

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: A74-01621
Date Received: / /
Receipt No: X999999
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: RAY L KAGEL JR 208-523-0641
Address: 310 LINDEN DR
IDAHO FALLS ID 83401
AND/OR
Name: NANCY J KAGEL 208-523-0641
Address: 310 LINDEN DR
IDAHO FALLS ID 83401
AND/OR
Name: CHARLES E LIEBRECHT 208-523-0641
Address: 310 LINDEN DR
IDAHO FALLS ID 83401

2. Date of Priority: APR 1, 1914

3. Source: UNNAMED STREAM Trib. to: HAWLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	28E	31	NW	NW		2	LEMHI

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.050		
STOCKWATER	01/01	12/31	0.020		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER,

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	28E	31	NW	NW		IRR	1.0
			NW	NW	2	IRR	1.0
Section Acres							2.0
Total Acres							2.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

AC. IRR.=2.4.

H.E.S. 543.

*THIS CLAIM WAS AMENDED TO REFLECT THE ACTUAL SOURCE. ALTHOUGH THE LEMHI DECREE HAS HAWLEY CREEK AS THE SOURCE, THE DECREE MAPS SHOW THAT THE POINT OF DIVERSION IS FROM AN UNNAMED STREAM THAT IS FORMED BY SPRINGS IN SECTION 30.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree 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 x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): Ray L. Kays Jr. Date: 2/23/94
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 23 day
of February 19 94

[Signature]
Notary Public

Seal

Residing at Idaho Falls, Id.

My Commission Expires 22 Aug 1994

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
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COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: RAY L KAGEL JR 208-523-0641
Address: 310 LINDEN DR
IDAHO FALLS ID 83401
AND/OR
Name: NANCY J KAGEL JR 208-523-0641
Address: 310 LINDEN DR
IDAHO FALLS ID 83401
AND/OR
Name: CHARLES E LIEBRECHT 208-523-0641
Address: 310 LINDEN DR
IDAHO FALLS ID 83401

2. Date of Priority: APR 1, 1914

3. Source: HAWLEY CREEK Trib. to: EIGHTEENMILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	28E	31	NW	NW	NW	2	LEMHI

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.050		
STOCKWATER	01/01	12/31	0.020		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	28E	31	NW	NW		IRR	1.0
			NW	NW	2	IRR	1.0
Section Acres							2.0
Total Acres							2.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

AC. IRR.=2.4.

H.E.S. 543.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

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: 74-01621

DATE RECEIVED:

RECEIPT NO: X999999

RECEIVED BY: *H. DE Namochong*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY 21 1990

Department of Water Resources
Eastern District Office

1. NAME: SKELTON RANCH CO. INC.
ADDRESS: P.O. BOX 1138
IDAHO FALLS, ID

83401

2. DATE OF PRIORITY: APR 01, 1914

3. SOURCE: HAWLEY CREEK

TRIB. TO: EIGHTEENMILE CREEK

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
16N	28E	31	NW	NW	NW	2	LEMHI

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
IRRIGATION	03/15	11/15	0.050		
STOCKWATER	01/01	12/31	0.020		

7. TOTAL QUANTITY APPROPRIATED IS:
0.050 C.F.S. (AND/OR)

A.F.A.

8. TOTAL CONSUMPTIVE USE IS

ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
16N	28E	31	NW	NW		IRR	1.0
			NW	NW	2	IRR	1.0

SECTION ACRES 2.0

A7401621



10. PLACE OF USE: CONTINUED

TOTAL ACRES 2.0

11. PLACE OF USE IN COUNTIES: LEMHI, LEMHI

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

14. REMARKS:

AC. IRR.=2.4.

H.E.S. 543.

15. BASIS OF CLAIM: DECREED

CASE NUMBER:

COURT :

DECREED DATE:

DECREED PLAINTIFF

VS

DECREED DEFENDANT

John T. Pappas

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): John E. Shyne

DATE: 5/24/90

DATE: _____

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM _____ OF _____ TITLE

_____, THAT I HAVE SIGNED THE FOREGOING ORGANIZATION DOCUMENT IN THE SPACE BELOW AS _____ OF

_____, AND THAT THE STATEMENTS CONTAINED IN THE ORGANIZATION FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF AUTHORIZED AGENT

TITLE AND ORGANIZATION

DATE

STATE OF ~~ICAHN~~ Florida)
COUNTY OF Leon) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 21st DAY

