

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  
TH: SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A25-04065  
Date Received: 9/12/1989  
Receipt No: E010297  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1 Name: JAMES SOLECKI 208-529-0856  
Address: 4382 N. 15TH E.  
IDAHO FALLS, ID 83401

AND

Name: DON PURCELL 208-529-0856  
Address: 4382 N. 15TH E.  
4478 IDAHO FALLS, ID 83401

2 Date of Priority: APR 01, 1962

3 Source: GROUNDWATER Trib. to:

4 Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County     |
|----------|-------|---------|--------|--------|--------|-----|------------|
| 02N      | 38E   | 4       | NW     | SW     | NW     |     | BONNEVILLE |

5 Description of diverting works:  
8" WELL, 165' DEEP, 3 HP SUBMERSIBLE PUMP

6 Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.090  |      |        |
| DOMESTIC   | 01/01 | 12/31 | 0.080  |      |        |

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

8 Total consumptive use is 11.2 Acre Feet Per Annum.

9 Non-irrigation uses:  
D/2 HOMES, S/20 HORSES

A25-04065

Page 1

Date: 09/28/89

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A2504065



10 Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 02N      | 38E   | 4       | SW     | NW  |     | IRR    | 4.5   |
|          |       |         | SW     | NW  |     | DOMEST |       |
|          |       |         | SW     | NW  |     | STOCK  |       |

Section Acres 4.5

Total Acres 4.5

11 Place of use in counties: BONNEVILLE

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

13 Other Water Rights Used:  
NONE

14 Remarks:

15 Basis of Claim: STATUTORY CLAIM

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

A25-04065

Date Received

9/12/89

Receipt Number E010297

RECEIVED

SEP 12 1989

Department of Water Resources  
Eastern District Office

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

\$55.00

Please type or print clearly

1. Name of Claimant (s) JAMES SOLECKI AND DON PURCELL Phone (208) 529-0856Mailing Address 4382 N 15TH E IDAHO FALLS Zip 834012. Date of Priority (Only one (1) per claim) APRIL 1, 19623. Source of water supply (a) GROUND WATER  
which is tributary to (b) \_\_\_\_\_4. a. Location of existing point of diversion is: Township 2N Range 38E Section 4,  
NW 1/4 of SW 1/4 of NW 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of BONNEVILLE

Additional points of diversion if any: \_\_\_\_\_

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

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

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

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

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

8" WELL 165 FT DEEP  
SUBMERSIBLE PUMP (~3HP)

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For DOMESTIC purposes from JAN 1 to DEC 31 amount 0.08 or \_\_\_\_\_

For IRRIGATION purposes from APRIL 1 to NOV 1 amount 0.09 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 0.170 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is 11.25 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) DOMESTIC FOR 2 HOUSEHOLDS AND STOCKWATER FOR 20 HORSE

10. Description of place of use:

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

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

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 2N  | 38E | 4   |        |       |       |       |        |       | 4.5   |       |        |       |       |       |        |       |       |       |        |
| 2N  | 38E | 4   |        |       |       |       |        |       | D     |       |        |       |       |       |        |       |       |       |        |
| 2N  | 38E | 4   |        |       |       |       |        |       | S     |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 4.5

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above. \_\_\_\_\_ or None (☒)

