

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 12 2004

Department of Water Resources
Southern Region**CHANGE IN ADDRESS**

This form can be used to notify the Department
of a change in address for Department records
(Please print or type)

[] Name(s):

Daniel & Rita
Way

[] Old Mailing Address:

Rt 4 Box 330
Buhl Id.
83316

[] New Mailing Address:

1207 E. 4325 N.
Buhl Id.
83316

Telephone Number:

(208) 543 - 6595

[] Signature(s)
(must be signed by all
individuals listed unless
you have authority to sign
on their behalf)

Rita & Daniel Way
and
(include your title if on behalf of company or organization)

Date:

Daniel Way 4-9-04

When complete, please mail or FAX this form to the IDWR office nearest you:

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
FAX: (208) 769-1454

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
FAX: (208) 334-2348

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
FAX: (208) 525-7177

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
FAX: (208) 736-3037

41-4149
47-7007A
47-7449

47-7456 47-10068
47-7159



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

April 13, 2004

DANIEL AND RITA WRAY
1207 E 4325 N
BUHL ID 83316

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim No #47-4149,47-7007A,47-7449,47-7456,
47-7159,47-10068
Change of Address Notification

Dear Claimant:

Thank you for notifying us of your change in address on the water right claims referenced above. Our records have been updated accordingly.

If you have any questions, please feel free to contact this office.

Sincerely,

Carrie Hahn
Clerk

06/05/2006

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

RIGHT NUMBER: 47-7449

NAME AND ADDRESS: RITA WRAY
1207 E 4325 N
BUHL ID 83316

DANIEL JOHN WRAY
1207 E 4325 N
BUHL ID 83316

VERIFIED BY *KKC*

SOURCE: MUD CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 30.000 CFS

PRIORITY DATE: 01/09/1978

POINT OF DIVERSION:

T09S R14E S22 SWSWSW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FISH PROPAGATION	01/01 12/31	30.000 CFS
Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.		

PLACE OF USE: FISH PROPAGATION Within TWIN FALLS County

T09S R14E S22 SWSW

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

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

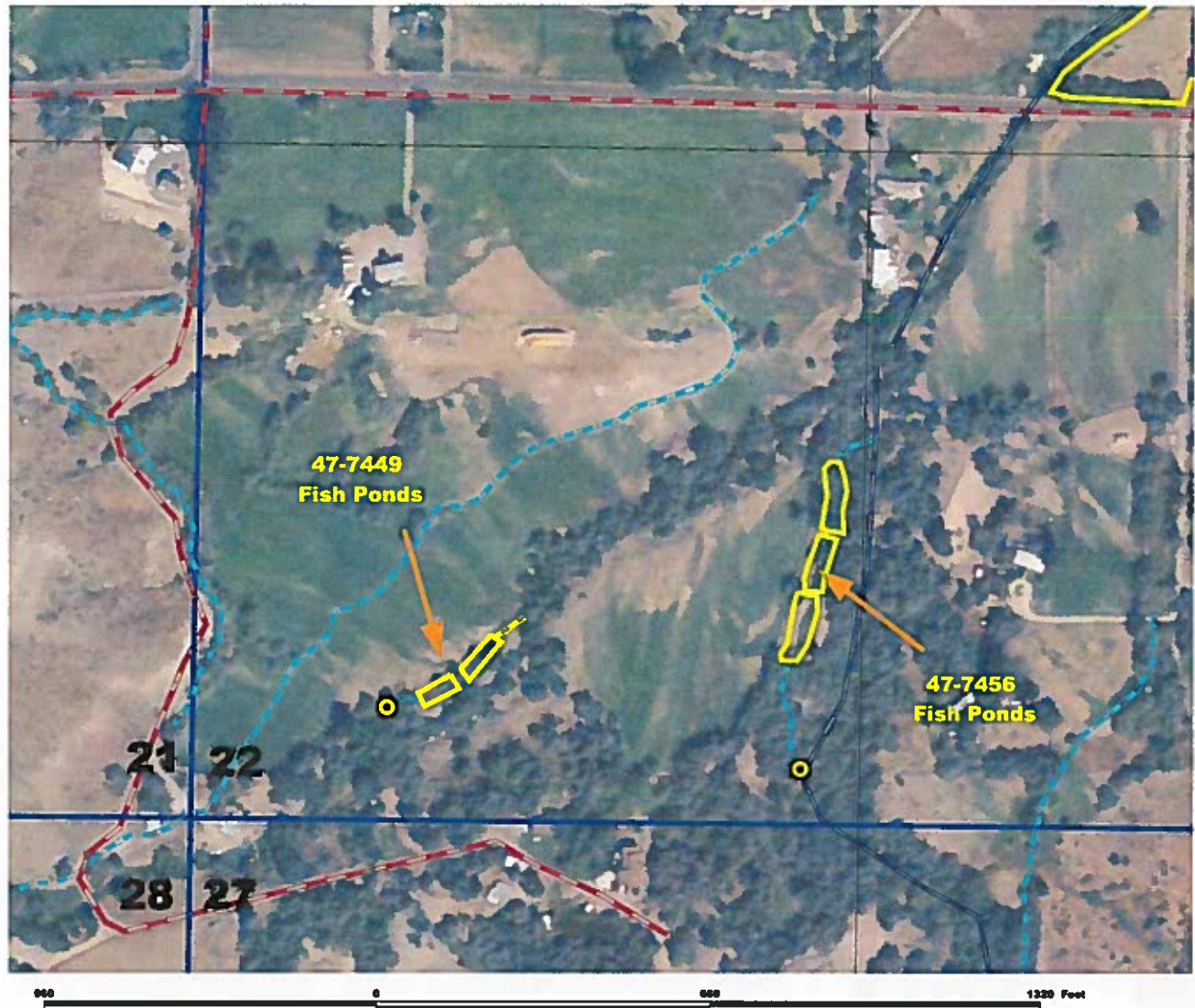
Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 32F.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

