, recorded April 28, 1964, as Instrument No. 120228, records of Blaine County, Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: December 29, 1995

WETU ENTERPRISES, General Partnership

Robert C. Chilcott  
Robert C. Chilcott, General Partner

Elizabeth C. Hezlep  
Elizabeth C. Hezlep, General Partner

STATE OF CALIFORNIA )

COUNTY OF \_\_\_\_\_ ) ss.

On this 2ND day of January, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert C. Chilcott and Elizabeth C. Hezlep, known or identified to me to be the partners in the partnership of WETU ENTERPRISES and the partners who subscribed said partnership name to the within instrument, and acknowledged to me that they executed the same in said partnership name.

~~Notary Public  
Residing at:  
My Commission expires:~~

1-10-96  
3:55 PM

FEES \$ 6.00

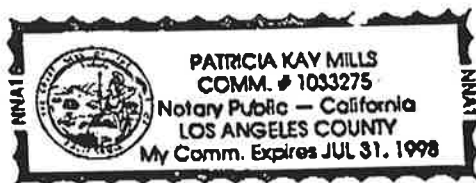
MARY GRILL, Clerk

386041

BLAINE CO. RECORDS  
FIRST AMERICAN TITLE CO.

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**State of CALIFORNIACounty of LOS ANGELESOn JANUARY 5, 1996 before me, PATRICIA KAY MILLS  
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"personally appeared ROBERT C. CHILCOTT AND ELIZABETH C. HEZLEP  
NAME(S) OF SIGNER(S)

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

*Patricia Kay Mills*  
SIGNATURE OF NOTARY

**OPTIONAL**

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

**CAPACITY CLAIMED BY SIGNER**

- ☐ INDIVIDUAL  
☐ CORPORATE OFFICER

TITLE(S)

- ☒ PARTNER(S) ☐ LIMITED  
☐ GENERAL  
☐ ATTORNEY-IN-FACT  
☐ TRUSTEE(S)  
☐ GUARDIAN/CONSERVATOR  
☐ OTHER: \_\_\_\_\_

**SIGNER IS REPRESENTING:**  
 NAME OF PERSON(S) OR ENTITY(IES)

WETU ENTERPRISES  
GENERAL PARTNERSHIP

**DESCRIPTION OF ATTACHED DOCUMENT**

WARRANTY DEED  
BLAINE COUNTY, IDAHO  
 TITLE OR TYPE OF DOCUMENT

ONE  
 NUMBER OF PAGES

DECEMBER 29, 1995  
 DATE OF DOCUMENT

NONE  
 SIGNER(S) OTHER THAN NAMED ABOVE



# 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

March 27, 1997

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

RICHARD F POTEET  
SHERMA F POTEET  
788 E 800 N  
RUPERT ID 83350

RE: Transfer No. 4913  
Water Right No(S). 36-10852

Dear Water Right Holder:

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water right (Transfer No. 4913). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer.

The accompanying **transfer approval** should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

### PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3) Idaho Code.

### EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

#### ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

#### CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties, if any, to the proceedings in accordance with Rules of Procedure 302 and 303.

#### FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

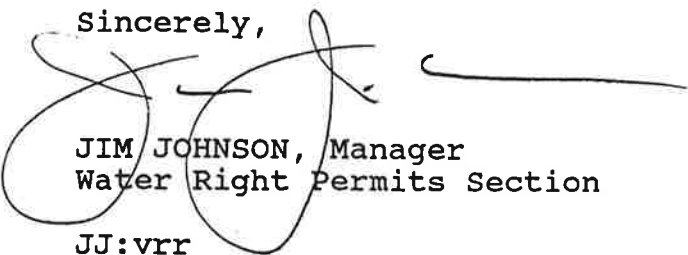
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

If you have any questions, please feel free to contact me.

Sincerely,



JIM JOHNSON, Manager  
Water Right Permits Section

JJ:vrr

Enclosure

MEMORANDUM

TO: FILE NO. 36-10852

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4913

DATE: March 19, 1997

=====

Transfer No. 4913 changes the point of diversion, place, season and nature of use under Right No. 36-10852. This stockwater right is being transferred to the irrigation system on the same parcel of land in order to provide additional rate of diversion.

The existing irrigation system under Right No. 36-02089 doesn't cover the pumping capacity of the well, but provides full diversion and consumptive use volumes. The transferred right adds an additional 0.14 cfs to supplement the authorized rate of diversion from this well for irrigation purposes.

The original stockwater use was for 500 range and 200 dairy cattle with minimal consumptive use. The change to the more consumptive irrigation use is possible only because the use is limited to increasing the diversion rate of the irrigation system. No irrigation volumes are associated with Right No. 36-10852.

Season of use was adjusted to standard irrigation season. Recommended conditions include measuring device & annual reporting, combined right limits, well abandonment, irrigation overlap and standard transfer conditions.

## MEMORANDUM

**Date:** March 20, 1997

**To:** File

**From:** Jim Johnson

**Subject:** Application for transfer T.4913

=====

I have reviewed the above application for transfer and I am recommending that it be approved because no expansion in the use of water under the right will occur if the volume and consumptive volume is not increased. I have supplemented the file with the following analysis.

Per Administrative Memorandum dated September 27, 1982 which mandates IDWR staff to "check for expansion" when doing staff analysis on transfers proposing changes in nature of use. This memorandum further identifies three parameters that should be checked, 1. Rate of flow, 2. Volume, and 3. consumptive use.

The proposed change to the above three parameters should be evaluated by comparing the values in each of the three parameters prior to the change and after the change.

### Use prior to the change: Stockwater

| Rate<br>Cfs | Volume<br>Ac Ft | Consumptive Use Volume<br>Ac Ft |
|-------------|-----------------|---------------------------------|
| 0.14        | 14.6*           | 1.2**                           |

### Use after proposed change: Irrigation

| Rate<br>Cfs         | Volume<br>Ac Ft       | Consumptive Use Volume<br>Ac Ft |
|---------------------|-----------------------|---------------------------------|
| 0.14                | 14.6                  | 11.0***                         |
| [0.14/.02]= 7 Acres | [14.6/4.0]= 3.7 Acres | [1.2/3.0] = 0.4 Acres           |

\* Limited to 13,000 gallons per day

\*\* No information available for consumptive use related to water used by range cattle, however, 200 dairy cattle would consume 1.2 acre-feet/annum per Adjudication Memorandum.

\*\*\* Volume based on crop consumption for 3.7 acres

If the applicant filed the application to add acres then the above analysis would show that the maximum acres that could be added would be 0.4 acres. The rate of diversion would need to be reduced to not exceed 0.02 cfs/acre or 0.01 cfs. and the Volume would be changed to 1.6 acre feet.

The applicant does not , however, want add acres but rather increase the rate of diversion without increasing the volume or consumptive volume. In this situation, it appears that the transfer can be approved for 0.14 cfs for irrigation without a need increase the volume or consumptive use volume because the rate will be diverted from the same well used to divert water under irrigation right no. 36-02089 which currently supplies an authorized rate of diversion for irrigation of 0.0113 cfs/acre. The addition of 0.14 to 4.84 cfs totals 4.96 cfs which is 0.017 cfs/acre.

## TRANSFER REVIEW SHEET

(02-97)

Transfer # 4913Date Reviewed 03-19-97Right(s) 36-10852 - SRBA Basin 36 Director's ReportWRQII Print Split Summary ☒ Run POU Comparison Report

Proposed P/U

B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use

F:Change Period of Use G:Other H:Change P/D & Add P/D

I:Change P/D &amp; P/U P/D P/U Nature, Season J:Add P/D &amp; Change P/U

Proof of Ownership Warranty Deed 1995 to PateetFarm Credit Services approval letter 11-20-96Transfer ☒ All of Right ☐ Portion of RightResulting Split(s) NONE

Check Transfer Against Recorded Right

Season/Vol. C/4.0(1) ☒ Priority (2) ☐ Use (3) ☐ Season (4) ☒ Rate (5) ☐ Volume(6) ☒ Source (7) ☐ P/D (8) ☐ P/U (9) ☒ Proof/Owner (10) ☒ Map(11) ☒ WMDistrict-36 Water District (12) NO Pertinent Conditions (13) NO ExpansionReduce C.U. of Dairy Cattle(2) Change STOCK use to Diversion Rate only for IRR use with 36-02089(3) Reduce to IRR season 4-1 to 10-31(5) No Volume(7) Change P/D(8) Change P/U

Full div. + C.U. Volumes provided under 36-02089 - Provide additional div. rate only.

Associated R. already part of program per J.S.No Modified DIMWell Abandonment36-02089 4.98 cfs/1700 acTransfer Remarks Supplemental diversion rate only/No Vol associated (W35) +425 AcresConditions R31, T07, T08, T09No post Basin Report per J.S.

Database/Processing Notes

Standard ☐Non-Standard ☒Copy approved revision to "X" prefix.WR\_Reports File Pot. H.S.File Deleted 03-21-97Transfer Memo Complete ☒Database Updated 03-21-97

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 03/20/97

PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                                              | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|---------------------------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | RICHARD F POTEET                                                                            | 01/01/1968       | IRRIGATION | 04/01 10/31           | 0.140 CFS         |                     |
| C                | SHERMA F POTEET<br>788 E 800 N<br>RUPERT ID 83350<br>(208) 531-4090                         |                  |            |                       |                   |                     |
| TOTAL DIVERSION: |                                                                                             |                  |            |                       | 0.140 CFS         |                     |
| D                | DEWER DAIRY CO<br>C/O HERBERT W POTEET<br>RT 4 BOX 223<br>RUPERT ID 83350<br>(208) 531-4170 |                  |            |                       |                   |                     |

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T08S R26E S16 NESW BLAINE County

Place of use Legal Description for: IRRIGATION

|     |     |    |   | NE   |      |      |      | NW |    |    |    | SW   |      |      |      | SE |    |    |    |      |      |      |      |    |    |       |    |             |      |      |      |       |    |    |    |    |    |    |   |     |
|-----|-----|----|---|------|------|------|------|----|----|----|----|------|------|------|------|----|----|----|----|------|------|------|------|----|----|-------|----|-------------|------|------|------|-------|----|----|----|----|----|----|---|-----|
|     |     |    |   | NENE | NWNE | SWNE | SENE |    |    |    |    | NENW | NWNW | SWNW | SENW |    |    |    |    | NESW | NWSW | SWSW | SESW |    |    |       |    | NESE        | NWSE | SWSE | SESE |       |    |    |    |    |    |    |   |     |
| T   | R   | S  | : | Lt   | Ac   | Lt   | Ac   | Lt | Ac | Lt | Ac | :    | Lt   | Ac   | Lt   | Ac | Lt | Ac | Lt | Ac   | :    | Lt   | Ac   | Lt | Ac | Lt    | Ac | Lt          | Ac   | Lt   | Ac   | :     | Lt | Ac | Lt | Ac | Lt | Ac | : | SUM |
| 08S | 26E | 16 | : |      |      |      |      | 25 | 25 | :  | 32 | 40   | 40   | 40   | :    | 40 | 40 | 05 | 04 | :    | 37   | 37   | 25   | 35 | :  | 425.0 |    |             |      |      |      |       |    |    |    |    |    |    |   |     |
|     |     |    |   |      |      |      |      |    |    |    |    |      |      |      |      |    |    |    |    |      |      |      |      |    |    |       |    | TOTAL ACRES |      |      |      | 425.0 |    |    |    |    |    |    |   |     |

Pou County: BLAINE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion and Source:  
36-02089Other Water Rights Listing Overlapping Place(s) of use:  
36-02089

## Conditions of Approval:

- R31 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

Remarks: Right Nos. 36-02089 and 36-10852 when combined shall not exceed a total diversion rate of 4.98 cfs, a total annual diversion volume of 1700.0 af, and the irrigation of 425.0 acres.

