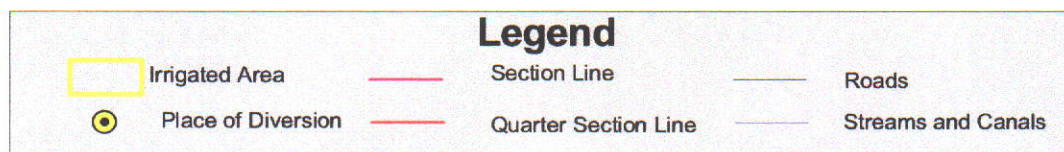
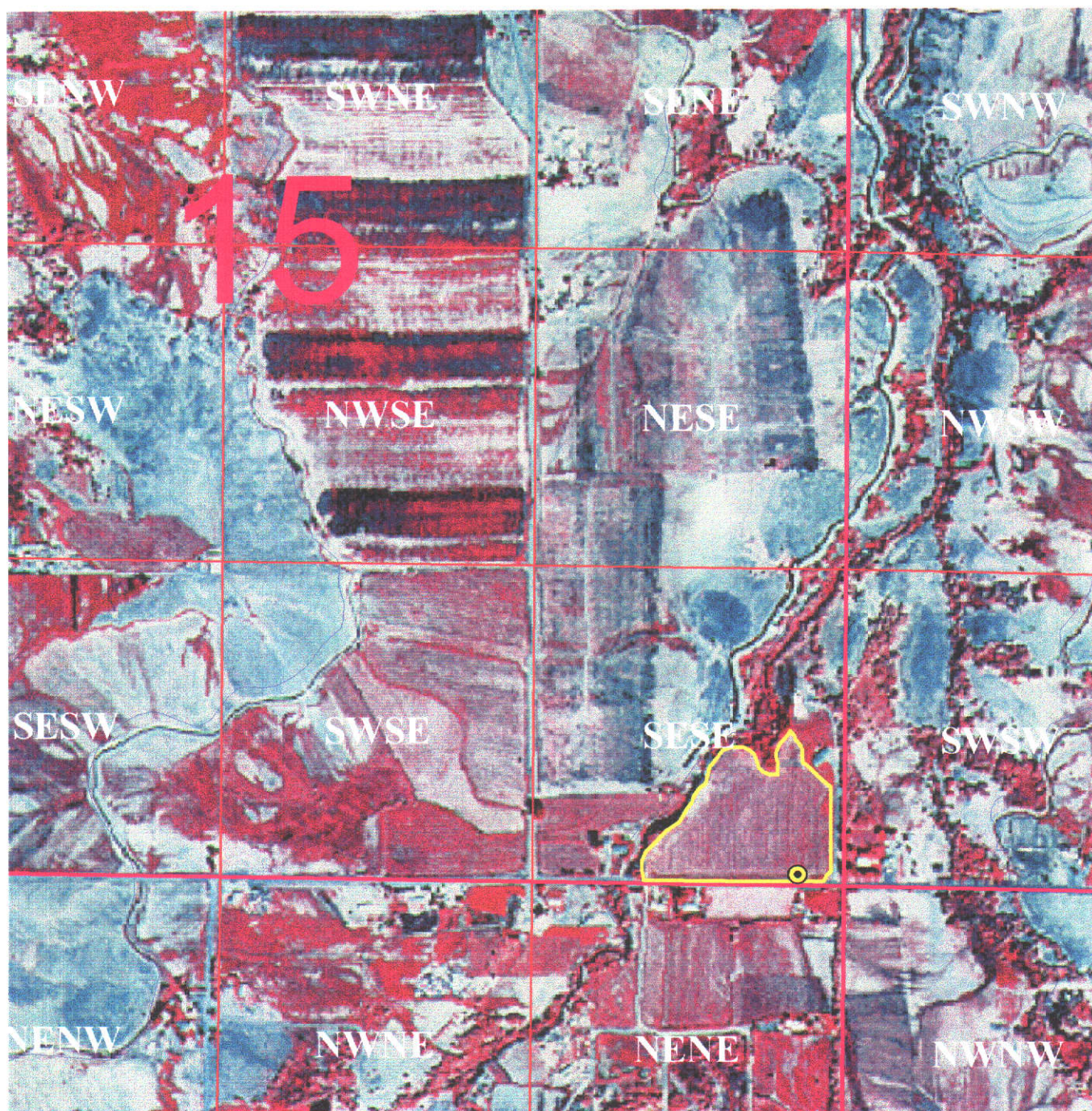
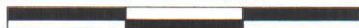


