

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: **A63-04254**
Date Received: 8/ 7/1989
Receipt No: W004065
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: MARK ALLEN HENZLER
Address: 1965 S LINDER RD
EAGLE ID

83616

208-939-9440

AND/OR

Name: JOANNE P HENZLER
Address: 1965 S LINDER RD
EAGLE ID

83616

208-939-9440

2. Date of Priority: JUN 1, 1927

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	01W	23	NE	NE			ADA

5. Description of diverting works:

ARTESIAN WELLS (3), PIPELINE, PUMP, SPRINKLERS, STOCK TROUGH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.580		
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

S/30 RANGE, D/1 HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01W	23	NE	NE		IRR	29.0
			NE	NE		STOCK	
						Section Acres	29.0
		24	NW	NW		DOMEST	
						Total Acres	29.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
A63-02268

14. Remarks:

3 P/D IN NENE, S23, T4N, R1W.

CHANGE FROM ORIGINAL S. CLAIM IS IN THE AMOUNT OF IRR. ACRES,
DELETED FISH PROPAGATION, AND TOTAL AMOUNT OF WATER.

THIS WATER RIGHT COMBINED WITH WATER RIGHT NUMBER A63-02268
SHALL EXCEED NO MORE THAN AN 1"/ACRE.
OWNERSHIP CHANGED BY DB 6/20/2000.

15. Basis of Claim: STATUTORY CLAIM

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

RECEIVED

MAY 25 2000

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

1. Water Right No(s): N/A
 Adjudication Claim No(s): AG-02268, AG-04254 & 63-16961

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

*A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim 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 Hugo E. Holubetz, Meredith Akleboke
1965 Linder Rd Eagle 83616

4. New Owner/Claimant(s) MARK ^{Alek} Henkle & Terene P
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address 1965 S. Linder Road Eagle Idaho
 City, State and ZIP Code Eagle Idaho 83616
 New Telephone Number (208) 939-9440

5. Date you acquired the property Nov. 90 8/28/90

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right <u>29</u>	Number and type of stock <u>Hay/corn/grain</u>
Diversion rate in CFS <u>5 ft/sec</u>	Number of homes you acquired <u>2</u> Other uses <u>cooling, Home</u>

*7. Signature of New Owner(s) or Claimant(s) [Signature]

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

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

These 2 properties are the 3rd & 4th bought from Holobetz - we need a ownership change. Any Problems - Call 939-9440

RECEIVED

MAY 25 2000

WATER RESOURCES
WESTERN REGION

*1/2 Payment
TAX ID*

ADA COUNTY TREASURER

P.O. BOX 2868

BOISE, ID 83701

MORTGAGE CODE

SECOND HALF TAX BILL

for Tax yr 1999
PARCEL NUMBER

50423110200

1999

TAX YEAR

FULL AND HALF AMOUNT	LESS PAYMENTS	AMOUNT DUE BY
\$585.86	\$0.00	\$585.86

4/20/2000

KEEP THIS HALF FOR YOUR RECORDS.

STONEGATE RANCH INC
4882 LINDER RD
EAGLE ID 83616

PAR #0200 OF NEW
PAR #1 R/S 2119
SEC 23 4N 1W
#110117-3
#95040798 #9219942
04N01W230200

4N 1W 23

*PD Check
1171*

MAKE CHECKS PAYABLE TO ADA
COUNTY TREASURER. PAYMENTS BY CHECK
SUBJECT TO BANK CLEARANCE.

FOR MORE INFORMATION CALL 364-2233.

IF ANY PORTION OF THE SECOND HALF TAX
BECOMES DELINQUENT, YOU WILL BE CHARGED
2 PERCENT LATE CHARGE & 1 PERCENT PER MONTH
INTEREST DATING BACK TO JANUARY 1ST.

WE WILL ACCEPT MAILED PAYMENTS AS CURRENT
IF POSTMARKED ON OR BEFORE THE DUE DATE.

PAYMENTS POSTMARKED AFTER THE DUE DATE
WILL BE APPLIED & A DELINQUENT NOTICE WILL BE
SENT FOR THE REMAINING AMOUNT DUE, INCLUDING
LATE CHARGE & INTEREST.

PAYMENTS RECEIVED AFTER 4/28/2000 ARE NOT
REFLECTED ON THIS BILL.

PROPERTY ADDRESS 01965 S LINDER

BILL NUMBER

1-0101202

ADA COUNTY TREASURER

P.O. BOX 2868

BOISE, ID 83701

MORTGAGE CODE

SECOND HALF TAX BILL

for Tax yr 1999
PARCEL NUMBER

50423110120

1999

TAX YEAR

FULL AND HALF AMOUNT	LESS PAYMENTS	AMOUNT DUE BY
\$3311.83	\$0.00	\$3311.83

4/20/2000

KEEP THIS HALF FOR YOUR RECORDS.

HENZLER MARK ALLEN & JOANNE
2985 S LINDER RD
EAGLE ID 83616-5533

PAR #0120 OF NE4NE4
PAR #1 R/S 2119
SEC 23 4N 1W
#110117-3
04N01W230120

4N 1W 23

PD Check 1170

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BILL NUMBER

1-0101201

RECEIVED

MAY 25 2000

WATER RESOURCES
WESTERN REGION

ADA COUNTY TREASURER
P.O. BOX 2868
BOISE, ID 83701 MORTGAGE CODE

SECOND HALF TAX BILL

for Tax yr 1999
PARCEL
NUMBER

50423110200

TAX YEAR

1999

FULL 2ND HALF AMOUNT	LESS PAYMENTS	AMOUNT DUE BY
\$585.86	\$0.00	\$585.86

6/20/2000

KEEP THIS HALF FOR YOUR RECORDS.

STONEGATE RANCH INC
1455 LINDER RD
EAGLE ID 83616

PAR #0200 OF NE4
PAR #1200 OF NE4
SEC 23 4N 1W
#110117-3
#95040798 #9219942
04N01W230200

4N 1W 23

PD Check
1171

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PROPERTY ADDRESS 01965 S LINDER

BILL NUMBER

1-0101202

ADA COUNTY TREASURER
P.O. BOX 2868
BOISE, ID 83701 MORTGAGE CODE

SECOND HALF TAX BILL

for Tax yr 1999
PARCEL
NUMBER

50423110120

TAX YEAR

1999

FULL 2ND HALF AMOUNT	LESS PAYMENTS	AMOUNT DUE BY
\$3311.23	\$0.00	\$3311.23

6/20/2000

KEEP THIS HALF FOR YOUR RECORDS.

HENZLER MARK ALLEN & JOANNE P
1965 S LINDER RD
EAGLE ID 83616-5533

PAR #0120 OF NE4NE4
PAR #1200 OF NE4
SEC 23 4N 1W
#110117-3
04N01W230120

4N 1W 23

PD Check 1170

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LATE CHARGE & INTEREST.

PROPERTY ADDRESS 01965 S LINDER

BILL NUMBER

1-0101201

REAL ESTATE PURCHASE AND SALE AGREEMENT
(with Earnest Money Provision)

REV. 4-83

THIS CONTRACT CONTROLS THE TERMS OF SALE OF THE PROPERTY. READ CAREFULLY BEFORE SIGNING: IF ANY QUESTION, CONSULT YOUR ATTORNEY.

Idaho August 26 1992
MR. AND MRS. MARK HENNER
(hereinafter called "Buyer") agrees to purchase, and the undersigned Seller agrees to sell the following described real estate hereinafter referred to as "premises" located in
County of ADA
State of Idaho, commonly known as 136 N. LINDER RD.
legally described as: NE 1/4 NORTH OF BRIDGE RIVER SECTION 43, T4N
31W 3M.

(A FULL AND COMPLETE LEGAL DESCRIPTION MUST BE INSERTED, ATTACHED OR WRITTEN ON THE REVERSE HEREOF PRIOR TO EXECUTION BY SELLER. Buyer hereby authorizes broker to insert over his signature the correct legal description of the premises if unavailable at the time of signing, or to correct the legal description previously entered if erroneous or incomplete.)

1. TOTAL PURCHASE PRICE IS ONE HUNDRED EIGHTY FOUR THOUSAND DOLLARS (\$ 180,000.00) payable as follows:

A. Earnest Money.
(a) Buyer hereby deposits and a receipt is hereby acknowledged of ONE THOUSAND Dollars (\$ 1,000.00)

evidenced by: ☐ Cash, ☒ Personal Check, ☐ Cashiers Check, ☐ Note Due, or
paid or delivered as earnest money in part payment of the purchase price for the premises.

(b) Earnest Money to be deposited in trust account upon acceptance by all parties.

(c) All Earnest Money shall be held by THE SELLER for the benefit of the parties hereto,
and THE SELLER (Broker) shall hold the completely executed broker's copy of this agreement.

