

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

JUL 17 2001
 DEPARTMENT OF WATER RESOURCES

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-30229					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FEILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION.**
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former
 Owner/Claimant(s)

Joseph Roberts
 15032 Hollow Road, Caldwell Id 83607

4. New Owner/Claimant(s)

Lance and EVA Herold
 (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address

14023 Oasis Road

City, State and ZIP Code

Caldwell Id 83607

New Telephone Number

(208) 455-9671

5. Date you acquired the property

December, 1995

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6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. or Claimant(s) Lance R Herold
(include title if applicable) Eva Herold

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only			
Received by <u>J. Mann</u>	Date <u>9/18/01</u>	Fee <u>\$25.00</u>	MICROFILMED <u>2001-09-18</u>
Received by <u>J. Mann</u>	Date <u>9/18/01</u>	Receipt No. <u>0056309</u>	
Processed by <u> </u> AJ	Date <u> </u>	WR <u> </u> Date <u> </u>	

9535068

THIS FORM FURNISHED COURTESY OF:

ALLIANCE TITLE &
ESCROW CORP.READ & APPROVED BY GRANTEE(S): Zek ETHREQUEST
TYPE Deed FEE 3.00

ALLIANCE - CALDWELL

[Signature]

CANYON COUNTY RECORDER

95 DEC 12 PM 2 42

RECORDED

9534832

SPACE ABOVE THIS LINE FOR RECORDING DATA

Order No.: 95011474

57C

WARRANTY DEED

FOR VALUE RECEIVED JOSEPH W. ROBERTS AND RHODONNA ROBERTS, HUSBAND
AND WIFEGRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto LANCE R. HEROLD
AND EVA HEROLD, HUSBAND AND WIFEGRANTEE(S), whose current address is:
the following described real property in
described as follows, to wit:

CANYON

County, State of Idaho, more particularly

Lot 4 of HILL RIDGE ESTATES, according to the Official Plat
thereof, filed in Book 13 of Plats at Page 30, Records of
Canyon County, Idaho.REQUEST
TYPE Deed FEE 3.00

ALLIANCE - CALDWELL

[Signature]

CANYON COUNTY RECORDER

95 DEC 13 PM 4 31

RECORDED

9535068

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: December 11, 1995

[Signature]
JOSEPH W. ROBERTS*[Signature]*
RHODONNA ROBERTSSTATE OF IDAHO)
COUNTY OF CANYON)

On this 11th day of December, in the year of 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH W. ROBERTS AND RHODONNA ROBERTS

known or identified to me 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.

Signature: Karma Ellis

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Name: KARMA ELLIS

SEP 9 4 2002

Residing at: MIDDLETON, IDMy Commission Expires: 8/7/98

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-30229

NAME AND ADDRESS: JOSEPH W ROBERTS
15032 HOLLOW RD
CALDWELL, ID 83605

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

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

PRIORITY DATE: 10/24/1980

POINT OF DIVERSION: T05N R03W S02 NWNW Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater		Within Canyon County
	T05N R03W S02	NWNW	
	Domestic		Within Canyon County
	T05N R03W S02	NWNW	

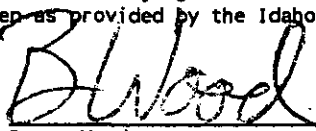
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

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FEB 04 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 25, 2002

LANCE HEROLD
EVA HEROLD
14023 OASIS RD
CALDWELL ID 83605

RE: Permit Application No. 63-31206, Water Right 63-30229

Dear Mr. and Mrs. Herold:

I received your letter dated January 1, 2001, regarding the above referenced water rights. As requested, I would like to clarify the status of the application for permit referenced above, and discuss the options for processing it based on previous development.

As you know, in 1992, the Director issued a moratorium order prohibiting further development of consumptive uses in the area. Application for permit for a water right no. 63-12198 was filed on April 20, 1995. The department sent a letter, dated July 3, 1995, to the original Applicant, Joseph Roberts, addressing the moratorium. It explained that development of new consumptive use water rights (irrigation is considered to be consumptive) was prohibited as of May of 1992 due to drought conditions and concerns about local water supply. Though the drought moratorium was withdrawn in May of 1997, new consumptive use applications are still being held due to continued concerns regarding the local water supply in Basin 63. One exception to the processing hold is use developed prior to November of 1987.

Please note that new appropriations of ground water have required a water right permit since March 25, 1963. According to Idaho Law, initiating water use from a well for irrigation purposes after this date is illegal unless a water right has been obtained or the use is exempt. Therefore, given the concerns regarding water supply and the statutory protocol for establishing a water right, the department must be very thorough in evaluating and accepting proof for uses established prior to November, 1987.

As you know, application 63-12198 was split when the property was sold. Your portion of the right is now represented by number 63-31206. Let me first review the information the department has regarding the history of water use on your property, and secondly review the type of information helpful in verifying development of irrigated acreage prior to November, 1987. Letters from previous owners, Carl and Laura Post, were provided by both you and Mr. Roberts. The affidavits state that the Posts lived on Lot 4, and watered Lots 4 and 6 of the

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Hillridge Estates from a well on Lot 4 prior to 1987. The Posts also note that a buried mainline was installed between the two lots for irrigation purposes. You provided a letter documenting that the well and delivery pipes used to irrigate Lots 4 and 6 are located on your property (Lot 4).