Water Right Claim Number 47-04267A
Township , 9S14E

02/22/2001



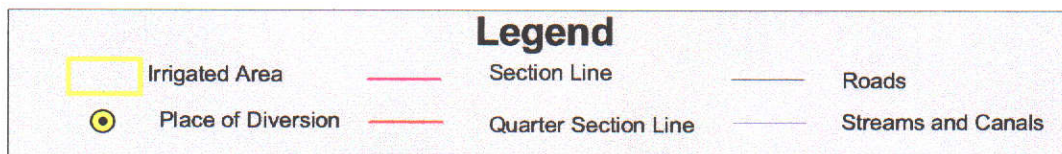
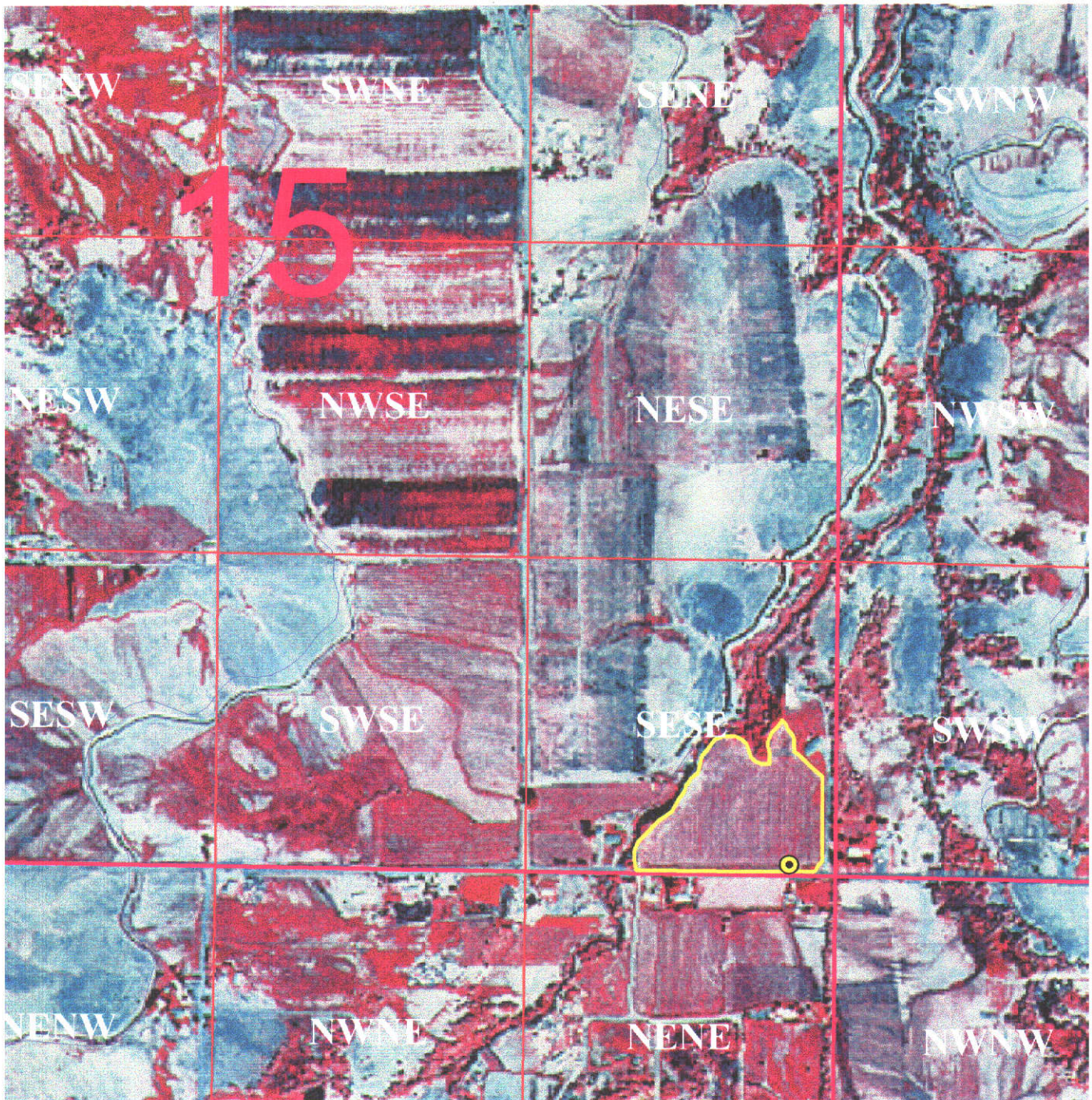
400 0 400 800 Feet



SPATIAL
DYNAMICS

Water Right Claim Number 47-04267A
Township , 9S14E

02/22/2001



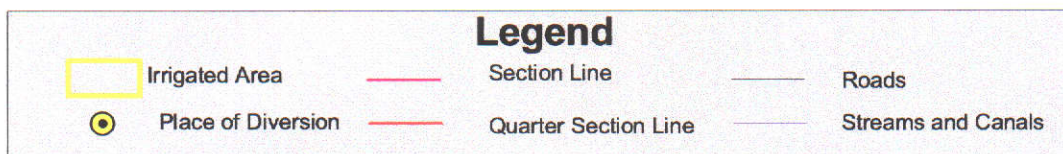
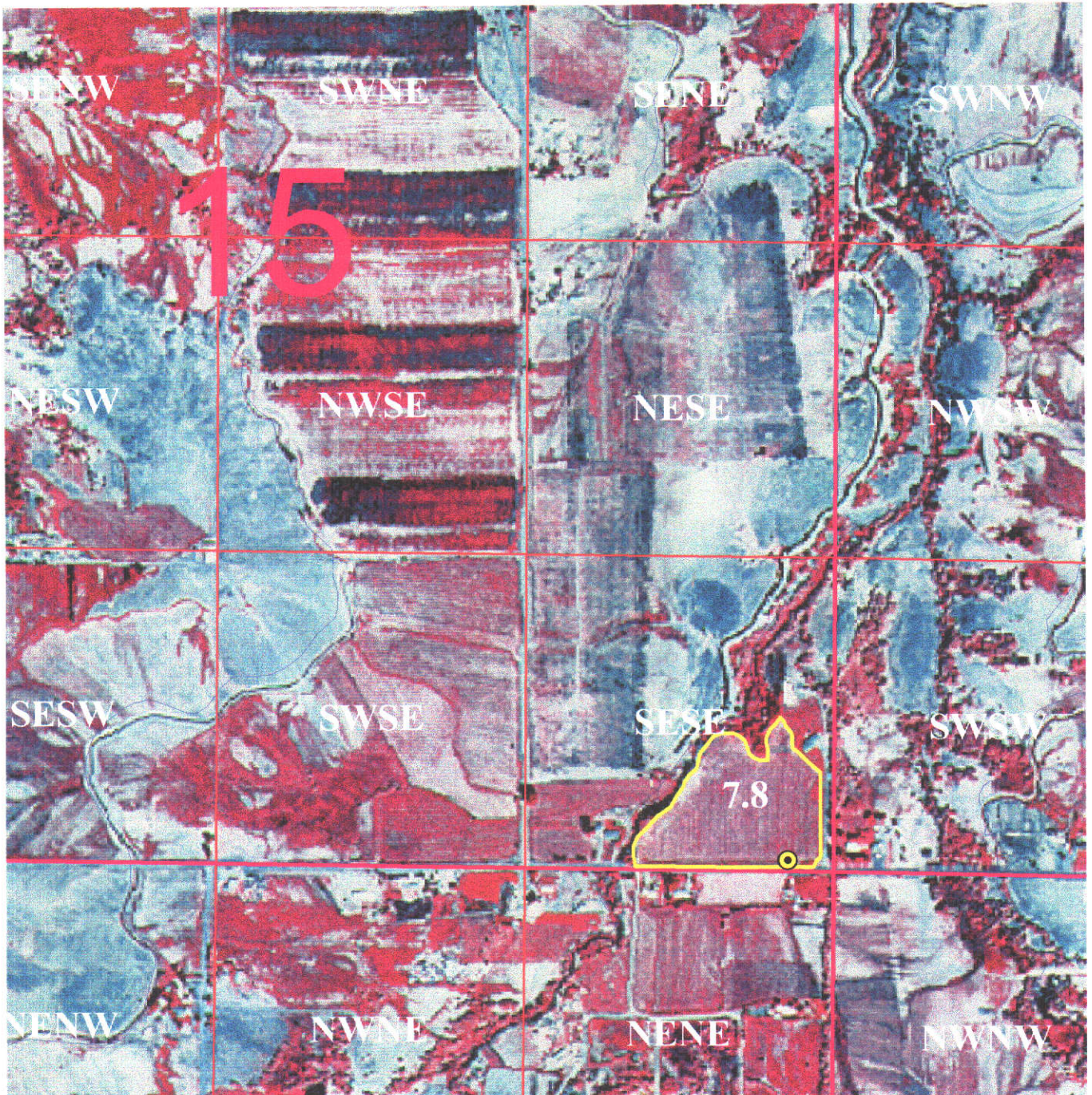
400 0 400 800 Feet