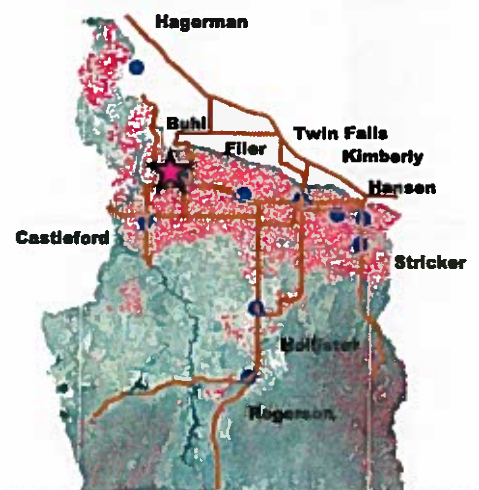
Facility volume = 46,000 cubic feet.

Idaho Department of Water Resources

**RECOMMENDED PLACE OF USE FOR
47-7449 & 7456**



PLACE OF USE
TWP 9S, RNG 14E, SEC 22
Data entry on June 2, 2006



● RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

TOWNSHIP LINES

SECTION LINES

QUARTER/QUARTER LINES



LOCATION IN BASIN

GIS PLACE OF USE PRESENTATION
2004 AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

File No.

A47-07159= 4149 = 7449 = 7456

5/31/06

Daniel John & Rita Wray
Rt 4 Box 330 [OLD ADD.]
1207 E 4325 N [NEW ADD.]
Buhl,

I went down to Melon Valley and met John at his home to review this file and I gave him a change of address form which he filled out for me for these four files. We went thru each file and He Marked the POD on each photo and where the two irrigation systems are and approx. lands for each he also marked on the photo in file 7159 where the Assn. Water is delivered and approx. where it is used. John did advise me that he was going to go into IDWR office and visit with Kelly again next week, he told me that all of this land is pasture and flood irrigated. We then went out to his fish ponds and his Irrig. POD's . At ponds # 3 they are approx 25 yards long 10 yards wide X 4 feet deep, at pond # 4 they are approx . 30 yards long X 12 and 15 yards wide 5 feet deep . John told me that these fish ponds have not been in operation for approx. 12 years but his plans are to put them back into operation when he retires.

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Mud creek irrig.	Wray 1	2433307	1269376	None	1030313
Wilson Creek	" 2	2433847	1269234	"	314
Mud Cr pond	" 3	2433584	1269512	"	311- 312
Wolson Cr ponds	" 4	2433834	1269475	"	310

Lee R. Peterson



311

3



3/2

#3

25 yards long
10 " wide
4' deep

25 yds long
10 " wide
4' deep

Low flow
also with a
barrier

Bb70_ne_1003_s Place of use for 47-7449 (Fish Propagation)

