

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 47-7115F
Date Received: 12/21/88
Receipt No:
Received By:

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

1. Name of Claimant(s)

KENNETH R ASHLEY
4595 RIVER ROAD
BUHL ID 83316

Phone: (208)733-9032

CATHERINE L ASHLEY
4595 RIVER ROAD
BUHL ID 83316

Phone: (208)733-9032

2. Date of Priority: 04/08/1971

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
09S	14E	9	SW SE NE	TWIN FALLS
09S	14E	9	NW SE NE	TWIN FALLS

5. Description of diverting works:

6" X 530' ARTESIAN WELL WITH 6" PIPE TO P/U. (SEE REMARKS)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/01	11/01	0.12	
FISH PROPAGATION		1/01	12/31	0.2

7. Total Quantity Appropriated is:
0.32 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	14E	9	SE	NE	FISH PROPAGATION	
			SE	NE	IRRIGATION	1
					Section Acres	1
					Total Acres	1

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:

14. Remarks:

THIS PROPERTY WAS PURCHASED WITH 12 SHARES OF THE KANAKA WATER USERS ASSOCIATION WHICH DIVIDED THE INTEREST IN THE ORIGINAL KERPA WELL INTO 40 SHARES. PRIOR TO THE FEILD EXAM A TREE NURSERY HAD BEEN ESTABLISHED WHICH HAD 9 SPRINKLERS EACH OF WHICH DISCHAR GED AT A RATE OF APPROX. 6 GPM. DUE TO THE SANDY NATURE OF THE SOIL AND THE HIGH WATER RQUIREMENTS OF THE TREES AND THE FACT THAT THE CLAIMANT WAS NOT LIVING ON SITE AT THE TIME THE TREES WERE WATERED WITH AN AUTOMATIC SYSTEM THAT RAN ALL THE SPRINKLERS AT ONCE THUS REQUIRING A HIGHER THAN NORMAL RATE OF DIVERSION. WATER FROM THE FISH POND NEAR THE WELL WAS TRANSPORTED BY DITCH TO A POND ON CLAIMANTS PROPERTY. WATER FROM A 6"X 850' WELL DRILL ED BY THE CLAIMANT WAS USED TO SUPPLY THIS POND AFTER 1976 DUE TO DIFFICULTY IN MAINTAINING THE DITCH

12-21-00, FM: OWNERSHIP CHANGE COMPLETED PER REQUEST RECEIVED 9-14-00.

15. Basis of Claim: License



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**

**KARL J. DREHER
DIRECTOR**

January 12, 2001

Kenneth R. Ashley
Catherine L. Ashley
4595 River Road
Buhl, ID 83316

RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIMS A47-07580,
47-07205, 47-07115F, 47-07826

Dear Claimants:

Pursuant to the change in ownership request submitted to the department, we have changed the record of current ownership of the above-referenced claims to you. Enclosed are copies of the computer records of the claims, reflecting the change in claimant. Please note that we have amended the claims on 47-7826 and 47-7580 to correspond with licenses issued.

In addition, we have enclosed a change of ownership form which you need to fill out for 47-12639, a domestic decreed right, and then submit to our Boise office at 1301 N. Orchard. Be sure to enclose the documentation requested under 2B on the form. There will be a \$25 filing fee.

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

Sincerely,

Florence Munzenrieder
SRBA Records Clerk

Enclosures

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
SEP 14 2000
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): 47-07580, 47-07205, 47-07826
 Adjudication Claim No(s): A47-07580, A47-07205, A47-07826, A47-07115F
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 Robert S. Luntley and Adella S. Luntley
Rt. 3 Box 240 Buhl, ID 83316
4. New Owner/Claimant(s) Kenneth R. Ashley Catherine L. Ashley
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
 New Mailing Address 4595 River Road
 City, State and ZIP Code Buhl, Idaho 83316
 New Telephone Number (208) 733-9032
5. Date you acquired the property 10-20-99
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 _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes _____ 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) 
 (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..

Am

TF25332
WARRANTY DEED

For Value Received Robert S. Luntley and Adella S. Luntley, Trustees or the successors in trust, under the Luntley Living Trust dated September 16, 1993.