Research by Department staff indicates that this well was drilled on October 24, 1980. In an effort to substantiate the Post's affidavits and to establish how much land was irrigated prior to 1987, the department located FSA photographs of the property from 1984, 1985, and 1986. We have also reviewed infrared aerial photography for the years of 1980, 1983, and 1987. As we discussed during telephone conversations, in person, and through correspondence, the infrared aerial photography is used by the department to identify land that is being irrigated. Healthy vegetation is highly infrared-reflective and appears red on the photographs. When vegetation begins to die, it is less infrared-reflective.

In a letter dated June 20, 2001, I explained that the department was prepared to issue a permit on the above referenced application, but I wanted you be aware that based on available evidence, only 2.4 acres of the five described on the application were irrigated prior to 1987. A copy of 1987 NAPP infrared aerial photography was sent with the letter with two hatched shapes identifying the recognized irrigated area. We later discussed over the telephone, in a letter to you dated July 9, 2001, and during an office visit on July 17, 2001, whether additional land had been irrigated. You stated that a row of well-developed irrigated trees close to the canal, and a field between the two hatched shapes were both irrigated with laterals installed prior to 1987. By expanding the computer generated shape over the 1987 NAPP photography to include these areas and checking it against the property dimensions you brought to our July meeting, we identified approximately 0.5 additional acres that could have potentially been irrigated.

As we discussed during the meeting, the additional area could not be verified based on the available infrared photography (1980, 1983, and 1987). The property had not been developed in 1980 (the year the well was drilled), 1983 photography has an overall red haze rendering it unreliable, and the additional area did not appear to be irrigated in the 1987 photograph. Land that appears to be irrigated in the FSA photography varies distinctly over the years represented (1984, 1985, 1986). The only area that is consistently irrigated is defined by the western hatched shape on the 1987 NAPP photograph discussed above. The time of year the FSA photographs were taken was unavailable and the trees are not identifiable in any of the aerial photographs. Therefore, the only evidence that can be used at this time to quantify the number of acres irrigated prior to November, 1987 is that highlighted in the 1987 NAPP photograph.

During our meeting on July 17, 2001, we discussed additional documentation you could provide to verify the amount of development and to supplement the Post's affidavits. It was my understanding that you intended to provide me with as much of this material as possible. This information included a sketch of the dimensions of the areas that had been historically irrigated (a copy of the dimensions you brought to our meeting), photographs of the older trees and the corresponding irrigation line, photographs of the irrigation system feeding the field area between the two hatched shapes, any information on the installation of the water lines and laterals (i.e. receipts or design documentation), and any additional affidavits that could be obtained to corroborate the Post's irrigation activities.

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Your application has since been held pending the receipt of this information. On December 27, 2001 I spoke with you regarding the status of your permit application, and explained that I had not yet received any of the information we had discussed during our meeting and that I could not approve additional irrigated acreage until supplementary documentation of additional development prior to 1987 was provided.

Considerable effort has been made by the department to review your application, and we understand that proof of historical use can be difficult to provide. However, because the original user did not follow the statutory procedure in filing for a water right, the department is obligated to substantiate our evaluation with reasonable evidence that water was put to beneficial use. We appreciate your efforts to provide additional information, and I hope this helps clarify the type of information needed to further our review.

As for the change of ownership of water right 63-30229, I have attached a water right report documenting that the change has been processed. Additionally, you will be receiving a change of ownership acknowledgment letter in the mail referencing the water right.

I understand you are anxious to conclude the processing of application 63-31206, therefore if I do not hear from you within thirty (30) days, I will forward the permit application for approval of 2.4 acres of irrigated land when combined with all other water rights. Please contact me at 208-327-7898 if you have any questions about the issues discussed.

Sincerely,



Cynthia Bridge Clark
Associate Engineer
Water Right Permits Section

Enclosure

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State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 25, 2002

LANCE R HEROLD
EVA HEROLD
14023 OASIS RD
CALDWELL ID 83607

RE: Change of Ownership for Water Right 63-30229

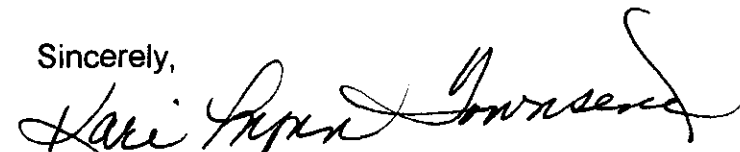
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records. Also enclosed is a receipt for the \$25.00 filing fee.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

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

Sincerely,

for 
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

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JAN 25 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 29, 2001

LANCE HEROLD
EVA HEROLD
14023 OASIS RD
CALDWELL ID 83605

Re: Notice of Claim To A Water Right No. 63-30229

Dear Claimants:

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

Thank you for your patience in this process, as we have had several ownership changes to process. If you have any further questions or concerns regarding the enclosed water rights, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist 1
Adjudication Section
Western Regional Office

DB:db

Enclosures

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FEB 04 2002

No Color
Documents
In File