The well previously used under Right No. 36-10852 shall be abandoned in a manner which complies with Department well

WR0749NP  
No. T36-10852

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 03/20/97  
PAGE: 2

Remarks: abandonment rules.

Dates: App. Received: 05/16/1996 Priority Date: 01/01/1968  
Proof Due Date: Proof Made Date:  
Exam Made Date: Exam Sent to S.O.:  
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 02/12/1992 User-ID: CLELLAND Subject: COPIED FROM REMARKS  
STOCK WELL USES LESS THAN 13,000 GALLONS PER DAY.

Date: 02/12/1992 User-ID: CLELLAND Subject: LIMITS OF RIGHT  
THIS RIGHT IS LIMITED TO 13,000 GPD OR LESS.  
DAIRY STOCK USE CANNOT EXCEED 370 HEAD. THE REDUCED NUMBERS FOR  
DAIRY IS BASED ON MY OBSERVATIONS WHILE DOING IRRIGATION FIELD  
EXAMS FOR THE SURROUNDING FARM LANDS. IF CLAIMANT PURSUES THE  
500 DAIRY STOCK CLAIMED THIS CLAIM SHOULD BE DISALLOWED AND A  
PERMIT FILED FOR THE USES CLAIMED.

Date: 02/28/1996 User-ID: TBACKLUN Subject: NAME CHANGE  
OWNERSHIP CHANGE MADE WITH 42-1409(7). SF3 WAS SENT TO NEW OWNER  
CHAIN OF WARRANTY DEEDS INCLUDED.

Date: 03/19/1997 User-ID: PSKAGGS Subject: TRANSFER NO. 4913  
Transfer No. 4913 changes the point of diversion, place, season &  
nature of use under Right No. 36-10852. The right will  
supplement the rate of diversion for an irrigation system.

Audit: 09/24/96 SCURTIS 09/24/96 MBALDWIN 03/19/97 PSKAGGS 03/20/97 PSKAGGS

WR0725NP  
(0D-725)

IDAHO DEPARTMENT OF WATER RESOURCES  
T-R-S PLACE OF USE 1/4 1/4 COMPARISON REPORT

DATE: 03/19/97  
PAGE: 1

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '\*' ARE ADJUDICATION CLAIMS)  
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

| WR-NUMBER      | SOURCE       | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | SUM |    |    |    |    |    |    |    |     |
|----------------|--------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|----|----|----|----|----|----|----|-----|
|                |              | NE |    | NW |    | SW |    | SE |    | NE |    | NW |    | SW |    | SE |    | NE  |    | NW |    | SW |    | SE |    |     |
|                |              | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt  | Ac | Lt | Ac | Lt | Ac | Lt | Ac |     |
| T08S R26E S 16 |              |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |    |    |    |    |    |     |
| 3602089        | GROUNDWATE : |    |    |    |    | 40 | 40 | :  |    |    |    | 40 | 40 | :  | 40 | 40 | :  | 40  | 40 | :  | 40 | 40 | 40 | 40 | :  | 480 |
| *3602089       | GROUNDWATE : |    |    |    |    | 25 | 25 | :  | 32 | 40 |    | 40 | 40 | :  | 40 | 40 | :  | 40  | 40 | :  | 37 | 37 | 25 | 35 | :  | 425 |
| A3602089       | GROUNDWATE : |    |    |    |    | 40 | 40 | :  |    |    |    | 40 | 40 | :  | 40 | 40 | :  | 40  | 40 | :  | 40 | 40 | 40 | 40 | :  | 480 |
| T3610852       | GROUNDWATE : |    |    |    |    | 25 | 25 | :  | 32 | 40 |    | 40 | 40 | :  | 40 | 40 | :  | 40  | 40 | :  | 37 | 37 | 25 | 35 | :  | 425 |
| --86 MAP--     | C13Q-BB 31 : | 39 | 39 |    |    | 40 | 32 | :  | 39 | 37 |    | 39 | 40 | :  | 34 | 35 | :  | 25  | 17 | :  | 16 | 34 | 28 | 12 | :  | 506 |

Proposed P/U - T#4913 - Overlaps only with R+ No. 36-02089, same system.

T#4913

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER ANALYSIS SHEET

- INITIAL REVIEW BY: SATTERLEE Date Richard I Poter
1. Right number 36-10852 Applicant Richard I Poter
2. Type of right: ☐ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☒ Other CHANGE NATURE OF USE
4. Check: ☒ CHANGE PERIOD OF USE
- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
- b. ☒ Description of original point of diversion.
- c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
- a. ☒ All of right.
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- c. ☒ Check description of point(s) of diversion.
- d. ☒ Check description of place of use.
- e. ☒ Check map (shows p.d. and p.u. after transfer).
- f. ☒ Check for correct signature, notarization, and fee.
- g. ☒ Check proof of ownership of right &/or land from which water is transferred. PHOTOS 1/2-2/2
- h. ☒ Check for expansion in use of right. Comments Re-Transfer Field Exam: "ATTACHMENT A"

Adding 36-10852 to 36-02089 to fulfill pumping capacity of well.

i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) # 36-10853 (domestic 3 homes)

- j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No
- If yes, what district? Groundwater N/A

FINAL PROCESSING REVIEW BY: AD

1. Watermaster recommendation requested on N/A Received on \_\_\_\_\_
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions\* See memo 11/6/96

RECEIVED  
NOV 22 1996

Department of Water Resources

4. By AD Date 11/6/96

RECEIVED

NOV 22 1996

FROM: Allen Merritt  Department of Water Resources DATE: November 6, 1996

TO: Transfer File No. 4913  
In the Name of: Richard & Sherma Poteet

SUBJECT: Review and Recommendation

This transfer proposes to convert a stockwater right (36-10852) to irrigation. The affect of the transfer would be to only increase the total diversion rate for the irrigation use when combined with license 36-02089. The total number of acres and the total diversion volume when combined with license 36-02089 would not be increased.

The transfer was advertised without protest.

The stockwater right was confirmed in the recent Director's report in basin 36 and is presumed to have not been forfeited.

RECOMMENDATION

I recommend that the transfer be approved subject to the following conditions:

-Subject to SRBA.

-This right when combined with 36-02089 shall not exceed a diversion rate of 4.98 cfs, nor 1700.0 afa for irrigation of no more than 425 acres.

-The old stock well must be properly abandoned.

-The well supplying water for irrigation must have a measuring device with totalizing meter for reporting of use or must qualify for reporting of use by use of power records.

AJ5809NP  
No. 36-02089

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/06/96  
PAGE: 1

| OWNER<br>CODE                        | NAME & ADDRESS   | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME        |
|--------------------------------------|------------------|------------------|------------|-----------------------|-------------------|----------------------------|
| C                                    | RICHARD F POTEET | 03/28/1950       | IRRIGATION | 04-01 10-31           | 4.84 CFS          | 1700.00 AFA                |
| C                                    | SHERMA F POTEET  |                  |            |                       |                   |                            |
| D                                    | DEWER DAIRY CO   |                  |            |                       |                   |                            |
| TOTAL DIVERSION:<br>CONSUMPTIVE USE: |                  |                  |            |                       | 4.84 CFS          | 1700.00 AFA<br>1275.00 AFA |

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T08S R26E S16

SWNESW

BLAINE County

Place of use Legal Description for: IRRIGATION

| NE          |     |    |      |    |    |    |    |    |    |    |      | NW |    |    |    | SW |    |    |      | SE |    |    |      |    |    |    |       |       |  |    |  |    |  |    |   |       |
|-------------|-----|----|------|----|----|----|----|----|----|----|------|----|----|----|----|----|----|----|------|----|----|----|------|----|----|----|-------|-------|--|----|--|----|--|----|---|-------|
| T           | R   | S  | : Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | : Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | : Lt | Ac | Lt | Ac | : Lt | Ac | Lt | Ac | : SUM |       |  |    |  |    |  |    |   |       |
| 08S         | 26E | 16 | :    |    |    |    |    | 25 |    | 25 | :    | 32 |    | 40 |    | 40 |    | 40 | :    | 40 |    | 40 |      | 05 |    | 04 | :     | 37    |  | 37 |  | 25 |  | 35 | : | 425.0 |
| TOTAL ACRES |     |    |      |    |    |    |    |    |    |    |      |    |    |    |    |    |    |    |      |    |    |    |      |    |    |    |       | 425.0 |  |    |  |    |  |    |   |       |

POU County: BLAINE

Other Rights: NONE

Conditions of Approval:

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO  
- SECTION 42-1425, IDAHO CODE.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:  
Presumption Flag: C

Comments: Date: 02/28/1996 User-ID: TBACKLUN Subject: NAME CHANGE  
OWNERSHIP CHANGE MADE WITH 42-1409(7). SF3 WAS SENT TO NEW  
OWNERS. CHAIN OF WARRANTY DEEDS INCLUDED.

Audit: 07/22/91 MERRITT 03/11/92 ROBERTSO 07/10/92 CWU-PROD 07/18/92 POST-STD  
08/28/92 PR-PRODM 11/02/92 CPSHAW 12/05/92 ADT-SHAW 03/29/95 POST-STD  
02/28/96 TBACKLUN

AJ0743NP  
(OD-124)

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIMS PROOF READING REPORT  
(REGIONAL)

09/04/96 14:42:47  
Page 1

Water Right Number - 36-10852

Prefix Translation: WATER RIGHT

Old (D) Number -

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

+ - First Name - - +

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

\*\*\* C - CURRENT OWNER \*\*\*  
POTEET

RICHARD F

1 - 788 EAST 800 NORTH  
2 -  
3 -

POTEET

SHERMA F

City- RUPERT  
Phone - 208-531-4090  
1 - 788 EAST 800 NORTH  
2 -  
3 -

State- ID Zip- 83350

\*\*\* D - DIR RPT OWNER \*\*\*  
DEWER DAIRY CO

City- RUPERT  
Phone - 208-531-4090

State- ID Zip- 83350

1 - C/O HERBERT W POTEET  
2 - RT 4 BOX 223  
3 -

City- RUPERT  
Phone - 208-531-4170

State- ID Zip- 83350

+ - - Priority Date - - +  
01/01/1968

+ - - Region - - - +  
ERROR IN REGION

+ - - Stage - - - +  
J - BENEFICIAL USE

+ - - Status - - - - +

+ - - Source - - - - - +  
GROUNDWATER

+ - - Tributary - - - - - +

| Tw  | Rng | Sec | Tract    | Lot | RFlg | Point of Diversion |
|-----|-----|-----|----------|-----|------|--------------------|
| 08S | 26E | 16  | NE NW NE |     |      | (13) BLAINE        |

| Code            | Description | Period From | Water Use Period To | Diversion Rate | Diversion Volume |
|-----------------|-------------|-------------|---------------------|----------------|------------------|
| 04 - STOCKWATER |             | 01/01       | 12/31               | 0.140          |                  |