14. Remarks:

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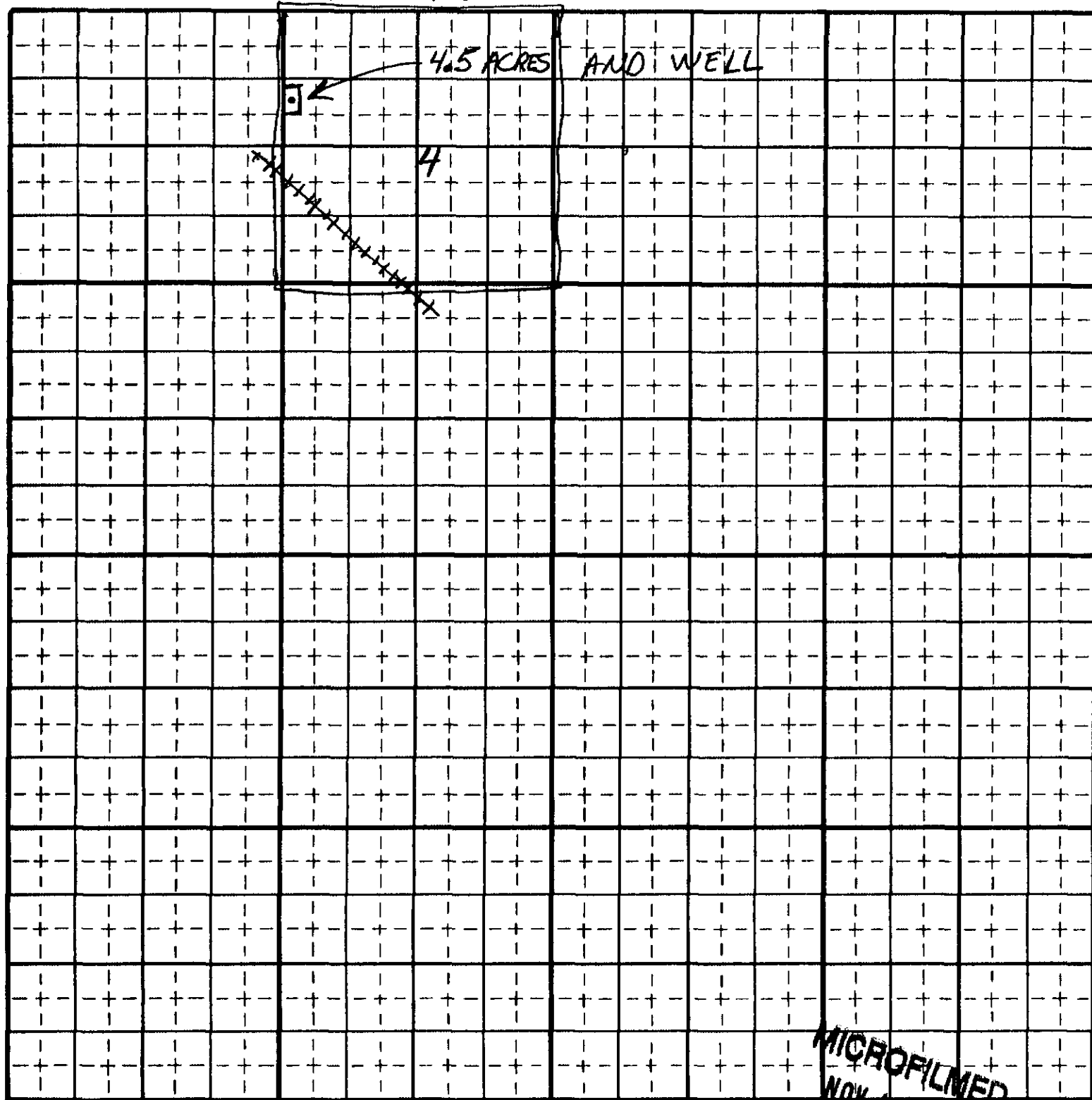
Last Name SOLECKI AND PURCELL Ident No. \_\_\_\_\_

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T2N R38E



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Last Name SOLECKI AND PURCELL Ident No. \_\_\_\_\_

Copies: White-State, Yellow-Claimant

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

Decree \_\_\_\_\_

If applicable provide IDWR Water Right Number 25-4065

Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_

Plaintiff vs Defendant \_\_\_\_\_

16. Signature (s)

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

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

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

Signature of Claimant (s)

James Solechi  
Don R. Darnell

Date 9/5/89

Date 9/5/89

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_

Title

of \_\_\_\_\_, that I have signed the foregoing

Organization

document in the space below as \_\_\_\_\_ of \_\_\_\_\_

Title

Organization

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

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )

County of Ida )

SS.

