

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: A73-07017A  
Date Received: 1/11/1990  
Receipt No: W007517  
Received By: \_\_\_\_\_

COPY FOR  
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

COPY FOR  
YOUR FILES

1. Name: PATRICIA D. GUNTHER  
Address: 209 POST STREET  
SUITE 1104  
SAN FRANCISCO, CA 94108  
415-433-3887  
AND  
Name: GEORGE M. BOWLES  
Address: 209 POST STREET  
SUITE 1104  
SAN FRANCISCO, CA 94108  
415-433-3887  
AND  
Name: DONALD M. GREGORY, JR.  
Address: 209 POST STREET  
SUITE 1104  
SAN FRANCISCO, CA 94108  
415-433-3887

2. Date of Priority: AUG 18, 1972

3. Source: PAHSIMEROI RIVER Trib. to: SALMON RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 14N      | 21E   | 1       | SE     | SW     |     |     | CUSTER |

5. Description of diverting works:  
ELLIS DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 10/31 | 0.200  |      |        |

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

8. Total consumptive use is 30.0 Acre Feet Per Annum.

A73-07017A

Page 1

Date: 01/16/91

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9. Non-irrigation uses:  
NA

10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 15N           | 21E   | 7       | NE     | NW  |     | IRR | 10.0  |
| Section Acres |       |         |        |     |     |     | 10.0  |
| Total Acres   |       |         |        |     |     |     | 10.0  |

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:  
DOMESTIC WELL

14. Remarks:  
CHANGE IN OWNERSHIP: 1-16-91/JT

15. Basis of Claim: LICENSE

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

RECEIVED

Ident. Number: A73-07017A  
Date Received: 1/11/1990  
Receipt No: W007517  
Received By: \_\_\_\_\_

JAN '6 1990

Department of Water Resources  
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: ALFRED KRISTAL 208-384-0674  
Address: 3140 BOGUS BASIN ROAD  
BOISE, ID 83702

OR

Name: DEBORAH KRISTAL 208-384-0674  
Address: 3140 BOGUS BASIN ROAD  
BOISE, ID 83702

2. Date of Priority: AUG 18, 1972

3. Source: PAHSIMEROI RIVER Trib. to: SALMON RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 14N      | 21E   | 1       | SE     | SW     |     |     | CUSTER |

5. Description of diverting works:  
ELLIS DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 10/31 | 0.200  |      |        |

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

8. Total consumptive use is 30.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NA

A73-07017A

Page 1

Date: 01/11/90

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10. Place of Use:

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|---------------|-------|---------|------------|-----|-----|-------|
| 15N           | 21E   | 7       | NE NW      |     | IRR | 10.0  |
| Section Acres |       |         |            |     |     | 10.0  |
| Total Acres   |       |         |            |     |     | 10.0  |

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:  
DOMESTIC WELL

14. Remarks:

15. Basis of Claim: LICENSE

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 \_\_\_\_\_

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 A73-07017ADate Received JAN. 11, 1990Receipt Number W007517

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Alfred & Deborah Kristal Phone (208) 384-0674Mailing Address 3140 Bogus Basin Rd, Boise ID Zip 837022. Date of Priority (Only one (1) per claim) August 18, 19723. Source of water supply (a) Pahsimeroi River  
which is tributary to (b) Salmon River4. a. Location of existing point of diversion is: Township 14N Range 21E Section 1S.E. 1/4 of SW 1/4 of 1/4, Govt. Lot, B.M., County of CusterAdditional points of diversion if any: diverted from Pahsimeroi River by Ellis Ditch

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

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

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

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

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

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

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April 1 to Oct 31 amount 20 or 30

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

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

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

7. Total quantity claimed (a) 20 (cfs) and/or (b) 30 (acre feet)

8. Total consumptive use claimed is 22.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) \_\_\_\_\_

10. Description of place of use:

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

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

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 15N | 21E | 7   |        |       |       |       | 9      |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 9

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.

a) A domestic well on the adjacent 1-acre parcel or None ( )  
b) Don Blatz retained 1/2 the water right claimed for use on his remaining land  
14. Remarks: \* Property is being purchased from Don & Virginia Blatz on a land-purchase contract, which contract conveys 1/2 the water right documented in Water Right License No. 73-7017

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Last Name Krutil Ident No. \_\_\_\_\_

Copies: White -State, Yellow-Claimant

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

Decree \_\_\_\_\_

If applicable provide IDWR Water Right Number 73-7017

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

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

16. Signature (s)

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

Number of attachments 3+ map

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

Signature of Claimant (s) Rubrah Ahtimal Date 1-10-90

[Signature] Date 1/10/90

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

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

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

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

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

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

State of Idaho/or \_\_\_\_\_ )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 11<sup>th</sup> day of January 19 90

SEAL

Notary Public [Signature]

Residing at Bain, Idaho

My Commission Expires 1-17-95

Please Print Name

17. Notice of Appearance:

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

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

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

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Copies White-State, Yellow-Claimant

**Scale: 2 inches equals 1 mile**

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two dashed lines intersecting at the center. The grid is composed of 16 columns and 16 rows of these squares.

(See attached)