SPATIAL
DYNAMICS

Water Right Claim Number 47-04267A
Township , 9S14E

02/22/2001



400 0 400 800 Feet

SPATIAL DYNAMICS

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: A47-04267A
Date Received: 7/13/1988
Receipt No: S000914
Received By:

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: RICHARD L ANDERSON
Address: 1296 E 4400 N
BUHL ID

208-543-5555

83316

AND/OR

Name: SUSAN I DALRYMPLE
Address: 1296 E 4400 N
BUHL ID

208-543-5555

83316

2. Date of Priority: MAY 1, 1900

3. Source: UNNAMED STREAM (WASTEWATER) Trib. to: MUD CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	14E	15	SE	SE	SE		TWIN FALLS

5. Description of diverting works:
CONCRETE CHECK BOX W/GATES, BURIED PIPE, PUMP, GRAVITY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.370		

7. Total Quantity Appropriated is:
0.370 C.F.S. (and/or) 22.40 A.F.A.

8. Total consumptive use is 16.8 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	14E	15	SE	SE		IRR	6.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	6.0
					Total Acres	6.0

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:

OF THE 15 ACRES UNDER THE ORIGINAL CLAIM, WE OWN 5.6 ACRES.
FOUR OTHER PEOPLE USE THIS SYSTEM ON THEIR LAND IN SEC. 15.
WE ARE CLAIMING OUR PROPORTIONAL SHARE OF THE ORIGINAL CLAIM.
WE PUMP WATER TO SPRINKLE OUR LAWN, AND IRRIGATE HAY/PASTURE WITH
GRAVITY.

12/3/98 TF; OWNERSHIP CHANGED JOHNSON TO ANDERSON/DALRYMPLE
PER 1409(6) AND DEED OF TRUST REC'D 8/20/98.

15. Basis of Claim: BENEFICIAL USE



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

April 20, 1999

KARL J. DREHER
DIRECTOR

RICHARD L ANDERSON
SUSAN I DALRYMPLE
1296 E 4400 N
BUHL ID 83316

RE: SRBA Claim(s) A47-04267A

Dear Claimants:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

enc.

AJ5809NP
No. A47-04267A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/20/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SUZANNE L JOHNSON	05/01/1900	IRRIGATION	03-15 11-15	0.37 CFS	
C	DONALD W JOHNSON					
	1296 E 4400 N			TOTAL DIVERSION:	0.37 CFS	22.40 AFA
	BUHL ID 83316			CONSUMPTIVE USE:		16.80 AFA
	(208) 543-8641					

Water Source: UNNAMED STREAM (WASTEWATER)

Tributary to: MUD CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T09S R14E S15

SESESE

TWIN FALLS County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE									
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
09S	14E	15	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
																			06	:	6.0
																			TOTAL ACRES	:	6.0

POU County: TWIN FALLS

Other Rights: NONE

Remarks: GEN OF THE 15 ACRES UNDER THE ORIGINAL CLAIM, WE OWN 5.6 ACRES.
FOUR OTHER PEOPLE USE THIS SYSTEM ON THEIR LAND IN SEC. 15.
WE ARE CLAIMING OUR PROPORTIONAL SHARE OF THE ORIGINAL CLAIM.
WE PUMP WATER TO SPRINKLE OUR LAWN, AND IRRIGATE HAY/PASTURE WITH
GRAVITY.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
AUG 20 1998
Department of Water Resources
Southern 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).: A47-04267A
Adjudication Claim No(s).: 39576 ?

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 for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant DONALD & SUZANNE JOHNSON

4. New Owner/Claimant(s) RICHARD L. ANDERSON / SUSAN I. DAUBRYMPLE
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
 New Mailing Address 1296 E. 4400 N.
 City, State and ZIP Code BUHL, ID 83316-5122
 New Telephone Number (208) 543-5555

5. Date you acquired the property ~~3-1-98~~ MAY 22, 1998

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres you irrigate 5.6 Number and type of stock 10 BECF
 Diversion rate in CFS _____ Number of homes 1 Other uses _____

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.

7. Signature of New Owner or Claimant(s) R. Anderson
Susan Daubrymple
 (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..

RECEIVED

AUG 20 1998

Department of Water Resources
Southern Region

[Space Above This Line for Recording Data]

DEED OF TRUST

THIS DEED OF TRUST ("Security Instrument") is made on MAY 22, 1998.
The grantor is RICHARD L. ANDERSON AND SUSAN L. DALRYMPLE, HUSBAND AND WIFE.

("Borrower"). The trustee is PIONEER TITLE COMPANY OF ADA COUNTY ("Trustee"). The beneficiary is NORWEST MORTGAGE, INC., which is organized and existing under the laws of THE STATE OF CALIFORNIA, and whose address is 405 SW FIFTH STREET, DES MOINES, IA 50309.

("Lender"). Borrower owes Lender the principal sum of ONE HUNDRED THIRTY-TWO THOUSAND FOUR HUNDRED AND NO/100

Dollars (U.S. \$ 132,400.00). This debt is evidenced by Borrower's note dated the same date as this Security Instrument ("Note"), which provides for monthly payments, with the full debt, if not paid earlier, due and payable on JUNE 1, 2028. This Security Instrument secures to Lender: (a) the repayment of the debt evidenced by the Note, with interest, and all renewals, extensions and modifications of the Note; (b) the payment of all other sums, with interest, advanced under paragraph 7 to protect the security of this Security Instrument; and (c) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in TWIN FALLS County, Idaho:

LEGAL DESCRIPTION IS ATTACHED HERETO AS SCHEDULE "A" AND MADE A PART HEREOF.

THIS IS A PURCHASE MONEY MORTGAGE.

which has the address of 1298 EAST 4400 NORTH [Street],

BUHL, Idaho 83318 ("Property Address");
[City] [Zip Code]

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, appurtenances, and fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property."

BORROWER COVENANTS that Borrower is lawfully seised of the estate hereby conveyed and has the right to grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

If Lender invokes the power of sale, Lender shall execute or cause Trustee to execute written notice of the occurrence of an event of default and of Lender's election to cause the Property to be sold, and shall cause such notice to be recorded in each county in which any part of the Property is located. Lender or Trustee shall mail copies of the notice as prescribed by applicable law to Borrower and to other persons prescribed by applicable law. Trustee shall give public notice of sale to the persons and in the manner prescribed by applicable law. After the time required by applicable law, Trustee, without demand on Borrower, shall sell the Property at public auction to the highest bidder at the time and place and under the terms designated in the notice of sale in one or more parcels and in any order Trustee determines. Trustee may postpone sale of all or any parcel of the Property by public announcement at the time and place of any previously scheduled sale. Lender or its designee may purchase the Property at any sale.