Subscribed and sworn (or affirmed) before me this 5 day of September 19 89

SEAL

Notary Public Lori Harris

Residing at Boise, Idaho

My Commission Expires 12-8-94

Please Print Name

17. Notice of Appearance:

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

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

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NOV 10 1992

Last Name \_\_\_\_\_ Ident. Number \_\_\_\_\_

Copies White-State, Yellow-Claimant

Log for claim 25-04065

Spatial Dynamics CAT

12/4/00

| TR      | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT                        |
|---------|-----|------|------------------|----------------|--------------------------------|
| 02n38e  | 4   | SWNW | 4                | 39             | POD placement? / Indiscernible |
| Totals: |     |      | 4                | 39             |                                |

AJ5809NP  
No. A25-04065

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/24/00  
PAGE: 95

| OWNER<br>CODE | NAME & ADDRESS       | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|----------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | JAMES SOLECKI        | 04/01/1962       | IRRIGATION | 04-01 11-01           | 0.090 CFS         |                     |
| C             | DON PURCELL          |                  | DOMESTIC   | 01-01 12-31           | 0.080 CFS         |                     |
|               | 4382 N 15TH E        |                  |            |                       |                   |                     |
|               | IDAHO FALLS ID 83401 |                  |            | TOTAL DIVERSION:      | 0.170 CFS         |                     |
|               | (208) 529-0856       |                  |            | CONSUMPTIVE USE:      |                   | 11.20 AFA           |

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion: T02N R38E S04 NWSWN BONNEVILLE County

Place of use Legal Description for: IRRIGATION

| NE  |     |     |   | NW   |      |      |      | SW |      |      |      | SE   |    |      |      |      |      |    |      |      |      |      |             |     |   |     |
|-----|-----|-----|---|------|------|------|------|----|------|------|------|------|----|------|------|------|------|----|------|------|------|------|-------------|-----|---|-----|
| T   | R   | S   |   | NENE | NWNE | SWNE | SENE | :  | NENW | NWNW | SWNW | SENW | :  | NESW | NWSW | SWSW | SESW | :  | NESE | NWSE | SWSE | SESE | :           | SUM |   |     |
| --- | --- | --- | : | Lt   | Ac   | Lt   | Ac   | Lt | Ac   | Lt   | Ac   | Lt   | Ac | :    | Lt   | Ac   | Lt   | Ac | Lt   | Ac   | Lt   | Ac   | Lt          | Ac  | : | --- |
| 02N | 38E | 4   | : |      |      |      |      | :  |      |      |      | 04   | :  |      |      |      |      | :  |      |      |      |      |             |     | : | 4.5 |
|     |     |     |   |      |      |      |      |    |      |      |      |      |    |      |      |      |      |    |      |      |      |      | TOTAL ACRES | 4.5 |   |     |

Place of use Legal Description for: DOMESTIC

| 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 | : |  |
| 02N | 38E | 4   | : |      |      |      |      | :  |      |      |      | D    | :  |      |      |      |      | :  |      |      |      |      |    |    | : |  |

POU County: BONNEVILLE

Non-Irrigation Uses: D/2 HOMES, S/20 HORSES

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

25-13206 25-13801 A25-12906 A25-13206 A25-13801

Other Water Rights Listing Overlapping Place(s) of Use:

A25-1338820

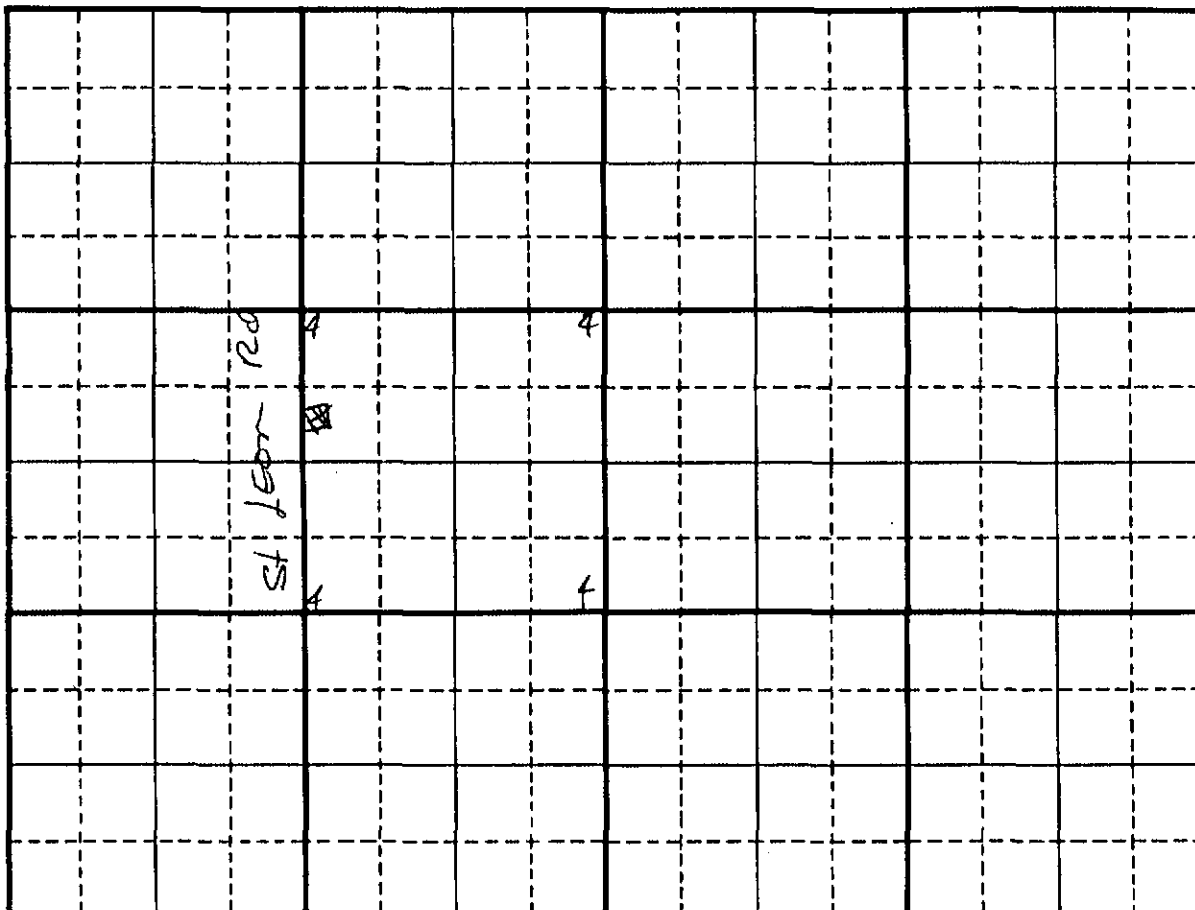
Dates: Exam Made Date: Verified Date: 02/13/1991 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:  
Presumption Flag:

Audit: 09/28/89 OLENICHA 02/13/91 THOMPSON 03/29/95 POST-STD

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )  
County of Bonn ) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 23 day of may

James Polcechi  
(Claimant)  
1980

William R. Rhoads

Notary Public

Residing at IDAHO Falls

My commission expires MAY 4, 1984

FOR DEPARTMENT USE ONLY  
Received by RD Date 5/27/80 Exception filed by: \_\_\_\_\_ Date \_\_\_\_\_  
Prelim. check by EMC Date 5/27/80 Forwarded to claimant by: \_\_\_\_\_ Date \_\_\_\_\_  
\$20.00 fee received by JD Date 5/22/80 #14819  
Published in The Post Register  
Dates 6/5 & 6/12/80

25-04065

RECEIVED

JUN 14 1991

Department of Water Resources  
Eastern District Office

SUBJECT- WATER RESOURCES PRIORITY AFFIDAVIT

The house located at 4478 north 15 east was buuilt in Early 1965 by Lowell Bybee .The well south of the house was drilled Early 1965.