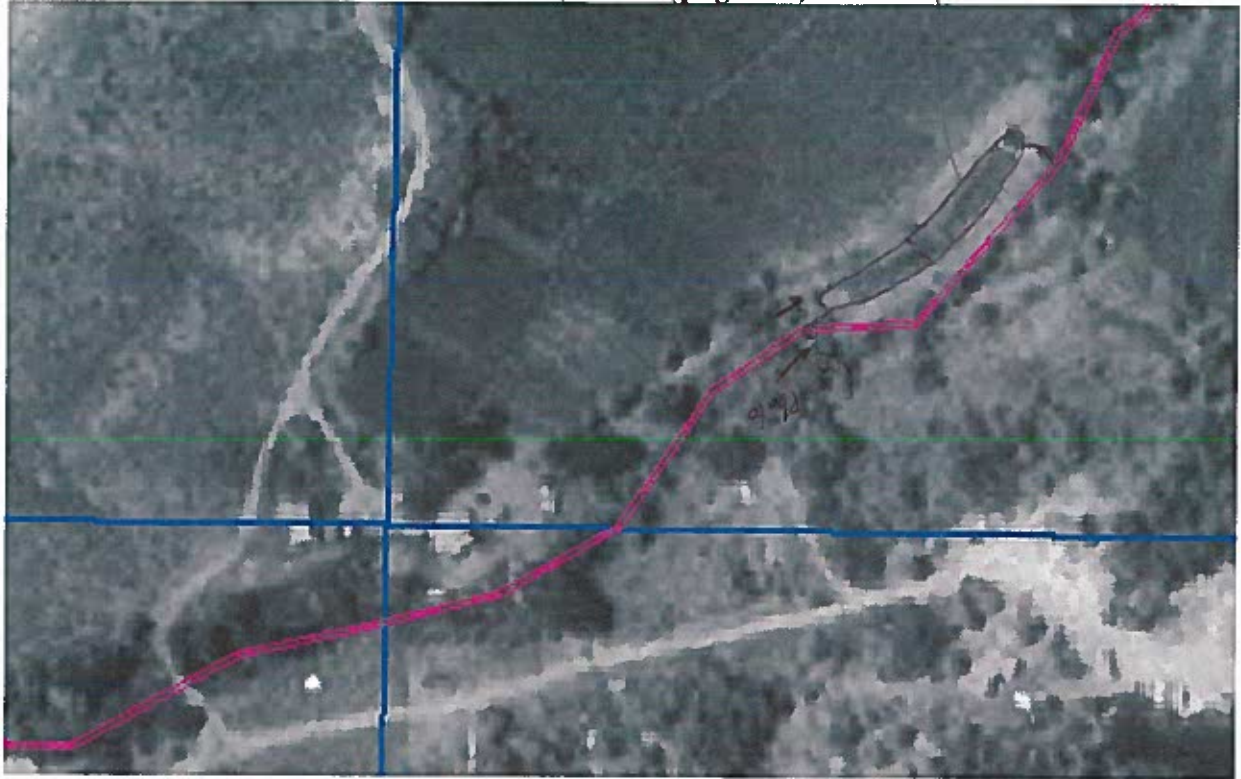


photo NE

Size of ponds
OK location from owner

his plans are to re-start fish again when
he retires

These have been out of production for
approx 12 yrs

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: A47-07449
Date Received: 6/29/1988
Receipt No: S000634
Received By: A. C.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DANIEL JOHN WRAY 208-543-6595
Address: RT 4 BOX 330
BUHL ID 83316
AND/OR
Name: RITA WRAY 208-543-6595
Address: RT 4 BOX 330
BUHL ID 83316
2. Date of Priority: JAN 9, 1978
3. Source: MUD CREEK Trib. to: SNAKE RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	14E	22	SW	SW			TWIN FALLS
5. Description of diverting works:
HEADGATE, DITCHES & PONDS.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	30.000		
7. Total Quantity Appropriated is:
30.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
H/FISH CULTURE IN 46,000 CU. FT. OF PONDS

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MAR 11 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	14E	22	SW	SW		FISH	

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:

THIS IS A SEPARATE SET OF PONDS FROM THOSE UNDER LIC. 47-7456.

OWNERSHIP CHANGE 6/21/91 BY JG.

15. Basis of Claim: PERMIT

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 _____ **PROFILMED**

My Commission Expires **MAR 11 1993**



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

OCT 20 1992

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 9S Range 14E
 Section 22, 1/4 of SW 1/4 of SW 1/4, Govt. Lot Department, BM, Water Resources
 Lot _____, Block _____, Subdivision/Townsite _____, Southern Region Office
 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) A47-07159, A47-07456
 Assigned by IDWR: A47-10068, A47-04149, A47-07449, A47-07007A
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): RUTH ZACK TRUSTEE
24450 KIRBY ST SP 63
HEMET, CA 92545
- ☐ New Owner/Claimant (Purchaser): DANIEL JOHN AND/OR RITA WRAY
- ☐ New Mailing Address: RT 4 BOX 330
Buhl ID 83316
- ☐ New Telephone Number: (208) 543-6595
- ☐ 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: TRUSTEE'S DEED

(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) Daniel J. Wray Date Oct 19
 _____ Date _____
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
 _____ Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 12-7-92 By: See

Further Action Needed:

NONE

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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MAR 11 1993

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

T-13174 E8887RJG

TRUSTEE'S DEED

For Value Received RUTH E. ZACK, as testamentary trustee, to be held in trust pursuant to the Last Will and Testament of Glenn W. Zack, deceased, dated June 5, 1975, as to an undivided one-half interest; AND RUTH E. ZACK, Trustee under Declaration of Trust dated December 12, 1989, Trustee of The Ruth E. Zack Trust of 1989, as to an undivided one-half interest

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto DANIEL JOHN WRAY and RITA WRAY, husband and wife whose address is: 501 Elm Buhl ID 83316

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

Township 9 South, Range 14, East of the Boise Meridian, Twin Falls County, Idaho, as shown on the records of the County Recorder for Twin Falls County, Idaho.

SECTION 22: SW 1/4 SW 1/4, sometimes referred to as Rolling Meadows recorded September 20, 1977 in Book 28 of Miscellaneous, page 1751, records of Twin Falls County, Idaho.

TOGETHER WITH 29 Shares of Mud Creek Water Users Association.

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 5th, 1992

Ruth E. Zack

RUTH E. ZACK, as testamentary trustee pursuant to the Last Will and Testament of Glenn W. Zack, deceased

Ruth E. Zack

RUTH E. ZACK, Trustee under Declaration of Trust dated December 12, 1989, Trustee of The Ruth E. Zack Trust of 1989

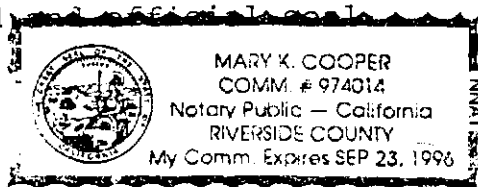
MICROFILMED

MAR 11 1993

STATE OF CALIFORNIA)
 : SS
COUNTY OF X RIVERSIDE)

On this x 5th day of x October, in the year 1992,
before me, a Notary Public in and for said State, personally appeared RUTH
E. ZACK, known or identified to me to be the person whose name is
subscribed to the within instrument as Testamentary Trustee pursuant to the
Last Will and Testament of Glenn W. Zack, and acknowledged to me that she
executed the same as such Testamentary Trustee.

WITNESS my hand and official seal.

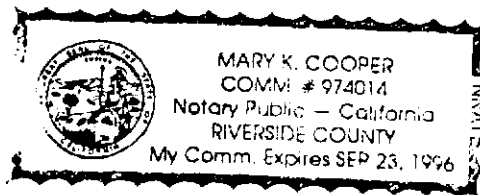


Mary K Cooper
Notary Public of California
Residing at: x Hemet, California
Commission Expires: x 9-23-96

STATE OF CALIFORNIA)
 : SS
COUNTY OF x RIVERSIDE)

On this x 5th day of x October, in the year 1992,
before me, a Notary Public in and for said State, personally appeared RUTH
E. ZACK, known or identified to me to be the person whose name is
subscribed to the within instrument as Trustee under Declaration of Trust
dated December 12, 1989, Trustee of The Ruth E. Zack Trust of 1989, and
acknowledged to me that she executed the same as such Trustee.

WITNESS my hand and official seal.