B. Balance of purchase price to be paid as follows: 29,200 TO BE PAID AT THE TIME OF CLOSING

BUYER SHALL ADVANCE AN AMOUNT OF \$12,000.00 BEFORE SEPTEMBER 26, 1992. DELIVERED TO SELLER
IN 36 MONTHS FOR 8 YEARS WITH MONTHLY PAYMENTS OF \$1,000.00

2. Buyer's offer is made subject to the acceptance of Seller on or before 12:00 o'clock midnight of AUGUST 28, 1992
If Seller does not accept this agreement within the time specified, the entire Earnest Money shall be refunded to Buyer on demand.

3. Title of Seller is to be conveyed by warranty deed, unless otherwise provided, and is to be marketable and insurable except for rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, and rights of way and easements established or of record. Liens, encumbrances or defects to be discharged by Seller may be paid out of purchase money at date of closing. Any liens, encumbrances or defects which are to be discharged or assumed by Buyer or to which title is taken subject to (not otherwise set forth above) are:

NONE

4. The Seller shall, within a reasonable time after closing, furnish to the Buyer a title insurance policy in the amount of the purchase price of the premises from a title insurance company showing marketable and insurable title subject to the liens, encumbrances and defects elsewhere set out in this agreement to be discharged or assumed by the Buyer. Prior to closing the transaction, the Seller shall furnish to the Buyer a preliminary report or commitment made by a title insurance company showing the condition of the title to said premises. The parties agree that PLATT Title Company shall provide said title policy and preliminary report or commitment. It is agreed that if the title to said premises is not marketable, or cannot be made so within thirty (30) days after notice containing a written statement of defects is delivered or mailed to the Seller, or if the Seller, having approved said sale fails to consummate the same as herein agreed, such failure shall constitute a default and the Earnest Money shall be returned to the Buyer and Seller shall pay for the cost of title insurance, escrow and legal fees, if any. Buyer's acceptance of the Earnest Money does not constitute a waiver of other remedies available.

5. It is hereby agreed that the "closing agent" for this agreement shall be PLATT TITLE is the broker responsible for the closing.

Where not otherwise provided by law, the parties shall each pay one-half of all closing agent's fees. The closing date shall be SEPTEMBER 26, 1992

6. On or before the closing date, Buyer and Seller shall deposit with the closing agent all funds and instruments necessary to complete the sale.

7. Seller shall deliver possession to Buyer on or before SEPTEMBER 1, 1992 and taxes and water assessments (using the last available assessment as a basis), rents, insurance premiums, interest and reserves on liens, loans or obligations assumed or taken subject to, and utilities shall be prorated as of SEPTEMBER 1, 1992 except as follows:

Buyer shall pay for fuel in fuel tank, the amount to be determined by the supplier at Seller's expense. ACTIVITIES WILL BE PERMITTED ON THE PROPERTY BY PURCHASER

8. The parties agree that this agreement contains the following additional terms and conditions: WITH APPROVAL OF SELLER, PROVISION FOR DEED RELEASE OF 5 ACRES AFTER PAYMENT OF \$81000 PRINCIPLE + INTEREST. DATE OF VACATING PREMISES WILL ALLOW PURCHASER POSSESSION BEFORE 6/1/91 WITH PAYMENTS BEGINNING 6/1/91. IF SELLER DECIDES TO VACATE EARLY.

9. The following items of property now on the premises are specifically excluded from the sale:

The following items of personal property are specifically included in the sale: 1987 22' 4" 1974 SILVERCREST DOUBLE WIDE MOBILE HOME #08-5074UX

10. IMPORTANT: THE REVERSE OF THIS AGREEMENT CONTAINS IMPORTANT PROVISIONS WHICH ALSO CONSTITUTE PART OF THE AGREEMENT. Each of the parties acknowledges reading this agreement in full.

Listing Agency:

Selling Agency:

X MARK HENNER
BUYER
X MARK HENNER
BUYER

By SELLERS ADDRESS
1905 N. LINDER RD. EAGLE, ID.
Buyer's Address
939-0750
Buyer's Phone

On this date, AUGUST 26, 1992, I/We hereby approve and accept the sale set forth in the above agreement and agree to carry out all the terms thereof on the part of the Seller, and the undersigned Seller further agrees to pay a commission of 1.11 % of selling price or 20,000.00 DOLLARS (\$ 20,000.00) to the above named broker(s) for services.

of selling price or _____ DOLLARS (\$ _____) to the complete legal description of the premises inserted and signed by both parties.

2. Buyer's offer is made subject to the acceptance of Seller on or before 12:00 o'clock midnight of _____.
If Seller does not accept this agreement within the time specified, the entire Earnest Money shall be refunded to Buyer on demand.
3. Title of Seller is to be conveyed by warranty deed, unless otherwise provided, and is to be marketable and insurable except for rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, and rights of way and easements established or of record. Liens, encumbrances or defects to be discharged by Seller may be paid out of purchase money at date of closing. Any liens, encumbrances or defects which are to be discharged or assumed by Buyer or to which title is taken subject to (not otherwise set forth above) are:
NONE

4. The Seller shall, within a reasonable time after closing, furnish to the Buyer a title insurance policy in the amount of the purchase price of the premises from a title insurance company showing marketable and insurable title subject to the liens, encumbrances and defects elsewhere set out in this agreement to be discharged or assumed by the Buyer. Prior to closing the transaction, the Seller shall furnish to the Buyer a preliminary report or commitment made by a title insurance company showing the condition of the title to said premises. The parties agree that _____
Title Company shall provide said title policy and preliminary report or commitment. It is agreed that if the title to said premises is not marketable, or cannot be made so within thirty (30) days after notice containing a written statement of defects is delivered or mailed to the Seller, or if the Seller, having approved said sale fails to consummate the same as herein agreed, such failure shall constitute a default and the Earnest Money shall be returned to the Buyer and Seller shall pay for the cost of title insurance, escrow and legal fees, if any. Buyer's acceptance of the Earnest Money does not constitute a waiver of other remedies available.

5. It is hereby agreed that the "closing agent" for this agreement shall be _____ is the broker responsible for the closing.

Where not otherwise provided by law, the parties shall each pay one-half of the closing agent's fees. The closing date shall be _____

6. On or before the closing date, Buyer and Seller shall deposit with the closing agent all funds and instruments necessary to complete the sale.

7. Seller shall deliver possession to Buyer on or before _____ and taxes and water assessments (using the last available assessment as a basis), rents, insurance premiums, interest and reserves on liens, loans or obligations assumed or taken subject to, and utilities shall be prorated as of _____ except as follows:

Buyer shall pay for fuel in fuel tank, the amount to be determined by the supplier at Seller's expense. _____

8. The parties agree that this agreement contains the following additional terms and conditions: _____
TH APPROVAL OF SELLER. PROVISION FOR DEED RELEASE OF 5 ACRES E AFTER PAYMENT OF \$8100.00
PRINCIPAL + INTEREST. DATE OF VACATING PREMISES WILL ALLOW PURCHASER POSSESSION BEFORE 6/1/91 WITH
INVESTMENT BEGINNING 6/1/91 IF SELLER DECIDES TO VACATE EARLY. SELLER, TRUST, ESTATE, ETC.

9. The following items of property, now on the premises are specifically excluded from the sale: _____

The following items of personal property are specifically included in the sale: _____
21-217-21 1974 SILVERCREST DOUBLE WIDE MOBILE HOME #08-5074UX

10. IMPORTANT: THE REVERSE OF THIS AGREEMENT CONTAINS IMPORTANT PROVISIONS WHICH ALSO CONSTITUTE PART OF THE AGREEMENT. Each of the parties acknowledges reading this agreement in full.

Listing Agency: _____
Selling Agency: _____
By: _____
1945 N. LINDER RD. EAGLE, ID
Buyer's Address: _____
934-0750
Buyer's Phone: _____

On this date, _____, I/We hereby approve and accept the sale set forth in the above agreement and agree to carry out all the terms thereof on the part of the Seller, and the undersigned Seller further agrees to pay a commission of _____% of selling price or _____ DOLLARS (\$ _____) to the above named broker(s) for services.

I/We further acknowledge receipt of a true copy of this agreement with the complete legal description of the premises inserted and signed by both parties.
X _____
SELLER
X _____
SELLER
X _____
BUYER

A true copy of the foregoing agreement, signed by the Seller and containing the full and complete legal description of the premises, is hereby received on this _____ day of _____, 19 _____.