Trustee shall deliver to the purchaser Trustee's deed conveying the Property without any covenant or warranty, expressed or implied. The recitals in the Trustee's deed shall be prima facie evidence of the truth of the statements made therein. Trustee shall apply the proceeds of the sale in the following order: (a) to all expenses of the sale, including, but not limited to, reasonable Trustee's and attorneys' fees; (b) to all sums secured by this Security Instrument; and (c) any excess to the person or persons legally entitled to it.

22. Reconveyance. Upon payment of all sums secured by this Security Instrument, Lender shall request Trustee to reconvey the Property and shall surrender this Security Instrument and all notes evidencing debt secured by this Security Instrument to Trustee. Trustee shall reconvey the Property without warranty and without charge to the person or persons legally entitled to it. Such person or persons shall pay any recordation costs.

23. Substitute Trustee. Lender may, for any reason or cause, from time to time remove Trustee and appoint a successor trustee to any Trustee appointed hereunder. Without conveyance of the Property, the successor trustee shall succeed to all the title, power and duties conferred upon Trustee herein and by applicable law.

24. Area and Location of Property. Either the Property is not more than forty acres in area or the Property is located within an incorporated city or village.

25. Riders to this Security Instrument. If one or more riders are executed by Borrower and recorded together with this Security Instrument, the covenants and agreements of each such rider shall be incorporated into and shall amend and supplement the covenants and agreements of this Security Instrument as if the rider(s) were a part of this Security Instrument. [Check applicable box(es)]

- | | | |
|--|---|---|
| ☐ Adjustable Rate Rider | ☐ Condominium Rider | ☐ 1-4 Family Rider |
| ☐ Graduated Payment Rider | ☐ Planned Unit Development Rider | ☐ Biweekly Payment Rider |
| ☐ Balloon Rider | ☐ Rate Improvement Rider | ☐ Second Home Rider |
| ☐ Prepayment Rider | | |
| ☐ Other(s) [specify] | | |

BY SIGNING BELOW, Borrower accepts and agrees to the terms and covenants contained in this Security Instrument and in any rider(s) executed by Borrower and recorded with it.

Witnesses:


RICHARD L. ANDERSON (Seal)
-Borrower


SUSAN T. DALRYMPLE (Seal)
-Borrower

[Space Below This Line for Acknowledgment]

EXHIBIT A

Township 9 South, Range 14, East of the Boise Meridian, Twin Falls County, Idaho

Section 15: A parcel of land located in the SE $\frac{1}{4}$ and more particularly described as follows:

COMMENCING at the Southeast corner of said Section 15 and being the TRUE POINT OF BEGINNING;

THENCE North 0°26'14" West along the East boundary of Section 15 for a distance of 1314.10 feet to the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15;

THENCE South 88°44'04" West along the North boundary of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ for a distance of 26.88 feet to the center of Mudd Creek;

THENCE along the center of Mudd Creek on the following courses and distances:

South 33°39'59" West 272.76 feet;

South 34°13'06" West 17.86 feet;

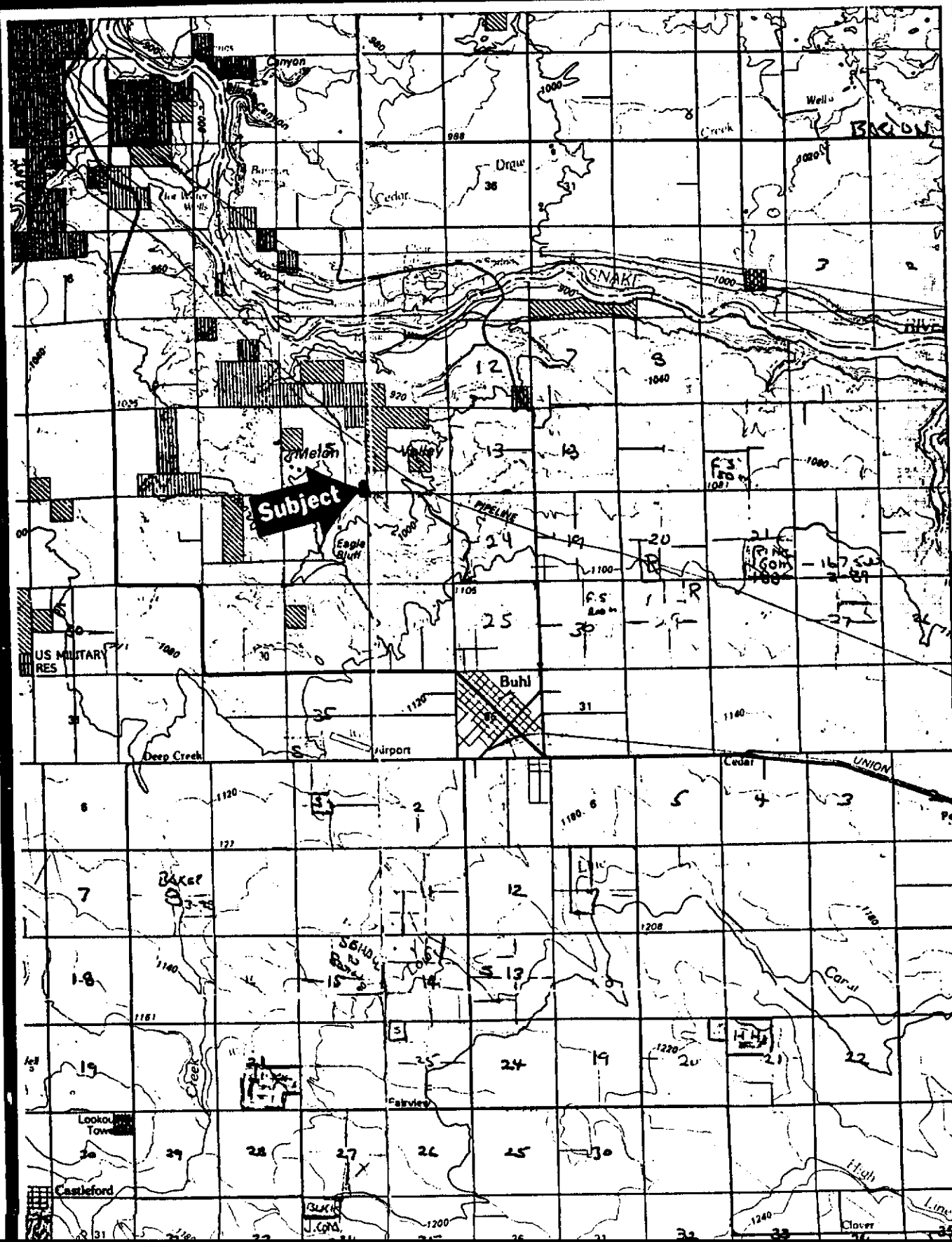
South 32°01'13" West 91.82 feet;

THENCE departing the center of Mudd Creek South 3°15'37" East for a

distance of 1000.50 feet to a point on the South boundary of Section 15;

THENCE North 88°28'40" East along the South boundary of Section 15 for a distance of 190.00 feet to the Southeast corner of Section 15 and the TRUE POINT OF BEGINNING.

