

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: A47-14263
Date Received: 1/13/1989
Receipt No: C005095
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAVID L FUNK 208-432-5270
Address: 3245 N 4700 E
MURTAUGH ID 83344
AND
Name: SHIRLENE FUNK 208-432-5270
Address: 3245 N 4700 E
MURTAUGH ID 83344

2. Date of Priority: JAN 1, 1920

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11S	18E	27	NE	NW	SE		TWIN FALLS

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.080		
STOCKWATER	01/01	12/31	0.190		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/2 HOUSES; S/800 RANGE CATTLE/HORSES

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	18E	27	NW	SE		DOMEST	
			NW	SE		STOCK	

11. Place of use in counties: TWIN FALLS

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: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

01/27/98 14:46:46
Page 1

Water Right Number - R47-14263

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
FUNK

DAVID L

1 - 3245 N 4700 E
2 -
3 -

City- MURTAUGH
Phone - 208-432-5270

State- ID Zip- 83344

FUNK

SHIRLENE

1 - 3245 N 4700 E
2 -
3 -

City- MURTAUGH
Phone - 208-432-5270

State- ID Zip- 83344

*** O - ORIGINAL OWNER ***
TRAVELERS REALTY INVESTMENT CO

1 - ATTN: JOE DANIELS
2 - 960 BROADWAY AVE SUITE 310
3 -

City- BOISE
Phone - 208-336-5900

State- ID Zip- 83706

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
01/01/1920 ERROR IN REGION J - BENEFICIAL USE

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

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
11S 18E 27 NE NW SE (83) TWIN FALLS

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
43 - DOMESTIC		01/01	12/31		0.080	
04 - STOCKWATER		01/01	12/31		0.190	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.270 0.0

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
11S	18E	27	NW SE			04	STOCKWATER	(83) TWIN FALLS
11S	18E	27	NW SE			43	DOMESTIC	(83) TWIN FALLS

Total Acres:

+ - - Diversion Means - WELL & PUMP

+ - - Non-Irrigation Use - 2 HOUSES

Water right number - R47-14263 Prefix Translation: RESEARCH

+ - - Other Rights for Same Use - NONE

+ - - - - - Remarks - - - - - +

EXP STOCKWATER 800 RANGE CATTLE/HORSES
PARCEL NOS. RP 11S18E270000, RP 11S18E277200

+ - - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +

N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

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

+ - - - - - Comments - - - - - +

No Comments Found

+ - - Audit Fields - - +

01/27/98 SEGBERT

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 01/27/1998	Old Judicial District	-
Claim Received Date	- 01/13/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- C005095	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND	Presumption Flag	-
				Notice of Error Flag	-

AJ5856NP

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

DATE: AUG-20-1997

PAGE: A-115

RIGHT NUMBER: 47-14263

NAME & ADDRESS: DAVID L FUNK
SHIRLENE FUNK
3245 N 4700 E
MURTAUGH ID 83344 ✓

SOURCE: GROUNDWATER

QUANTITY: 0.27 CFS

PRIORITY DATE: 01/01/1920

POINT OF DIVERSION: T11S R18E S27 NENWSE ✓ Within TWIN FALLS County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.19 CFS
	DOMESTIC D/2 HOUSES; S/800 RANGE C	01-01 12-31	0.08 CFS

PLACE OF USE: STOCKWATER Within TWIN FALLS County
T11S R18E S27 NWSE ✓

DOMESTIC Within TWIN FALLS County
T11S R18E S27 NWSE ✓

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

RP 11S18E270000
11S18E277200

Verified by D Smith Date: 9-9-97

Verification Source: Alpha Index



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

~~LEGISLATIVE COUNCIL~~
Governor PHIL BATT

R. KEITH HIGGINSON
Director

January 4, 1995

DAVID L & SHIRLENE FUNK
3245 N 4700 E
MURTAUGH ID 83344

RE: CHANGE OF OWNERSHIP SRBA CLAIM NOS. A47-00124A, A47-00167, A47-14263, A47-00118 & A47-00161

DEAR MR. & MRS. FUNK,

Pursuant to your request for a change in ownership and/or the notification that you presently own the property in which the above-referenced adjudication claim(s) is appurtenant, the department has changed the record of the current owners as you requested. Please find enclosed a copy of your adjudication claims, as they now appear in our records.