The house located just south of this property was built in 1967 by Jim meritt and was connected to the existing well at that time.

JAN. 1967

The uses of the well for both properties includes domestic use , sprinkler irrigation and livestock watering.

Lowell Bybee June 6, 1991  
Mary S. Bybee June 6, 1991  
Don R. Purcell June 6, 1991  
Peggy A. Purcell June 6, 1991

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NOV 10 1992

4065  
May 6, 1991

James Solecki  
4382 N. 15th E.  
Idaho Falls, ID 83401

**RE: Evidence of Priority**

Dear Mr. Solecki:

The Notice of Claim identified with the number shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". 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.

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 all of the 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 this 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. But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority date by **June 6, 1991**, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

**MICROFILMED**  
NOV 10 1992

James Solecki

Page 2

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. Every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen  
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"  
Proof Report

A25-04065  
JAMES SOLECKI  
DON FURCELL  
4382 N. 15TH E.  
IDAHO FALLS ID 83401

MICROFILMED  
NOV 10 1992

4/11/1989

## SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

SOLECKI/PULL

CLAIM

NT. NO.

A25-04065

DATE RECEIVED

9/12/89

CK #

AMOUNT \$

YES

NO

Required  
Info?

1. Is the name and address complete with zip code? ☒ ☐ \*
2. Is a priority date entered? ☒ ☐ \*
- Is the priority date acceptable in view of mandatory filing dates? ☒ ☐ \*
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ ☐ \*
3. (a) Is a source entered? ☒ ☐ \*
- (b) Is a tributary to entered? (if required) ☐ N/A ☒ ☐ \*
4. Is the legal description of the p.d. sufficient? ☒ ☐ \*
5. Is there a description of the diverting works? ☒ ☐ \*
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ ☐ \*
- Is the period of use included? ☒ ☐ \*
- Is a quantity claimed for each use? ☒ ☐ \*
7. Is a total quantity claimed entered? ☒ ☐ \*
8. If required is a consumptive use entered? ☐ N/A ☒ ☐ \*
- Is the consumptive use correct? ☐ N/A ☒ ☐ \*
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☐ N/A ☒ ☐ \*
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ ☐ \*
11. Is (are) the county(ies) entered? ☒ ☐ \*
12. Is the ownership of p.u. checked? ☒ ☐ \*
13. Are other water rights listed or "none" indicated? ☒ ☐ \*
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☐ N/A ☒ ☐ \*
15. Is the basis of the claim indicated? ☒ ☐ \*
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☐ N/A ☒ ☐ \*
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ ☐ \*
18. Has the claim been signed, sealed, and dated by a notary? ☒ ☐ \*
19. Was this claim filed on time, or was an extension granted? ☒ ☐ \*
20. Is the fee enclosed correct? ☐ Exempt ☒ ☐ \*
21. If this claim is based on an existing water right, has the identification number been entered? ☐ N/A ☒ ☐ \*
22. Should this claim be data entered? ☒ ☐ \*

Claim checked by:

TO

Date:

9/12/89

Claim must be returned to claimant:

(Yes) ☒ (No) ☐

Claimant must be notified of modifications:

(Yes) ☒ (No) ☐

Receipt Prepared by:

Date:

Claim data entered by:

Date:

Sent to claimant by:

Date:

Checked by:

MICROFILMED

NOV 10 1989

Comments:

25-4065 RECEIVED

JUN 14 1991

Department of Water Resources  
Eastern District OfficeWELL AGREEMENT

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of January, 1967, by and between JAMES E. MERRITT and VONDA MERRITT, his wife, as First Parties, and LOWELL G. BYBEE and DONA L. BYBEE, his wife, as Second Parties, all of Idaho Falls, Bonneville County, Idaho,

## WITNESSETH:

WHEREAS, First Parties are the owners of that property in Bonneville County, Idaho, described as:

Beginning at a point that is 330 feet North of the Southwest Corner of the West Half of the Northwest Quarter of Section 4, Township 2 North, Range 38, East of the Boise Meridian, Bonneville County, Idaho; and running thence East 264 feet, thence North 165 feet, thence West 264 feet, thence South 165 feet to the point of beginning, less a strip 25 feet wide along the Westerly boundary, deeded to Bonneville County for Highway purposes.