DEC 14 1992

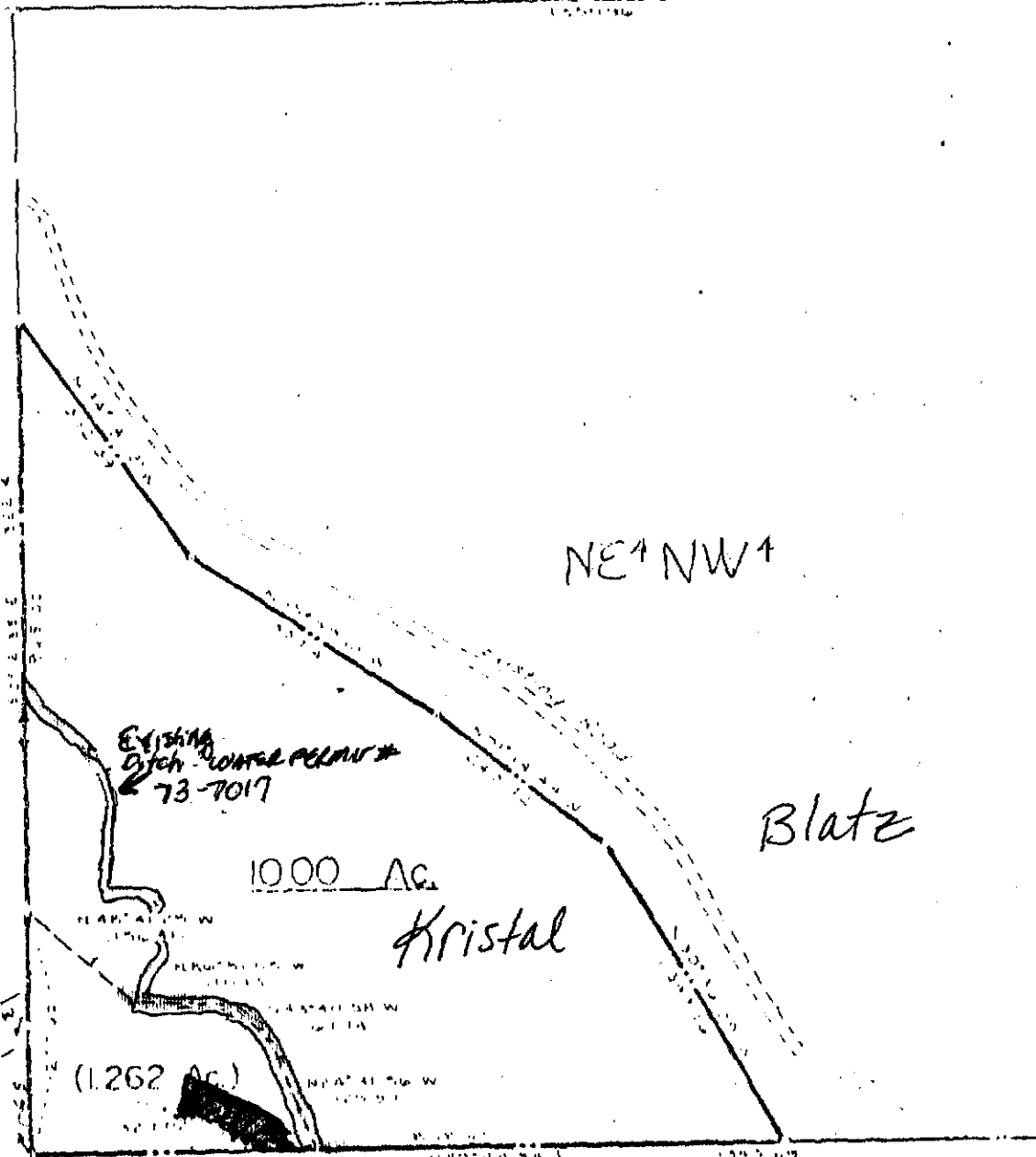
**Last Name**

# Kristal

Ident No.

**Copies: White-State, Yellow-Claimant**

SCALE TOO SMALL TO SHOW ON SCHEMES



(Blatz has other 1/2 of  
this water right # 73-7017)

Located in the NE 1/4 NW 1/4,  
Section 7, T15N, R. 21E., B.M.,  
Custer County, Idaho

Kristal

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DEC 14 1992

Scale: XXXXXX

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.



State of Idaho  
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

JANUARY 16, 1991

PATRICIA D GUNTHER  
GEORGE M BOWLES  
DONALD M GREGORY JR  
209 POST STREET SUITE 1104  
SAN FRANCISCO CA 94108

RE: CHANGE IN OWNERSHIP FOR A73-00076, 04017, 07017A,  
AND 00081

Your request for Change in Ownership submitted for  
your Notices of Claim A73-00076, 04017, 07017A, and  
00081 has been processed and the Notices modified to  
reflect you as the new owners.

Enclosed are typed Notices with your names shown as the  
current owners. Review the forms and if there are other  
corrections or questions, feel free to contact this  
office.

If there are no questions or corrections, please keep  
these Notices for your records.

Respectfully submitted,

Ernest Carlsen  
Adjudication Supervisor

EC:jt

Enclosure: Printed Notices of Claim

File: P

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DEC 14 1992

## CHANGE IN OWNERSHIP

Page 1

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

- [ ] Water Right Number(s): A73-07017A
- [ ] Name and Address of Former Claimant(s): ALFRED & DEBORAH KRISTAL  
3140 BOGUS BASIN, BOISE ID. 83702
- [ ] New Claimant(s): PATRICIA D. GUNTHER, GEORGE M. BOWLES  
DONALD M. GREGORY, JR. - AS THEIR INTERESTS APPEAR
- [ ] New Mailing Address: DONALD M. GREGORY, JR.  
209 POST STREET, SUITE 1104  
SAN FRANCISCO, CAL. 94108

New Telephone Number: ( 415 ) 433 - 3887

- [ ] 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  
Describe proof attached: WARRENTY 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 claimant.)

- [ ] Signature of New Claimant(s): Patricia D. Gunther  
Donald M. Gregory, Jr.  
By m. Bowles, Trustee
- Date: Aug. 23, 1990

CHANGE IN OWNERSHIP

Page 2

[ ] Signature of Former Claimant(s): \_\_\_\_\_

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: \_\_\_\_\_ By: \_\_\_\_\_

Further Action Needed:

Further Action Taken

Date: \_\_\_\_\_ By: \_\_\_\_\_

Final Review and Data-Entry

Date: \_\_\_\_\_ By: \_\_\_\_\_

Claim Numbers of Split, if any:

After form has been completed, please return to the nearest IDWR office below:

WESTERN REGIONAL OFFICE

2735 AIRPORT WAY  
BOISE, IDAHO 83705  
(208) 334-2190

EASTERN REGIONAL OFFICE

150 SHOUP SUITE #15  
IDAHO FALLS, IDAHO 83402  
(208) 525-7161

STATE OFFICE

1301 N. ORCHARD ST.  
STATEHOUSE MAIL  
BOISE, IDAHO 83720  
(208) 327-7906

SOUTHERN REGIONAL OFFICE

222 SHOSHONE STREET EAST  
TWIN FALLS, ID 83301  
(208) 734-3578

NORTHERN REGIONAL OFFICE

1910 NORTHWEST BLVD. SUITE 210  
COEUR D'ALENE, IDAHO 83814  
(208) 765-4639

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DEC 14 1992

WARRANTY DEED

FOR VALUE RECEIVED, ALFRED H. KRISTAL and DEBORAH N. KRISTAL, husband and wife of Boise, Ada County, Idaho, the Grantors, do hereby grant, bargain, sell and convey unto PATRICIA D. GUNTHER, a married woman as her sole and separate property, and to DONALD M. GREGORY, JR., an unmarried man, and to G. M. BOWLES TRUST, GEORGE M. BOWLES, Trustee, a single man; the Grantees, whose current address is 601 Montgomery Street, Suite 300, San Francisco, California 94111, as tenants in common, in equal undivided 1/3 shares, the following described premises, in Custer County, Idaho, to-wit:

A parcel of land located in NE¼NW¼, Section 7, T. 15 N., R. 21 E., B.M., Custer County, Idaho, more particularly described as follows:

Commencing at the North Quarter Corner of said Section 7, a distance of 1350.96 feet on a bearing of S. 89°46'57" W., along the section line; thence S. 0°12'35" E., 357.42 feet to the REAL POINT OF BEGINNING;

Thence S. 0°12'35" E., 965.00 feet;

Thence N. 89°44'54" E., 858.61 feet;

Thence N. 30°36'09" W., 399.76 feet;

Thence N. 51°14'44" W., 245.72 feet;

Thence N. 55°59'10" W., 337.41 feet;

Thence N. 34°18'12" W., 332.39 feet to the REAL POINT OF BEGINNING.

EXCEPTING THEREFROM:

A parcel of land located in NE¼NW¼, Section 7, T. 15 N., R. 21 E., B.M., Custer County, Idaho, more particularly described as follows:

Commencing at the North Quarter Corner of said Section 7, a distance of 1350.96 feet on a bearing of S. 89°46'57" W., along the section line; thence S. 0°12'35" E., 1044.81 feet to the REAL POINT OF BEGINNING.

Thence S. 0°12'35" E., 277.60 feet;

Thence N. 89°44'54" E., 327.02 feet to a point in the center of a ditch;

Thence the following courses and distances along centerline of said ditch:

N. 24°31'56" W., 129.57 feet;

N. 43°40'58" W., 67.74 feet;  
N. 86°51'05" W., 110.13 feet;  
Thence N. 48°41'25" W., 156.41 feet to the REAL POINT OF  
BEGINNING.