SUBJECT TO a 25.00 foot wide county road right of way along the Southerly boundary thereof.





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

October 6, 1998

RECEIVED

OCT 08 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Department of Water Resources
Southern Region

Mr. Dick Anderson
1296 E 4400 N
Buhl ID 83316

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right No.47-10088 & A47-04267A

Dear Claimant:

We have been advised by the previous owner you are the current owner of the property with the water rights referenced above.

Before we can modify our records to reflect your new ownership of the water right referenced above, we need Form 42-248/42-1409(6) completed. This form is enclosed for your use. Please follow the instructions on the back of the form and return to our Twin Falls office by October 15, 1998.

Please call this office toll-free at 1-800-451-4129 if you have any questions.

Yours truly,

Danni M. Smith
SRBA Sr. Secretary

cc: Regional office

Enclosures: Form 42-248/42-1409(6)

Copy of No. 47-10088 & A47-04267A water right claims

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: A47-04267A
Date Received: 7/13/1988
Receipt No: S000914
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: DONALD W JOHNSON 208-543-8641
Address: 1296 E 4400 N
BUHL ID 83316
OR
Name: SUZANNE L JOHNSON 208-543-8641
Address: 1296 E 4400 N
BUHL ID 83316

2. Date of Priority: MAY 1, 1900

3. Source: UNNAMED STREAM (WASTEWATER) Trib. to: MUD CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	14E	15	SE	SE	SE		TWIN FALLS

5. Description of diverting works:
CONCRETE CHECK BOX W/GATES, BURIED PIPE, PUMP, GRAVITY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.370		

7. Total Quantity Appropriated is:
0.370 C.F.S. (and/or) 22.40 A.F.A.

8. Total consumptive use is 16.8 Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED

10. Place of Use:

NOV 29 1996

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	14E	15	SE	SE		IRR	6.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	6.0
					Total Acres	6.0

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:

OF THE 15 ACRES UNDER THE ORIGINAL CLAIM, WE OWN 5.6 ACRES.
FOUR OTHER PEOPLE USE THIS SYSTEM ON THEIR LAND IN SEC. 15.
WE ARE CLAIMING OUR PROPORTIONAL SHARE OF THE ORIGINAL CLAIM.
WE PUMP WATER TO SPRINKLE OUR LAWN, AND IRRIGATE HAY/PASTURE WITH
GRAVITY.

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
NOV 29 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 7 Dec 92

LEGAL DESCRIPTION OF PROPERTY: Township 09 S Range 14 E
Section 15 SE 1/4 of SE 1/4 of SE 1/4 Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

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

☐ Water Right Number(s)
Assigned by IDWR: A47-04267A / A47-10088

☐ Name and Address of Former Owner/Claimant(s)(Seller): Edward J. Kelly
Rt 3 Box 221
Buhl ID 83316

☐ New Owner/Claimant (Purchaser): Donald W Johnson or Suzanne L Johnson

☐ New Mailing Address: 1296 E 4400 N
Buhl ID 83316

☐ New Telephone Number: (208) 543-8641

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

☒ Attach proof of ownership, describe proof attached: TiPo Insurance

(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) [Signature] Date 27/2/95

☐ Signature of Former Owner/Claimant(s): [Signature] Date 27/2/95

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: _____ By: _____

Further Action Needed:

Further Action Taken
Date: _____ By: _____

Final Review and Data-Entry
Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

NOV 29 1996

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

COMMITMENT FOR TITLE INSURANCE

ISSUED BY

First American Title Insurance Company

AGREEMENT TO ISSUE POLICY

We agree to issue a policy to you according to the terms of this Commitment. When we show the policy amount and your name as the proposed insured in Schedule A, this Commitment becomes effective as of the Commitment Date shown in Schedule A.

If the Requirements shown in this Commitment have not been met within six months after the Commitment Date, our obligation under this Commitment will end. Also, our obligation under this Commitment will end when the Policy is issued and then our obligation to you will be under the Policy.

Our obligation under this Commitment is limited by the following:

The Provisions in Schedule A.

The Requirements in Schedule B-1.

The Exceptions in Schedule B-2.

The Conditions on the other side of this page 1.

This Commitment is not valid without SCHEDULE A and Sections 1 and 2 of SCHEDULE B.

First American Title Insurance Company

BY *Parker S. Kennedy* PRESIDENT

ATTEST *William C. Zaepfel* SECRETARY

BY *Spencer W. Lloyd* MICROFILMED
COUNTERSIGNED
NOV 29 1996



First American Title Insurance Company

INFORMATION

The Title Insurance Commitment is a legal contract between you and the company. It is issued to show the basis on which we will issue a Title Insurance Policy to you. The Policy will insure you against certain risks to the land title, subject to the limitations shown in the Policy.

The Company will give you a sample of the Policy form, if you ask.

The Commitment is based on the land title as of the Commitment Date. Any changes in the land title or the transaction may affect the Commitment and the Policy.

The Commitment is subject to its Requirements, Exceptions and Conditions.

THIS INFORMATION IS NOT PART OF THE TITLE INSURANCE COMMITMENT.

TABLE OF CONTENTS

	Page
AGREEMENT TO ISSUE POLICY	1
SCHEDULE A	
1. Commitment Date	2
2. Policies to be Issued, Amounts and Proposed Insureds	2
3. Interest in the Land and Owner	2
4. Description of the Land	2
SCHEDULE B-1 — Requirements	3
SCHEDULE B-2 — Exceptions	4
CONDITIONS	other side of 1

YOU SHOULD READ THE COMMITMENT VERY CAREFULLY.

If you have any questions about the Commitment, please contact the issuing office.