Mary K Cooper
Notary Public of California
Residing at: x Hemet, California
Commission Expires: x 9-23-96

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MAR 11 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

DECEMBER 7, 1992

R. KEITH HIGGINSON
Director

DANIEL JOHN AND/OR RITA WRAY
RT 4 BOX 330
BUHL ID 83316

RE: CHANGE IN OWNERSHIP FOR SRBA CLAIM NOS. A47-04149, A47-07159,
A47-07007A, A47-07449, A47-07456 & A47-10068

DEAR MR. & MRS. WRAY,

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,

STEVE CLELLAND
WATER RESOURCE AGENT

ENC:
SCC

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MAR 11 1993

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: ~~A47-07449~~

Date Received: 6/29/1988

Receipt No: S000634

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RUTH E. ZACK, TRUSTEE
Address: 24450 KIRBY #63
HEMET, CA

82343

2. Date of Priority: JAN 9, 1978

3. Source: MUD CREEK

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	14E	22	SW	SW			TWIN FALLS

5. Description of diverting works:
HEADGATE, DITCHES & PONDS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	30.000		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

H/FISH CULTURE IN 46,000 CU. FT. OF PONDS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	14E	22	SW	SW		FISH	

11. Place of use in counties: TWIN FALLS

MICROFILME

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS IS A SEPARATE SET OF PONDS FROM THOSE UNDER LIC. 47-7456.

OWNERSHIP CHANGE 6/21/91 BY JG.

15. Basis of Claim: PERMIT

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 _____

MICROFILMED
MAR 11 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

25-Jun-1991 16:06

R. E. Rayborn
RAYBORN & RAYBORN
P O BOX 321
FIRST INTERSTATE BANK BLDG.
Twin Falls, ID 83303-0321

Re: Change of Ownership Adjudication Claim(s) A47-4149, 7007A,
A47-7449, 7456, 7159

Dear Mr. Rayborn:

Pursuant to the notification that you are representing the new claimants on the above-referenced Adjudication Claim(s), the Department has changed the record(s) of the current owner as you requested. I am enclosing a copy of the computerized claim.

Please review the record(s) and should you have any questions, please feel free to call this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures

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MAR 11 1993

SD-36		Township: 09S		Range: 14E		Section: 22		Tract:		Lot:	
S	L			STATE	O	S	Max #	Records	100		
E	O	Water		Name	W	T	Priority	Use			
L	Tract	T	Right No.	Last, First	N	AC	G	Date	Code	Desc	
			A47-04149	ZACK, GLENN W.	C		S	04/01/1935	01	IRR	
				ZACK, RUTH	C				04	STOCK	
		A47-10544		ELLISON, FRANK	C		J	01/01/1984	04	STOCK	
				ELLISON, VERA E.	C				43	DOMEST	
				FARNWORTH, MARION M.	C						
		A47-10749		HEDQUIST, GREGORY L.	C		J	12/31/1972	43	DOMEST	
				HEDQUIST, SUSAN M.	C				04	STOCK	
		A47-12000		LAWRENCE, LEO	C		J	12/31/1980	43	DOMEST	
				LAWRENCE, EILEEN D.	C				04	STOCK	
		A47-12091		PEARSON, JON L.	C		J	04/30/1978	43	DOMEST	
				PEARSON, HOLLY L.	C				04	STOCK	
		A47-13933		FEATHERSTON, FRED W.	C		J	12/31/1950	43	DOMEST	
									04	STOCK	
		A47-14092		SPARKS, DONALD R.	C		J	08/01/1977	43	DOMEST	
				SPARKS, MILDRED J.	C				04	STOCK	
		A47-14094		THOMPSON, ARCHIE L.	C		J	12/31/1935	43	DOMEST	

(Enter=Continue)

(GOLD7=This Query)

(MENU _____)

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MAR 11 1993

SD-33

Last Name: ZACK

STATE

S	First	O	Water	Priority		Total	Use
E	Name	W	Right No.	Date	Source	Diversion	Code Desc
L		N					
	ZACK						
	GLENN W.	C A47-04149	04/01/1935	MUD CREEK	0.200	01 IRR	
						04 STOCK	
	RUTH	C A47-04149	04/01/1935	MUD CREEK	0.200	01 IRR	
						04 STOCK	
	GLENN W.	C A47-07007A	08/24/1967	MUD CREEK	0.540	01 IRR	
	RUTH	C A47-07007A	08/24/1967	MUD CREEK	0.540	01 IRR	
	GLENN W.	C A47-07159	10/10/1972	WILSON CREE	0.140	01 IRR	
	RUTH	C A47-07159	10/10/1972	WILSON CREE	0.140	01 IRR	
	GLENN W.	C A47-07449	01/09/1978	MUD CREEK	30.000	19 FISH	
	RUTH	C A47-07449	01/09/1978	MUD CREEK	30.000	19 FISH	
	GLENN W.	C A47-07456	04/11/1978	WILSON CREE	7.060	19 FISH	
	RUTH	C A47-07456	04/11/1978	WILSON CREE	7.060	19 FISH	
	GLENN W.	C A47-10068	01/01/1908	GROUNDWATER	0.040	43 DOMEST	
	RUTH	C A47-10068	01/01/1908	GROUNDWATER	0.040	43 DOMEST	

(Enter=Continue)

(GOLD7=This Query)

(MENU _____)

MICROFILMED

MAR 11 1993

Rayborn & Rayborn

ATTORNEYS AT LAW

P.O. BOX 321

FIRST INTERSTATE BANK BLDG.

TWIN FALLS, IDAHO 83303-0321

208-733-2600

Fax 733-2602

E. L. RAYBORN (1893—1970)

E. M. RAYBORN (1901-1986)

R. E. RAYBORN

PARALEGAL

KAREN J. MATTICE

CERTIFIED P.L.S.