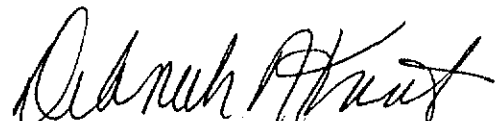
TOGETHER WITH the water rights appurtenant thereto pursuant to  
Idaho Water Right No. 73-7017. (Snake River Adjudication No. A73-  
07017A.)

EXCEPTING THEREFROM an undivided one-half (1/2) of all minerals,  
including oil and gas, that may be on, in, under or produced from  
the property being conveyed, said one-half having been reserved to  
Grantor's Grantor, DONALD A. BLATZ and VIRGINIA M. BLATZ.

TO HAVE AND TO HOLD the said premises, with their  
appurtenances unto the said Grantees, their heirs and assigns  
forever. And the said Grantors do hereby covenant to and with the  
said Grantees, that they are the owners in fee simple of said  
premises; that they are free from all encumbrances and that they  
will warrant and defend the same from all lawful claims whatsoever.

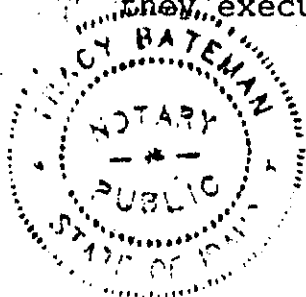
DATED: May 29, 1990.

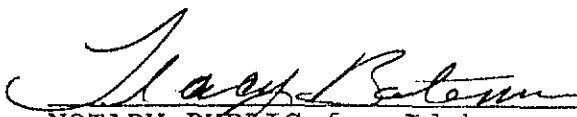
  
ALFRED H. KRISTAL

  
DEBORAH N. KRISTAL

STATE OF IDAHO           )  
                                  : ss.  
County of Ada            )

On this 29th day of May, 19 90, before me,  
TRACY BATEMAN, a Notary Public in and for said State,  
personally appeared ALFRED H. KRISTAL and DEBORAH N. KRISTAL,  
husband and wife, known to me to be the persons whose names are  
subscribed to the within instrument, and acknowledged to me that  
they executed the same.



  
NOTARY PUBLIC for Idaho  
Residing at: Boise, Idaho  
Commission expires: 1-17-95

State of Idaho )  
County of Lemhi )

ss No. 206772

This instrument was filed for record at  
the request of Lynn Stevenson  
at 11:50 o'clock a m 6-9 1990  
and duly filmed and indexed in the  
records of Lemhi County

Alberta Wiederick

Ex-Officio Recorder

By Donna L. Burrows Deputy

Fees: 6.00

195374

RECORDS OF THE  
COUNTY OF LEMHI

FILED FOR RECORD BY Salmon River Realty  
2:25 P.M. 6-1 1990  
duly filed and indexed. Also Recorded in  
County

ETHEL M. PECK

Ex-Officio Recorder

By Jauna Tyler Deputy  
Fees 6.00

MICROFILMED

DEC 14 1992

*Warranty Deed*

WARRANTY DEED

FOR VALUE RECEIVED, DONALD A. BLATZ and VIRGINIA M. BLATZ, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto ALFRED H. KRISTAL and DEBORAH N. KRISTAL, husband and wife, whose current address is P.O. Box 630, Challis, ID 83226, the Grantees, the following described premises, in Custer County, Idaho, to-wit:

A parcel of land located in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 7, T. 15 N., R. 21 E., B.M., Custer County, Idaho, more particularly described as follows:

Commencing at the North Quarter Corner of said Section 7, a distance of 1350.96 feet on a bearing of S. 89°46'57" W., along the section line; thence S. 0°12'35" E., 357.42 feet to the REAL POINT OF BEGINNING; ✓

Thence S. 0°12'35" E., 965.00 feet; ✓

Thence N. 89°44'54" E., 858.61 feet; ✓

Thence N. 30°36'09" W., 399.76 feet; ✓

Thence N. 51°14'44" W., 245.72 feet; ✓

Thence N. 55°59'10" W., 337.41 feet; ✓

Thence N. 34°18'12" W., 332.39 feet to the REAL POINT OF BEGINNING.

EXCEPTING THEREFROM:

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Thence S. 0°12'35" E., 277.60 feet; ✓

Thence N. 89°44'54" E., 327.02 feet to a point in the center of a ditch;

Thence the following courses and distances along centerline of said ditch:

N. 24°31'56" W., 129.57 feet; ✓

N. 43°40'58" W., 67.74 feet; ✓

N. 86°51'05" W., 110.13 feet;

Thence N. 48°41'25" W., 156.41 feet to the REAL POINT OF BEGINNING.

TOGETHER WITH the water rights appurtenant thereto pursuant to Idaho Water Right No. 73-7017.

RESERVING to Grantors an undivided one-half ( $\frac{1}{2}$ ) of all minerals, including oil and gas, that may be on, in, under or produced from the property being conveyed.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: April 26<sup>th</sup>, 1981.

*Donald A. Blatz*

Donald A. Blatz

*Virginia M. Blatz*

Virginia M. Blatz

STATE OF IDAHO       )  
                          )     SS  
County of Lemhi       )

On this 26 day of April, 1981, before me, a notary public in and for said State, personally appeared DONALD A. BLATZ and VIRGINIA M. BLATZ, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

*Jordan C. Smith*

Notary Public for the State of Idaho  
Residing at Salmon, ID  
Commission: Life

MICROFILMED

DEC 14 1992

State of Idaho  
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 73-7017 Priority August 18, 1972 Amount 0.40 cfs

THIS IS TO CERTIFY, that DONALD A. BLATZ

of Ellis, Idaho, has complied with the terms and conditions of Permit No. 73-7017 issued pursuant to Application for Permit dated August 18, 1972, and has submitted proof to the Department of Water Resources on December 10, 1973, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 0.92 cfs of water from Pahsimeroi River, tributary to Salmon River, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

| Beneficial Use | Period of Use                            | Rate of Diversion                          | Annual Volume |
|----------------|------------------------------------------|--------------------------------------------|---------------|
| Irrigation     | from <u>April 1</u> to <u>October 31</u> | at <u>0.40</u> cfs and <u>60</u> acre feet |               |
|                | from _____ to _____                      | at _____ cfs and _____                     |               |
|                | from _____ to _____                      | at _____ cfs and _____                     |               |

(both dates inclusive)

Subject, however, to the condition that no more than 0.40 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 60 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 1, Twp. 14N, Rge. 21E, B.M. in the County of Custer

Description and location of place of use:

| Twp. | Range | Sec. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | Totals |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 15N  | 21E   | 7    |                  |                  |                  |                  | 20               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 20     |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres irrigated 20

DO NOT FILM

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 21 day of August, 19 79

Director

LAND SALE AGREEMENT

THIS AGREEMENT, Made and entered into effective April 17, 1981, by and between DONALD A. BLATZ and VIRGINIA M. BLATZ, husband and wife of Ellis, Idaho, hereinafter referred to as "Sellers", and ALFRED H. KRISTAL and DEBORAH N. KRISTAL, husband and wife of Box 630, Challis, Idaho 83226, hereinafter referred to as "Buyers".