If you have any further corrections or questions please contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Steve Clelland'.

STEVE CLELLAND
Water Resource Agent

ENC:

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NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

MAR 10 1993

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

Department of Water Resources
Southern Region Office

DATE OF CLOSING: 12/10/92LEGAL DESCRIPTION OF PROPERTY: Township 11 South Range 18 East

Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.

Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet. See attached.

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s) Assigned by IDWR: A47-00124A, A47-00167, A47-14263, A47-00118, and A47-00161

[] Name and Address of Former Owner/Claimant(s)(Seller): THE TRAVELERS INSURANCE COMPANY
One Tower Square - 2 BP
Hartford, CT 06183-2021

[] New Owner/Claimant (Purchaser): David L. and Shirlene Funk

[] New Mailing Address: 3245 N. 4700 E.
Murtaugh, ID 83344

[] New Telephone Number: (208) 432-5270

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

[] Attach proof of ownership, describe proof attached:

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

[] Signature of New Owner/Claimant(s): David L. Funk By Shirlene Funk Date 1-24-93
Shirlene Funk Date 1-24-93

[] Signature of Former Owner/Claimant(s): THE TRAVELERS INSURANCE COMPANY Date 12/14/92
Marion E. Blackwood Jr. Date 12/14/92
REGIONAL DIRECTOR

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 1-4-95 By: SCC

Further Action Needed:

NONE

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

<see Memo Also>

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

MEMO

TO: SRBA CLAIMS A47-00124A, A47-00167, A47-14263, A47-00118
& A47-00161
FROM: STEVE CLELLAND
DATE: January 4, 1995

RE: CHANGE OF OWNERSHIP

=====

FORM 42-1409(7) WAS SUBMITTED WITH SIGNATURES OF BOTH PARTIES TO CHANGE THE OWNERSHIP OF THE CLAIMS LISTED ABOVE AND THIS IS THE BASIS FOR THE CHANGES MADE. HOWEVER, THE SPECIAL WARRANTY DEED INCLUDED RESERVES THE WATER RIGHTS AND CLAIMS AND THEN MENTIONS THEY ARE CONVEYED BY QUITCLAIM DEED AS DESCRIBED ON THE FORM OF OWNERSHIP CHANGE. NO COPY WAS GIVEN OF THE QUITCLAIM DEED AND WAS NOT NEEDED TO ACCOMPLISH THE CHANGES, BUT IF QUESTIONS ARISE REGARDING THESE CLAIMS OR THIS PROCEEDURE A COPY SHOULD BE OBTAINED.

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MAR 10 1993

MAY & MAY LAW OFFICES
P.O. BOX 1846 - 516 2ND STREET EAST
TWIN FALLS, IDAHO 83303-1846

Department of Water Resources
Southern Region Office

JAY D. SUDWEEKS
J. DEE MAY
MARK D. STUBBS
THOMAS D. KERSHAW, JR.
BART D. BROWNING

TELEPHONE
(208) 733-7180

TELEFAX
(208) 733-7967

March 5, 1993

Idaho Department of Water Resources
220 Shoshone East
Twin Falls, ID 83301

RE: David and Shirlene Funk

Gentlemen:

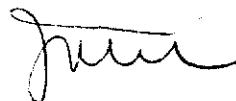
I have enclosed the New Property Owner Notice of change of Water Right Ownership with an accompanying special Warranty Deed from Travelers Insurance Company to David L. Funk and Shirlene Funk from the former owner, Travelers Insurance Company.

All further notifications under the Snake River Basin Adjudication should be sent to Mr. and Mrs. David L. Funk, 3245 N. 4700 E., Murtaugh, Idaho, 83344.

If there is anything further that you need with regard to changing ownership, please let me know.