+ - Total Div. Rate - + 0.140 + - Total Div. Volume - + + - Total Consumptive Use - + 0.0 + - KW Usage - +

| Tw  | Rng | Sec | Tract | Lot | Acres | Place of Use Code | Description | County      |
|-----|-----|-----|-------|-----|-------|-------------------|-------------|-------------|
| 08S | 26E | 16  | NW NE |     |       | 04 STOCKWATER     |             | (13) BLAINE |

Total Acres:

+ - - Diversion Means - 240'X 8" WELL, 7.5 HP PUMP

+ - - Non-Irrigation Use - STOCKWATER, 200 DAIRY, 500 BEEF

+ - - Other Rights for Same Use - NONE

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIMS PROOF READING REPORT  
(REGIONAL)

Water right number - 36-10852

Prefix Translation: WATER RIGHT

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

00/00/0000

| Date:               | User: | Id:  | Subject: | Comments: |
|---------------------|-------|------|----------|-----------|
| 02/12/1992          | STOCK | WELL | USFS     | USFS      |
| COPIED FROM REMARKS |       |      |          |           |

| Date             | User Id           | Subject                      | Comments                                                                                                                                                         |
|------------------|-------------------|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Date: 02/12/1992 | User Id: CLELLAND | Subject: COPIED FROM REMARKS | STOCK WELL USES LESS THAN 13,000 GALLONS PER DAY.                                                                                                                |
| Date: 02/12/1992 | User Id: CLELLAND | Subject: LIMITS OF RIGHT     | THIS RIGHT IS LIMITED TO 13,000 GPD OR LESS.                                                                                                                     |
|                  |                   |                              | DAIRY IS BASED ON MY OBSERVATIONS WHILE DOING IRRIGATION FIELD                                                                                                   |
|                  |                   |                              | 500 DAIRY STOCK CLAIMED THIS CLAIM SHOULD BE DISALLOWED AND A                                                                                                    |
| Date: 02/28/1996 | User Id: TBACKLUN | Subject: NAME CHANGE         | OWNERSHIP CHANGE MADE WITH 42-1409(7). SF3 WAS SENT TO NEW OWNER                                                                                                 |
|                  |                   |                              | DAIRY STOCK USE CANNOT EXCEED 370 HEAD. THE REDUCED NUMBERS FOR EXAMS FOR THE SURROUNDING FARM LANDS. IF CLAIMANT PURSUES THE PERMIT FILED FOR THE USES CLAIMED. |
|                  |                   |                              | CHAIN OF WARRANTY DEEDS INCLUDED.                                                                                                                                |

+ - - Audit Fields - - +  
00/00/00[illegible]

|                      |              |                       |              |                         |         |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing  | - 11/02/1992 | 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  | - 09/30/1988 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
|                      |              | Receipt Number        | - S002629    | Water District          | -       |
|                      |              | POU Ownership Flag    | - Y          | Federal/State Indicator | - S     |
|                      |              | Name Connector        | - AND/OR     | Presumption Flag        | -       |
|                      |              |                       |              | Notice of Error Flag    | -       |



## Farm Credit Services

1305 Albion Avenue  
P.O. Box 1168  
Burley, Idaho 83318  
208/678-3516 FAX 208/678-1302

November 19, 1996

RECEIVED

NOV 20 1996

Department of Water Resources  
Attention Allan Merritt  
222 Shoshone Ave. East  
Twin Falls, Idaho 83301-6105

Department of Water Resources  
Southern Region

RE: Water Transfer Application #4913, Richard F. Poteet

Dear Mr. Merritt:

Mr. Poteet has requested a notarized statement regarding Farm Credit's position on his request to amend Water License #36-10852 from stock water right use to agriculture irrigation use. In a review of our loan file, this application for an amendment to the change of use of this water right has minimal effect upon our loan and security documents. Farm Credit Services hereby consents to the application to change the use of this water right from stock water right to agriculture irrigation use.

Sincerely,

Robert E. Blakeslee  
Branch Manager

STATE OF IDAHO       )  
                                  )ss.  
County of Cassia       )

On this 19 day of November, 1996, before me personally appeared Robert E. Blakeslee, known to me to be an authorized agent of the Northwest Farm Credit Services, ACA that executed the within instrument, and acknowledged to me that such corporation executed the same as its free act and deed; and on oath stated that he was authorized to execute said instrument.

Notary Public for the State of Idaho  
Residing at Burley  
My commission expires 1-1-98

cc Richard Poteet

FROM: Allen Merritt



DATE: November 6, 1996

TO: Transfer File #4913

SUBJECT: Request for lienholder release

This day I phoned Poteet's and talked with Sherma. I told her that we were finished processing the transfer and ready to send it to the state office for final review but before we could send it we need an acknowledgement from the lienholder that they agreed with the transfer. She indicated that she would get it and send it in.

4913

Richard F. Votaw

36-10853 <sup>2</sup>

[illegible]

# AFFIDAVIT of PUBLICATION

RECEIVED

OCT 10 1996

State of Idaho, }  
County of Blaine } SS.

Department of Water Resources  
Southern Region

On this 9 day of Oct, in the year 1996, before me a Notary Public of said State, personally appeared **DANIEL J. GORHAM**, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 2 day of Oct, 1996, and the date of the last publication was on the 9 day of Oct, 1996.

[Signature]  
Subscribed and sworn to before me this 9<sup>th</sup> day of Oct, 1996.  
(SEAL)

[Signature]  
NOTARY PUBLIC

#10260

WOOD RIVER JOURNAL  
Hailey, Idaho

## COST OF PUBLICATION

Number of Picas per Line 11.5  
Number of Lines in Notice 43,333  
Number of Insertions 2  
Lines tabular at 43,333 6¢ / Pica  
Lines straight at 24,917 5¢ / Pica  
Subsequent lines at 19,933 4¢ / Pica  
TOTAL COST +5 \$49.85

Claim No. 36-10852

xfer 4913

COPY OF NOTICE  
(Paste Here)

Prop. change water right  
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

ID Dept. Water Resources  
BILL TO

## Proposed Change of Water Right

### NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that **RICHARD F. &/OR SHERMA F. POTEET, 788 E 800 N; RUPERT ID 83350** have filed a transfer application pursuant to Section 42-222 of IDAHO CODE. The purpose of Transfer No. 4913 is to change the point of diversion, place of use and change from stockwater use to irrigation use. Snake River Basin Adjudication Claim No. 36-10852, based on Beneficial Use, (0.14 cfs) with a priority date of 1/1/1968 will be diverted and used from an existing irrigation well within NE1/4SW1/4, S16, T8S, R26E for irrigation of 425 acres within S16, T8S, R26E; Blaine County. Any protest against approval of the proposed changes must be filed with the Department of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before October 21, 1996. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Wood River Journal on 10/2 & 10/9/96.

10260

**NOTICE OF PROPOSED  
CHANGE OF WATER RIGHT**

Notice is hereby given that RICHARD F. &/OR SHERMA F. POTEET, 788 E 800 N; RUPERT ID 83350 have filed a transfer application pursuant to Section 42-222 of IDAHO CODE. The purpose of Transfer No. 4913 is to change the point of diversion, place of use and change from stockwater use to irrigation use. Snake River Basin Adjudication Claim No. 36-10852, based on Beneficial Use, (0.14 cfs) with a priority date of 1/1/1968 will be diverted and used from an existing irrigation well within NE1/4SW1/4, S16, T8S, R26E for irrigation of 425 acres within S16, T8S, R26E; Blaine County. Any protest against approval of the proposed changes must be filed with the Department of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before October 21, 1996. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Wood River  
Journal on 10/2 & 10/9/96.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033  
Fax (208) 736-3037

September 25, 1996

PHILIP E. BATT  
Governor

KARL J. DREHER  
Director

WOOD RIVER JOURNAL  
PO BOX 988  
HAILEY ID 83333

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin  
Sr. Secretary

Enclosure

# NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that RICHARD F. &/OR SHERMA F. POTEET, 788 E 800 N; RUPERT ID 83350 have filed a transfer application pursuant to Section 42-222 of IDAHO CODE. The purpose of Transfer No. 4913 is to change the point of diversion, place of use and change from stockwater use to irrigation use.

SNAKE RIVER BASIN ADJUDICATION CLAIM NO. 36-10852, based on Beneficial Use, (0.14 cfs) with a priority date of 1/1/1968 will be diverted and used from an existing irrigation well within NE1/4SW1/4, S16, T8S, R26E for irrigation of 425 acres within S16, T8S, R26E; Blaine County.

Any protest against approval of the proposed changes must be filed with the Department of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before October 21, 1996. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Wood River Journal on 10/2 & 10/9/96.



State Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033  
Fax (208) 736-3037

September 25, 1996

PHILIP E. BATT  
Governor

KARL J. DREHER  
Director

RICHARD F POTEET &/OR  
SHERMA F POTEET  
788 E 800 N  
RUPERT ID 83350

Re: Application for Transfer No. 4913 (36-10852)

Dear Applicants:

The Department of Water Resources acknowledges receipt of your Application for Transfer.

This office has scheduled advertising the application in The Wood River Journal for 10/2 and 10/9/96.

The advertisement(s) will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Before we can forward your application to our state office for approval we must include in the file a notarized statement from any lien holder on the property agreeing to the proposed change.

State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Georgia Satterlee L.S.I.T.  
Water Resource Agent

GS:mb

ATTACHMENT "A"

04 SEPTEMBER 1996

TO: FILE #36-10852  
POTEET, RICHARD AND/OR SHERMA

FROM: GEORGIA SATTERLEE

I WAS ACCOMPANIED TODAY AT APPROXIMATELY 1000 HRS. BY RICHARD AND SHERMA POTEET. THE POTEETS' HAVE SUBMITTED AN APPLICATION FOR TRANSFER OF THE ABOVE ADJUDICATION NUMBER, WHICH USE IS FOR STOCKWATER. IF THE TRANSFER IS APPROVED, THE POTEET'S PROPOSE TO CHANGE THE POINT OF DIVERSION, THE NATURE OF USE, PLACE OF USE AND PERIOD OF USE.

THE P/D, STATED IN 36-10852 FOR STOCKWATER, IS LOCATED IN SECTION 16, T08S, R26E, NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , NE $\frac{1}{4}$ . THE RATE, 0.14 CFS, WILL BE TRANSFERRED TO AUGMENT 36-02089, WHICH IS FOR IRRIGATION IN THE SW'LY PORTION OF THE SAME SECTION.

IF THE TRANSFER IS APPROVED, MR. AND MRS. POTEET WILL ABANDON THE WELL. I GAVE THE POTEET'S A COPY OF IDAPA §37.03.09

12. **ABANDONING OF WELLS.** ALSO, I SAID THEY MAY GET OTHER ASSISTANCE FROM THE DEPARTMENT'S WELL DRILLING PROGRAM PERSON.

TODAYS VISIT SHOWED THE PROPOSED AREA (TO BE ABANDONED) AS BEING RATHER BLEAK ALREADY. ALTHOUGH THERE ARE 2 HORSES AND 4 HEAD OF CATTLE, THESE ANIMALS ARE GETTING WATER FROM THE SOURCE THAT IS DEPICTED IN ADJUDICATION CLAIM 36-10853, WHICH USE IS DOMESTIC FOR 3 HOMES.