WITNESSETH:

FOR AND IN CONSIDERATION of the sum of THIRTY THOUSAND and NO/100 DOLLARS (\$30,000.00), to be paid by the Buyers to the Sellers as hereinafter provided, the Sellers agree to sell, and the Buyers agree to buy, the real property situated in the County of Custer, State of Idaho, and more fully described on Exhibit "A", attached hereto and incorporated herein by reference.

PURCHASE PRICE

The Buyers agree to pay the purchase price of THIRTY THOUSAND and NO/100 DOLLARS (\$30,000.00) to Sellers as follows:

- A. The sum of \$500.00 representing earnest money, the receipt of which is hereby acknowledged by Sellers.
- B. The sum of \$9,500.00. in cash, upon execution of this contract, the receipt whereof is hereby acknowledged by Sellers.
- C. The remaining balance of \$20,000.00 shall bear interest at the rate of ten percent (10%) per annum from April 17, 1981, and shall be paid as follows:  
  
\$264.31, including interest, on May 17, 1981, and a like sum payable on the 17th day of each month thereafter until the principal and interest are paid in full.
- D. Interest shall be paid first out of each installment or payment and any remaining balance shall be applied to the principal. Additional payments on the balance of the principal may be made at any time without penalty. Such additional payments shall be applied first to the interest then accrued and then to the principal which shall reduce such principal balance, but otherwise shall not change the schedule of payments set forth.

POSSESSION

Buyers shall be entitled to possession on and after the 17th day of April, 1981, which date is hereinafter sometimes referred to as the "possession date", said possession to continue unless terminated as hereinafter set forth.

CONDITION OF PREMISES

The Buyers have inspected the premises as hereinabove defined and

agree to accept the premises "AS IS" in their present condition. Sellers have made no representations or warranty regarding productivity, income to be derived, or any other condition of the premises.

#### TITLE

Upon Buyers' full performance of this contract, the Sellers covenant and agree to convey and warrant to the Buyers a clear title to the said property, in fee simple, clear of any encumbrances whatsoever, except those specifically acknowledged by Buyers under the provisions of this contract, and further excepting taxes, levies, and assessments for the current year not yet due and payable, restrictions, reservations, and easements of record or easements visible upon the premises, and subject to all applicable laws, statutes, and ordinances. It is understood and agreed, however, that until the completion of such full performance of this contract by Buyers, title is reserved in Sellers.

#### TITLE INSURANCE

Sellers have obtained, or shall obtain, within fifteen (15) days of the date hereof, from the Custer County Title Company, a qualified title insurer, a standard form policy of title insurance, in the face amount of the purchase price, and shall pay the premium therefor. Such policy shall insure the Buyers of Sellers' good and merchantable title to the real property above described, subject to this contract and taxes and assessments not yet due or payable. The policy shall be delivered to the Buyers on its issuance, and shall be accepted by them as evidence of Sellers' title to the real property above described. If any defects in the title are disclosed by Buyers, the Buyers shall notify the Sellers within fifteen (15) days after receipt of the title commitment, specifying in writing each defect and Buyers' legal objection thereto, and Sellers shall in due faith and diligence proceed to cure such defects not herein specifically accepted or assumed by Buyers.

#### TAXES

All general and special taxes and assessments levied against the premises, whether paid or unpaid, shall be prorated between the Sellers and the Buyers on a time basis as of April 17, 1981.

If Buyers fail or neglect to pay any installment of taxes or any

assessment when due, Sellers shall have the right to make such payment and to add the amount thereof together with interest at ten percent (10%) per annum, to the obligation of Buyers hereunder. Such right shall be deemed to be an option and shall impose no obligation on Sellers, and Sellers may elect to treat such neglect or failure on the part of Buyers as a breach of this Agreement.

#### REPAIRS, LIENS, WASTE

Buyers agree to keep any improvements to be placed upon said premises in a good state of repair at all times. Buyers shall not permit any waste on the premises, or permit the same, without the consent of the Sellers in writing first had and obtained, which Sellers shall not unreasonably withhold. Buyers shall pay when due all claims for labor performed and materials furnished for any work on the premises, and shall not and will not suffer or permit any mechanic's, materialmen's or other lien to attach to, or be against, or upon said property.

#### ESCROW HOLDER

The escrow holder under this contract shall be Custer County Bank, Challis, Idaho 83226, herein sometimes referred to as "escrow holder". All payments required to be paid to Sellers by Buyers hereunder shall be remitted to the said escrow holder, to be disbursed by such escrow holder in accordance with the escrow instructions referred to elsewhere herein.

#### ESCROW INSTRUCTIONS

Sellers have this date executed a Warranty Deed conveying said property to Buyers, which deed shall be delivered to the escrow holder and held by said escrow holder pending full performance by Buyers of this contract. Upon payment of the purchase price and full performance of this contract, the escrow holder shall deliver said deed to the Buyers. The Buyers agree to execute and deliver to the escrow holder a Quitclaim Deed to the Sellers in the event the Buyers default in the performance of any of the provisions contained in this agreement, or fail to comply with the default provisions. The parties understand and agree that a separate written instrument shall be entered into concurrently with execution of this contract, containing more complete instructions to the escrow holder. Should Sellers rescind this agreement as herein provided, Buyers hereby authorize the escrow holder to return to

Sellers all papers and instruments deposited with the escrow holder by both parties under the provisions hereof.

REMEDIES IN EVENT OF DEFAULT BY BUYERS

Time and punctuality of payment are of the essence and a material part of this contract; and in the event Buyers shall default in the performance of the terms of this agreement, Sellers may cause notice in writing to be given to Buyers, specifying the matter in which such default occurred. The notice shall be served upon Buyers by depositing the same in any United States Post Office, addressed to Buyers at Buyers' address specified herein or such other address as Buyers shall request in writing to the escrow holder, Challis, Idaho, certified mail, postage prepaid, and such notice shall be deemed served upon its deposit in the post office as aforesaid. If Buyers shall fail to cure such default within thirty (30) days after the service of such notice as aforesaid, then Sellers may elect to:

A. Declare the entire unpaid balance on the contract including principal, interest, taxes, assessments, attorneys' fees, and any other sums owing Sellers to be immediately due and owing and,

B. Elect to either:

1. Bring suit to establish the balance owing hereunder as a debt due by Buyers to Sellers, and to foreclose this contract as a real estate mortgage securing said debt, in accordance with the laws of the State of Idaho relating to the foreclosure of real estate mortgages, including the right to a deficiency judgment; no notice to Buyers of election to pursue this remedy is required prior to suit, or

2. Declare this contract to be terminated due to said default. In that event, this contract shall be immediately terminated, and Buyers shall forfeit all rights to said premises, and all payments made hereon shall be immediately terminated, and Buyers shall forfeit all rights to said premises, and all payments made hereon shall be retained by Sellers as liquidated damages for the breach of this contract.

In that event Buyers agree to immediately surrender possession of the premises, and to any improvements made thereon shall attach to and become a part of the real property, and shall be retained as liquidated damages. If notice of election of this remedy is not given in the notice of default, then an additional certified mail notice of the election to terminate the contract shall be given, and Buyers agree to immediately vacate the premises upon receipt of the notice.

C. To pursue any other remedy in law or equity to enforce the performance of this contract, or to recover damages for breach thereof.