April 9, 1991

RECEIVED

APR 11 1991

Department of Water Resources
Southern Region Office

State of Idaho
Department of Water
Resources
2148 Fourth Avenue East
Twin Falls, ID 83301

Re: Water Right Numbers 47-4149,
47-7007, 47-7449, 47-7456, and 47-7159

*

Ladies and Gentlemen:

Enclosed for filing is Change in Ownership of Notice of
Claim for the above-captioned water right numbers.

Thank you for your assistance.

Sincerely yours,



R. E. RAYBORN

RER/kjm

Enclosures

6/25/91 - I (jg) called the above-office in reference to A47-7007 s/b A47-7007A.

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RECEIVED

APR 11 1991

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM Department of Water Resources
Southern Region Office

[] Water Right Number(s): 47-4149, 47-7007, 47-7449, 47-7456, 47-7159

[] Name and Address of
Former Claimant: Glenn W. Zack and Ruth E. Zack
24450 Kirby, #63
Hemet, California 92343

[] New Claimant(s): Ruth E. Zack, and
Ruth E. Zack, Trustee

[] New Mailing Address: 24450 Kirby, #63
Hemet, California 82343

New Telephone Number: (714) 652-7349

[] Does the change in ownership result in a splitting of the
water right claimed? yes X no

If yes, then describe the portion of the water right that is
now claimed by the new owner:

[] Attach proof of ownership Copy of Death Certificate
Describe proof attached: Corrected Personal Representative's Deed

[] Signature of New Claimant(s): Ruth E. Zack
Ruth E. Zack Trustee

Date: MAR 14 1991

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: By: k

Further Action Needed:
Further Action Taken

Date: By:

Final Review and Data-Entry
Date: By: k

Claim Numbers of Split, if any:

MICROFILMED

MAR 11 1993

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: A47-07449

Date Received: 6/29/1988

Receipt No: SD00624

Received By: JS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GLENN W. ZACK
Address: RT. 3 BOX 291
BUHL, ID 83316

AND/OR

Name: RUTH ZACK
Address: RT. 3 BOX 291
BUHL, ID 83316

2. Date of Priority: JAN 09, 1978

3. Source: MUD CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	14E	22	SW	SW			TWIN FALLS

5. Description of diverting works:
HEADGATE, DITCHES & PONDS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	30.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
H/FISH CULTURE IN 46,000 CU. FT. OF PONDS

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	14E	22	SW SW		FISH	

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:

THIS IS A SEPARATE SET OF PONDS FROM THOSE UNDER LIC. 47-7456.

15. Basis of Claim: PERMIT
Water Right Number:

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:

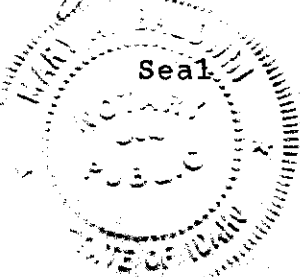
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Glen W Gach Date: 6-29-88

Date: _____

State of Idaho)
County of Butte) SS.

Subscribed and sworn (or affirmed) before me this 29th day
of June 19 88 Mary A. Baldwin
Notary Public



Residing at Gooding, Id
My Commission Expires 10/16/1992

Rayborn & Rayborn

ATTORNEYS AT LAW

P.O. BOX 321

FIRST INTERSTATE BANK BLDG.

TWIN FALLS, IDAHO 83303-0321

208-733-2600

Fax 733-2602

RECEIVED

JUN 13 1991

Department of Water Resources
Southern Region Office

PARALEGAL

KAREN J. MATTICE

CERTIFIED P.L.S.

E. L. RAYBORN (1893-1970)

E. M. RAYBORN (1901-1966)

R. E. RAYBORN

June 11, 1991

Idaho Department of Water
Resources

220 Shoshone Street East
Twin Falls, ID 83301

Ladies/Gentlemen:

Enclosed for your records are copies of Corrected Personal Representative's Deed and Warranty Deed conveying certain real property previously owned by Glen W. Zack and Ruth E. Zack to Ruth E. Zack. Both deeds pertain to the same real property. Also enclosed are Certificates of Authenticity with respect to both deeds, which I have signed. I would appreciate it if you would reflect the change of ownership on your records. If you need anything further from me, please advise me accordingly.

Thank you.

Sincerely yours,



R. E. RAYBORN

RER/kjm

MICROFILMED

MAR 11 1993

47-

WARRANTY DEED

FOR VALUE RECEIVED, I, RUTH E. ZACK, a widow, herein-
after called the Grantor, hereby grants, bargains, sells and
conveys unto RUTH E. ZACK, Trustee under Declaration of Trust
dated December 12, 1989, Trustee of THE RUTH E. ZACK TRUST OF
1989, hereinafter called the Grantee, a undivided one-half
interest in and to the following described premises in Twin
County, Idaho, to-wit:

The Southwest Quarter of the Southwest
Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 22, Township 9
South, Range 14, E., B.M., Twin Falls County,
Idaho, as shown on the records of the County
Recorder for Twin Falls County, Idaho,

TOGETHER WITH all water and water rights
appurtenant thereto as set forth in statutory
claim number 47-4149 water licenses numbered
47-7007, 47-7159, 47-7449, and 47-7456 issued
by the Idaho Department of Water Administra-
tion

TO HAVE AND TO HOLD the said premises, with their
appurtenances unto the said Grantee and to the Grantee, her 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; they are free from all encumbrances

RAYBORN & RAYBORN
ATTORNEYS AT LAW
P.O. BOX 321
FIRST INTERSTATE BANK BLDG.
TWIN FALLS, IDAHO 83301
(208) 733-1600

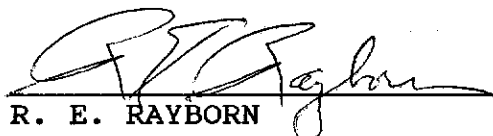
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MAR 11 1993

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CERTIFICATE OF AUTHENTICITY

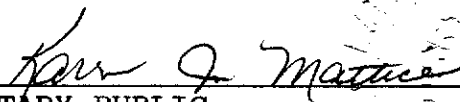
I, R. E. Rayborn, of the law firm of Rayborn and Rayborn, P.O. Box 321, First Interstate Bank Building, Twin Falls, Idaho, 83303-0321, do hereby certify that the above and foregoing WARRANTY DEED recorded June 6, 1991 as Instrument No. 91063410 records of Twin Falls County, Idaho is a true and accurate reproduction of the original of said Warranty Deed which is in my care, custody, and control.