Very truly yours,

MAY & MAY LAW OFFICES


J. DEE MAY

JDM:mab

Enclosures

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COPY
RECEIVED

SPECIAL WARRANTY DEED

MAR 10 1993

Department of Water Resources
Southern Region Office

THIS INDENTURE, made this 14th day of December, 1992,
between THE TRAVELERS INSURANCE COMPANY, a Connecticut
corporation, the Grantor, and DAVID L. FUNK and SHIRLENE FUNK,
husband and wife, the Grantees, whose mailing address is 3245 N.
4700 E., Murtaugh, Idaho 83344,

W I T N E S S E T H:

That the said Grantor, for and in consideration of the
payment to it of TEN DOLLARS (\$10.00) AND OTHER VALUABLE
CONSIDERATION, by the said Grantees, the receipt and sufficiency
whereof are hereby acknowledged, has granted, bargained, and
sold, and by these presents does grant, bargain, sell, convey and
confirm unto the said Grantees, and to their successors and
assigns forever, the real estate situate in the County of Twin
Falls, State of Idaho, more particularly described in Exhibit A,
attached hereto and made a part hereof.

TOGETHER, With all and singular the tenements,
hereditaments and appurtenances thereunto belonging or in anywise
appertaining, the reversion and reversions, remainder and
remainders, rents, issues and profits thereof; and all estate,
right, title and interest in and to the real property hereby
conveyed or transferred as well in law as in equity of the said
Grantor, which shall include, without limiting the generality of
the foregoing, the following:

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All easements and rights of way; all fixtures; all rights of homestead, and all contingent rights in and to said premises; BUT EXCLUDING a payment of rent in the sum of \$11,515.00 which is to be paid to or retained by the Grantor;

All buildings and the plumbing, heating, cooling, humidifying, ventilating and lighting systems and equipment therein; all wells, dams, diversion works, ditches, flumes, siphons, pipelines, ponds, pumps, motors, valves, screens, and any facilities used in connection with the operation of any of the foregoing facilities or necessary for the proper and effective operation and use of any of the foregoing or for the proper irrigation or drainage of the portions of the described lands which are used for agricultural production;

Specifically, and without limiting the scope of the preceding descriptions, any items listed in Exhibit B, Irrigation Equipment, attached hereto and made a part hereof, which are or which may be determined to be fixtures or are otherwise part of the real property described in Exhibit A. An identical list of irrigation equipment is attached as an exhibit to a certain Bill of Sale from Grantor to Grantee of even date herewith.

EXCEPT, specifically excluded from this conveyance are any and all mineral rights and interests of Grantor, which are reserved by Grantor and are conveyed by Grantor to Grantee by Quitclaim Deed of even date herewith.

EXCEPT, specifically excluded from this conveyance are any and all water rights or claims to rights appurtenant to the real property described in Exhibit A, which are reserved to Grantor and conveyed by Grantor to Grantee by Quitclaim Deed of even date herewith.

ALL IRRIGATION EQUIPMENT AND APPURTENANCES THERETO TRANSFERRED BY THIS INSTRUMENT ARE SOLD BY THE GRANTOR AND ACCEPTED BY THE GRANTEE IN THEIR PRESENT CONDITION, AND THE GRANTOR HAS NO OBLIGATION TO REPAIR, MODIFY OR REPLACE ANY OF THE IRRIGATION EQUIPMENT. FURTHER, GRANTOR DOES NOT REPRESENT THAT ANY ITEM OR ITEMS OF IRRIGATION EQUIPMENT LISTED IN EXHIBIT B ARE PRESENTLY ON SUBJECT PROPERTY, LEAVING IT TO GRANTEE

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THROUGH INSPECTION OF THE SUBJECT PROPERTY TO ASCERTAIN WHICH LISTED ITEMS ARE ON THE SUBJECT PROPERTY AND THEREBY CONVEYED HEREIN.

Said described real property is conveyed subject to (1) all taxes and assessments for the year 1993 and subsequent years, (2) all reservations in patents or deeds in the chain of title, (3) all licenses, profits, easements and rights of way visible on the property or appearing of record in the office of the County Recorder of Twin Falls County, Idaho, or ascertainable by inquiry to parties rightfully using any such interest in the property, (4) all covenants and restrictions appearing of record in the office of said Recorder, and (5) all items listed as exceptions in Commitment for Title Insurance No. 32517 issued by Lawyers Title Insurance Corporation through TitleFact, Inc., on October 13, 1992, as shown in the copy of Schedule B-Section 2 thereof which is attached hereto and made a part hereof.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises together with the appurtenances unto the Grantees and to their successors and assigns forever.