D. In the event it becomes necessary for either of the parties hereto to place this agreement in the hands of the attorney for enforcement of their rights hereunder, then the defaulting party agrees in such case to pay a reasonable attorneys' fee incurred by the prevailing party, and shall further pay the costs of preparation of any default notice, which sum shall be added to the balance due under the terms of this agreement, and payment of which shall be necessary to cure any default specified in such notice.

#### COSTS

The parties acknowledge that this contract, and accompanying escrow instructions, deeds, and other documents, were prepared by attorney for Sellers. Deborah N. Kristal is a licensed practicing attorney in the State of Idaho. Each party shall pay one-half ( $\frac{1}{2}$ ) of the fees of the escrow holder hereunder.

#### WATER RIGHTS

The water rights being conveyed as appurtenant to the property herein are documented in Water Right License No. 73-7017, a copy of which is attached hereto and incorporated by reference as Exhibit "B". Said water rights shall be .20 cfs of water, which constitutes one-half ( $\frac{1}{2}$ ) the amount of water authorized for use under said water right license. All water is diverted from the Pahsimeroi River to the property by the Ellis Canal.

Buyers understand that Water Right License No. 73-7017 was issued by the Idaho Department of Water Resources with the restriction that water could be diverted thereunder only when Sellers were not diverting a like amount of water from the Ellis Canal onto upstream real property being retained by Sellers. Accordingly, Buyers' right to water under Water Right License No. 73-7017 is subservient to prior use of a water right on upstream real property retained by Sellers.

FOREBEARANCE NOT A WAIVER

The failure of Sellers to promptly rescind this contract or bring an action hereon, or to give notice of default or exercise any other of Sellers' rights hereunder, in event of any default of Buyers or any failure by Buyers to strictly comply with the terms of this contract, shall not be construed as a waiver of Sellers' right to so rescind, bring an action, give notice of default, or otherwise exercise Sellers' rights hereunder, on account of any other or further default or failure on the part of Buyers.

INSPECTION OF PREMISES

So long as any portion of the purchase price hereunder remains unpaid, Sellers shall have the right to enter and inspect the premises at reasonable times and intervals for the purpose of determining Buyers' compliance with the terms hereof; PROVIDED, HOWEVER, that unless Buyers be in default hereunder, such inspection shall only be by prior appointment with Buyers at a mutually convenient time for the parties hereto.

NON-ASSIGNMENT

Buyers shall not assign this agreement, or any part or portion thereof, without the written consent of Sellers first had and obtained, provided, however, consent shall not be unreasonably withheld.

BINDING EFFECT

This agreement shall inure to the benefit of, and be binding upon, the heirs, personal representatives, executors, administrators, successors and assigns of all parties hereto.

IN WITNESS WHEREOF, the parties to this agreement have executed the same, effective the day and year first above written.

SELLERS:

BUYERS:

\_\_\_\_\_  
Donald A. Blatz

\_\_\_\_\_  
Alfred H. Kristal

\_\_\_\_\_  
Virginia M. Blatz

\_\_\_\_\_  
Deborah N. Kristal

STATE OF IDAHO       )  
County of Lemhi       )       SS

On this 26 day of April, 1981, before me, the undersigned, a Notary Public in and for said State, personally appeared DONALD A. BLATZ and VIRGINIA M. BLATZ, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

15/ Jordan Smith  
Notary Public for the State of Idaho  
Residing at Salmon  
Commission Expires: life

STATE OF IDAHO       )  
County of Lemhi       )       SS

On this 26 day of April, 1981, before me, the undersigned, a Notary Public in and for said State, personally appeared LAFRED H. KRISTAL and DEBORAH N. KRISTAL, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

\_\_\_\_\_  
Notary Public for the State of Idaho  
Residing at \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

A parcel of land located in NE1/4 NW 1/4, Section 7, T. 15 N., R. 21 E.,

BM, Custer County, Idaho, More particularly described as follows:

Commencing at the North Quarter Corner of said Section 7, a distance of

1350.96 feet on a bearing of S.  $89^{\circ}46'57''$  W., along the section line;

thence S.  $0^{\circ}12'30''$  E., 357.42 feet to the REAL POINT OF BEGINNING;

thence S.  $0^{\circ}12'35''$  E., 965.00 feet;

Thence N.  $89^{\circ}44'54''$  E., 858.61 feet;

Thence N.  $30^{\circ}36'09''$  W., 399.76 feet;

Thence N.  $51^{\circ}14'44''$  W., 245.72 feet;

Thence N.  $55^{\circ}59'10''$  W., 337.41 feet;

Thence N.  $34^{\circ}18'12''$  W., 332.39 feet to the REAL POINT OF BEGINNING.

Containing 10 acres more or less

TOGETHER WITH the water rights appurtenant thereto pursuant to Idaho Water

Right No. ~~73-0017~~ 73-7017

RESERVING to Grantors an undivided one-half (1/2) of all minerals, including

oil and gas, that may be on, in, under or produced from the property being conveyed.

MICROFILMED

DEC 14 1992

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

RECEIVED

JUL 26 1991

Ident. Number: A73-07017B

Date Received: 1/11/1990

Receipt No: 5016377/p

Received By: \_\_\_\_\_

Department of Water Resources  
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: PATRICIA D. GUNTHER 415-433-3887  
Address: 209 POST STREET  
SUITE 1104  
SAN FRANCISCO, CA 94108
- AND
- Name: GEORGE M. BOWLES 415-433-3887  
Address: 209 POST STREET  
SUITE 1104  
SAN FRANCISCO, CA 94108
- AND
- Name: DONALD M. GREGORY, JR. 415-433-3887  
Address: 209 POST STREET  
SUITE 1104  
SAN FRANCISCO, CA 94108

A7307017B

2. Date of Priority: AUG 18, 1972

3. Source: PAHSIMEROI RIVER Trib. to: SALMON RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 14N      | 21E   | 1       | SE     | SW     |     |     | CUSTER |

5. Description of diverting works:  
ELLIS DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 10/31 | 0.200  |      |        |

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

8. Total consumptive use is 30.0 Acre Feet Per Annum.

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9. Non-irrigation uses:  
NA

10. Place of Use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|----------|-------|---------|------------|-----|-----|-------|
| 15N      | 21E   | 7       | NE NW      |     | IRR | 10.0  |

Section Acres 10.0

Total Acres 10.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:  
DOMESTIC WELL

14. Remarks:  
ADJACENT ACRES(10)ARE FILED ON CLAIM A73-07017A

15. Basis of Claim: LICENSE

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):

Donald M. Gregory

Date: 7/22/91

Chic D. Platten

Date: 7/23/91

G.M. Bowen Trust

Date: 7/23/91

G.M. Bowen, Trustee

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STATE OF CALIFORNIA

COUNTY OF San Francisco



This document is only a general form which may be proper for use in simple transactions and in no way acts, or is intended to act, as a substitute for the advice on an attorney. The printer does not make any warranty, either express or implied as to the legal validity of any provision or the suitability of these forms in any specific transaction.

Cowdery's Form No. 32 — Acknowledgement to Notary Public — Individuals — (C.C. Sec. 1189) — (Rev. 1/83)

On this 23rd day of July, in the year 1991

ss. Geraldine Clark, before me,

George M. Bowles, a Notary Public, State of California,  
duly commissioned and sworn, personally appeared \_\_\_\_\_  
\_\_\_\_\_

personally known to me (or ~~known to me on the basis of XXXXX evidence~~) to be  
the person . . . whose name is

subscribed to this instrument, and acknowledged that . . . he . . . executed it.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal  
in the City & County of  
San Francisco on the date set forth above  
in this certificate.