R. E. RAYBORN

STATE OF IDAHO)
 : ss.
County of Twin Falls)

On this 11th day of June, 1991, before me, the undersigned, a notary public in and for said State, personally appeared R. E. RAYBORN, Attorney at Law, known to me to be the person whose name is subscribed to the foregoing instrument, and who duly 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.


NOTARY PUBLIC
Residence: Filer, Idaho
My Commission Expires 2/17/97

MICROFILMED
MAR 11 1993

CORRECTED PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made by RUTH E. ZACK, as personal representative of the estate of GLENN W. ZACK, deceased, Grantor, to RUTH E. ZACK, as testamentary trustee, to be held in trust pursuant to the Last Will and Testament of Glenn W. Zack, deceased, dated June 5, 1975, a copy of which is attached hereto and incorporated hereby by reference. RUTH E. ZACK's address is 24450 Kirby Street, #63, Hemet, California, 92343.

WHEREAS, Grantor is the qualified personal representative of said estate, filed as Probate Number SP 90-422, in Twin Falls County, Idaho.

THEREFORE, for valuable consideration received, Grantor sells and conveys to Grantee, as testamentary trustee, to be held in trust pursuant to the Last Will and Testament of Glenn W. Zack, deceased, dated June 5, 1975, a copy of which is attached hereto and incorporated herein by reference all of GLENN W. ZACK's interest in the following described real property in Twin Falls County, Idaho:

The Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 22, Township 9 South, Range 14, E., B.M., Twin Falls County, Idaho, as shown on the records of the County Recorder for Twin Falls County, Idaho,

TOGETHER WITH all water and water rights appurtenant thereto as set forth in statutory claim number 47-4149 water licenses numbered

RAYBORN & RAYBORN
ATTORNEYS AT LAW
P.O. BOX 321
FIRST INTERSTATE BANK BLDG.
TWIN FALLS, IDAHO 83301
(208) 733-2600

47-7007, 47-7159, 47-7449, and 47-7456 issued
by the Idaho Department of Water Administra-
tion

together with all appurtenances.

EXECUTED this 14th day of March, 1991.

Ruth E. Zack
RUTH E. ZACK
Personal Representative of the
Estate of GLENN W. ZACK, Deceased

STATE OF CALIFORNIA)
County of Riverside) : ss.

On the 14th day of March, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared RUTH E. ZACK, in her capacity as personal representative of the Estate of GLENN W. ZACK, known to me to be the signer of the foregoing instrument, who duly acknowledged to me that she executed the same on behalf of said estate.



Lawrence M. Daugherty
NOTARY PUBLIC
Residence: Hemet, California
My Commission Expires: 11-20-91

RAYBORN & RAYBORN
ATTORNEYS AT LAW
P.O. BOX 321
FIRST INTERSTATE BANK BLDG.
TWIN FALLS, IDAHO 83301
(208) 733-2600

000028

RECORDED FOR: RAYBORN & RAYBORN
TWIN FALLS COUNTY, IDAHO
1991 MAR 26 P 2:54
EX-OFFICIO RECORDED
FEE: \$6.00
LINDA E. MURPHY

MICROFILMED

MAR 11 1993

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LAST WILL AND TESTAMENT

OF

GLENN W. ZACK

FILED A. PERKINS
JUL 29 1970
DISTRICT COURT
DAVID FALLS CO., IDAHO
CLERK
BY [Signature]

I, Glenn W. Zack, a legal resident of Buhl, Idaho, being of sound mind and of the age of 59 years, do make, publish and declare this to be my Last Will and Testament, hereby revoking all Wills and Codicils heretofore made by me.

FIRST: I am married. My wife's name is Ruth E. Zack. I hereby declare that at the date of execution hereof I have the following children who are living: Cheryl Kay Yakan and Pamela Sue Garnos and that Cheryl's children are Alexander and JoAnna and that Pamela's children are Heather and Shannon.

SECOND: I hereby declare that all property of which I am possessed is the community property of my wife, Ruth E. Zack, and myself, and that I intend to affect only my share of said community property. Provided, however, that should my wife, Ruth E. Zack, predecease me, it is my intent that this Will affect all property of which I die possessed. It is intended that all property retain the character of community property, even though we may place any or all property in joint tenancy between ourselves and others for matters of convenience.

THIRD: I direct that all of my just debts including charitable pledges whether or not the same are enforceable obligations of my estate and funeral expenses be paid as soon as practicable after my death.

FOURTH: I direct that all estate, inheritance, transfer legacy, succession, and other death taxes and duties of any nature

Glenn W. Zack

1 by reason of my death which may be assessed or imposed upon or with
2 respect to property passing under this Will shall be paid out of
3 my estate as an expense of administration and no part of said taxes
4 shall be apportioned or prorated to any legatee or devisee under
5 this Will or any person owning or receiving any property, including
6 life insurance, not passing under this Will.

7 FIFTH: It is my intention to make a separate written
8 instrument, leaving items of tangible personal property to various
9 people as allowed by I.C. 15-2-513. If I leave no such separate
10 written instrument, then said property shall pass as it would
11 under my will without such instrument.