MR. POTEET SAYS ALTHOUGH THE WELL HAS A 7.5 HP SUBMERSIBLE PUMP, IT HAS NOT BEEN IN USE FOR AWHILE. THE SURROUNDING AREA, i.e. BROKEN CORRALS, HIP-HIGH WEEDS, GAVE THE APPEARANCE OF NON-USE. PLEASE SEE PHOTO PAGES 1/2-2/2.

THERE ARE 1/2 DOZEN PRESSURE TANKS AND A HEATING SYSTEM THAT WAS USED TO RE-CIRCULATE AND WARM THE WATER FOR THE STOCK. ALL OF THE ABOVE IS IN A 20 SQUARE FOOT CONCRETE OUTBUILDING.

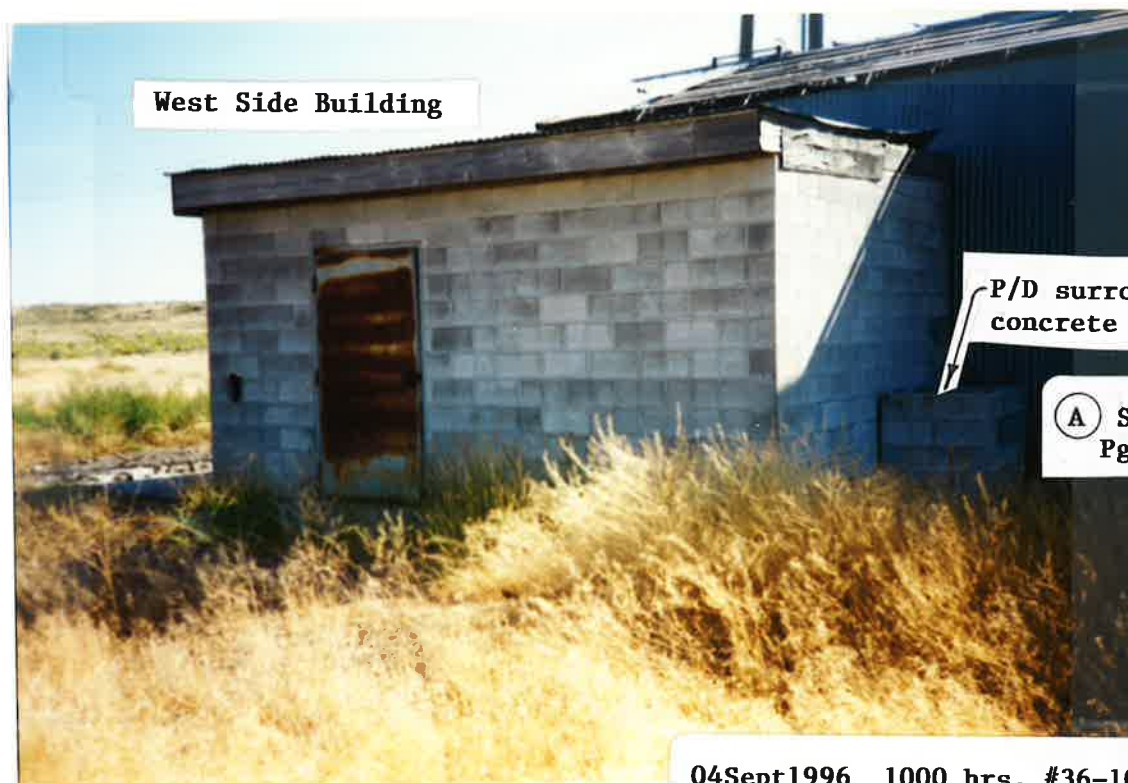
THE APPLICANT IS AWARE THE CFS RATE FOR 36-10852 IS 0.14 CFS. THIS RATE ADDED TO THE EXISTING RATE FOR 36-02089, WHICH IS 4.84 CFS, EQUALS 4.98 CFS. THE ACRES IRRIGATED IS 425 ACRES. IF THIS TRANSFER IS APPROVED THERE WILL BE 0.58 INCH PER ACRE FOR IRRIGATION.

IF THE TRANSFER IS APPROVED, A FOLLOW UP ON THE ABANDONMENT OF THE WELL WOULD BE NECESSARY.

T # 4913

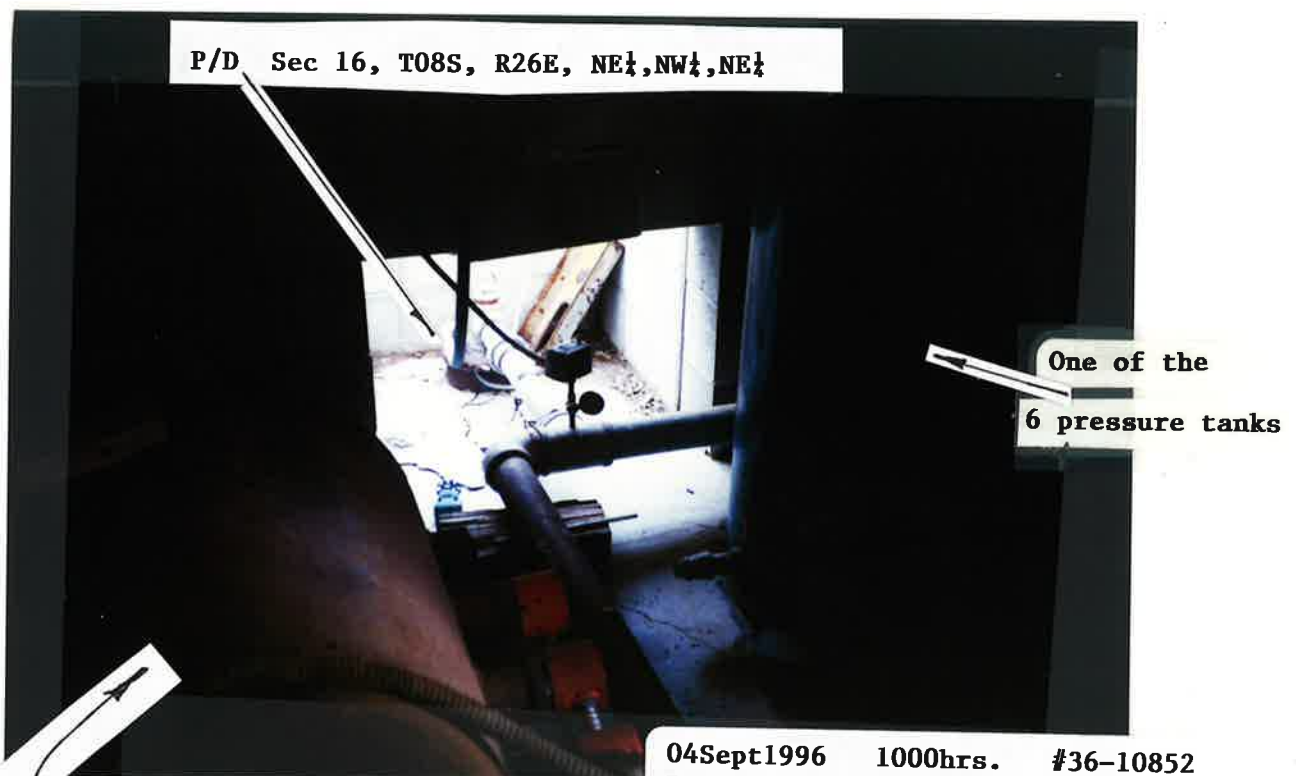


P/D Sec 16, T08S, R26E, NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , NE $\frac{1}{4}$



04Sept1996 1000 hrs. #36-10852  
Poteet, Richard and/or Sherma  
Examiner: Satterlee, GL

T#4913



04Sept1996 1000hrs. #36-10852  
Poteet, Richard and/or Sherma  
Examiner: Satterlee, GL

T #4913

# SRBA

## SUBCASE SUMMARY REPORT 36-10852

[Return to SRBA Home Page](#)

---

SRBA  
03-16-2001

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 36-10852      FILE#: 00763  
CLAIMANT: POTEET, RICHARD F.

STATUS: PD ISSUED  
WATER SOURCE: GROUNDWATER,

**\*\*\*\* PARTIES INVOLVED \*\*\*\***

POTEET, RICHARD F.      C PRO SE

**\*\*\*\* ROA ENTRIES \*\*\*\***

|            |                                                            |    |            |
|------------|------------------------------------------------------------|----|------------|
| 01-19-1996 | SUBSTITUTION PARTY - RICHARD POTEET FOR<br>DEWER DAIRY CO. |    |            |
| 09-27-1996 | NOTICE OF ADMINISTRATIVE PROCEEDING                        | AZ | 09-30-1997 |
| 12-04-1997 | ORDER OF PARTIAL DECREE                                    |    |            |
| 12-04-1997 | PARTIAL DECREE FILED                                       |    | 12-04-1997 |
| 12-04-1997 | CERTIFICATE OF MAILING - PARTIAL DECREE                    |    |            |

---

[Return to SRBA Home Page](#)

---

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

DATE: OCT-10-1996

PAGE: A-1

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-10852

NAME AND ADDRESS: RICHARD F POTEET  
SHERMA F POTEET  
788 EAST 800 NORTH  
RUPERT ID 83350DENEZ DAIRY CO  
C/O HERBERT W POTEET  
RT 4 BOX 223  
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.14 CFS

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIARILY  
USED FOR STOCKWATER, 200 DAIRY, 500 BEEF

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 01/01/1968

POINT OF DIVERSION: T08S R26E S16 NENWNE Within BLAINE County

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------|----------------|---------------|----------|
|                | STOCKWATER     | 01-01 12-31   | 0.14 CFS |

PLACE OF USE: STOCKWATER Within BLAINE County  
T08S R26E S16 NENE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE  
STOCKWATER, 200 DAIRY, 500 BEEF

10/10  
MICROFILMED  
DEC 5 1996

AJ5809NP  
No. R36-10852

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/02/96  
PAGE: 88

| OWNER<br>CODE | NAME & ADDRESS                                                                              | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|---------------------------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | RICHARD F POTEET                                                                            | 01/01/1968       | STOCKWATER | 01-01 12-31           | 0.14 CFS          |                     |
| C             | SHERMA F POTEET<br>788 EAST 800 NORTH<br>RUPERT ID 83350<br>(208) 531-4090                  |                  |            |                       |                   |                     |
|               |                                                                                             |                  |            | TOTAL DIVERSION:      | 0.14 CFS          |                     |
| D             | DEWER DAIRY CO<br>C/O HERBERT W POTEET<br>RT 4 BOX 223<br>RUPERT ID 83350<br>(208) 531-4170 |                  |            |                       |                   |                     |

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T08S R26E S16

NENWNE

BLAINE County

Place of use Legal Description for: STOCKWATER

|     |     |    |   | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      |
|-----|-----|----|---|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| T   | R   | S  |   | NENE | NWNE | SWNE | SENE | NENW | NWNW | SWNW | SENW | NESW | NWSW | SWSW | SESW | NESE | NWSE | SWSE | SESE |
|     |     |    |   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   |
| 08S | 26E | 16 | : |      |      | S    |      |      |      |      |      |      |      |      |      |      |      |      |      |

POU County: BLAINE

Non-Irrigation Uses: STOCKWATER, 200 DAIRY, 500 BEEF

Other Rights: NONE

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:  
Presumption Flag:

Comments: Date: 02/12/1992 User-ID: CLELLAND Subject: COPIED FROM REMARKS  
STOCK WELL USES LESS THAN 13,000 GALLONS PER DAY.