Geraldine Clark  
GERALDINE CLARK Notary Public, State of California  
March 8, 1992  
My commission expires \_\_\_\_\_  
**MICROFILMED**  
**DEC 14 1992**

U.C.

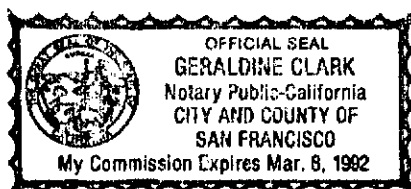
California  
State of ~~Idaho~~ )  
County of San Francisco ) SS.

Subscribed and sworn (or affirmed) before me this 23rd day  
by Patricia D. Gunther.  
of July 19 91

*Geraldine Clark*  
Notary Public

GERALDINE CLARK

Seal



Residing at San Francisco

My Commission Expires March 8, 1992

State of California )  
County of San Francisco ) SS.

Subscribed and sworn (or affirmed) before me this 22nd day of July 1991  
by Donald M. Gregory, Jr.  
Seal

*Laura Sutherland*  
Notary Public

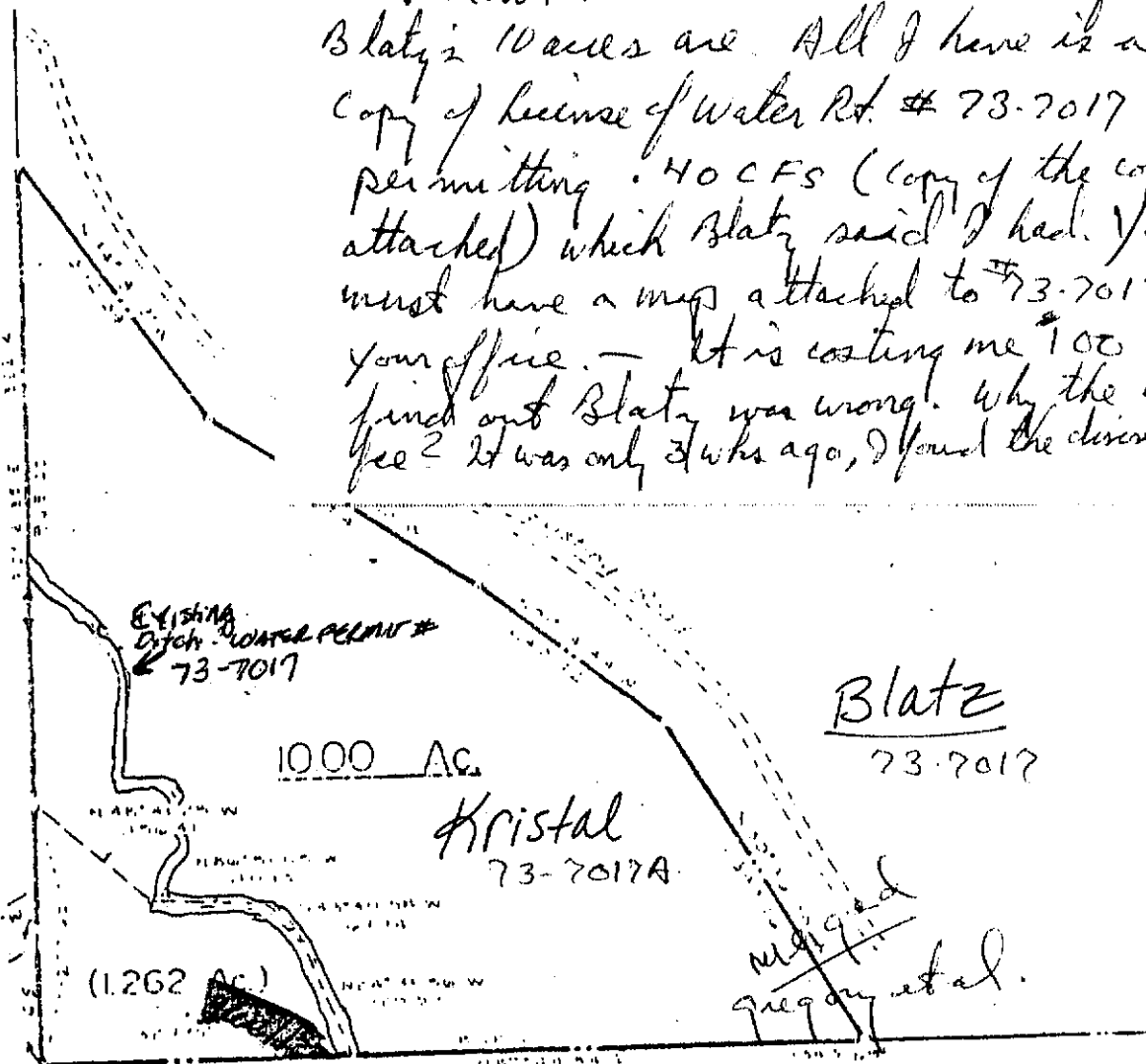
My Commission Expires 9/17/93



SCALE TOO SMALL TO SHOW ON SCHEMATIC

Please outline the Blatz 10 acres

I don't know what the outline of Blatz's 10 acres are. All I have is a copy of license of water Rt. # 73-7017 permitting 40 CFS (copy of the copy attached) which Blatz said I had. You must have a map attached to #73-7017 in your office. — It is costing me 100 to find out Blatz was wrong. Why the late fee? It was only 3 wks ago, I found the discrepancy.



(Blatz has other 1/2 of this water right # 73-7017)

Located in the NE "NW",

(Section 7, T15N, R. 21E, B.M.,

Custer County, Idaho

Gregory et al.  
Kristal

MICROFILMED

DEC 14 1992

Scale: XXXXXXXXXX

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Water Right Number - A73-07017B

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

\*\*\* C - CURRENT OWNER \*\*\*  
GUNTHER

PATRICIA D.

1 - 209 POST STREET  
2 - SUITE 1104  
3 -  
City- SAN FRANCISCO State- CA Zip- 94108  
Phone - 415-433-3887

BOWLES

GEORGE M.

1 - 209 POST STREET  
2 - SUITE 1104  
3 -  
City- SAN FRANCISCO State- CA Zip- 94108  
Phone - 415-433-3887

GREGORY, JR.

DONALD M.

1 - 209 POST STREET  
2 - SUITE 1104  
3 -  
City- SAN FRANCISCO State- CA Zip- 94108  
Phone - 415-433-3887

\*\*\* O - ORIGINAL OWNER \*\*\*  
BLATZ

DONALD A.