WHEREAS, Second Parties are the owners of that property in Bonneville County, Idaho, described as:

Beginning at a point that is North 0° 11' West 660.0 feet and East 25.0 feet from the Southwest Corner of the Northwest Quarter of Section 4, Township 2 North, Range 38 East of the Boise Meridian, and running thence East 1283.52 feet; thence North 1° 01' West 330.05 feet; thence West 1278.72 feet; thence South 0° 11' East 330.0 feet to the point of beginning, Bonneville County, Idaho.

WHEREAS, First Parties have constructed and installed upon their property above described a well, pump and pressure system and are the owners of said well, pump and pressure system on the property which they own as hereinbefore described, and

WHEREAS, First Parties desire and intend to convey to Second Parties a one-half undivided interest in and to said well, the waters of said well, together with the pump, pressure tank and distribution system.

NOW, THEREFORE, for and in consideration of Ten and No/100ths (\$10.00) Dollars, and other good and valuable consideration, the receipt of all of which is hereby acknowledged by the First Parties, the First Parties hereby grant and convey unto the Second Parties an undivided one-half interest in and to the well, the waters of the well, the pump and the pressure system, together with the

distribution system situated upon the property of the First Parties hereinabove described, retaining unto the First Parties an undivided one-half interest in and to the well, the waters of the well, the pump, pressure system and distribution system.

The Parties of the First Part hereby grant, bargain, sell and convey unto the Second Parties a perpetual and continuing easement and right-of-way to run a pipeline from the well, through, over and upon the property of the First Parties as hereinabove described.

Parties of the Second Part agree with Parties of the First Part that they will hereafter maintain said pipeline at their own expense, and that in exercising their easement and right-of-way to maintain the same, they shall do so consistent with said use with as little damage to the property of the Parties of the First Part as is reasonable under the existing conditions.

The Parties to this agreement agree that the cost of the monthly electrical bill, together with the cost of all repairs, maintenance and operation of said well, pump and pressure system shall be divided equally between the parties hereto, one-half to each party.

It is understood and agreed that the rights, privileges, duties and obligations of the respective parties as recited under this agreement, shall be burdens and appurtenances running with the land, and the right of the parties in and to said well and the waters of said well, shall be perpetual in character.

It is agreed and understood that all of the provisions of this agreement shall be binding upon the heirs, executors, administrators, assigns and successors in interest of all of the parties to this agreement.

IN WITNESS WHEREOF, the parties hereunto have set their hands at Idaho Falls, Idaho, the day and the year first above written.

James E. Muritt  
Linda Muritt  
First Parties

Lowell S. Byler  
Thomas Byler  
Second Parties

STATE OF IDAHO

)

) ss.

County of Bonneville

)

On this 12 day of <sup>March</sup>~~January~~, 1967, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared JAMES E. MERRITT, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same.

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

Walter H. Hain  
Notary Public for State of Idaho  
Residing at ~~Idaho Falls~~, Idaho  
*Shelley*

(SEAL)

STATE OF IDAHO

)

) ss.

County of Bonneville

)

On this 12 day of <sup>March</sup>~~January~~, 1967, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared VONDA MERRITT, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that she executed the same.

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

Walter H. Hain  
Notary Public for State of Idaho  
Residing at ~~Idaho Falls~~, Idaho  
*Shelley*

(SEAL)

STATE OF IDAHO

)

) ss.

County of Bonneville

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On this 14<sup>th</sup> day of <sup>April</sup>~~January~~, 1967, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared LOWELL G. BYBEE and DONA L. BYBEE, known to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

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

Ernest T. Buck  
Notary Public for State of Idaho  
Residing at Idaho Falls, Idaho

(SEAL)