X _____
BUYER
X _____
BUYER
WITNESS 8/28/90 ALL SIGNATURES
Chris Moore

STATE OF IDAHO)
County of _____) ss
On this _____ day of _____, 19 _____, before me, the undersigned, a Notary Public in and for said State, personally

appeared _____
known to me to be the person(s) who signed the foregoing instrument as Seller and acknowledged to me that _____ he _____ executed the same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

BUYER'S COPY—with Seller's Acceptance
Notary Public for Idaho
Residing at _____

mark Betty Hendle. 5/22/08 # 116162-5
NIE North of Boice R. Section 2 T4N 04N 01W230120
04N 01W230200

Duck Alley



Linden Road

Water well

Det.
→
E

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: A63-04254
Date Received: 8/07/1989
Receipt No: W004065
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HUGO E. HOLUBETZ 208-939-0750
Address: 1965 LINDER RD.
EAGLE, ID 83616

OR

Name: MEREDITH A. HOLUBETZ 208-939-0750
Address: 1965 LINDER RD.
EAGLE, ID 83616

2. Date of Priority: JUN 01, 1927

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	01W	23	NE	NE			ADA

5. Description of diverting works:
ARTESIAN WELLS (3), PIPELINE, PUMP, SPRINKLERS, STOCK TROUGH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.580		
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/30 RANGE, D/1 HOME

A63-04254

Page 1

Date: 08/07/89

MICROFILMED

AUG 20 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	01W	23	NE NE	NE NE	IRR STOCK	29.0
					Section Acres	29.0
		24	NW	NW	DOMEST	
					Total Acres	29.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
A63-02268

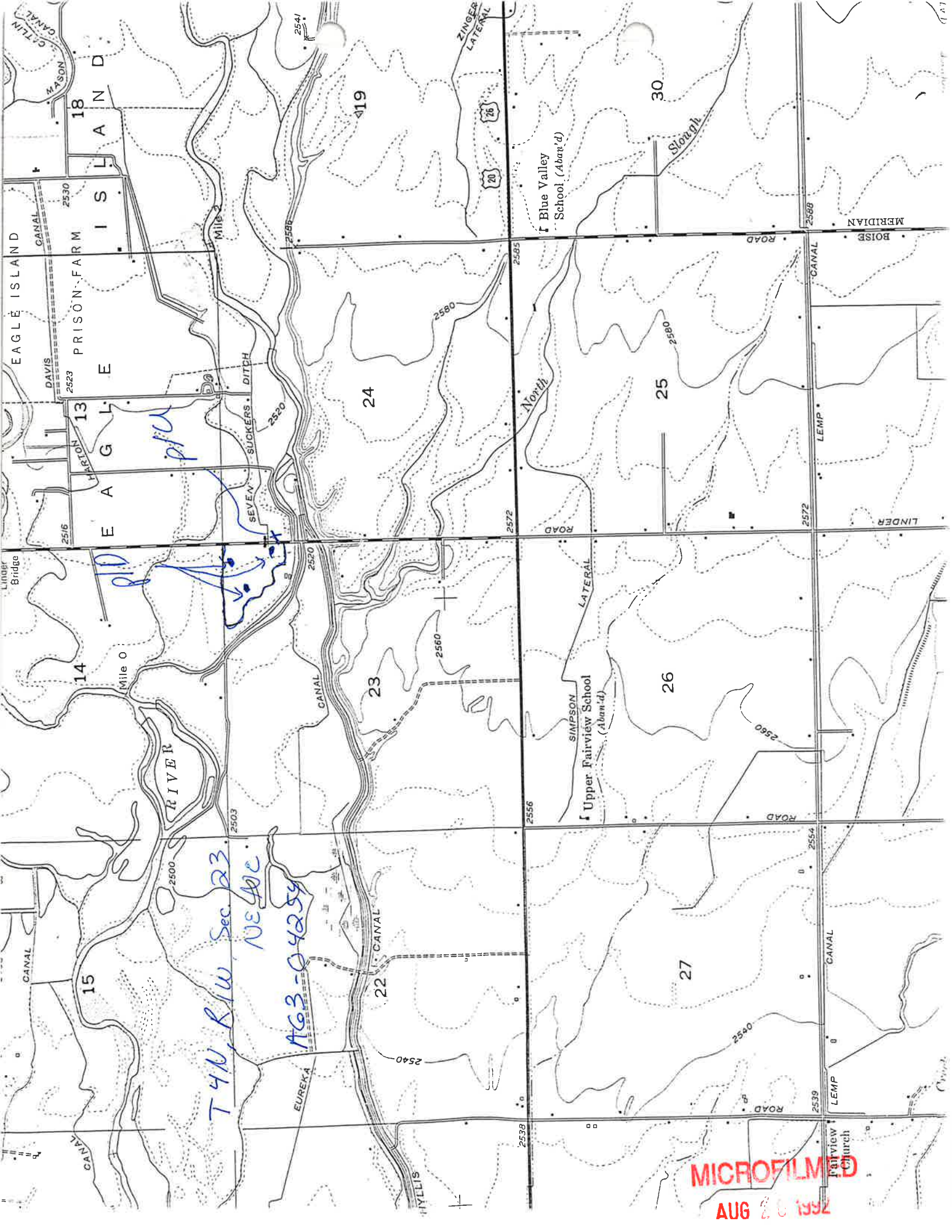
14. Remarks:

3 P/D IN NENE, S23, T4N, R1W.
CHANGE FROM ORIGINAL S. CLAIM IS IN THE AMOUNT OF IRR. ACRES,
DELETED FISH PROPAGATION, AND TOTAL AMOUNT OF WATER.
THIS WATER RIGHT COMBINED WITH WATER RIGHT NUMBER A63-02268
SHALL EXCEED NO MORE THAN AN 1"/ACRE.

15. Basis of Claim: STATUTORY CLAIM

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

AUG 20 1992



MICROFILMED
AUG 20 1992

05/08/2006

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

RIGHT NUMBER: 63-4254

NAME AND ADDRESS: JOANNE P HENZLER
1965 S LINDER RD
EAGLE ID 83616

MARK ALLEN HENZLER
1965 S LINDER RD
EAGLE ID 83616

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.240 CFS
126.500 AFY

Use of this right with Right No. 63-02268 is limited to a total combined diversion rate of 0.58 cfs for irrigation purposes.

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/10/1939

POINT OF DIVERSION:

T04N R01W S23 NENE Within ADA County

T04N R01W S23 NENE Within ADA County

T04N R01W S23 NENE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	03/01 11/15	0.180 CFS
		126.50 AFY
STOCKWATER	01/01 12/31	0.020 CFS

Stockwater use is for 30 range cattle.

Domestic use is for 2 homes.

PLACE OF USE: IRRIGATION Within ADA County

T04N R01W S23 Lot 1 NENE 26.00 T04N R01W S23 NWNE 3.00

STOCKWATER Within ADA County

T04N R01W S23 NENE T04N R01W S23 Lot 1 NENE

DOMESTIC Within ADA County

T04N R01W S24 NWNW

29 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 63-02268 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 29.0 ACRES IN A SINGLE
IRRIGATION SEASON.

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

The quantity of water decreed for this water right for domestic use and stockwater use 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PARCEL #: S0423110120

LIMITED TO .58 CFS FOR DOMESTIC & STOCKWATER, ONLY FOR IRRIGATION. THE .58 CFS IS 1" PER ACRE FOR 29 ACRES (.02 CFS = 1"). WE LIMIT THE TWO TOGETHER TO AVOID SOME FOLKS THINKING THEY HAVE THE TOTAL OF THE TWO RIGHTS WHEN IT IS THE SAME ACRES. IF YOU HAVE A QUESTION, PLZ. CALL.

SINCERELY,
JAN

AS ADDED 2 HOMES

THIS WILL BE RECOMMENDED IN PART 3.

2ND PG

MARK,

I MADE 3 CHANGES ON THIS RECOMMENDATION.

1- CHANGED PRIORITY DATE FROM 1949 TO 1939 USING OUR 1939 PHOTOGRAPHY WHICH SHOWS THE AREA IRRIGATED.

2- CHANGED THE .02 CFS FOR DOMESTIC TO .04 CFS PER YOUR REQUEST WHICH CHANGED THE TOTAL TO .24 CFS w/ STOCKWATER

3- CHANGED THE TOTAL DIVERSION RATE CONDITION TO SHOW FOR IRRIGATION PURPOSES ^{IT} IS LIMITED TO .58 CFS, NOT COUNTING THE DOMESTIC. THUS, YOU ARE NOT

1ST PG

1937



1937 PHOTO

NOT REC. **NEEDED** IN PRT 2
WILL MAKE CHANGES & RECOMMEND IN PART 3

AD5

RECEIVED

APR 17 2006

DEPARTMENT OF
WATER RESOURCES

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

A. Subcase 63-4254

(Insert water right number)

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Mark A Henzler

Address:

1965 S. Linder Rd

Engle Idaho 83616-5533

Daytime Phone:

208-939-9440

Name & Address of Attorney, if any:

Joe Welsch

C.

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name:

Mark A Henzler
Hugo E Holubetz (deceased)

Address:

1965 S Linder Rd

Engle ID 83616

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☒ **Quantity**

Should be: 0.4 C.S.F. for Domestic Use,
not .02

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point(s) of Diversion**

Should be: _____

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): _____

Need that amount of water for
Domestic Use (2 Households) + no
reason to reduce it.