Grantor warrants to the Grantees, and their successors in title, that previous to the time of the execution of this

instrument, the Grantor has not conveyed the same estate, or any right, title or interest therein, to any person other than the Grantees, and that Grantor has not created or permitted to be created any lien, charge or encumbrance against said real estate which is not shown or referred to herein, and Grantor covenants that it will defend said premises to the extent of the warranties made herein against the lawful claims of all persons; PROVIDED HOWEVER, that such warranty shall not include mineral rights or mineral interests which are conveyed by Quitclaim Deed of even date herewith, nor shall such warranty include water rights or claims to rights appurtenant to said real property which are also conveyed by Quitclaim Deed of even date herewith.

IN WITNESS WHEREOF, the said Grantor has hereunto caused its corporate name to be subscribed by its officers first thereunto duly authorized by its Board of Directors, all as of the day and year herein first above written.

THE TRAVELERS INSURANCE COMPANY,
A Connecticut corporation

By


MARION E. BLACKWOOD JR.
REGIONAL DIRECTOR

ATTEST:


ROBERTA F. FENNELLY
ASSISTANT SECRETARY

CLERK OF DISTRICT COURT, IDAHO
COUNTY OF ADAMS

TITLEFACT, Inc.

1993 FEB 24 A 11-34

19930025111

ADAMS COUNTY, IDAHO
CLERK OF DISTRICT COURT

FEE: 27.00 DEPUTY: LP

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GRANTEES' ADDRESS:

3245 N. 4700 E.
Murtaugh, ID 83344

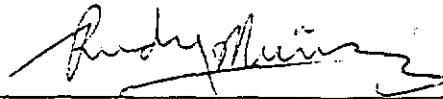
STATE OF CONNECTICUT

COUNTY OF HARTFORD

)
) ss. Farmington
)

On this 14th day of December, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared MARION E. BROWN and BONNIE E. FERRIS, known to me to be the Regional Director and Assistant Secretary, respectively, of THE TRAVELERS INSURANCE COMPANY, the corporation that executed the within and foregoing instrument, and acknowledged to me that such corporation 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.



Notary Public for the State of Connecticut
Residing at HARTFORD, Connecticut
My commission expires: _____

RUDY MUNOZ
NOTARY PUBLIC
STATE OF CONNECTICUT
MY COMMISSION EXPIRES MARCH 31, 1996



Township 11 South, Range 18 E., B.M., Twin Falls County, Idaho
Section 26: That part of the S $\frac{1}{4}$ SW $\frac{1}{4}$ lying South of and above the Twin Falls Canal Company's
Highline Canal right of way.

SUBJECT TO: Twin Falls County Highway Right of Way

Section 27: The SE $\frac{1}{4}$
EXCEPT

A parcel of land located in Section 27, Township 11 South, Range 18 E., B.M., Twin Falls County,
Idaho and more particularly described as follows:

COMMENCING at the West $\frac{1}{4}$ corner of said Section 27 and being the TRUE POINT OF BEGINNING;

THENCE North 0°00'00" West along the West boundary of the NW $\frac{1}{4}$ of Section 27 for a distance
of 1318.30 feet to the Northwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27;

THENCE South 89°11'32" East along the North boundary of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of
1319.12 feet to the Northeast corner of SW $\frac{1}{4}$ NW $\frac{1}{4}$;

THENCE South 0°03'57" East along the East boundary of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of
1319.69 feet to the Southeast corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$;

THENCE South 89°09'17" East along the North boundary of the S $\frac{1}{2}$ of Section 27 for a distance
of 2730.01 feet;

THENCE South 0°01'12" West for a distance of 580.43 feet;

THENCE North 89°05'23" West for a distance of 278.04 feet;

THENCE South 0°08'29" East for a distance of 386.98 feet;

THENCE South 89°42'08" West for a distance of 297.55 feet;

THENCE North 76°29'37" West for a distance of 41.44 feet;

THENCE South 1°26'49" West for a distance of 21.34 feet to a point on the Northerly side of the
Northerly bank of the Highline Canal Bank Road;