Date: 02/12/1992 User-ID: CLELLAND Subject: LIMITS OF RIGHT  
THIS RIGHT IS LIMITED TO 13,000 GPD OR LESS.  
DAIRY STOCK USE CANNOT EXCEED 370 HEAD. THE REDUCED NUMBERS FOR

N11  
N13

DEC 5 1996  
MICROFILMED  
10/10

AJ5809NP  
No. R36-10852

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/02/96  
PAGE: 89

Comments: Date: 02/12/1992 User-ID: CLELLAND Subject: LIMITS OF RIGHT  
DAIRY IS BASED ON MY OBSERVATIONS WHILE DOING IRRIGATION FIELD  
EXAMS FOR THE SURROUNDING FARM LANDS. IF CLAIMANT PURSUES THE  
500 DAIRY STOCK CLAIMED THIS CLAIM SHOULD BE DISALLOWED AND A  
PERMIT FILED FOR THE USES CLAIMED.

Date: 02/28/1996 User-ID: TBACKLUN Subject: NAME CHANGE  
OWNERSHIP CHANGE MADE WITH 42-1409(7). SF3 WAS SENT TO NEW OWNER  
CHAIN OF WARRANTY DEEDS INCLUDED.

Audit: 09/30/96 DSHAFF

MICROFILMED  
DEC 5 1996

COPY

1996 SEP 27 PM 3:17

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

**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

**Water Rights: 36-10852**

**NOTICE OF ADMINISTRATIVE  
PROCEEDING**

IDWR has received an application for an Administrative Proceeding for the above water right(s).

The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

- ☐ Substitution of Party (waiting for documentation)
- ☐ Substitution of Party/Split Water Right
- ☒ I.C. § 42-222 transfer
  - ☒ point of diversion      ☒ place of use
  - ☒ period of use              ☒ nature of use

IDWR projects the Administrative Proceeding shall be completed no later than: September 30, 1997.

DATED: 9/27/1996

  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on 9-27, 1996, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:  
Clerk of the District Court  
Snake River Basin Adjudication  
PO Box 2707  
Twin Falls ID 83303-2707
2. One copy to:  
Claimant/Seller for Substitution of Party or attorney of record:  
Richard and Sherma Poteet  
788 East 800 North  
Rupert ID 83350
3. One copy to:  
Claimant/Purchaser for Substitution of Party, or attorney of record:
4. One copy to:  
Each party in the subcase, or attorney of record
5. One copy each to:  
Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449
6. One Copy to:  
United States Dept of Justice  
Environment & Natural Resource Div  
550 West Fort Street MSC 033  
Boise ID 83724



Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033  
Fax (208) 736-3037

September 27, 1996

PHILIP E. BATT  
Governor

KARL J. DREHER  
Director

RICHARD AND SHERMA POTEET  
788 EAST 800 NORTH  
RUPERT ID 83350

RE: SRBA Claim(s) 36-10852

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

/tf  
Enc

MICROFILMED

DEC 5 1996

RECEIVED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESno obj  
Transfer No. 4913

SEP 25 1996

## APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1

Department of Water Resources

Name of applicant Richard E. & Sherma F. Poteet Phone 531-4090Post Office address 788 East 800 North, Rupert, ID 83350

## A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☒ Change nature of use ☒ Change period of use ☐ Other \_\_\_\_\_

2. Describe the reason for the proposed changes Existing irrigation well is pumping over the licensed flow rate. We want to convert a stock-well right to irrigation to cover some of the excess flow rate.

## B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

| 1. Right Number | Priority        | Amount (cfs/ac-ft) | Nature of Use | Period of Use              |
|-----------------|-----------------|--------------------|---------------|----------------------------|
| <u>36-10852</u> | <u>1-1-1968</u> | <u>0.14 cfs</u>    | <u>Irrig.</u> | <u>4-1</u> to <u>10-31</u> |
|                 |                 |                    |               | to _____                   |
|                 |                 |                    |               | to _____                   |
|                 |                 |                    |               | to _____                   |

2. Total amount of water being transferred 0.14 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

3. Source of water Groundwater tributary to \_\_\_\_\_

4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     | SW  | NE  | SW  | 16   | 8S   | 26E  | Blaine |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 8S   | 26E  | 16   |        |        | 25     | 25     | 32     | 40     | 40     | 40     | 40     | 40     | 5      | 4      | 37     | 37     | 25     | 35     | 425    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

MICROFILMED

DEC 5 1996

Total acres 425

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: A36-10852

Date Received: 9/30/1988

Receipt No: S002629

Received By: O/C TLB

**COPY FOR  
YOUR FILES**

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

**COPY FOR  
YOUR FILES**

1. Name: RICHARD F POTEET  
Address: 788 EAST 800 NORTH  
RUPERT ID 83350 208-531-4090

AND/OR

Name: SHERMA F POTEET  
Address: 788 EAST 800 NORTH  
RUPERT ID 83350 208-531-4090

2. Date of Priority: JAN 1, 1968

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 08S      | 26E   | 16      | NE     | NW     | NE     |     | BLAINE |

5. Description of diverting works:  
240'X8", 7.5HP PUMP

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| STOCKWATER | 01/01 | 12/31 | 0.500  |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
S/500 DAIRY STOCK, 500 BEEF STOCK

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use   | Acres |
|----------|-------|---------|--------|-----|-----|-------|-------|
| 08S      | 26E   | 16      | NW     | NE  |     | STOCK |       |

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:  
NONE

14. Remarks:

STOCK WELL USES LESS THAN 13,000 GALLONS PER DAY.  
OWNERSHIP CHANGE MADE 2/28/96 BY TLB.

15. Basis of Claim: BENEFICIAL USE

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIMS PROOF READING REPORT  
(REGIONAL)02/29/96 12:53:31  
Page 1

Water Right Number - 36-10852      Prefix Translation:      WATER RIGHT      Old (D) Number -

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

\*\*\* C - CURRENT OWNER \*\*\*  
POTEET      RICHARD F      1 - 788 EAST 800 NORTH  
2 -  
3 -  
City- RUPERT      State- ID Zip- 83350  
Phone - 208-531-4090  
1 - 788 EAST 800 NORTH  
2 -  
3 -  
City- RUPERT      State- ID Zip- 83350  
Phone - 208-531-4090

POTEET      SHERMA F

\*\*\* D - DIR RPT OWNER \*\*\*  
DEWER DAIRY CO      1 - C/O HERBERT W POTEET  
2 - RT 4 BOX 223  
3 -  
City- RUPERT      State- ID Zip- 83350  
Phone - 208-531-4170

+ - - Priority Date - - +      + - - Region - - - +      + - - Stage - - - +      + - - Status - - - +  
01/01/1968      ERROR IN REGION      J - BENEFICIAL USE

+ - - - - Source - - - - +      + - - - - Tributary - - - - - +  
GROUNDWATER

+ - - - - Point of Diversion - - - - - +  
+      TwN      Rng      Sec      Tract      Lot      RFlg      County  
08S      26E      16      NE NW NE      (13)      BLAINE

+ - - - - Water Use - - - - - +  
+      Code      Description      Period From      Period To      Diversion Rate      Diversion Volume  
04 - STOCKWATER      01/01      12/31      0.140

+ - Total Div. Rate - +      + - Total Div. Volume - +      + - Total Consumptive Use - +      + - KW Usage - +  
0.140      0.0

+ - - - - Place of Use - - - - - +  
+      TwN      Rng      Sec      Tract      Lot      Acres      Code      Description      County  
08S      26E      16      NW NE      04      STOCKWATER      (13)      BLAINE

Total Acres:

+ - - Diversion Means - 240'X 8" WELL, 7.5 HP PUMP  
+ - - Non-Irrigation Use - STOCKWATER, 200 DAIRY, 500 BEEF  
+ - - Other Rights for Same Use - NONE

MICROFILMED  
DEC 5 1996

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIMS PROOF READING REPORT  
(REGIONAL)

Water right number - 36-10852

Prefix Translation: WATER RIGHT

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

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

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

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

+ - - - - Comments - - - - -

Date: 02/12/1992 User Id: CLELLAND Subject: COPIED FROM REMARKS  
STOCK WELL USES LESS THAN 13,000 GALLONS PER DAY.

Date: 02/12/1992 User Id: CLELLAND Subject: LIMITS OF RIGHT  
THIS RIGHT IS LIMITED TO 13,000 GPD OR LESS.

DAIRY IS BASED ON MY OBSERVATIONS WHILE DOING IRRIGATION FIELD  
500 DAIRY STOCK CLAIMED THIS CLAIM SHOULD BE DISALLOWED AND A

Date: 02/28/1996 User Id: TBACKLUN Subject: NAME CHANGE

OWNERSHIP CHANGE MADE WITH 42-1409(7). SF3 WAS SENT TO NEW OWNER CHAIN OF WARRANTY DEEDS INCLUDED.

DAIRY STOCK USE CANNOT EXCEED 370 HEAD. THE REDUCED NUMBERS FOR  
EXAMS FOR THE SURROUNDING FARM LANDS. IF CLAIMANT PURSUES THE  
PERMIT FILED FOR THE USES CLAIMED.

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

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

|                      |              |                       |              |                         |         |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing  | - 11/02/1992 | 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  | - 09/30/1988 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
|                      |              | Receipt Number        | - S002629    | Water District          | -       |
|                      |              | POU Ownership Flag    | - Y          | Federal/State Indicator | - S     |
|                      |              | Name Connector        | - AND/OR     | Presumption Flag        | -       |
|                      |              |                       |              | Notice of Error Flag    | -       |

MICROFILMED  
DEC 5 1996



State Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033

Fax (208) 736-3037

PHILIP E. BATT  
Governor

KARL J. DREHER  
Director

FEBRUARY 29, 1996

ROBERT & SHERMA POTEET  
788 EAST 800 NORTH  
RUPERT ID 83350

RE: SRBA CLAIM 36-02089, 36-10852, & 36-10853  
DEWER DAIRY

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION WITH A 42-1409(7) THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM(S). WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THIS COPY IS FOR YOUR RECORDS.** PLEASE REVIEW FOR ACCURACY.

I AM ENCLOSING A STANDARD FORM THREE THAT IS TO BE FILLED OUT AND SENT TO SRBA COURT FOR THE RECORDS. IF YOU ALREADY HAVE THIS FORM, PLEASE DISREGARD IT. IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CONTACT ME AT THIS OFFICE.