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Kenneth R. Ashley and Catherine L. Ashley, husband and wife

whose address is: 712 Hiawatha Way, Twin Falls, Idaho 83301

Hereinafter called the Grantee, the following described premises situated in Twin Falls County, ID, to-wit:

Twin Falls County, Idaho
Recorded for:
FIRST AMERICAN TITLE CO.
04:25pm Oct. 20, 1999
1999 - 019086
No. of Pages: 2 Fee: \$6.00
ROBERT S. FORT
Ex-Officio Recorder
Deputy: CL

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: October 20, 1999

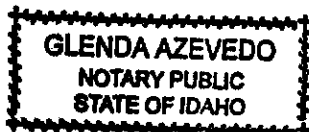
Robert S. Luntley and Adella S. Luntley, Trustees
or the successors in trust, under the Luntley Living Trust dated September 16, 1993

Robert S. Luntley
By: Robert S. Luntley, Trustee

Adella S. Luntley
By: Adella S. Luntley, Trustee

STATE OF IDAHO)
: SS
COUNTY OF Twin Falls)

On This 20TH day of October, 1999, before me, a Notary Public in and for said State, personally appeared Robert S. Luntley and Adella S. Luntley, known or identified to me to be the Trustees whose name Robert S. Luntley and Adella S. Luntley subscribed to the within instrument as Trustees of the Luntley Living Trust, and acknowledged to me that they executed the same as such Trustees.



Glenda Azevedo
Notary Public of Idaho
Residing at Buhl, ID
Commission Expires: 07/25/03

Parcel I

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

Section 9: A tract of land in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ described as follows:

Commencing at the E $\frac{1}{4}$ corner of said Section 9;

Thence North 89°03' West, along the South line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$, a distance of 109.99 feet to the TRUE POINT OF BEGINNING;

Thence continuing North 89°03' West, 1209.62 feet to the SW corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence North 0°04' West, along the West line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 200.00 feet;

Thence South 89°03' East, 621.81 feet;

Thence South 34°56'30" East, 108.65 feet;

Thence South 73°20' East 214.90 feet;

Thence South 84°52' East 271.50 feet;

Thence South 54°52' East, 60.45 feet to the TRUE POINT OF BEGINNING.

Parcel II

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

Section 9: A tract of land in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ described as follows:

Commencing at the E $\frac{1}{4}$ corner of said Section 9;

Thence North 89°03' West, 109.99 feet;

Thence North 54°52' West, 60.45 feet to the TRUE POINT OF BEGINNING;

Thence North 84°52' West, 271.50 feet;

Thence North 73°20' West, 214.90 feet;

Thence North 34°56'30" West, 108.65 feet;

Thence North 89°03' West, 621.81 feet to a point on the West line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence North 0°04' West, along the West line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 314.38 feet;

Thence North 85°13' East, 816.27 feet;

Thence North 78°55' East, 24.83 feet;

Thence South 10°06' East, 400.16 feet;

Thence South 54°41' East, 200.00 feet;

Thence South 54°52' East, 109.35 feet to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM

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

Section 9: A part of SE $\frac{1}{4}$ NE $\frac{1}{4}$ described as follows:

Commencing at the E $\frac{1}{4}$ corner of said Section 9;

Thence North 89°03' West, 109.99 feet along the South boundary of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ to the REAL POINT OF BEGINNING;

Thence North 54°52' West, 169.80 feet;

Thence North 54°41'00" West, 174.53 to the centerline of New River Road;

Thence South 44°51'03" East, 278.18 feet along the centerline of the New River Road to the South boundary of said SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence South 89°03'00" East, 85.11 feet to the REAL POINT OF BEGINNING;

Together with water license no. 47-07826, 47-07580 and 47-7205.

Also together with (12) twelve shares of water from Kanaki Springs Water Users Association, Well Permit No. 47-7115.

Also together with all other water rights appurtenant to this property.

TRANSMITTAL COVER SHEET

TO: KEN ASHLEYfax # 326-5935TOTAL PAGES SENT: _____
(including cover sheet)DOCUMENT DESCRIPTION: PROOF REPORT OF SNAKE RIVER BASIN ADJUDICATION CLAIMAY7-07115F (LUNTEY) AND PROFILE REPORTS OF WATER RIGHT RECORDS 47-07115A & 47-07115BALSO PROFILE REPORTS OF SNAKE RIVER BASIN ADJUDICATION CLAIMS AY7-07115A, AY7-07115B,FROM: IDAHO DEPARTMENT OF WATER RESOURCES AY7-07115D, AND AY7-07115E1341 FILLMORE ST, STE 200TWIN FALLS ID 83301-3380PHONE: 736-3033FAX: 736-3037CHARGES: One (1) free copy
per request, cover sheet not
counted. Two (2) or more
copies per request will cost
\$0.25 per page. (\$0.50
minimum)

Please consider this document as a billing statement.