F.

VERIFICATION (Must be Completed)

State of Idaho

County of Ada) ss.

MARK A. Henzler, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

[Signature]
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 4-12-06



[Signature]
Notary Public for 109 E. Pine A St. Sacke Ed
Residing at: Wells Fargo Bank
My Commission Expires: 8-20-2010

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on Apr. 12 ²⁰⁰⁶, ~~199~~, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

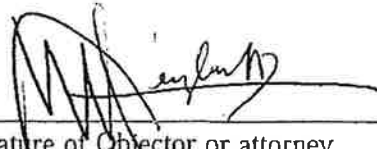
Name: Mark A. Heizer
Address: 1865 S. Linden Rd
Boise Id 83616-5533

3. Copies to:

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

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

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



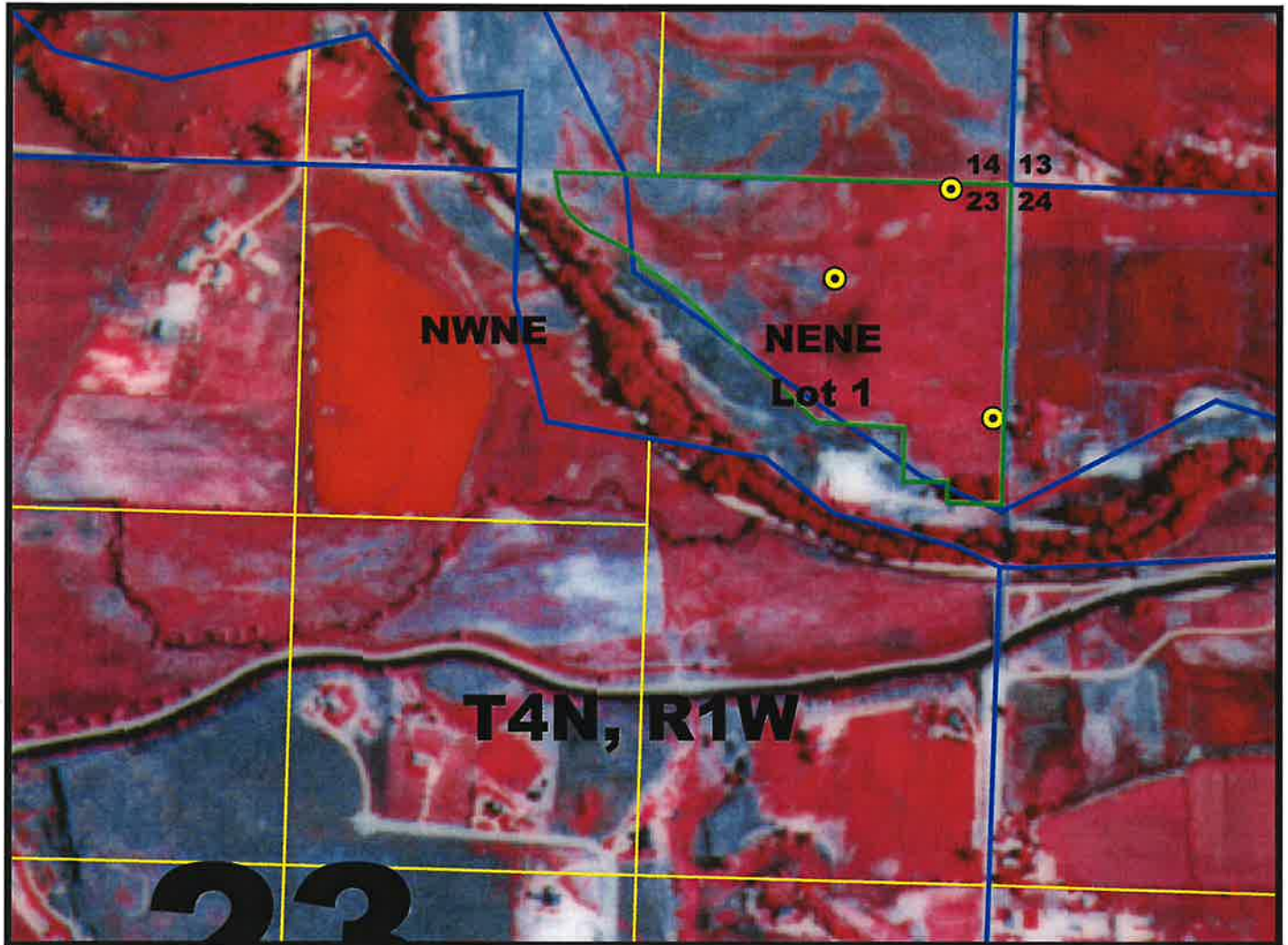
Signature of Objector or attorney
mailing on Objector's behalf



STATE OF IDAHO

Department of Water Resources
Western Region

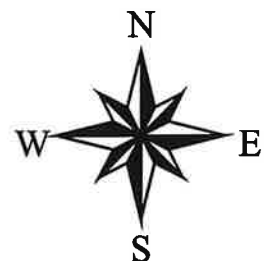
Water Right(s): 63-04254



1320 0 1320 Feet

Total Irrigated Acres: 29.0

-  Point of Diversion
-  Place of Use
-  Quarter Quarter Lines
-  Section Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: September 2004

09/07/2004

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

RIGHT NUMBER: 63-4254

NAME AND ADDRESS: JOANNE P HENZLER
1965 S LINDER RD
EAGLE ID 83616

MARK ALLEN HENZLER
1965 S LINDER RD
EAGLE ID 83616

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.180 CFS
126.500 AFY

Use of this right with Right No. 63-02268 is limited to a total combined diversion rate of 0.58 cfs.

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/10/1949

POINT OF DIVERSION:

T04N R01W S23 NENE Within ADA County

T04N R01W S23 NENE Within ADA County

T04N R01W S23 NENE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.020 CFS
IRRIGATION	03/01 11/15	0.180 CFS
		126.50 AFY
STOCKWATER	01/01 12/31	0.020 CFS

Domestic use is for 1 home.

Stockwater use is for 30 range cattle.

PLACE OF USE:

DOMESTIC Within ADA County

T04N R01W S24 NWNW

IRRIGATION Within ADA County

T04N R01W S23 Lot 1 NENE 26.0 T04N R01W S23 NWNE 3.0

STOCKWATER Within ADA County

T04N R01W S23 NENE T04N R01W S23 Lot 1 NENE

29 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 63-02268 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 29.0 ACRES IN A SINGLE
IRRIGATION SEASON.

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

09/07/2004

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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

The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

PARCEL #: S0423110120

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4254 V1

WATER RIGHT NUMBER: 63-4254 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	KAY HOLUBETZ RT 1 BOX 86 EAGLE, ID 83616
Current Owner	JOANNE P HENZLER 1965 S LINDER RD EAGLE, ID 83616 (208)939-9440
Original Owner	MEREDITH A HOLUBETZ 1965 LINDER RD EAGLE, ID 83616 (208)939-0750
Current Owner	MARK ALLEN HENZLER 1965 S LINDER RD EAGLE, ID 83616 (208)939-9440
Original Owner	HUGO E HOLUBETZ 1965 LINDER RD EAGLE, ID 83616 (208)939-0750
Original Owner	TERRY HOLUBETZ RT 1 BOX 86 EAGLE, ID 83616

Priority Date: 05/10/1949

Basis: Beneficial Use

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.020 CFS	
IRRIGATION	03/01 to 11/15	0.180 CFS	126.50 AF
STOCKWATER	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.180 CFS	126.50 AF

Location of Point(s) of Diversion

GROUND WATER ADA County	NE1/4NE1/4	Sec. 23, Twp 04N, Rge 01W, B.M.
GROUND WATER ADA County	NE1/4NE1/4	Sec. 23, Twp 04N, Rge 01W, B.M.
GROUND WATER ADA County	NE1/4NE1/4	Sec. 23, Twp 04N, Rge 01W, B.M.

Place of Use

DOMESTIC

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4254 V1

Twp Rge Sec	NE				NW				SW				SE				Totals
04N 01W 24	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
						X											

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
04N 01W 23	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
	26.0	3.0															29.0
	L 1																

Total Acres: 29

STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
04N 01W 23	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
	X																
	L 1																

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. N09 The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.
3. N14 The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.
4. X01 Domestic use is for 1 home.
5. X02 Stockwater use is for 30 range cattle.

Remarks:

1. Explanatory PARCEL #: S0423110120
2. Quantity Use of this right with Right No. 63-02268 is limited to a total combined diversion rate of 0.58 cfs.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 63-02268 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 29.0 ACRES IN A SINGLE IRRIGATION SEASON.