THENCE North 89°41'20" West along the Northerly side of the Canal Bank Road for a distance of
582.47 feet;

THENCE South 82°06'10" West along the Northerly side of the Canal Bank Road for a distance of
210.37 feet to the Southeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27;

THENCE North 89°10'36" West along the South boundary of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ for a distance of
1320.78 feet to the Southwest Corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$;

THENCE North 0°07'25" West along the West boundary of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ for a distance of
1307.30 feet to a point that is South 0°07'25" East, 16.0 feet from the Northwest corner of the
NE $\frac{1}{4}$ SW $\frac{1}{4}$;

THENCE North 89°09'17" West parallel with and 16.0 feet Southerly of the Northerly boundary of
the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27 for a distance of 1320.65 feet to a point on the Westerly boundary
of the NW $\frac{1}{4}$ SW $\frac{1}{4}$;

THENCE North 0°07'20" West along the Westerly boundary of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ for a distance of
16.0 feet to the West $\frac{1}{4}$ corner of Section 27 and being the TRUE POINT OF BEGINNING.

SUBJECT TO: Twin Falls County Highway Right of Way

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EXHIBIT "B"

DESCRIPTION OF IRRIGATION EQUIPMENT LIST

One (1) - 40 H.P. Gould Century Horizontal Electric Motor -
Serial # 6-323053-1 and Berkley Centrifical Pump.

Together with all wiring, switch panels, column, shafting, tubing, bowls, suction pipe cones, valves, etc., used in conjunction with or pertaining to the above listed pumps and motors.

Five (5) - 1/4 mile Aluminum Side-Roll Wheel Lines - complete.

Approx. 6,220 feet of 6" to 10" Portable Aluminum Mainline with risers.

Together with all valves, reducers, sprinkler heads, and plugs, etc., used in conjunction with or pertaining to the above listed mainlines, handlines and wheel lines.

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LAWYERS TITLE INSURANCE CORPORATION

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B - Section 2

EXCEPTIONS

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records of attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. Taxes for the year 1992 and all subsequent years, which are an accruing lien, due and payable on or before December 20th of said year. Liability for added assessments and subsequent tax billings, if any, pursuant to Idaho Code Section 63-403 and 63-3906.
7. Unpatented mining claims; reservations or exceptions in patents or in Acts Authorizing the issuance thereof, water rights, claims or title to water.
8. Warranty Deed from Thomas M. Atkin to Twin Falls Land and Water Company, dated January 22, 1910, recorded January 22, 1910, in Book 14 of Deeds, page 182, for Canal Right of Way on each side of centerline of Highline Canal in the E $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 11 South, Range 18 E., B.M.
9. Agreement between Ola G. Butler, a widow and Curtis Bower and Marguerite Bower, husband and wife, dated September 28, 1961, recorded September 29, 1961, as Instrument No. 506874, in Book 17 of Contracts, Agreements and Bonds, page 271, records of Twin Falls County, Idaho. (Agreement affecting waste water running from the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, Township 11 South, Range 18 E., B.M.)

10. Easement from Ola Butler to Edwin R. Smith, recorded March 25, 1982, as Instrument No. 818876, records of Twin Falls County, Idaho, for a right of way for a certain water irrigation line, over and across land situated in the S½SE¼, Section 27, Township 11 South, Range 18 E., B.M.
11. Reservation contained in unrecorded contract of sale between Clara Brosa (Seller) and Raymond Butler and Esther Butler, husband and wife (Buyer), dated November 19, 1971, and reciting, "Seller reserves the residence, garage and yard during the term of her natural life".
12. Farm Lease and Option Agreement between The Travelers Insurance Company, as Lessor and Raymond E. and Esther F. Butler, husband and wife; Dennis W. and Virginia A. Butler, husband and wife and Terry R. and Linda J. Butler, husband and wife, Lessees, dated May 15, 1987, recorded September 30, 1987, as Instrument No. 928457, records of Twin Falls County, Idaho.

Exceptions numbered NONE are hereby omitted.