1 - P.O. BOX 23  
2 -  
3 -  
City- ELLIS State- ID Zip- 83235  
Phone - 208-000-0000

KRISTAL

ALFRED

1 - 3140 BOGUS BASIN ROAD  
2 -  
3 -  
City- BOISE State- ID Zip- 83702  
Phone - 208-384-0674

KRISTAL

DEBORAH

1 - 3140 BOGUS BASIN ROAD  
2 -  
3 -  
City- BOISE State- ID Zip- 83702  
Phone - 208-384-0674

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +  
08/18/1972 15 EASTERN L - LICENSE

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +  
PAHSIMEROI RIVER SALMON RIVER

+ - - - - Point of Diversion - - - - - +  
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

14N 21E 1 SE SW (37) CUSTER

+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/01 10/31 0.200

DO NOT FILM

|                       |              |                       |              |                         |         |
|-----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing   | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number       | - 39576 |
| Objection Filed Date  | - 00/00/0000 | Field Inspection Flag | -            | Old Case Number         | -       |
| Response Filed Date   | - 00/00/0000 | Verified Date         | - 00/00/0000 | Old Judicial District   | -       |
| Claim Received Date   | - 07/26/1991 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
| Proof Due Date        | - 00/00/0000 | Proof Made Date       | - 00/00/0000 | Water District          | - 73    |
| Licensed Date         | - 00/00/0000 | Receipt Number        | - E016377    | Federal/State Indicator | - S     |
| Claims Tape Error Flg | -            | POU Ownership Flag    | - Y          | Presumption Flag        | -       |
| Fee Exempt Flag       | -            | Name Connector        | - AND        |                         |         |

[REDACTED] Harold Jones (alias) Skip DATE: 7/30/91

COUNTY: \_\_\_\_\_

EMPLOYEE: Joe

Convert  $30^{00}$  App. fee to adj. Acct for above referenced claim.

No App. for permit on file for the  $30^{00}$  fee submitted under receipt E016315.

IO Ac. filed on my other claims covered by A73-04017

Receipt <sup>#</sup>E016315  $30^{00}$  now in new adj. Acct and reference to receipt E016377

" E016377  $70^{00}$  now show  $50^{00}$  late fee and reference E016315 for balance of late fee.

See also letter of 7/19/91 from Harold Jones.

MICROFILMED

DEC 14 1992

COPY

July 19, 1991

Donald Gregory, Jr.  
209 Post Street, Suite 1104  
San Francisco, CA 94108

Mr. Gregory:

Enclosed is the adjudication claim for the other half of license 73-07017. You already have A73-07017A in your name and all three of you listed on A73-07017B must sign and have your signature notarized. I am crediting your claim fee of \$50.00 plus \$50.00 late fee with the \$30.00 you sent in with your application. This leaves \$70.00 still needed to accompany claim A73-07017B.

Please send the completed paperwork and the \$70.00 fee to my attention as I have the original files.

Sincerely,

Harold W. Jones  
Water Resource Supervisor

HWJ:lk

Enclosure

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DEC 14 1992

|       |               |            |                        |           |                  |
|-------|---------------|------------|------------------------|-----------|------------------|
| SD-36 | Township: 15N | Range: 21E | Section: 7             | act: NENW | Lot:             |
| S     | L             | STATE      | O                      | S         | Max # Records 24 |
| E     | O             | Water      | W                      | T         | Priority Use     |
| L     | Tract T       | Right No.  | N                      | AC        | G Date Code Desc |
| ----- |               |            |                        |           |                  |
|       | NENW          | A73-07017B | BOWLES, GEORGE M.      | C         | 10 L 08/18/1972  |
|       |               |            | GREGORY, JR., DONALD M | C         |                  |

(Enter=Continue)

(GOLD7=This Query)

(MENU \_\_\_\_\_)

DO NOT FILM

State of Idaho  
Department of Water Resources

# DO NOT FILM

## WATER RIGHT LICENSE

License of Water Right No. 73-7017 Priority August 18, 1972 Amount 0.40 cfs

THIS IS TO CERTIFY, that DONALD A. BLATZ  
of Ellis, Idaho, has complied with the terms and conditions of Permit  
No. 73-7017 issued pursuant to Application for Permit dated August 18, 1972,  
and has submitted proof to the Department of Water Resources on December 10, 1973,  
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a  
capacity for the diversion of 0.92 cfs of water from Pahsimeroi River,  
tributary to Salmon River, and that the permit holder has applied to a beneficial use and  
established a right to use water as follows:

| Beneficial Use    | Period of Use                            | Rate of Diversion                          | Annual Volume |
|-------------------|------------------------------------------|--------------------------------------------|---------------|
| <u>Irrigation</u> | from <u>April 1</u> to <u>October 31</u> | at <u>0.40</u> cfs and <u>60</u> acre feet |               |
|                   | from _____ to _____                      | at _____ cfs and _____                     |               |
|                   | from _____ to _____                      | at _____ cfs and _____                     |               |

(both dates inclusive)

Subject, however, to the condition that no more than 0.40 cfs of water be diverted at any one time, and  
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose  
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed  
60 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 1, Twp. 14N,  
Rge. 21E, B.M. in the County of Custer

Description and location of place of use:

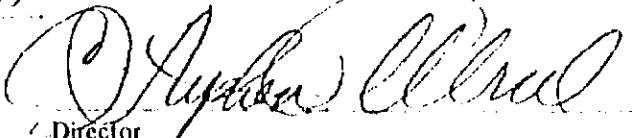
| Twp. | Range | Sec. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | Totals |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 15N  | 21E   | 7    |                  |                  |                  |                  | 20               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 20     |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres irrigated 20

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 21 day of  
August, 19 79

  
Director

| SD-36     | Township: 15N                               | Range: 21E                                                                                                                     | Section: 7                 | Tract: NENW | Lot:                |
|-----------|---------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|----------------------------|-------------|---------------------|
| S         | L                                           | STATE                                                                                                                          | O                          | S           | Max # Records 24    |
| E         | O                                           | Name                                                                                                                           | W                          | T           | Priority Use        |
| L Tract T | Water Right No.                             | Last, First                                                                                                                    | N                          | AC          | G Date Code Desc    |
| NENW      | A73-04017<br><i>130 Ac 180<sup>20</sup></i> | BOWLES, GEORGE M.<br>GREGORY, JR., DONALD M<br>BLATZ, DONALD A.<br>GUNTHER, PATRICIA D.                                        | C<br>C<br>O<br>C           | 30          | S 01/22/1896 01 IRR |
| NENW      | A73-07017A<br><i>10 Ac 59<sup>00</sup></i>  | BLATZ, DONALD A.<br>KRISTAL, ALFRED<br>KRISTAL, DEBORAH<br>GUNTHER, PATRICIA D.<br>BOWLES, GEORGE M.<br>GREGORY, JR., DONALD M | O<br>O<br>O<br>C<br>C<br>C | 10          | L 08/18/1972 01 IRR |
| NENW      | A73-07017                                   | BLATZ, DONALD A.<br>SPLIT RIGHT                                                                                                | O<br>C                     | 20          | 08/18/1972 01 IRR   |
| NENW      | A73-07017B<br><i>10 Ac 100<sup>00</sup></i> | BLATZ, DONALD A.<br>KRISTAL, ALFRED<br>KRISTAL, DEBORAH<br>GUNTHER, PATRICIA D.                                                | O<br>O<br>O<br>C           | 10          | L 08/18/1972 01 IRR |

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(GOLD7=This Query)

(MENU \_\_\_\_\_)

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VOID - Needs to be cleared

Dist. for staffing: 15-Jul-1991  
Submitted for advertising:

Form No. 202a  
4/87

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATIONS FOR PERMIT ANALYSIS SHEET**

**INITIAL REVIEW BY** \_\_\_\_\_ **DATE** \_\_\_\_\_ **APPLICATION NO.** \_\_\_\_\_  
**APPLICANT NAME:** GEORGE M. BOWLES, PATRICIA D. GUNTHER, & DONALD GREGORY JR.