SINCERELY,

TARA L BACKLUND  
SNAKE RIVER BASIN ADJUDICATION  
RECORDS CLERK

/TLB  
ENCLOSURES

RECEIVED

Form 42-1409(7)



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

Department of Water Resources  
Southern Region

DATE OF CLOSING: 1-2-96

LEGAL DESCRIPTION OF PROPERTY: Township 8 South Range 26 East Boise Meridian  
Section 16, ALL 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: 36-10852, 36-10853, 36-02089

[ ] Name and Address of Former Owner/Claimant(s)(Seller): Dewer Dairy Co.  
c/o Herbert W. Poteet  
Rt. 4 Box 223 Rupert, ID 83350

[ ] New Owner/Claimant (Purchaser): Richard F. and Sherma F. Poteet

[ ] New Mailing Address: 788 East 800 North  
Rupert, ID 83350

[ ] New Telephone Number: (208) 531-4090

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

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

(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) Richard F. Poteet Date 1/2/96

[ ] Signature of Former Owner/Claimant(s): \_\_\_\_\_ 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 2/5/96 By ALB

Further Action Needed

Date \_\_\_\_\_ By \_\_\_\_\_

Further Action Taken

Date \_\_\_\_\_ By \_\_\_\_\_

Final Review and Data-Entry

Date 2/28/96 By ALB

Claim Numbers of Split, if any

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

MICROFILMED

DEC 5 1996

#18554

## WARRANTY DEED

#EC1193  
18554

For Value Received

## WETU ENTERPRISES, General Partnership

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

RICHARD F. POTEET and SHERMA F. POTEET, husband and wife  
Address: Rt. 4 Box 224 Rupert, ID 83350

Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

Township 8 South, Range 26 East of the Boise Meridian, Blaine County, Idaho

## SECTION 16: All

Together with all water and water rights, ditches or ditch rights, used thereon or appurtenant thereto.

## SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 1996 and subsequent years.

Reservations contained in those certain Deeds recorded January 28, 1952, as Instrument Nos. 100350 and 100351, records of Blaine County, Idaho.

Power Line Easement in favor of Idaho Power Company, recorded April 28, 1964, as Instrument No. 120228, records of Blaine County, Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: December 29, 1995

WETU ENTERPRISES, General Partnership

*Robert C. Chilcott*  
Robert C. Chilcott, General Partner

*Elizabeth C. Hezlep*  
Elizabeth C. Hezlep, General Partner

STATE OF CALIFORNIA )  
COUNTY OF \_\_\_\_\_ ) ss.

On this 2ND day of January, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert C. Chilcott and Elizabeth C. Hezlep, known or identified to me to be the partners in the partnership of WETU ENTERPRISES, and the partners who subscribed said partnership name to the within instrument, and acknowledged to me that they executed the same in said partnership name.

Notary Public  
Residing at:  
My Commission expires:

1-10-96  
3:55 PM

FEES \$ 6.00

MARY GRIFFIN, CLERK

926 JAN 10 10 30 AM

BLAINE CO. RECORDS  
OF  
FIRST AMERICAN TITLE CO.

386041

MICROFILMED

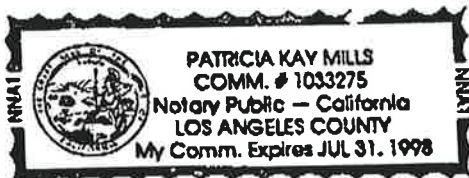
DEC 5 1996

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

No 5907

State of CALIFORNIACounty of LOS ANGELESOn JANUARY 5, 1996 before me, PATRICIA KAY MILLS  
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"personally appeared ROBERT C. CHILCOTT AND ELIZABETH C. HEZLEP  
NAME(S) OF SIGNER(S)

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Patricia Kay Mills  
SIGNATURE OF NOTARY

**OPTIONAL**

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

**CAPACITY CLAIMED BY SIGNER**

- ☐ INDIVIDUAL  
☐ CORPORATE OFFICER

TITLE(S)

- ☒ PARTNER(S) ☐ LIMITED  
☐ GENERAL  
☐ ATTORNEY-IN-FACT  
☐ TRUSTEE(S)  
☐ GUARDIAN/CONSERVATOR  
☐ OTHER: \_\_\_\_\_

**SIGNER IS REPRESENTING:**  
 NAME OF PERSON(S) OR ENTITY(IES)

WETU ENTERPRISES  
GENERAL PARTNERSHIP

**DESCRIPTION OF ATTACHED DOCUMENT**

WARRANTY DEED  
BLAINE COUNTY, IDAHO  
 TITLE OR TYPE OF DOCUMENT

ONE

NUMBER OF PAGES

DECEMBER 29, 1995  
 DATE OF DOCUMENT

NONE

SIGNER(S) OTHER THAN NAMED ABOVE

MICROFILMED

DEC 5 1996

RECORDED  
AS AN  
S NOT  
UTION  
TITLE

ANTOR.

STARY.  
RY TO

er of

1

ned, a New  
ally appeared

attorney in fact  
that the power

INSTRUMENT NO. 87017

ity reminder  
using company  
formance  
or  
ly however by  
of present or  
or expenditures  
a number issue  
ment of the  
with interest

A and provision  
ent New 24610  
1 part heron

He in front

Send  
list for record

40 clock P.  
27

to receive

Depository

THIS INSTRUMENT FILED FOR RECORD  
BY SUN VALLEY TITLE & ESCROW COMPANY  
RECORDED FOR THE PURPOSES OF THE  
WARRANTY DEED  
(CORPORATE FORM)

DEWEY DAIRY CO.  
a corporation  
organized and existing under the laws of the State of CA with its principal office at 1149 N. Las Palmas  
Ave., Los Angeles, CA 90038, of County of Los Angeles State of CA.  
grantor, hereby CONVEYS or GRANTS and WARRANTS TO  
Robert C. Chilcott, a married man, as his separate property, and  
Elizabeth C. Heslop, a married woman, as her separate property,  
each as to an undivided 1/2 interest,  
of 1149 N. Las Palmas Ave., Los Angeles, CA 90038.

The following described tract(s) of land in Blaine  
State of Idaho:

Section Sixteen (16), Township Eight (8) South,  
Range Twenty-six (26) East, T.8N., R.26E., situated in  
Blaine County, Idaho.

Location of above described property Minidoka, ID 83441

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly  
authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held  
and attended by a quorum.

In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly  
authorized officers this 1st day of September, A.D. 1988.



DEWEY DAIRY CO.  
Robert C. Chilcott, President  
Elizabeth C. Heslop, Vice President

ACKNOWLEDGMENT - Corporate

STATE OF CALIFORNIA

County of Los Angeles

On this 1st day of September, 1988, before me, a Notary Public,

personally appeared Robert C. Chilcott and Elizabeth C. Heslop, known or  
identified to me to be the President and Vice President of the corporation that executed  
the instrument, to the presence of which I attested the instrument on behalf of said corporation, and acknowledged in  
the that such corporation executed the same.

Notary Public  
Residing at 1000 Broadway, Los Angeles, CA 90012

STATE OF IDAHO, COUNTY OF Blaine

I hereby certify that this instrument was filed for record at the

request of

at 6 minutes past

this 6th day of Sept 1988, in my office, and duly recorded in Book

of Records at page

Shirley Green

Be-Officer Recorder

By J. Dudley Deputy

From 300

Mail to



|                      |           |                |
|----------------------|-----------|----------------|
| First American Title |           | # of pages = 1 |
| To TERRI             | From CURT |                |
| Co. LAND TITLE       | Co. FAICO |                |
| Dept.                | Phone #   |                |
| Fax # 436-1199       | Fax #     |                |

RECEIVED

FEB 28 1996

Department of Water Resources  
Southern Region

FOR ORIGIN

# WARRANTY DEED

## FOR VALUE RECEIVED

Robert C. Chilcott, a married man, as to his undivided 1/2 interest, and Elizabeth C. Rezier, a married woman, as to her undivided 1/2 interest,

the Grantor s .do hereby grant, bargain, sell and convey unto

WETU ENTERPRISES, a General Partnership

the Grantee, whose address is 1159 N. Las Palmas Ave.  
Los Angeles, CA 90032  
the following described premises, to-wit:

Section Sixteen (16), Township Eight (8) South,  
Range Twenty-six (26) East, S.M., situated in  
Blaine County, Idaho.

THIS INSTRUMENT FILED FOR RECORD  
BY SUN VALLEY TITLE COMPANY AS AN  
ACCOMMODATION ONLY. IT WAS NOT  
BEEN EXAMINED AS TO ITS EXECUTION  
OR AS TO ITS EFFECT UPON THE TITLE.

297949  
Blaine Co  
RECEIVED  
SEP 6 1988  
SUN VALLEY TITLE CO  
308 341-0515

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee  
heirs and assigns forever. And the said Grantor s do hereby covenant to  
and with the said Grantee that he is the owner in fee simple of said premises; that  
said premises are free from all encumbrances

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

Dated: September 1, 1988

Robert C. Chilcott  
Robert C. Chilcott  
Elizabeth C. Rezier  
Elizabeth C. Rezier

Janine M. Chilcott  
Janine M. Chilcott, Spouse

STATE OF CA COUNTY OF Los Angeles

On this 1st day of September, 1988,  
before me, a notary public in and for said State, personally  
appeared Robert C. Chilcott, Janine M.  
Chilcott & Elizabeth C. Rezier

known to me to be the person s who so name C. etc.  
subscribed to the within instrument, and acknowledged to  
me that they executed the same.

Notary Public  
Residing at Sunland, California  
Comm. Expires 8/17/92

STATE OF IDAHO, COUNTY OF

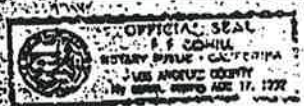
I hereby certify that this instrument was filed for record  
at the request of

at \_\_\_\_\_ minutes past \_\_\_\_\_ o'clock \_\_\_\_\_ m.  
this \_\_\_\_\_ day of \_\_\_\_\_  
19 \_\_\_\_\_, in my office, and duly recorded in Book  
of Deeds of page \_\_\_\_\_

Ex-Officio Recorder

By \_\_\_\_\_ Deputy

Feet &  
Megal to:



PIONEER TITLE COMPANY  
OF ADA COUNTY  
1115 W. Jefferson St.  
Boise, Idaho 83702 • 308 341-0515  
Representing Pioneer National Title Insurance

First American Title

# of pages = 1

|                |           |
|----------------|-----------|
| To TERR 1      | From CURT |
| Co. LAND TITLE | Co. FATCO |
| Dept.          | Phone #   |
| Box # 436-1199 | Box #     |

RECEIVED

FEB 26 1996  
MICROFILMED  
Department of Water Resources  
Southern Region

Tara,

Enclosed are the two warranty deeds you requested.

The first indicates Dewar Dairy was transferred to Robert & Elizabeth. The ~~first~~ second deed shows Robert & Elizabeth transferring to WETU Enterprises.

Thank you for your help regarding this matter.  
Sincerely,

Rick Poteet

(208) 531-5362 or 531-4090

RECEIVED

Poteet Farms, Inc.  
788 E 800 N  
Rupert, ID 83350

FEB 28 1996

Department of Water Resources  
Southern Region

MICROFILMED

DEC 5 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033  
Fax (208) 736-3037

PHILIP E. BATT  
Governor

KARL J. DREHER  
Director

FEBRUARY 6, 1996

RICHARD & SHERMA POTEET  
788 EAST 800 NORTH  
RUPERT ID 83350

RE: SRBA CLAIMS FOR DEWER DAIRY

DEAR MR. & MS. POTEET:

THANK YOU FOR INFORMING US OF THIS OWNERSHIP CHANGE. I NEED TO HAVE SOME ADDITIONAL INFORMATION. I NEED TO HAVE A LINK BETWEEN DEWER DAIRY AND WETU ENTERPRISES. A WARRANTY DEED OR QUITCLAIM DEED COULD WORK.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL ME AT THIS OFFICE. THANK YOU FOR YOUR TIME.