Comments:

1. csaxton 9/2/2004 Diversion Rate
Comment: Diversion Rate taken from affidavit submitted by previous owner Terry Holubeiz signed 3/21/04 stating the capacity of the three wells when he owned the property.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4254 V1

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	9/7/2004 9:13:51 AM	csaxton			Active
Priority Date	9/7/2004 9:16:57 AM	csaxton			Active
POD	9/7/2004 9:17:11 AM	csaxton			Active
Source	9/7/2004 9:26:49 AM	csaxton			Active
Contacts	9/7/2004 9:26:59 AM	csaxton			Active
POU	9/7/2004 9:27:23 AM	csaxton			Active
Use	9/7/2004 9:32:37 AM	csaxton			Active
Season	9/7/2004 9:33:08 AM	csaxton			Active
Quantity	9/7/2004 9:34:44 AM	csaxton			Active
Summary			09/07/2004	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	9/7/2004 9:13:51 AM	csaxton	(No) 1. Do you want to schedule an appointment?

Comment for 1: FE by Darwin Vanderstelt on 1/24/04.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4254 V1

Priority Date	9/7/2004 9:16:58 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavit supplied by previous that speaks of diversion rate. Priority date information supplied by claimant in form of a map.
POD	9/7/2004 9:17:11 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	9/7/2004 9:23:15 AM	csaxton	Edited point location
POU	9/7/2004 9:28:12 AM	csaxton	Edited shape boundary
POU	9/7/2004 9:30:36 AM	csaxton	Edited shape boundary
POU	9/7/2004 9:31:33 AM	csaxton	Edited shape boundary
Summary	9/7/2004 9:43:11 AM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	9/7/2004 9:17:56 AM	csaxton	Edited point location
POD	9/7/2004 9:18:40 AM	csaxton	Edited point location
POD	9/7/2004 9:24:36 AM	csaxton	Edited point location

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4254 V1

Source	9/7/2004 9:26:49 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - FE by Darwin Vanderstlet on 11/14/03.
Contacts	9/7/2004 9:27:00 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: FE by Darwin Vanderstelt on 11/14/03.
POU	9/7/2004 9:27:24 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - FE by Darwin Vanderstelt on 11/14/03.
POU	9/7/2004 9:28:24 AM	csaxton	Edited PLS
Use	9/7/2004 9:32:37 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - FE by Darwin Vanderstelt on 11/14/03.
Season	9/7/2004 9:33:09 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4254 V1

Quantity	9/7/2004 9:34:44 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - FE by Darwin Vanderstelt on 11/14/03. Description for Question 10 - IDWR Standard for the area.
----------	---------------------	---------	---

WATER RIGHT NUMBER: 63-4254

Priority Date: 06/01/1927 **5-10-1949 - Per Letter and maps provided by**
Basis: Statutory Claim **Claimant**
Status: Active **B-use** ✓

Beneficial Use	From	To	Diversion Rate	Annual Volume
DOMESTIC ✓	1/01	12/31	0.040 CFS ~~0.02~~	13,000 GPD
IRRIGATION	3/15	11/15	0.580 CFS ~~0.18~~	126.5 AFA → Per affidavit
STOCKWATER ✓	1/01	12/31	0.020 CFS	13,000 GPD
Total Diversion:			0.640 CFS	

GROUND WATER NE1/4NE1/4 (x3) Sec. 23, Twp 04N, Rge 01W, B.M.
ADA County 3 POD's in same 40ac Tract

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-4254

IRRIGATION ✓

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	01W	23	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	29.0 ✓
			29.0																
			26	3															
			Lot 1																

Total Acres: 29

STOCKWATER ✓

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	01W	23	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			X																

Conditions of Approval:Remarks:

- General 3 P/D IN NENE, S23, T4N, R1W.
CHANGE FROM ORIGINAL S. CLAIM IS IN THE AMOUNT OF IRR. ACRES, DELETED FISH PROPAGATION, AND TOTAL AMOUNT OF WATER.
THIS WATER RIGHT COMBINED WITH WATER RIGHT NUMBER A63-02268 SHALL EXCEED NO MORE THAN AN 1"/ACRE.
OWNERSHIP CHANGED BY DB 6/20/2000.

Comments:Dates and Other Information:

Claim Received Date: 8/7/1989
State or Federal: S
Owner Name Connector: AND
Mitigation Plan: False

C18
Parcel #: 5042316020
Stock: 30
Domestic: 1 Home
-This Right + 63-02268 Limited to 0.58 cfs
29 ac
N-codes

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☐ Well logs (if needed) - *Not Found*
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information *Govt lot 1*
- ☒ Check POD & POU overlap, see below – include overlapping right for exam *overlap w/63-02268*
- ☐ Evidence of Priority – if none, talk with claimant - *Waiting Evidence*

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-04254Owner: No change Phone No. _____

Current Address: _____

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☐ No change Address _____
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☐ No change – Complete evidence submitted or not necessary
- ☒ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: May 10, 1949

(If priority date, based on your exam, seems questionable, explain below.)

Per Aerial photos provided by Claimant.Source: GW Tributary to N/A

- ☒ No Change –SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☐ No change
- ☐ POD found is different than claimed: _____
- ☒ If different, when did POD change? Per Darwin Vander Stelt's FE on 11-14-03

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
	1		NE	NE	23	4N	1W		
	1		NE	NE	23	4N	1W		
	1		NE	NE	23	4N	1W		

Description of diverting works

OVERLAP REVIEWOther water rights with the same point of diversion: NO

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

Overlap with acres for 63-02268**WATER USES**

- ☐ No change
☒ Different Uses

Use For From 3-1 To 11-15 Amount 0.18 CFS 126.5 AFA
 Use Stock From 1-1 To 12-31 Amount 0.02 CFS _____ AFA
 Use Dom From 1-1 To 12-31 Amount 0.02 CFS _____ AFA

↳ Internal use only,
 13,000 GPD

TOTAL VOLUME – Groundwater only

- ☒ Incomplete on claim, the total is, Amount 0.18 CFS 126.5 AFA
☐ Changes found, the new total is, Amount _____ CFS _____ AFA
☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

- ☐ No change
☐ Changes Exam found: Domestic # of homes 1 Stock # 30
 Types Range cattle Additional comments: _____

PLACE OF USE:

- ☐ No Change
☒ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	23	26	3															29.0

Overlap with other water rights: Overlap w/ 63-02268

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Yes, 63-02268 + 63-04254 limited to 0.56 cfs
+ 29.0 acres.

Delivery System Narrative: See Darwin's Notes.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
<u>See Darwin's Notes</u>					

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Diversion Rate For 63-04254 limited to diversion capacity from previous owner stated in affidavit