The charge for your fax copies is: 11 Please remit to the above address.SENDER: Corey SkinnerCOMMENTS: NOTE THAT WATER RIGHTS 47-07115A AND 47-07115BTOTAL 0.69 cfs AND 25.0 ACRES. HOWEVER ADJUDICATION CLAIMSAY7-07115A, AY7-07115B, AY7-07115D, AY7-07115E, AND AY7-07115FTOTAL 0.98 cfs and 28.0 ACRES. THE CLAIMS CAN NOT BE
RECOMMENDED FOR MORE WATER OR USE(S) THAN WHAT
WAS ORIGINALLY LICENSED.

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: A47-07115F

Date Received: 12/20/1988

Receipt No:

Received By: TB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT S. LUNTEY 208-543-8334
Address: RT. 3 BOX 240
BUHL, ID 83316

AND/OR

Name: ADELLA S. LUNTEY
Address: RT. 3 BOX 240
BUHL, ID 83316

2. Date of Priority: APR 08, 1971

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	14E	9	NW	SE	NE		TWIN FALLS
			SW	SE	NE		TWIN FALLS

5. Description of diverting works:
6" X 530' ARTESIAN WELL WITH 6" PIPE TO P/U. (SEE REMARKS)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	11/01	0.120		
FISH PROPAGATION	01/01	12/31	0.200		

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

8. Total consumptive use is 3.0 Acre Feet Per Annum.

9. Non-irrigation uses:
FISH POND APPROX. 1.22 AF.

A47-07115F

Page 1

Date: 12/20/88

MICROFILMED

MAR 11 1993

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: 2

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): Robert S. Luntz Date: 12-20-88
Date: _____

State of Idaho

County of Twin Falls)
SS.

Subscribed and sworn (or affirmed) before me this 20th day
of December 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id
My Commission Expires 6-30-94

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	14E	9	SE NE		IRR	1.0
			SE NE		FISH	

Section Acres 1.0

Total Acres 1.0

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:

47-7205, 47-7826, 47-7580

14. Remarks:

THIS PROPERTY WAS PURCHASED WITH 12 SHARES OF THE KANAKA WATER USERS ASSOCIATION WHICH DIVIDED THE INTEREST IN THE ORIGINAL KERPA WELL INTO 40 SHARES. PRIOR TO THE FEILD EXAM A TREE NURSERY HAD BEEN ESTABLISHED WHICH HAD 9 SPRINKLERS EACH OF WHICH DISCHARGED AT A RATE OF APPROX. 6 GPM. DUE TO THE SANDY NATURE OF THE SOIL AND THE HIGH WATER RQUIREMENTS OF THE TREES AND THE FACT THAT THE CLAIMANT WAS NOT LIVING ON SITE AT THE TIME THE TREES WERE WATERED WITH AN AUTOMATIC SYSTEM THAT RAN ALL THE SPRINKLERS AT ONCE THUS REQUIRING A HIGHER THAN NORMAL RATE OF DIVERSION. WATER FROM THE FISH POND NEAR THE WELL WAS TRANSPORTED BY DITCH TO A POND ON CLAIMANTS PROPERTY. WATER FROM A 6"X 850' WELL DRILLED BY THE CLAIMANT WAS USED TO SUPPLY THIS POND AFTER 1976 DUE TO DIFFICULTY IN MAINTAINING THE DITCH.

15. Basis of Claim: BENEFICIAL USE

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MAR 11 1993

North
Tropical
Fish
Ponds

Orchard

North Fish Ponds Drain

South
Tropical
Fish
Ponds

Pipe to Luntley Well

Metal
Shed

Garden
(Previously
a tree
nursery)

Pool

Pool

Pool

House

Garage

Fish Room
Greenhouse

Swimming
Pool

Pools,
House and
Greenhouse
Drain

Pond

Pond

Pond

Pond

Drain to Deep Creek

A bandpiped
water line comes through the line

Drain
to Deep Creek

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MAR 11 1993

A 47-07115 F
Irrigation
Fish Propa-
gation

N

Robert S. & Adella S. Luntley
Sketch - Not to scale

A 97-07115 F

R 14 E

146-A
A50

U.S.
Kerpa #1

P/O

Robert
Luntz

A6P

Kerpa #2

4 3
9 10

Kerpa
#3

T 9 S

P/O

144A
A74

MICROFILMED

MAR 11 1993

16