12 SIXTH: I devise and bequeath:

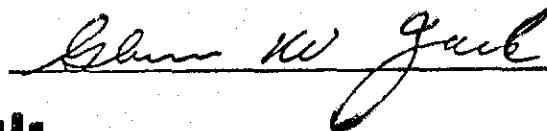
13 (a) All furniture, furnishings, household goods,
14 domestic articles and equipment owned by me;

15 (b) All of my automobiles, other than business or
16 commercial vehicles;

17 (c) All wearing apparel, jewelry and tangible articles
18 for my personal use or adornment, as follows:

19 A. To my wife, Ruth E. Zack, if she survives me:

20 B. If my wife does not survive me, then all of the
21 above described property shall be divided equally between my
22 two children. If such issue do not agree on the actual division
23 of such personal property among or between them, my personal
24 representative shall effect such division in such way as she deems
25 fair, in her discretion, including the power to sell such items
26 thereof as the personal representative deems advisable, all in
27 order that in value such personal property, including cash, if
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-1-

1 any such sale is made will go to such issue, per stirpes and not
2 per capita.

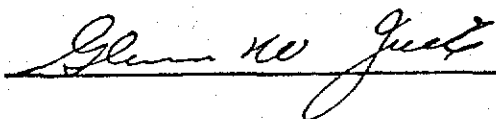
3 SEVENTH: All the rest, residue and remainder of my
4 estate, including all of my separate property, all of my own
5 share of community property, wheresoever situated including
6 property over which I have a power of appointment, and all lapsed
7 legacies and devises, I bequeath and devise to Ruth E. Zack as
8 trustee. Should she be unable or unwilling to act as trustee,
9 I nominate and appoint our two daughters as said co-trustees.
10 Should either co-trustee be unable or unwilling to act in said
11 capacity, then I nominate and appoint the survivor of them to
12 act in said capacity. Said property shall be held in trust,
13 however, upon the terms and conditions and for the uses and purposes
14 hereinafter set forth:

15 The trustee shall hold, manage and control the property
16 comprising the trust estate, collect the income therefrom, and out
17 of same, shall pay all taxes and other incidental expenses of the
18 trust, including its own commissions, and shall hold or distribute
19 the trust estate and the income therefrom as hereinafter provided.

20 a. In the event that my wife, Ruth E. Zack, shall
21 survive me:

22 (1) The trustee shall pay the entire net income, in
23 convenient installments not less frequently than quarterly, to my
24 wife, for and during her natural life.

25 (2) The successor trustee, but not my wife, may in
26 its discretion, pay over to my wife such amount or amounts out
27 of the principal of the trust as shall, in the judgment of the
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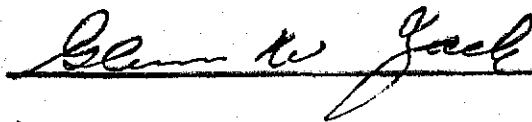


1 trustee, be necessary for the support, maintenance, and health
2 of my wife, but in no event shall said trustee release more than
3 FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00) or five percent (5%)
4 of principal, whichever is greater, in any one year. No princip-
5 pal may be used unless necessary after taking into consideration
6 all other income or funds available to my wife from all other
7 sources.

8 (3) The trustee, in exercising the discretion so
9 granted, shall take into consideration all amounts of income or
10 principal available to my wife from other sources. It is my
11 intent that my wife be allowed to maintain the standard of living
12 to which she has been accustomed.

13 b. Upon the death of my wife, or upon my death, in the
14 event that my wife shall not survive me, the trustee is directed
15 as follows:

16 The trustee shall divide the trust corpus and undistri-
17 buted income into four equal shares, one for each of my two child-
18 ren and one-fourth for my grandchildren Alexander and JoAnna Yakan
19 and one-fourth for my grandchildren Heather and Shannon Carnos,
20 and shall pay said share immediately to said children. If any
21 child or grandchild is under the age of 21 years at the time
22 of my death, then his share shall be held by the trustee until
23 said child reaches the age of 21. The trustee shall distribute
24 from the share of any grandchild under the age of 21, such amounts
25 as the trustee in her sole discretion deems necessary for the
26 support, education, maintenance and health of said child after
27 taking into consideration the other sources of income and support
28 available to said grandchild.

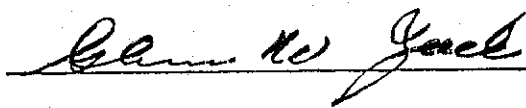


1 c. Neither the principal nor the income of the trust
2 herein created shall be liable for the debts of any beneficiary
3 nor shall the same be subject to seizure by any creditor of any
4 beneficiary under writ or proceedings at law or in equity, nor
5 bankruptcy proceedings, nor other legal process. No beneficiary
6 shall have power to sell, assign, transfer, encumber, or in any
7 other manner to anticipate disposition of his or her interest
8 in the trust estate or the income produced thereby.

9 d. All receipts and expenditures shall be administered
10 by the trustee, subject to any limitations stated elsewhere herein
11 and allocated as to principal and income as provided in the
12 Uniform Principal and Income Act, being Chapter 1 of Title 68,
13 Idaho Code.

14 e. To carry out the purposes of the trust created under
15 this trust agreement, and subject to any limitations stated else-
16 where herein, the trustee is vested with all of the powers and
17 authority as set forth in the Uniform Trustee's Powers Act, being
18 Chapter 1 of Title 68, Idaho, as now in effect and as it may here-
19 after be amended.