SINCERELY,

TARA L BACKLUND  
SNAKE RIVER BASIN ADJUDICATION  
RECORDS CLERK

/tlb

MICROFILMED

DEC 5 1996

E. RECEIVED

FEB 29 1996

Department of Water Resources  
Southern Region

RECEIVED

JAN 17 1996

Department of Water Resources  
Adjudication Bureau

RECEIVED

JAN 16 1996

DEPARTMENT OF WATER RESOURCES  
ADJUDICATION BUREAU

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

In Re SRBA

Case No. 39576

STANDARD FORM 3  
(Check Appropriate Box)

☐ NOTICE OF CHANGE IN ADDRESS  
OR

☒ CONSENT TO SUBSTITUTION OF  
PARTY 36-10852, 36-10853, 36-02089

this document was accepted by the  
SRBA court 1/19/96 CM system not  
updated - no CM  
rec'd

INSTRUCTIONS FOR USE

This form is to be used to provide notice of a change in address of a party or to substitute a party whose water right was recommended in a director's report. The filing of Standard Form 3 cannot result in a contested matter and a hearing will not be scheduled. If completed as directed, the form will be accepted by the court and no further orders will issue. Standard Form 3 shall not operate to excuse compliance with the statutory requirements of I.C. § 42-1409(7) (1986) where a water right recommendation is not before the court.

This form has been adopted by the court in Re SRBA, Twin Falls County Case 39576, SRBA Administrative Order 1 Rules of Procedure (amended 6/21/93), Section 4Ac(3), which may be consulted for further information.

A party may copy or reproduce the standard form. The text of the form must be on the front and back of each page, exactly as it appears here. Follow the instructions on the form or it will not be accepted for filing. The Verification and the Certificate of Mailing must be completed.

Standard forms may be obtained from the Idaho Department of Water Resources or the SRBA Court.

MICROFILMED

DEC 5 1996

POOR ORIGINAL

**CHANGE IN ADDRESS**

You must use this form to advise the court and parties of any change in your address during the pendency of the SRBA.

You must provide a copy of the completed form to each party or if the party is represented by an attorney you must serve the attorney in every subcase in which you are a party.

No hearing will be held and no further order will issue from this court.

My name is \_\_\_\_\_

I am the claimant of \_\_\_\_\_

(Insert each water right number)

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

(Insert each water right number)

My new mailing address is \_\_\_\_\_

My phone number is: Work \_\_\_\_\_ Home \_\_\_\_\_

(Go to Page 4)

**CONSENT TO SUBSTITUTION OF PARTY**

This form may only be used if a water right number is included as a "recommendation" in a director's report. *This form cannot be used for water rights that are not in a director's report or when portions of a water right are involved (i.e. where a water right is split).* You must use this form to substitute a new party into the SRBA.

You are to provide a copy of the completed form to every party in each subcase in which the new party is to be substituted. If the party is represented by an attorney you must serve the attorney. Because this is a "consent" form, it is a stipulation that there is no disagreement between the prior claimant/seller and the new claimant/purchaser that the prior claimant/seller has transferred all interests in the water right. No hearing will be held and no further order will issue.

"Prior claimant/seller" means any person who, pursuant to I.C. §§ 42-1409(2), (3) and (6) (1986), filed a notice of claim asserting the right to the use of water or on whose behalf the

right to the use of water was asserted. "New claimant/purchaser" means any successor in interest of the "prior claimant/seller," whether the interest is acquired by purchase, gift, inheritance or other means.

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

I am the new claimant/purchaser of 36-10852, 36-10853, 36-02089

(Insert each water right number)

My name is Richard F. Poteet

My address is 788 E 800 N P. Poteet

My phone number is: Work 531-4090 Home 531-5362

The name and address of the prior claimant/seller who I wish to be substituted for are:

Dewer Dairy Co. c/o Herbert W. Poteet

Rt. 4 Box 223 Rupert, ID 83350

Robert C. Chikott

Signature of prior claimant/seller

Richard F. Poteet

Signature of new claimant/purchaser

If an attorney is filing this form on behalf of a water right claimant or party in the SRBA, the attorney must complete the following information, in addition to the information required above.

Attorney name \_\_\_\_\_

Attorney of record for \_\_\_\_\_

(Identify party/claimant)

Attorney address and phone number: \_\_\_\_\_

- ☐ I have filed a *Notice of Appearance* for the party on whose behalf I am filing this form.
- ☐ A *Notice of Appearance* accompanies this form indicating which party and water rights I represent.

right to the use of water was asserted. "New claimant/purchaser" means any successor in interest of the "prior claimant/seller," whether the interest is acquired by purchase, gift, inheritance or other means.

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

I am the new claimant/purchaser of 36-10852, 36-10853, 36-Q2089

(Insert each water right number)

My name is Richard F. Poteet

My address is 788 E 800 N Rupert

My phone number is: Work 531-4090 Home 531-5362

The name and address of the prior claimant/seller who I wish to be substituted for are:

Dewer Dairy Co. c/o Herbert W. Poteet

Rt. 4 Box 223 Rupert, ID 83350

X \_\_\_\_\_  
Signature of prior claimant/seller

Richard F. Poteet  
Signature of new claimant/purchaser

If an attorney is filing this form on behalf of a water right claimant or party in the SRBA, the attorney must complete the following information, in addition to the information required above.

Attorney name \_\_\_\_\_

Attorney of record for \_\_\_\_\_  
(Identify party/claimant)

Attorney address and phone number: \_\_\_\_\_

- ☐ I have filed a *Notice of Appearance* for the party on whose behalf I am filing this form.
- ☐ A *Notice of Appearance* accompanies this form indicating which party and water rights I represent.

PC ORIGINAL

## VERIFICATION

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

State of IdahoCounty of Minidoka

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

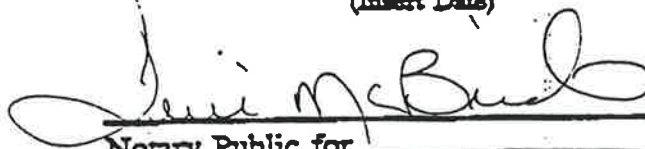
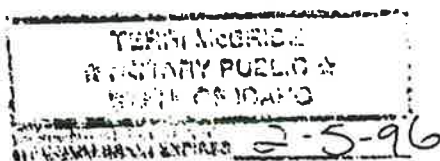
That I am the person or entity filing this form, that I am a water right claimant or party or their successor in interest, defined by I.C. §§ 42-1401A(1), (7) or (10) (1986); that the water right number I am asking the court to substitute a party on is a water right in a director's report filed with the court and that I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.



Signature of person filing form

BY: \_\_\_\_\_  
Attorney signing in representative capacity

Subscribed and sworn to before me on January 2, 1996  
(Insert Date)



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

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

My Commission expires: \_\_\_\_\_

**INSTRUCTIONS FOR MAILING**

ORIGINAL

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

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

**CERTIFICATE OF MAILING**

I certify that on January 10, 1996, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. A *Change of Address* was served on each party, or if they are represented by an attorney you must serve the attorney, in each subcase in which you are a party, at the following address(es):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. A *Consent to Substitution of Party* was served on the prior claimant/seller, or if they are represented by an attorney you must serve the attorney, at the following address(es):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. A *Consent to Substitution of Party* was served on each party to each subcase, or if they are represented by an attorney you must serve the attorney, in which the prior claimant/seller is a party at the following address(es):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MICROFILMED

DEC 5 1996

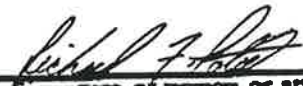
POOR ORIGINAL

## 5. One copy to:

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

## 6. One copy to:

United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, Box 33  
Boise, Idaho 83724

  
\_\_\_\_\_  
Signature of person or attorney mailing the form

**R PROOF**



**CVR**



**MAPS**



**PHOTOS**



**MISC**

**MICROFILMED**  
**FEB 07 1993**

VERIFIED BY

See

Water Right Number - R36-10852

Prefix Translation: RESEARCH

Old (D) Number -

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

\*\*\* C - CURRENT OWNER \*\*\*  
DEWER DAIRY CO1 - C/O HERBERT W POTEET  
2 - RT 4 BOX 223  
3 -  
City- RUPERT  
Phone - 208-531-4170

State- ID Zip- 83350

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +  
01/01/1968 ERROR IN REGION J - BENEFICIAL USE+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +  
GROUNDWATER+ - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County  
08S 26E 16 NE NW NE (13) BLAINE+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume  
04 - STOCKWATER 01/01 12/31 0.140+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +  
0.140 0.0+ - - - - Place of Use - - - - - +  
Twn Rng Sec Tract Lot Acres Code Description County  
08S 26E 16 NW NE 04 STOCKWATER (13) BLAINE

Total Acres:

+ - - Diversion Means - 240'X 8" WELL, 7.5 HP PUMP

+ - - Non-Irrigation Use - STOCKWATER, 200 DAIRY, 500 BEEF

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +  
No Remarks found.+ - - - - Old Water Right Numbers - - - - - +  
No Old Water Right Numbers Found+ - - - - Conditions of Approval - - - - - +  
No Conditions of Approval found.MICROFILMED  
FEB 07 1993

|                      |              |                       |              |                         |         |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| 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         | - 02/12/1992 | Old Judicial District   | -       |
| Claim Received Date  | - 09/30/1988 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
|                      |              | Receipt Number        | - S002629    | Water District          | -       |
|                      |              | POU Ownership Flag    | - Y          | Federal/State Indicator | - S     |
|                      |              | Name Connector        | -            | Presumption Flag        | -       |
|                      |              |                       |              | Notice of Error Flag    | -       |

MICROFILMED  
FEB 07 1993

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

00:34:27  
01/09/92

PAGE: 10  
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-10852

| WR ELEMENT                | FIELD EXAM<br>Y/N | CORRESPONDENCE<br>SENT/RECEIVED<br>BY WHOM/DATE | FIELD EXAM<br>BY WHOM/DATE | CHANGE<br>CLAIM<br>Y/N | VERIFIED BY<br>CODE | COMPLETED<br>REVIEW<br>WHOM/DATE | COMPLETED<br>DATA ENTRY<br>WHOM/DATE | VERIFIED<br>DATE<br>WHOM/DATE |
|---------------------------|-------------------|-------------------------------------------------|----------------------------|------------------------|---------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE             | Y                 |                                                 |                            | N                      |                     | gm<br>2-11-92                    | gm<br>2-12-92                        |                               |
| POINT OF DIV              | Y                 |                                                 |                            | N                      | 1,6                 |                                  |                                      |                               |
| SOURCE                    | Y                 |                                                 |                            | N                      |                     |                                  |                                      |                               |
| PLACE OF USE              | Y                 |                                                 |                            | N                      | 1,4,5,6             |                                  |                                      |                               |
| DIV. AMOUNT<br>CFS/VOLUME | Y                 |                                                 |                            | Y                      |                     |                                  |                                      |                               |
| CONSUMPTIVE USE           | -                 |                                                 |                            | N                      |                     |                                  |                                      |                               |
| PURPOSES                  | Y                 |                                                 |                            | N                      | 6,5                 |                                  |                                      |                               |
| PERIOD OF USE             |                   |                                                 |                            | N                      |                     |                                  |                                      |                               |
| BASIS OF CLAIM            | Y                 |                                                 |                            | N                      |                     |                                  |                                      |                               |
| REMARKS                   | Y                 |                                                 |                            | N                      |                     |                                  |                                      |                               |