MICROFILMED

NOV 29 1996



SCHEDULE B - SECTION 1

Requirements

The following requirements must be met:

- (a) Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
- (b) Pay us the premiums, fees and charges for the policy.
- (c) Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded.
- (d) You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.
- (e) Release(s) or Reconveyance(s) of item(s).
- (f) Other

For further information regarding this report please contact:

FIRST AMERICAN TITLE COMPANY
1616 ADDISON AVE. EAST
P.O. BOX 1807
TWIN FALLS, IDAHO 83301
PHONE: (208) 734-2905
FAX: (208) 734-2945

TITLE OFFICER: LARRY W. FLOYD
ESCROW OFFICER: BETTY JO MCCOY

MICROFILMED

NOV 29 1996

No. T-13537 E9163

SCHEDULE B - SECTION 2

Exceptions

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

PART 1:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Unpatented mining claims: reservations or exceptions in patents or in acts authorizing the issuance thereof: water rights, claims, or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

PART 2

7. General Taxes for 1992 are due and payable. (Taxes for 1992 are \$464.06, Receipt No. 18722, Parcel No. RP09S14E159020A, Homeowners Included.)
8. An Easement for power lines and incidental purposes in favor of Idaho Power Company, a corporation, as set forth in an instrument recorded April 14, 1948, as Instrument No. 380605, records of Twin Falls County, Idaho.

(Continued)

MICROFILMED

NOV 29 1995



9. A Deed of Trust to secure an indebtedness in the principal sum of \$20,000.00, and any other amounts and/or obligations secured thereby, recorded January 30, 1987 as Instrument No. 916448, records of Twin Falls, County, Idaho.
Dated: January 22, 1987
Trustor: Edward J. Kelly and Juanita V. Kelly, Husband and Wife
Trustee: First American Title Company, an Idaho Corporation
Beneficiary: Alfred H. Daiss and Gladys Daiss, Husband and Wife
10. Community Property Agreement by and between Edward Joseph Kelly and Juanita Victorine Kelly, husband and wife, recorded July 26, 1988, as Instrument No. 942288 records of Twin Falls County, Idaho.
11. A Deed of Trust and Addendum to Deed of Trust to secure an indebtedness in the principal sum of \$58,500.00, and any other amounts and/or obligations secured thereby, recorded July 2, 1992 as Instrument No. 92009226, records of Twin Falls, County, Idaho, covers above and other land.
Dated: July 1, 1992
Trustor: Edward J. Kelly and Juanita J. Kelly, husband and wife
Trustee: Titlefact, Inc., an Idaho Corporation
Beneficiary: Gary Meyer and Doris Meyer, husband and wife

NOTES:

- a. We have made a judgment search against the names of the incoming purchasers and find none.
- b. In the event that this transaction fails to close, a fee will be charged to comply with the State Insurance Code.

END OF SCHEDULE B

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NOV 29 1996



SCHEDULE C

The land referred to in this policy is situated in the State of Idaho and is described as follows: County of Twin Falls

PARCEL I:

Township 9 South, Range 14, East of the Boise Meridian, Twin Falls County, Idaho

Section 15: A parcel of land located in the SE $\frac{1}{4}$ and more particularly described as follows:

COMMENCING at the Southeast corner of said Section 15 and being the TRUE POINT OF BEGINNING;

THENCE North 0°26'14" West along the East boundary of Section 15 for a distance of 1314.10 feet to the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15;

THENCE South 88°44'04" West along the North boundary of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ for a distance of 26.88 feet to the center of Mudd Creek;

THENCE along the center of Mudd Creek on the following courses and distances:

South 33°39'59" West 272.76 feet;

South 34°13'06" West 17.86 feet;

South 32°01'13" West 91.82 feet;

THENCE departing the center of Mudd Creek South 3°15'37" East for a distance of 1000.50 feet to a point on the South boundary of Section 15;

THENCE North 88°28'40" East along the South boundary of Section 15 for a distance of 190.00 feet to the Southeast corner of Section 15 and the TRUE POINT OF BEGINNING.

SUBJECT TO a 25.00 foot wide county road right of way along the Southerly boundary thereof.

(Continued)

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NOV 29 1996



PARCEL II:

Township 9 South, Range 14, East of the Boise Meridian, Twin Falls County, Idaho

Section 15: A parcel of land located in the SE $\frac{1}{4}$ and more particularly described as follows:

COMMENCING at the Southeast corner of said Section 15;
THENCE South 88°28'40" West along the South boundary of Section 15
for a distance of 190.00 feet to the TRUE POINT OF BEGINNING;
THENCE North 0°26'14" West for a distance of 1076.76 feet to the
center of Mudd Creek;
THENCE South 32°01'13" West along the center of Mudd Creek for a
distance of 91.82 feet;
THENCE departing the center of Mudd Creek, South 3°15'37" East for
a distance of 1000.50 feet to the TRUE POINT OF BEGINNING.

NOTE: Assessment records indicate the address to be:
1296 E 4400 N, Buhl, ID 83316
This information is outside of the insuring provisions of the policy.

[illegible]

P-13047

UNCLASSIFIED
NOV 29 1996



Governor PHILIP E. BATT

R. KEITH HIGGINSON
Director

January 10, 1995

A47-04267A
EDWARD J. KELLY
JUANITA V. KELLY
RT. 3 BOX 221
BUHL

ID 83316

RE: Evidence of Priority

* RESPONSE DEADLINE *
* MARCH 15, 1995 *

Dear Claimant:

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.

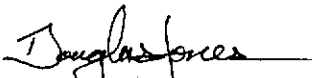
SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in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

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NOV 29 1996

RECEIVED

MAR 10 1995

Department of Water Resources
Southern Region

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) AFFIDAVIT OF
THE SNAKE RIVER BASIN WATER SYSTEM.) DONALD W. JOHNSON
)

STATE OF IDAHO)
County of Power) ss.
)

DONALD W. JOHNSON, having been first duly sworn,
does depose and state the following:

1. I am the owner of record of that property in
Buhl, Twin Falls County, Idaho, commonly known as 1296 E.
4400 N., Buhl, Idaho, and more specifically described as
Section 15, Township 9 South, Range 14, E.B.M., the East
5.61 acres of the SE 13.5 acres, lying south and east of
Mud Creek in the SESE.

2. I am responding to notice by the Idaho
Department of Water Resources that proof of priority is
required, with water rights established based on the
historical first use for the purpose claimed.

3. Based upon my own research of the records of
Cassia County, Idaho, and Twin Falls County, Idaho, a
claim for water was first filed on November 12, 1981, on
this property, by John Gregory Smith for water from an
unnamed tributary to Mud Creek, with a priority date of
May 1, 1900. The beneficial use for the claim is
irrigation (March 15 to November 15) and stockwater
(January 1 to December 31). The original application was
for 15 acres; the property has since been divided and the
amended claim, filed on July 13, 1988, is for use on six

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A47-014229 1996

4. An Affidavit based on personal knowledge or observation cannot be submitted due to the fact that no living observers exist for first use in the years 1900 to 1905.

6. A sale of this property from Oscar Everson to William Seitzinger on March 16, 1918, (Twin Falls County records, Deed Book B, page 348) included "eighty shares of water stock in Twin Falls Canal Company, and all water and water rights appurtenant to said lands."