RECEIVED

SEP 01 2004

WATER RESOURCES
WESTERN REGION

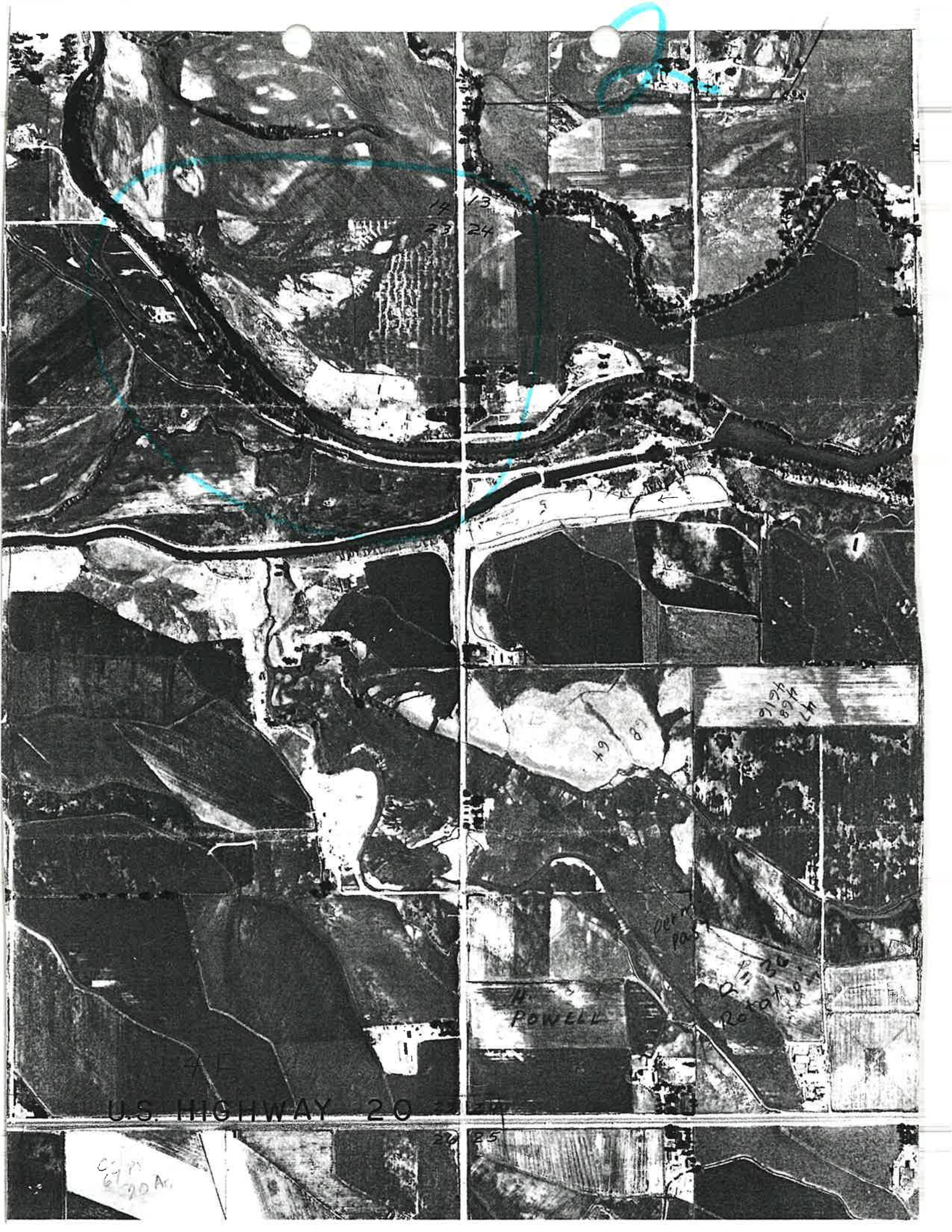
Dear Mr. Staton

8/26/04
63-02268
63-04254
1965 S. Lincoln Rd
Coyle Id 83616-5535
208-937-9440

Enclosed are 2 aerial photos
of my ranch. No #1 was ~~given~~ taken.
on May 10 1949 for USDA-NRCS.
Number "2" was taken in 1959
for USDA-NRCS. Photos were
given to me by "Lerb" from
Dept. of Agriculture on 8/26/04.

Both demonstrate area of
irrigation. Please notify me if
you require any other material.

~~Wm. L. Henderson~~
Mark A. Henderson



U.S. HIGHWAY 20

C-17
617
20 A

POWELL

20 to 100

PERM
PA...

47
468
4616

49

48

14

13

23

24

26

25



Dry Creek SCD 23
Ada
Detailed Soil Conservation
May 10, 1949

295 June 55 E-Base

USDA-NRCS JH 25 AUG 04

T H T . 1 / 1 . 1

5-14-04: In General a Field Exam has already been done.

But at the time it was done, Measurements from the three artesian wells could not be conducted

: I only need a measurement on the capacity of the wells. (Diversion Rate).

: Note, I have Requested Evidence of Priority from the Claimant and Have NOT received anything yet. You don't need to pursue this, but if they have the evidence ready - Better yet.

CANCEL AS PER PHONE

CALL FROM CRAIG

5/25/04

BAS

8-17-04: Called and left message with Dr. Mark Henzler. told him I still needed evidence of Priority. He called yesterday and said he had some photographs that might work. In my message to him I told him to send them in.

5-25-04: spoke with Mark Henzler:
mhenzler@windspring.com
Fax: (208) 939-02198

He is sending Evidence of Priority,

: I looked for well logs to support Priority Date
and did not find anything

: E-mail sent to Claimant

: spoke with Jan about Diversion Rate affidavit
and she said to use that and not to send
Burk out for FE as previously planned

: Called Burk Scholer @ 3:20 pm today to tell
him not to do measurements

Diversion Rate: East Well = 50 GPM
Center Well = 5 GPM
NE corner Well = 25 GPM

80 GPM = 0.18 cfs

Should be
100 gpm

Saxton, Craig

From: Saxton, Craig
Sent: Tuesday, May 25, 2004 3:36 PM
To: 'mhenzler@mindspring.com'
Subject: Well Log Search

Hello Mark,

I looked for the well logs/reports again and I didn't find anything. I have noted in the file that you are still trying to find evidence of priority for 63-04254 and will be returning it to me as soon as possible. Let me know if you have further questions.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

5/25/02

Claims ~~TH~~

63-02268
63-04254

AT

Mr. Craig Saxton

Owner

MARK A HENSEL

H 939-7440
Fax 939-0219

5/21/04

MARK HENZLER
1965 S. LINDER RD.
EAGLE, ID 83616-5533

5-25-04

OK - Irrigation For
1987 Irrigation - No Burd.
use Affidavit FE
- make Note to pull
Burd off this claim
and check timesheet
to confirm. Don't say

DEAR MARK,

I WAS AN OWNER OF THE PROPERTY THAT YOU
PRESENTLY OCCUPY FROM 1972 TO 1989. I FILED
A CLAIM FOR THE WATER RIGHTS ON THE
THREE ARTESIAN WELLS ON THE PROPERTY IN
ABOUT 1973. AT THAT TIME, THE WELL ON
THE EAST SIDE OF THE PROPERTY WAS FLOWING A
LARGE VOLUME AT LEAST 50 GPM AND WAS
USED CONTINUOUSLY FOR DOMESTIC HOUSEHOLD USE
AND LIVESTOCK WATERING (2-4 HORSES, 2-4 HOGS, AND
25 CATTLE). THE WELL LOCATED IN THE CENTER OF
THE PROPERTY FLOWED APPROXIMATELY 3 TO 5 GPM AND THE
WELL LOCATED IN THE NORTHEAST CORNER OF THE
PROPERTY FLOWED 20 TO 25 GPM. BOTH OF THESE
WELLS WERE USED FOR PUMPED SPRINKLER IRRIGATION
LIVESTOCK WATERING, AND LIMITED FLOOD IRRIGATION. I INSTALLED
DURIED 8" PLASTIC PIPE THAT CONNECTED THESE WELLS TO ALLOWED
THE USE OF THE WATER IN ALL PORTIONS OF THE PROPERTY.

I AM A PROFESSIONAL FISHERIES BIOLOGIST AND
PLANNED TO RAISE FISH WITH THE ABUNDANT HIGH
QUALITY ARTESIAN WATER. THE WATER RIGHT APPLICATION
THAT I SUBMITTED ALSO SPECIFIED USE FOR FISH
REARING. THE DEPARTMENT OF WATER RESOURCES
SHOULD HAVE RECORD OF THE APPLICATION THAT I
SUBMITTED.

WHILE I WAS INVOLVED WITH THE PROPERTY, TWO FAMILY
HOME WERE SUPPLIED WITH ARTESIAN WATER. BEFORE
WE BOUGHT THE PROPERTY, A HOME AND A
TRAILER HOUSE WERE SUPPLIED WITH DOMESTIC WATER
AND A LARGE COMMERCIAL HOG FARM ALSO USED
THE ARTESIAN WATER.

I HOPE THIS HISTORICAL PERSPECTIVE HELPS.

~~Jerry Holubeiz~~
JERRY HOLUBEIZ

Box 95

COTTONWOOD, ID 83522

11-6-03 : No Evidence of Priority

: How did they irrigate 29 acres with well drilled in 1929?

: Change in Nature of use?

2 W" 6-7-00

Dr. Hengler is sending blank affidavit to Former Owner To Verify POD & POV.
all 3 wells are Artesian.

Tag A0002439 E: 0305294 87 trees 11.3 ft Acc.
N: 0289028
~~West~~ West well

A0002440 E: 0305386 11.3 ft 60 trees
N: 0289087
North well

A0002441 E: 0305496 14.5 EFT 54 trees
N: 0288864

East well along linder

4-22-04 : ^{original} System Description Found in file 63-02268. A copy was made and put in this file

: No Measurements Taken By Darwin

: Have Not Received Evidence of Priority.



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

May 3, 2004

63-04254

MARK ALLEN HENZLER

JOANNE P HENZLER

1965 S LINDER RD

EAGLE ID 83616

RE: EVIDENCE OF PRIORITY

Dear Claimant (s):

Idaho Department of Water Resources (IDWR) contractor Darwin Vander Stelt conducted a field exam on 1/23/04 concerning SRBA claims 63-02268 and 63-04254. After reviewing Mr. Vander Stelt's notes, there are still two pieces of information missing.

1) Mr. Vander Stelt noted that he could not measure all three of the artesian wells claimed under 63-04254 as the system was under construction. Now that the irrigation season has commenced, you will be contacted again by a contractor to simply conduct a measurement on the capacity of the three wells, unless you can provide documentation of their discharge capacity.

2) Mr. Vander Stelt noted that Dr. Henzler is sending a blank affidavit to the former owner to verify evidence of priority. At this time our office has not received any documentation supporting the 1927 priority date claimed.

For your convenience, I thought I would drop you a quick note to remind you that we still need that information. In addition, I would like to add that the affidavit doesn't need to be from the original owner. If there is a neighbor that could vouch for when they remembered when Indian Creek water was last used, that would work too.

Below is a description of what kind of evidence will be accepted and why we need it.