**REQUIRED INFORMATION**

\_\_\_\_ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)  
\_\_\_\_ Address  
\_\_\_\_ Source (See USGS Quad for names of water sources)  
\_\_\_\_ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)  
\_\_\_\_ County  
\_\_\_\_ Quantity (flow and/or volume)  
\_\_\_\_ Period of Use  
\_\_\_\_ Nature of proposed use (Include description of use.)  
\_\_\_\_ Description of diverting works  
\_\_\_\_ Time required for beneficial use of water  
\_\_\_\_ Place of use or acres irrigated  
\_\_\_\_ Map  
\_\_\_\_ Signature (If applicant is corp. partnership, or municipality, title of signator is required)  
\_\_\_\_ Fee  
\_\_\_\_ Yes \_\_\_\_\_ No\* In form to receipt

**ADDITIONAL INFORMATION**

\_\_\_\_ Overlapping place of use (Describe source & relationship to present application on the back.)  
\_\_\_\_ Overlapping point of diversion  
\_\_\_\_ Yes \_\_\_\_\_ No Field check required  
\_\_\_\_ Field check by \_\_\_\_\_  
\_\_\_\_ Yes \_\_\_\_\_ No Field report attached  
\_\_\_\_ Yes \_\_\_\_\_ No Critical groundwater area  
\_\_\_\_ Yes \_\_\_\_\_ No Groundwater management area  
\_\_\_\_ Yes \_\_\_\_\_ No Send dam safety information  
\_\_\_\_ Yes \_\_\_\_\_ No Send power requirement letter  
\_\_\_\_ Yes \_\_\_\_\_ No Send fish farm requirement letter  
\_\_\_\_ Yes \_\_\_\_\_ No Power residency affidavit  
\_\_\_\_ Yes \_\_\_\_\_ No Power efficiency form  
\_\_\_\_ Yes \_\_\_\_\_ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)  
\_\_\_\_ Yes \_\_\_\_\_ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)  
\_\_\_\_ See reverse side for additional information

\*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT \_\_\_\_\_

\_\_\_\_ Date Requested \_\_\_\_\_

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|                              |                                       |                           |
|------------------------------|---------------------------------------|---------------------------|
| <b><u>SEND COPIES TO</u></b> | _____ Idaho Dept. of Health & Welfare | _____ U.S. BLM            |
|                              | _____ Idaho Dept. of Fish & Game      | _____ U.S. Forest Service |
|                              | _____ Idaho Dept. of Lands            | _____ Water District      |
|                              | _____ Adjudication Bureau Unit        | _____ Other               |

☐ Yes    ☐ No    Affidavit of publication received  
☐ Yes    ☐ No    Application published correctly. If not, record action taken.

|                 |                |                                                                  |
|-----------------|----------------|------------------------------------------------------------------|
| <u>    </u> Yes | <u>    </u> No | Publication dates & paper, recorded on application               |
| <u>    </u> Yes | <u>    </u> No | Protests received                                                |
|                 |                | Final date for protest _____                                     |
| <u>    </u> Yes | <u>    </u> No | Protests, dates, resolution of protest, recorded on application  |
| <u>    </u> Yes | <u>    </u> No | Recommendations, attached                                        |
| <u>    </u> Yes | <u>    </u> No | Measuring device required                                        |
| <u>    </u> Yes | <u>    </u> No | Access port required                                             |
| <u>    </u> Yes | <u>    </u> No | Will water be delivered by watermaster? If yes, what Dist. _____ |
| <u>    </u> Yes | <u>    </u> No | Special conditions of approval or cover letter below.            |

\_\_\_\_\_ See below for additional information

Date of priority recommended \_\_\_\_\_  
By \_\_\_\_\_ Date \_\_\_\_\_

By \_\_\_\_\_ See below for additional information  
Date \_\_\_\_\_

### ADDITIONAL INFORMATION

**MICROFILMED**  
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LOCAL PUBLIC INTEREST

Comments received from

|                    |                               |                           |
|--------------------|-------------------------------|---------------------------|
| _____ City         | _____ Idaho Fish & Game       | _____ Irrigation District |
| _____ County       | _____ Idaho Health & Welfare  | _____ Canal Company       |
| _____ Reservations | _____ Division of Environment | _____ Other _____         |

Project impacts/implications report

COMMENTS

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Form 202  
6/85

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

Ident. No. \_\_\_\_\_

To appropriate the public waters of the State of Idaho

George M. Bowles  
Patricia D. Gunther  
Donald M. Gregory, Jr.

1. Name of applicant \_\_\_\_\_ Phone (415) 433-3887

Post office address 209 Post Street, Suite 1104 San Francisco, Cal. 94108

2. Source of water supply Pahsimeroi River which is a tributary of Salmon River

3. Location of point of diversion is SE 1/4 of S.W. 1/4 of \_\_\_\_\_ Govt. Lot \_\_\_\_\_

Sec. 1 Township 14N Range 21E B.M. Custer County; additional

points of diversion if any: Diverted from Pahsimeroi River by Ellis Ditch

4. Water will be used for the following purposes:

Amount 20cfs for Irrigation purposes from April 1 to Oct. 31 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 20cfs and/or (b) 20  
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Ditches and Headgate

b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total  
reservoir capacity \_\_\_\_\_ acre-feet; period of year when water will be diverted to storage:  
\_\_\_\_\_ to \_\_\_\_\_ inclusive.

c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.

d. Is ground water with a temperature of greater than 90°F being sought? \_\_\_\_\_

7. Time required for the completion of the works and application of the water to the proposed beneficial use is

\_\_\_\_\_ years (minimum 1 year).

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8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. \_\_\_\_\_
- b. Stockwatering; list number and kind of livestock. \_\_\_\_\_
- c. Municipal; show name of municipality. \_\_\_\_\_
- d. Domestic; show number of households. \_\_\_\_\_
- e. Other; describe fully. \_\_\_\_\_

9. Description of place of use:

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

| TWP | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|-----|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|     |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 15N | 21E   | 7    |     |     |     |     | 9   |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated 9

10. Describe any other water rights used for the same purposes as described above. A domestic well on adjacent one acre parcel - This application adjoins 9 acres under Permit # A73-7017A

11. a. Who owns the property at the point of diversion? Applicants
- b. Who owns the land to be irrigated or place of use? Applicants
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. \_\_\_\_\_

12. Remarks: Former split in ownership between Don Blatz and Alfred Kristal under Permits #A73-07017 and #A73-07017A has been merged by sale and grant deed to the within applicants.

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

[illegible]

**Scale: 2 inches equal 1 mile.**

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

**MICROFILMED**

DEC 14 1992

on for permit to appropriate the public waters of

George M. Bowles and/or  
 Patricia D. Bowles and/or  
 Donald M. Bowles and/or

Applicant

Received by OW Date 7-10-91 Time 12:02p Preliminary check by \_\_\_\_\_  
Fee \$ 30<sup>00</sup> Received by AWJ # E016315 Date 7-10-91  
Publication prepared by \_\_\_\_\_ Date \_\_\_\_\_ Published in \_\_\_\_\_  
Publication approved \_\_\_\_\_ Date \_\_\_\_\_

### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. \_\_\_\_\_, and said application is hereby \_\_\_\_\_.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before \_\_\_\_\_, 19 \_\_\_\_.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

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