DONALD W. JOHNSON

NOV 29 1996

SD-0604-2 Township: 09S			Range: 14E		Section: 15		Tract: SESE		Lot:	
S	L		STATE	O	S	Max # Records	49			
E	O	Water	Name	W	T	Priority	Use			
L	Tract	T	Right No.	Last, First	N	AC	G	Date	Code	Desc
SESE			R47-10886	MEIER, MYRON	C		J	01/01/1946		
				HANN, GLORIA	O					
SESE			A47-02259	JACQUES, FRED	O	20	L	11/17/1950	01	IRR
				SMITH, GLORIA	C				43	DOMEST
				SMITH, JOHN GREGORY	C					
SESE			A47-04267B	SMITH, JOHN GREGORY	C	15	S	05/01/1900	01	IRR
				SMITH, GLORIA	C				04	STOCK
SESE			A47-04267B	SMITH, JOHN GREGORY	C		S	05/01/1900	01	IRR
				SMITH, GLORIA	C				04	STOCK
SESE			A47-10088	KELLY, EDWARD J.	O		J	04/01/1979	43	DOMEST
				KELLY, JUANITA V.	O					
				JOHNSON, DONALD W	C					
				JOHNSON, SUZANNE L	C					

(Enter=Continue)

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(Menu)

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NOV 29 1996

SD-0604-2 Township: 09S Range: 14E Section: 15			Tract: SESE Lot: 49		
S	L	STATE	O	S	Max # Records
E	Water	Name	W	T	Priority Use
L Tract T	Right No.	Last, First	N	AC	G Date Code Desc
	A47-10198	SMITH, GREG	C	J	01/01/1950 43 DOMEST
		FLEMING, MICHAEL	C		04 STOCK
	A36-10447	SMITH, GREG	O		01/01/1950 43 DOMEST
		FLEMING, MICHAEL	O		04 STOCK
		NUMBER NOT USED	C		
SESE	A01-00209Z0	ROSHOLT, JOHN A OR GAR	A	11 D	10/11/1900 01 IRR
		TWIN FALLS CANAL CO	C		02 IRR S
					03 IRR FS
SESE	A47-04267A	KELLY, EDWARD J.	O	6 J	05/01/1900 01 IRR
		KELLY, JUANITA V.	O		
		JOHNSON, SUZANNE L	C		
		JOHNSON, DONALD W	C		
SESE	A47-10886	HANN, GLORIA	O	J	01/01/1946 43 DOMEST
		MEIER, MYRON	C		
		HARKINS, SAM L	O		
SESE	R47-10886	HARKINS, SAM L	O	J	01/01/1946 43 DOMEST

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MICROFILMED
NOV 29 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: A47-04267A
Date Received: 7/13/1988
Receipt No: 56007/4
Received By: 98

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EDWARD J. KELLY 208-543-6031
Address: RT. 3 BOX 221
BUHL, ID 83316

AND/OR
Name: JUANITA V. KELLY 208-543-6031
Address: RT. 3 BOX 221
BUHL, ID 83316

2. Date of Priority: MAY 01, 1900

3. Source: UNNAMED STREAM (WASTEWATER) Trib. to: MUD CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	14E	15	SE	SE	SE		TWIN FALLS

5. Description of diverting works:
CONCRETE CHECK BOX W/GATES, BURIED PIPE, PUMP, GRAVITY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.370		

7. Total Quantity Appropriated is:
0.370 C.F.S. (and/or) 22.40 A.F.A.

8. Total consumptive use is 16.8 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	14E	15	SE	SE		IRR	6.0
Section Acres							6.0
Total Acres							6.0

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:

OF THE 15 ACRES UNDER THE ORIGINAL CLAIM, WE OWN 5.6 ACRES.
FOUR OTHER PEOPLE USE THIS SYSTEM ON THEIR LAND IN SEC. 15.
WE ARE CLAIMING OUR PROPORTIONAL SHARE OF THE ORIGINAL CLAIM.
WE PUMP WATER TO SPRINKLE OUR LAWN, AND IRRIGATE HAY/PASTURE WITH
GRAVITY.

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 X 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):

Juanita V. Kelly

Date:

July 13, 1988

Date:

State of Idaho)

County of

Twin Falls

) SS.
)

Subscribed and sworn (or affirmed) before me this 13th day

of

July 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at

Gooding, Id

My Commission Expires

10/16/1992

Log for claim 47-04267A

Spatial Dynamics BTD

2/22/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s14e	15	SESE	6	7.8	
Totals:			6	7.8	

 SPATIAL
DYNAMICS

Water Right Claim Number 47-04267A
Township , 9S14E

02/22/2001



Legend

- | | | |
|--------------------|----------------------|--------------------|
| Irrigated Area | Section Line | Roads |
| Place of Diversion | Quarter Section Line | Streams and Canals |