20 f. The trustee shall manage the trust estate and may sell,
21 exchange, lease for terms either within or beyond the duration
22 of the trust, lend, relend, invest and reinvest the trust estate
23 or any part thereof in any kind of property which men of prudence,
24 discretion and intelligence exercise for their own account,
25 specifically including, but not by way of limitation, acquisition
26 of corporate obligations of every kind and preferred and common
27

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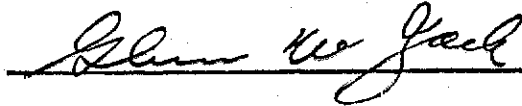
1 stocks, including any Common Trust Fund of which they are trustees.
2 The trustee shall have the same general powers that an individual
3 being the absolute owner of real and personal property possesses
4 not inconsistent with the purposes and intentions of the trust.
5 The trustee is authorized to retain in the trust, in the same form
6 as that in which they were received by the trustee, assets of any
7 kind, and to continue and operate any business or interest therein
8 which may be received hereunder as long as the same produces a
9 reasonable income, and it appears to the best interest and advantage
10 of the trust estate.

11 g. The trustee shall be entitled to receive reasonable
12 compensation for his or her services hereunder and such compensation
13 may be collected annually by the trustees, out of income or
14 principal or both, and shall be shown in accountings as are reason-
15 ably requested by the beneficiaries.

16 h. The trustee shall not be liable for any error in
17 judgment but shall be liable only for his or her willful misconduct
18 or negligence.

19 i. In the event a child of mine shall predecease me,
20 then her share of the proceeds of this trust shall be added to
21 the share of her children. Should a grandchild of mine predecease
22 me, then said grandchild's share shall pass to his or her sibling.

23 SEVENTH: I hereby nominate and appoint my wife, Ruth
24 E. Zack as personal representative of this, my Last Will and
25 Testament, and direct that she shall not be required to give bond
26 as such personal representative. Provided, that in the event my
27

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1 said wife shall predecease me or be unable or unwilling to act in
2 said capacity, then I nominate and appoint my daughters, Cheryl
3 Kay Yakan and Pamela Sue Garnos or the survivor of them, to act in
4 said capacity. No one so appointed shall be required to give bond
5 as said personal representative. I further direct that the person
6 named and appointed as personal representative serve in this capacity
7 without intervention of the Court and that such personal represen-
8 tative shall have the authority and power to sell at public or
9 private sale as they deem appropriate any real or personal property
10 of which I may die possessed. I further direct that such sales
11 may be made without notice to the Court or application thereto
12 and that the personal representative may employ real estate brokers
13 for the purpose of assisting with the sale of said property and a-
14 gree to pay the customary commission for such sales and that this,
15 in turn, may be done without notice or application to the court.
16 It is intended that this be a nonintervention will.

17 EIGHTH: If any legatee, devisee, or taker under this
18 will shall interpose objections to its probate or in any other way
19 contest it, such person shall forfeit his entire interest under
20 this will and the gift, bequest or devise made to such person
21 shall pass as part of the residue of my estate; provided, however,
22 that if such person is a residuary beneficiary, his or her interest
23 shall be divided proportionately among the remaining residuary bene-
24 ficiaries.

25 IN WITNESS WHEREOF, I have hereunto set my hand and seal
26 this 5 day of JUNE, 1975.

27 *Sam W. Jones*
28

1 The foregoing instrument, consisting of these eight (8)
2 pages and the following page, was at the date thereof, signed,
3 sealed and declared by Glenn W. Zack, as and for his Last Will
4 and Testament in the presence of each of us, and we, in his
5 presence and in the presence of each other, have hereunto at his
6 request, signed our names as witnesses thereto.

7
8 Bernice J. Fairfield

9 Residing at

Buhl, Idaho

10 Harmon Gunn

11 Residing at

Buhl, Idaho

1 STATE OF IDAHO)
2) ss.
3 County of Twin Falls)

4 We, Glenn W. Zack, the above-named testator, and the
5 undersigned witnesses, respectively, whose names are signed to the
6 attached and foregoing instrument, being first duly sworn, do
7 hereby declare to the undersigned authority that the testator signed
8 and executed the instrument as his Last Will and Testament and
9 that he had signed willingly and that he executed it as his free
10 and voluntary act for the purposes therein expressed; and that
11 each of the witnesses, in the presence and hearing of the testator,
12 signed the will as witness and that to the best of his knowledge,
13 the testator was, at that time, an adult, of sound mind and under
14 no constraint or undue influence.

15 Glenn W. Zack
Glenn W. Zack - Testator

16 Bernice Hatfield
Witness

17 Marion Gannon
18 Witness

19
20 SUBSCRIBED AND SWORN to and acknowledged before me by
21 Glenn W. Zack, testator and subscribed and sworn to before me by

22 Bernice Hatfield and Marion Gannon
23 witnesses, this 5th day of June, 1975.

24 Alta Gannon
25 Notary Public for Idaho
26 Residing at Buhl

CERTIFICATE OF AUTHENTICITY

I, R. E. Rayborn, of the law firm of Rayborn and Rayborn, P.O. Box 321, First Interstate Bank Building, Twin Falls, Idaho, 83303-0321, do hereby certify that the above and foregoing CORRECTED PERSONAL REPRESENTATIVE'S DEED recorded March 26, 1991 as Instrument No. 000028 records of Twin Falls County, Idaho is a true and accurate reproduction of the original of said Warranty Deed which is in my care, custody, and control.


R. E. RAYBORN

STATE OF IDAHO)
 : ss.
County of Twin Falls)

On this 11th day of June, 1991, before me, the undersigned, a notary public in and for said State, personally appeared R. E. RAYBORN, Attorney at Law, known to me to be the person whose name is subscribed to the foregoing instrument, and who duly 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.


NOTARY PUBLIC
Residence: Filer, Idaho
My Commission Expires 2/17/97

MICROFILMED

MAR 11 1993