"VERIFIED BY" CODES

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

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

MICROFILMED  
FEB 07 1993

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

03:30:57  
01/09/92

PAGE: 11  
PROFILE REPORT

CLAIM NUMBER: A36-10852

| OWNER<br>CODE | NAME & ADDRESS                                                                             | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|--------------------------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | DEWER DAIRY CO<br>% HERBERT W. POTEET<br>RT 4 BOX 223<br>RUPERT ID 83350<br>(208) 531-4170 | 01/01/1968       | STOCKWATER | 01-01 12-31           | 0.50 CFS          |                     |
|               |                                                                                            |                  |            | TOTAL DIVERSION:      | 0.50 CFS          |                     |

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T08S R26E S16

NENWNE

BLAINE County

Place of use Legal Description for: STOCKWATER

|     |     |    |    | NE   |      |      |      | NW |      |      |      | SW   |    |      |      | SE   |      |    |      |      |      |      |    |    |   |
|-----|-----|----|----|------|------|------|------|----|------|------|------|------|----|------|------|------|------|----|------|------|------|------|----|----|---|
| T   | R   | S  | :  | NENE | NWNE | SWNE | SENE | :  | NENW | NWNW | SWNW | SENW | :  | NESW | NWSW | SWSW | SESW | :  | NESE | NWSE | SWSE | SESE | :  |    |   |
| Lt  | Ac  | Lt | Ac | Lt   | Ac   | Lt   | Ac   | :  | Lt   | Ac   | Lt   | Ac   | Lt | Ac   | :    | Lt   | Ac   | Lt | Ac   | :    | Lt   | Ac   | Lt | Ac | : |
| 08S | 26E | 16 | :  |      | S    |      |      | :  |      |      |      |      | :  |      |      |      |      | :  |      |      |      |      | :  |    |   |

Other Rights: NONE

Non-Irrigation Use: S/500 DAIRY STOCK, 500 BEEF STOCK

Remarks: STOCK WELL USES LESS THAN 13,000 GALLONS PER DAY.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:  
Presumption Flag:

MICROFILMED  
FEB 07 1993

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

00:34:27  
01/09/92

PAGE: 1  
GENERAL INFORMATION

CLAIM NUMBER: A36-10852

LAST: DEWER DAIRY CO  
ADDRESS: % HERBERT W. POTEET  
RT 4 BOX 223  
CITY: RUPERT  
PHONE NUMBER: 208-531-4170

FIRST:

STATE: ID ZIP: 83350

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE  
Y

FIELD  
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: STOCK WELL USES LESS THAN 13,000 GALLONS PER DAY.

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:

---

---

---

---

---

---

---

---

MICROFILMED  
FEB 07 1993

A. AJ CLAIM: # A36-10852 PRIORITY DATE: 01-01-1968 STAGE: J

B. WR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE

Y

FIELD  
EXAMINER

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

REMARKS:

RECOMMENDED PRIORITY DATE:

OK

REVIEWED BY

SW

DATE

2-11-92

NOTIFIED  
FEB 07 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT     | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY   |
|-----------|------|------|------|-----|-----|-----|-----|--------|
| A36-10852 | 08S  | 26E  | 16   | NE  | NW  | NE  |     | BLAINE |

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:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. FIELD EXAM REQUIRED?

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

DATABASE  
Y  
Y

FIELD  
EXAMINER  
\_\_\_\_\_  
\_\_\_\_\_

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

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

SOURCE:

REVIEWED BY:

TRIB:

DATE:

MICROFILMED  
FEB 07 1993

A. ROOT WATER RIGHT NUMBERS: A36-10852

B. POU LISTING

| TWP         | RNG | SEC | 1/4 | 1/4 | LOT | NAME           | AJ<br>#/ACRES | WR<br>#/ACRES | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-------------|-----|-----|-----|-----|-----|----------------|---------------|---------------|-----------------|----------------|------------------|
| 08S         | 26E | 16  | NW  | NE  |     | DEWER DAIRY CO | A36-10852 /   | - /           | 39.0            |                |                  |
| TOTAL ACRES |     |     |     |     |     |                | A36-10852     |               | 39.00           |                |                  |

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:

REMARKS:

STOCK ONLY

RECOMMENDATIONS:

TOTAL ACRES: \_\_\_\_\_

REVIEWED BY: Sc

DATE: 2-11-92

MICROFILMED  
FEB 07 1993

A. AJ CLAIMED USES:

| PURPOSES                            | MONTH/DAY           | DIVERSION QUANTITY |
|-------------------------------------|---------------------|--------------------|
| A36-10852 STOCKWATER                | FROM 01-01 TO 12-31 | .500 CFS           |
| TOTAL DIVERSION RATE/VOLUME CLAIMED |                     | .500 CFS           |

B. WR RECORDED USES:

| PURPOSES | MONTH/DAY | DIVERSION QUANTITY |
|----------|-----------|--------------------|
|----------|-----------|--------------------|

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

|                                          | DATABASE | FIELD EXAMINER |
|------------------------------------------|----------|----------------|
| DUE TO WATER-USE DISCREPANCY? (Y/N)      | Y        | _____          |
| DUE TO DIVERSION RATE DISCREPANCY? (Y/N) | Y        | _____          |
| 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:

MICROFILMED  
FEB 07 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y( ) N(~~X~~)

AJ TOTAL CLAIMED DIVERSION RATE: 0.500 CFS  
WR ROOT RIGHT TOTAL DIVERSION RATE: 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

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

Y

\_\_\_\_\_

B.

FLOW MEASUREMENT

MEASUREMENT METHOD \_\_\_\_\_, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y( ) N(~~X~~) 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

MICROFILMED  
FEB 07 1993

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES \_\_\_\_\_ x 0.02 CFS/ACRE = \_\_\_\_\_ 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( ) \*\*\*

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = \_\_\_\_\_ AF/A

ACRES \_\_\_\_\_ x CONSUMPTIVE VOL. AF/A FOR AREA \_\_\_\_\_ =

TOTAL CONSUMPTIVE USE \_\_\_\_\_ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = \_\_\_\_\_ AF/A

ACRES \_\_\_\_\_ x DIVERSION VOL. AF/A FOR AREA \_\_\_\_\_ =

TOTAL DIVERSION VOLUME \_\_\_\_\_ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y( ) N( )

IDWR STDs

500 Beef 0.14  
200 Dairy 0.14

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

\*While Doing field exams for  
the irrigation uses around this Dairy  
& Stock yard, There was not a  
large population of cattle. Dairy  
Stock was a lesser proportion  
of Total animals. su 2-11-92

MICROFILMED  
FEB 07 1993

RECOMMENDATIONS:

| REC.<br>PURPOSES     | REC. PERIOD<br>FROM TO | REC. DIV<br>RATE CFS | REC. DIV<br>VOL. AF/A | REC. CONS.<br>USE |
|----------------------|------------------------|----------------------|-----------------------|-------------------|
|                      |                        | DATABASE EXAMINER    | DATABASE EXAMINER     | DATABASE EXAMINER |
| <u>Stock</u>         | <u>1-1 12-31</u>       | <u>0.14</u>          | <u>      </u>         | <u>      </u>     |
| TOTAL FOR THIS RIGHT |                        | <u>      </u>        | <u>      </u>         | <u>      </u>     |

REVIEWED BY: SW

DATE: 2-11-92

MICROFILMED  
FEB 07 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP \_\_\_\_\_  
FORFEIT/ABANDON \_\_\_\_\_  
ADDITIONAL DIV. AMOUNT \_\_\_\_\_

| ACCEPTED<br>AS CLAIMED | NEEDS<br>REVIEW |
|------------------------|-----------------|
| ( )                    | ( )             |
| ( )                    | ( )             |
| ( )                    | ( )             |

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-10852

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE

EXAMINER

CFS

SPLITS:

| OLD RIGHT<br>NUMBERS | CURRENT<br>CLAIM NUMBERS | DIVERSION<br>RATE | CURRENT "R"<br>CLAIM NUM. | "R" DIV.<br>RATE | WR RIGHT<br>NUMBERS | DIVERSION<br>RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| -                    | A36-10852                | 0.500             | -                         | -                | -                   | -                 |
| TOTAL CFS            |                          | 0.500             |                           |                  |                     |                   |

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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AUTHENTICATION:

SIGNATURE:

*Steve Callahan*

DATE:

2-11-92

NAME OF FIELD EXAMINER:

TITLE:

MICROFILMED  
FEB 07 1993

R 26E

POD

T  
8  
S

Sec. 16

ALSO NAPP PHOTO  
BB 31 NE

BB 31 (NE)  
1976

A36-10852  
Dewer Dairy

MICROFILMED  
FEB 07 1993

Blue  
Lake

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS  
\*\*\*\*\*

FILE: A36-10852  
DATE: 2-12-92  
BY: see

THEORETICAL RATE OF FLOW:  $Q = \frac{(8.8) \times (\text{H.P.}) \times (\text{EFF.})}{\text{TDH}}$

Q = CFS

H.P. = Total Brake Horsepower of pumping plant (including booster)

EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)

TDH = total dynamic head = [ (LIFT) + (PSI X 2.31) ]

LIFT = depth to water in FEET from land surface to pumping water level

PSI = pumping pressure measured in psi near pump  
(if open discharge assume zero [ 0 ])

$$Q = \frac{(8.8) \times (7.5) \times (0.70)}{[ (240) + (60 \times 2.31) ]} = \frac{46.2}{378.6} = 0.12 \text{ cfs}$$

LIFT FROM:

measurement ( )

owner (X)

area estimate ( )

well logs ( )

Booster (Y) (N)

PSI FROM:

measurement ( )

owner ( )

estimate (X)

owner gage ( )

NOTES ON PUMP:

Motor Make, Serial or ID

7.5 HP pump

Pump Make, Serial or ID, rating

REMARKS

ANNUAL VOLUME ANALYSIS

POTENTIAL Acre Feet/Acre/Annum =  $\frac{(\text{DAYS IN SEASON}) \times (1.98) \times (Q)}{(\text{RECOMMENDED ACRES IRRIGATED})}$

| (season)     | (days) |                                                                    |
|--------------|--------|--------------------------------------------------------------------|
| 3/15 - 11/15 | 246    | POTENTIAL = $\frac{(\dots) \times (1.98) \times (\dots)}{(\dots)}$ |
| 4/1 - 11/1   | 215    |                                                                    |
| 4/15 - 10/15 | 184    |                                                                    |
| 3/1 - 12/1   | 276    |                                                                    |

POTENTIAL = \_\_\_\_\_

REQUIRED Acre Feet/Acre/Annum = \_\_\_\_\_

(AF/Ann/Ac irrigation requirement from chart for area)

\*\*\*NOTE that this is NOT Consumptive use\*\*\*

IF POTENTIAL IS GREATER THAN REQUIRED THEN NO MEASUREMENT NECESSARY ( )

IF POTENTIAL IS LESS THAN REQUIRED THEN MEASUREMENT IS NECESSARY ( )

MICROFILMED  
FEB 07 1993