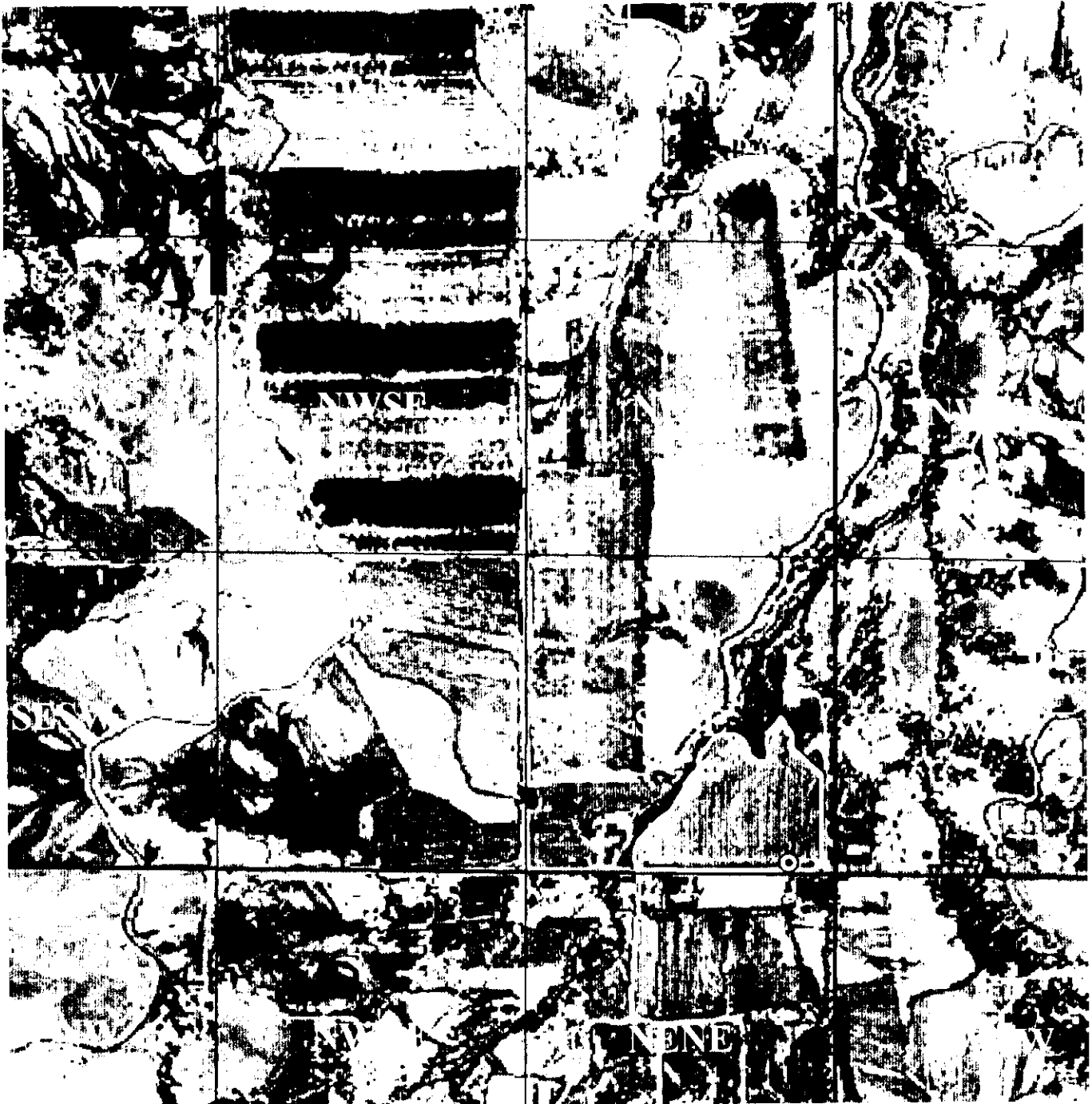


400 0 400 800 Feet

SPATIAL
DYNAMICS

Water Right Claim Number 47-04267A
Township , 9S14E

02/22/2001



Legend

- | | | | |
|----------------|--------------------|----------------------|--------------------|
| Irrigated Area | _____ | Section Line | Roads |
| ⊙ | Place of Diversion | _____ | Streams and Canals |
| | | Quarter Section Line | |



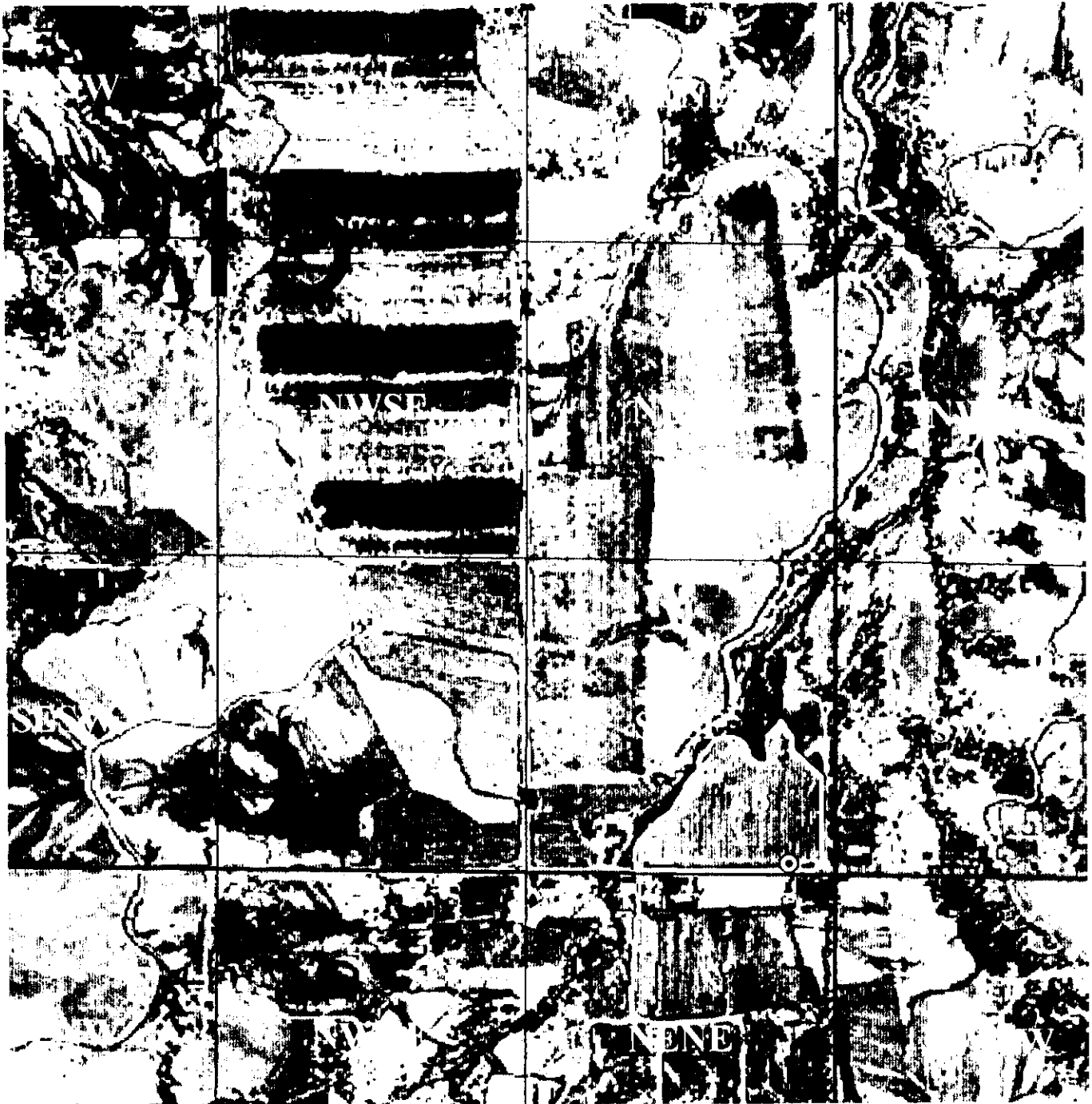
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*SPATIAL
DYNAMICS*

Water Right Claim Number 47-04267A
Township , 9S14E

02/22/2001



Legend

- | | | | |
|----------------------|-------|----------------------|--------------------|
| Irrigated Area | _____ | Section Line | Roads |
| ⊙ Place of Diversion | _____ | Quarter Section Line | Streams and Canals |



400 0 400 800 Feet



SPATIAL
DYNAMICS

DATE: 01/30/01
PAGE: 135

Audit: 07/13/88 STANTON 02/28/95 DJONES 03/30/95 POST-STD 12/03/98 TFAWCETT