The Owner's Policy to be issued, if any, shall contain the following items in addition to the ones set forth above:

- (1) The Deed of Trust, if any, required under Schedule B-Section 1, Item (b)
- (2) Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing issuance thereof; water rights claims or title to water.
- (3) Any and all unpaid taxes, assessments and unredeemed tax sales.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. _____

A47-04233
A47-04234
A47-14263
A47-14185
A47-14186
A47-14187
A47-14188
A47-14189
A47-14190

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Jeanie Robertson Date 3/6/95

Contact Person(s) David Funk

Nature of Contact office visit

Substance of Communication he brought in a notarized affidavit from Ed King on the above water rights. It only seemed to support a priority date of about 1963, so I encouraged him to gather some more evidence to prove earlier priority dates. He plans to check with Idaho Power and some of the well drillers in the area. He also took a couple of blank affidavit forms.

MICROFILMED
DEC 1 1996

RECEIVED

MAR 06 1995

Department of Water Resources
Southern Region

Ed King Lived IN Rock Creek
AREA 32 YEARS AND USED AND OBSERVED
USE OF THE WATER FROM ALL THREE WELLS

NO A47-04233 FOR 3.00 CFS

NO A47-04234 FOR .80 CFS

He ALSO OBSERVED THE USE OF GROUND WATER
FOR LIVESTOCK USE ON THE OLD BUTLER PLACE

NO A47-14263

Ed OBSERVED THE DRILLING OF WELL ON SHOESOLD RANCH
AND THE IRRIGATION OF THE FARM

NO A47-14185

A47-14186

A47-14187

A47-14188

A47-14189

A47-14190

Ed. King

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DEC 1 1996

Individual
Acknowledgement

West One Bank, Idaho, N.A.
WEST ONE
BANK

STATE OF IDAHO.

COUNTY OF Gooding } ss.

On this 6th day of March, in the year 19 95, before me

Ruth Beebe

, a notary public in and for said State of

Idaho, personally appeared Ed King

known or identified to me (or proved to me on the oath of _____) to be the person

whose name is subscribed to the within instrument and acknowledged to me that _____ he _____ executed the same.

Ruth Beebe
Notary Public for Idaho

Residing at Wendell

My commission expires 10/17/97

RE01090 (9-89)

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DEC 1 1996



DEPARTMENT OF WATER RESOURCES

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

GOVERNOR PHILIP E. BATT

R. KEITH HIGGINSON
Director

January 10, 1995

A47-14263
DAVID L FUNK
SHIRLENE FUNK
3245 N 4700 E
MURTAUGH

ID 83344

RE: Evidence of Priority

Dear Claimant:

* RESPONSE DEADLINE *
* MARCH 15, 1995 *

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your 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. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, at a later date, conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the department. If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Please find enclosed a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a

January 10, 1995
page 2

notarized affidavit.

Please submit the required evidence supporting the priority date by March 15, 1995, 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.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enc.

MICROFILMED

DEC 1 1996

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A47-14263

Date Received: 1-13-88

Receipt No: C005095

Received By: RRT

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TRAVELERS REALTY INVESTMENT CO. 208-336-5900
Address: ATTN: JOE DANIELS
960 BROADWAY AVE., SUITE 310
BOISE, ID 83706

2. Date of Priority: JAN 01, 1920

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11S	18E	27	NE	NW	SE		TWIN FALLS

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.080		
STOCKWATER	01/01	12/31	0.190		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/2 HOUSES; S/800 RANGE CATTLE/HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
11S	18E	27	NW	SE		DOMEST	

A47-14263

Page 1

Date: 01/11/89

MICROFILMED

MAR 15 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11S	18E	27	NW SE		STOCK	

11. Place of use in counties: TWIN FALLS

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: BENEFICIAL USE

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 Organizations:

I do solemnly swear or affirm that I am _____ General Manager _____ of
The Travelers Insurance Company _____, that I have signed the foregoing
Organization
document in the space below as _____ General Manager _____ of
The Travelers Insurance Company _____ and that the statements contained in the
Organization
foregoing document are true and correct.

Donald S. Reed
Signature of Authorized Agent
General Manager
The Travelers Insurance Company
Title and Organization

January 11, 1989
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of January 19 89

Helen Harrington
Notary Public

Seal

Helen Harrington, Notary Public
Residing at _____ Residing at Boise, Idaho
My Commission Expires December 1, 1994
My Commission Expires _____