The Idaho Department of Water Resources has begun its water right review in Basin 63. The Notice(s) of Claim identified with the number shown above in the "address" label and at the "end" of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was

first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice and the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some examples of Documents Which May Be Evidence of the Priority Date"**.

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

.....
The Department can not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by **June 4, 2004** **referencing all documents with the corresponding Notice number.** If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact me at (208) 334-2190.

Respectfully submitted,



Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim 63-04254

Memo

To: Craig
From: Darwin Vander Stelt

RE: 63-04254 63-02268
Mark Henzler
1965 S Linder
Eagle, ID 83616

Documents prepared:

no. pages	Item
2	Pictures
1	Drawing(s)
1	Adjudication Field Report
1	Map showing POD & POU

This property is an old hog farm located between the south fork of the Boise River and the middle fork, along Linder Road. The property now belongs to Dr. Mark Henzler who has just built a new house on the property. There are 2 claims relating to the property ,04254 and 02268. Claim 04254 relates to three artesian wells which were formerly used to irrigate 29 acres, provide water for a house, and stockwater for a number of hogs. While 2 of the wells are not currently being used (the whole project is under construction), I saw evidence of the distribution system which distributed water from the 2 westerly wells onto the land and to the stock use. The third artesian well, along Linder road, is being used currently for irrigation, domestic, and fish pond use.

The second claim for the same property involves water delivered from the US Dept of Interior to the Eagle Island Water Users Assoc and from there to 7 individuals via the 7 Suckers ditch. They appear not to be part of the assn, as they get billed seperately. The current owner has no knowledge of the arrangement other than what is suggested in these bills.

Pertinent Info:

Adjudication claim # 63-04254

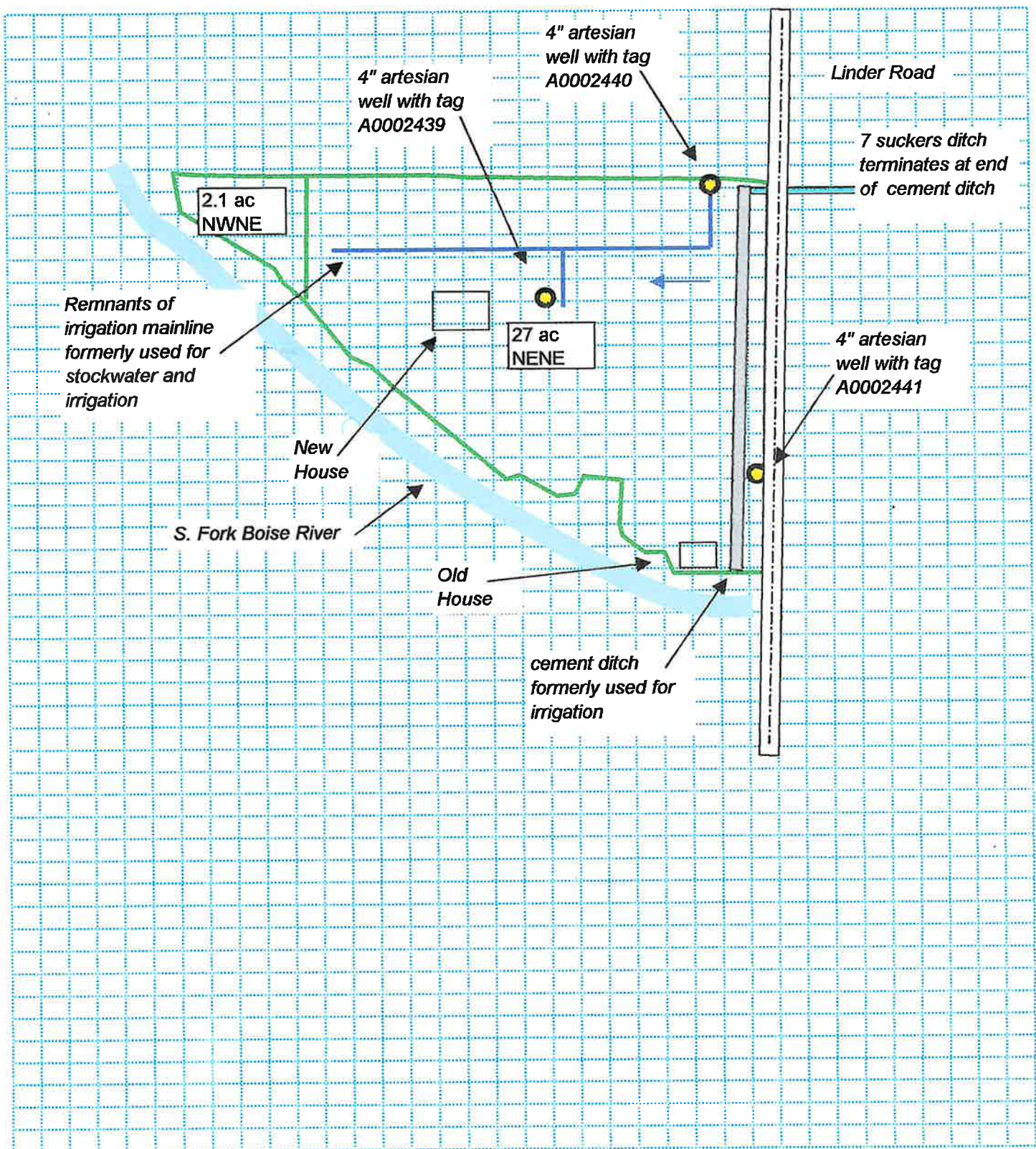
Name:

Mark Henzier
1965 S Linder
Eagle, ID 83616

POD Coordinates:	0305294	0305386	0305496
USR	0289028	0289087	0288864
Well Tag(s)	A0002439	A0002440	A0002441

Date Visited: 1/23/2004

Date Office write-up: 1/24/2004



63-04254	POD Coordinates:	
Mark Henzler	USR	0305294
1965 S Linder		0289028
Eagle, ID 83616	not drawn to scale	



Prepared by
Darwin Vander Stelt

Idaho Department of Water Resources

Claim Number: 63-04254

Legal: T4N, R1W, S23

Reviewed By:

● Point of Diversion



Place of Use

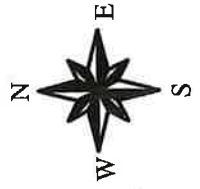


Section Lines

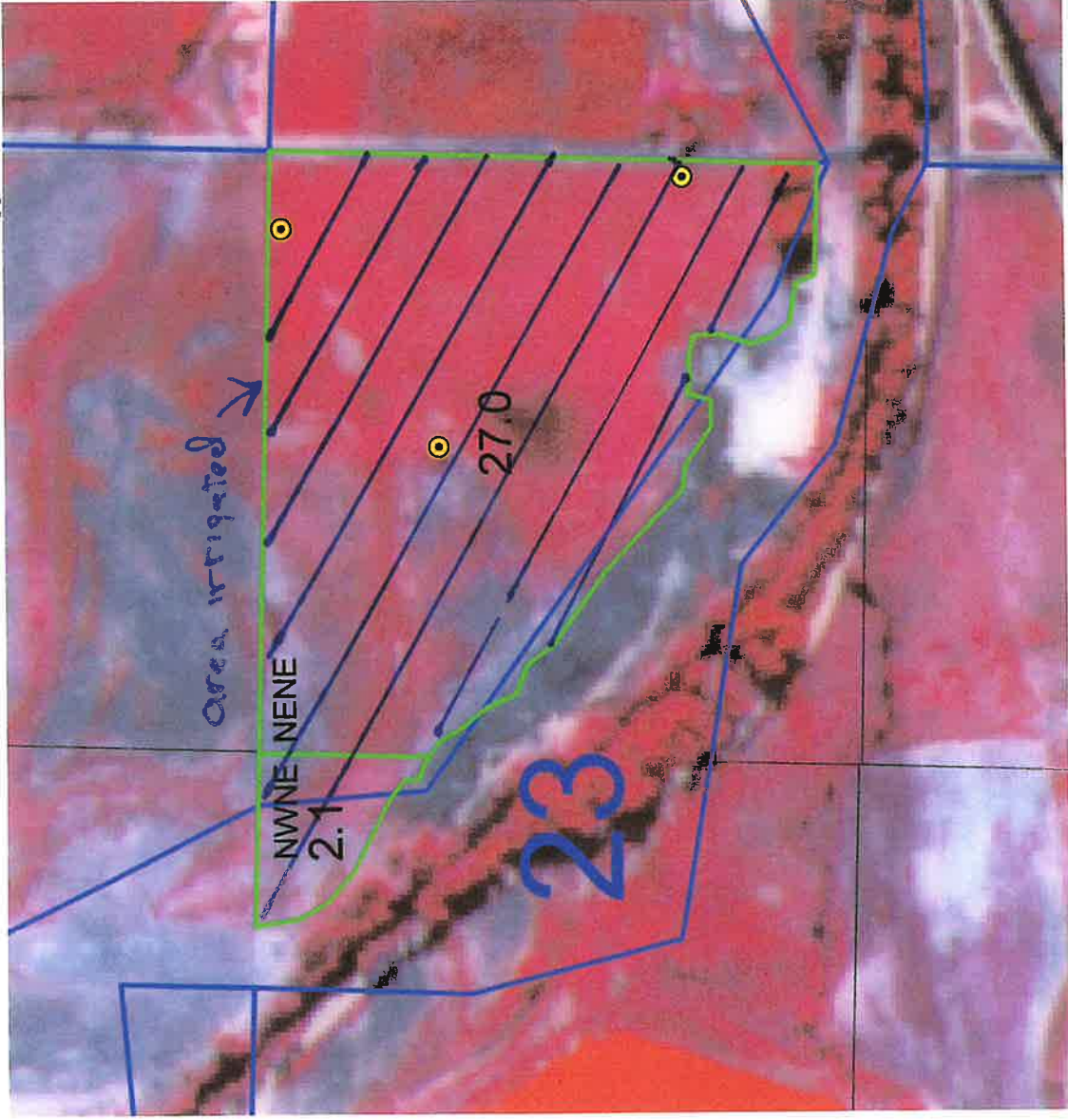


Quarter Quarter Lines

Points of Div. are Accurate



1987 Napp Photo



0.25 Miles

aphed

11/14/2003



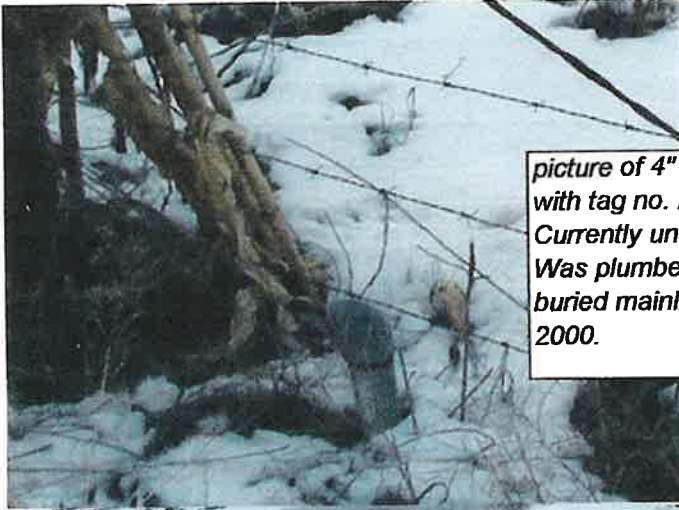
This ditch was used to irrigate by gravity flow. The pipe above flows from the artesian well. Seven Suckers ditch water can also flow into this ditch.

63-04254				
Mark Henzler	location of point(s) of diversion:			
1965 S Linder	USR	0305294	0305386	0305496
Eagle, ID 83616		0289028	0289087	0288864

Digital Photos

photographed

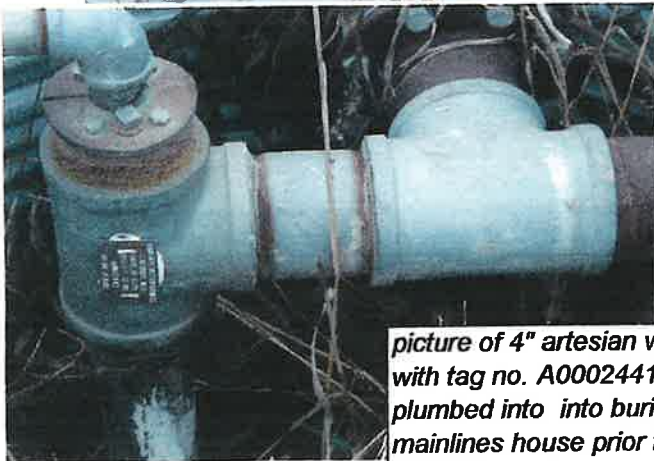
11/14/2003



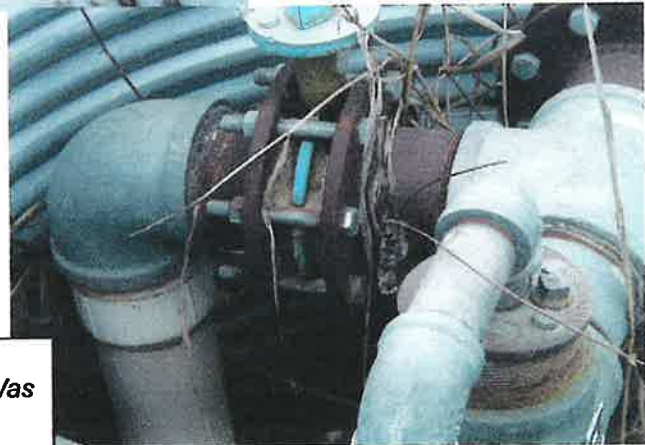
picture of 4" artesian well with tag no. A0002439 Currently under construction. Was plumbed into into buried mainlines, prior to 2000.



picture of 4" artesian well with tag no. A0002440 diversion works not visible under ice. Currently under construction. Was plumbed into into buried mainlines, prior to 2000.



picture of 4" artesian well with tag no. A0002441 Was plumbed into into buried mainlines house prior to 2000. Currently used for irrigation system.



63-04254				
Mark Henzler	location of point(s) of diversion:			
1965 S Linder	USR	0305294	0305386	0305496
Eagle, ID 83616		0289028	0289087	0288864

1/24/2004

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-04254Owner: Mark Henzler Phone No. 930-9440Current Address: 1965 S Linder Eagle, ID 83616

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☐ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property? _____

Accompanied by: Ron Bath**PRIORITY DATE**

- ☐ No change – Complete evidence submitted or not necessary
- ☒ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 1927. Mr. Henzler will send a blank affidavit form to Hugo Holubetz
who will provide information regarding priority dates and former use of water.
(If priority date, based on your exam, seems questionable, explain below.)

Source: Groundwater Tributary to _____

- ☐ No Change – SAME SOURCE
- ☒ Source found is different than claimed: _____

POINT OF DIVERSION

- ☐ No change
- ☒ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination	
									GPS ID	
			NE	NE	23	04N	01W	Ada	A0002439	0305294
										0289028
			NE	NE	23	04N	01W	Ada	A0002440	0305386
										0289087
			NE	NE	23	04N	01W	Ada	A0002439	0305496
										0288864

Description of diverting works

Buried pipe to irrigation mainline and stockwater use. Three-Six inch artesian wells.

OVERLAP REVIEW

Other water rights with the same point of diversion: _____

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain: _____

WATER USES☒ No change☐ Different Uses

Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____

Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____

Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____

TOTAL VOLUME -- Groundwater only

- ☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA _____
- ☐ Changes found, the new total is, Amount _____ CFS _____ AFA _____
- ☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☒ No Change☐ Changes shown below:

Place of use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	1W	23	29																29

Overlap with other water rights: A-63-02268 is a claim on Boise River Water carried through the 7 suckers ditch. The Eagle Island Water Users Association may have a master right, and may list this farm as part of POU.

Does overlap increase rate of flow, volume, additional acres, another source for same acres? Explain:
Overlap provides an additional source for same acres. Water is delivered to same cement ditch.

Delivery system Narrative:

Three artesian wells which were plumbed to mainlines, a cement ditch, and water lines for domestic and stockwater use. The property is undergoing significant construction but the remains of the old system are visible.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
A0002440	NA				
A0002439					
A0002441					

FLOW MEASUREMENTS: because the property is being rebuilt at the current time (new house, ponds etc, and because 2 of the wells are currently capped, there is no way to document the current flow. One well is attached to heat pumps in the new house, and the flow through those was documented at 28 gals per minute.

NARRATIVE/REMARKS/COMMENTS

See photos and drawing for explanations of the system.



AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____ **1/23/2004**

WR - WESTERN REGIO

CONTRACTOR: Karan Waters

CLAIM/ID: 63-04254

Date: 6-14-01

				NE				NW				SW				SE				Sum
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	4N	1W	23	29																29
GIS				29																29
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 3

Total Claimed Acres: 29

Overlapping POU Claim #'s:

Total GIS Acres: 29

COMMENTS:



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

June 21, 2000

MARK ALLEN HENZLER
JOANNE P HENZLER
1965 S LINDER RD
EAGLE ID 83616

Re: Notice of Claim to a Water Right No. A63-02268, A63-04254

Dear Claimants:

Enclosed is a copy of the above referenced claim which reflects the change in ownership of the land and appurtenant water right(s) covered under the original filing.

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

Please note, the ownership has also been changed on water right number 63-16961, which has been decreed by the SRBA Court.

Thank you for your patience and cooperation, as we have had several ownership changes to process. If you have any questions concerning the enclosed claim, 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 Region Office

DB:db

Enclosure