OF May 19 90

Annette C. Kirkland
NOTARY PUBLIC

SEAL

RESIDING AT Tallahassee Notary Public, State of Florida

MY COMMISSION EXPIRES My Commission Expires Dec. 8, 1992
DATE: 02/08/90 3388

POOR ORIGINAL

③

25 30
36 31

P.D. from Unnamed Stream

GOV. LOT 2

GOV. LOT 1

GOV. LOT 1

74-1621

Howley

2.3

12.8

74-0022

5.4

H-10

74-0022

①

11.8

H.E.S. 543

①

GOV. LOT 3

GOV

GOV LOT 3

GOV. LOT 5

③

36 31

MICROFILMED
APR 19 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

03-Jan-1994

WHITWORTH & HIRSCHY
C/O SCOTT WHITWORTH
BOX 147
MAY ID 83253

RE: OWNERSHIP OF WATER RIGHT NO. A74-01621.

Dear Mr. Whitworth,

After reviewing the change of ownership that was submitted with a Deed listing you as the new owner, we have found that the land that Notice of Claim No. A74-01621 lists as the place of use is not contained in the Deed. We have subsequently received a change of ownership on Notice No. A74-01621 and have changed our records to reflect the owner.

If you disagree with this change you will need to furnish some type of proof that the water right was transferred in accordance with Idaho Code 42-222 to property that you own. Or, you may submit evidence showing you now own the property listed in A74-01621.

I have enclosed a copy of the Notice as it was in your name before the Department changed the names to reflect the new owner.

Please do not hesitate to contact this office if you have any questions regarding this matter.

Respectfully submitted,

Gregory J. Taylor
Sr. Water Agent, Adjudications

GT:gt
Enclosure: A74-01621(copy)

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

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Receipt No: X999999
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COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: SCOTT L WHITWORTH 208-876-4432
Address: C/O SCOTT L WHITWORTH
WHITWORTH & HIRSCHY
BOX 147
MAY ID 83253
- AND/OR
Name: DIXIE L WHITWORTH 208-876-4432
Address: C/O SCOTT L WHITWORTH
WHITWORTH & HIRSCHY
BOX 147
MAY ID 83253
- AND/OR
Name: FREDRICK C HIRSCHY
Address: MAY ID 83253
- AND/OR
Name: LYNN HARRINGTON HIRSCHY
Address: MAY ID 83253

2. Date of Priority: APR 1, 1914

3. Source: HAWLEY CREEK Trib. to: EIGHTEENMILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	28E	31	NW	NW	NW	2	LEMHI

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.050		

6. Water is used for the following purposes: Continued

Purpose	From	To	C.F.S (and/or)	A.F.A.
STOCKWATER	01/01	12/31	0.020	

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	28E	31	NW	NW	IRR	1.0
			NW	NW	2 IRR	1.0
					Section Acres	2.0
					Total Acres	2.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

AC. IRR.=2.4.
H.E.S. 543.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

03-Jan-1994

COPY

WHITWORTH & HIRSCHY
C/O SCOTT WHITWORTH
BOX 147
MAY ID 83253

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If you disagree with this change you will need to furnish some type of proof that the water right was transferred in accordance with Idaho Code 42-222 to property that you own. Or, you may submit evidence showing you now own the property listed in A74-01621.

I have enclosed a copy of the Notice as it was in your name before the Department changed the names to reflect the new owner.

Please do not hesitate to contact this office if you have any questions regarding this matter.

Respectfully submitted,

Gregory J. Taylor
Sr. Water Agent, Adjudications

GT:gt
Enclosure: A74-01621(copy)

MICROFILMED
APR 19 1994

DECEMBER 30, 1993

RAY AND NANCY KAGEL
CHARLES LIEBRECHT
310 LINDEN DR
IDAHO FALLS ID 83401

RE: CHANGE IN OWNERSHIP FOR A74-01621

Dear Claimants:

The request for Change in Ownership concerning your Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owners.

Enclosed is a typed Notice 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 this Notice for your records.

Respectfully submitted,

Jo Thompson
Secretary, Adjudications

Enclosure: Notice(s) of Claim

MICROFILMED

APR 13 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: _____

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

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

☐ Water Right Number(s)
Assigned by IDWR: A74-01621 *ck HY*

☐ Name and Address of Former Owner/Claimant(s)(Seller): John E. Phipps
Po Box 3048

☐ New Owner/Claimant (Purchaser): Tallahassee Fl. 32303
RAY L. KAGEL JR NANCY J. KAGEL

☐ New Mailing Address: CHARLES E. LIEBRECHT
310 LINDEN DR.
IDAHO FALLS, ID 83401

☐ New Telephone Number: (208) 523-0641

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

☐ Attach proof of ownership, describe proof attached: _____

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

☐ Signature of New Owner/Claimant(s) Nancy J. Kagel Date DEC. 29, 1993

☐ Signature of Former Owner/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:

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

MICROFILMED

APR 19 1994

WARRANTY DEED

Warranty Deed made this 31st day of August, 1993, between John E. Phipps, a married man, dealing with his sole and separate property, and Nancy P. Phipps, his wife, of the County of Lemhi, State of Idaho, herein referred to as "Grantors," an undivided one-third (1/3) interest to Ray L. Kagel, Jr., an undivided one-third (1/3) interest to Nancy J. Kagel, and an undivided one-third (1/3) interest to Charles Edward Liebrecht, whose common mailing address is 310 Linden Drive, Idaho Falls, Idaho 83401, herein referred to as "Grantees,"

W I T N E S S E T H :

That Grantors, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, have granted, bargained, and sold, and does, by these presents, grant, bargain, sell, convey, and confirm unto Grantees and to their heirs and assigns forever, all the following described real estate located in the County of Lemhi, State of Idaho:

LEMHI COUNTY, IDAHO

H. E. SURVEY NO. 543, IN SECTION THIRTY-SIX (36), TOWNSHIP SIXTEEN NORTH, RANGE TWENTY-SEVEN EAST, AND SECTION THIRTY-ONE (31), TOWNSHIP SIXTEEN NORTH, RANGE TWENTY-EIGHT EAST OF THE BOISE MERIDIAN, COUNTY OF LEMHI, STATE OF IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

Beginning at Corner No. 1, from which the south corner to Township Sixteen North, Range Twenty-seven and Twenty-eight East of the Boise Meridian, bears S. 27°17' E., 41.74 Chains distant; thence N. 42°20' W., 17.0 Chains to Corner No. 2; thence, N. 69°37' E., 66.54 Chains to Corner No. 3; thence S. 30°56' E., 20.31 Chains to Corner No. 4; thence S. 73°21' W., 64.01 Chains to Corner No. 1; the place of beginning

SUBJECT TO all conditions, restrictions, reservations, easements, rights, rights-of-way, road rights-of-way, zoning ordinances and governmental regulations of record but together with all tenements, ditch and water rights, hereditaments, and appurtenances thereunto belonging and appertaining, including but not limited to the following:

Said above described real property is further subject to the following liens and/or encumbrances, namely:

Five-twelfths (5/12's) of all taxes and assessments assessed against the above described real property for the year 1993, and all taxes

and assessments assessed against said real property for the year 1994 and thereafter.

Access by way of Forest Service road no. 177 and subject to the terms and conditions of the access across said lands.

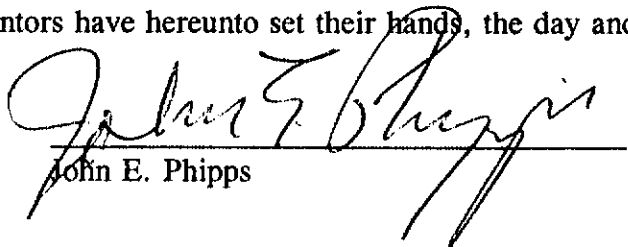
The usual printed exceptions appearing in a standard title insurance policy issued by First American Title Insurance Company.

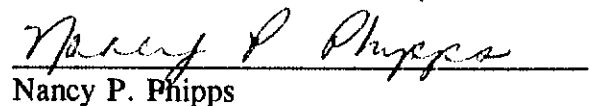
BUT OTHERWISE TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, specifically including the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all estate, right, title, and interest in and to the property, as well in law as in equity.

TO HAVE AND TO HOLD, all and singular the above-described premises together with the appurtenances unto Grantees and to their heirs and assigns forever.

And Grantors and their heirs shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of Grantees, their heirs, and assigns against Grantors and their heirs and against all and every person and persons whomsoever lawfully claiming the same.

IN WITNESS WHEREOF, Grantors have hereunto set their hands, the day and year first above written.


John E. Phipps

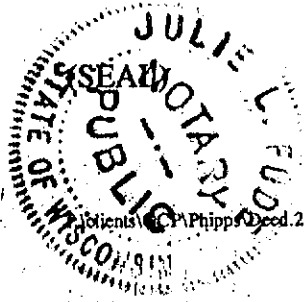

Nancy P. Phipps

"Grantors"

STATE OF WISCONSIN)
) ss.
County of Wausau)

On this 31st day of August, 1993, before me the undersigned, a Notary Public in and for the State of Wisconsin, personally appeared JOHN E. PHIPPS, a married man, dealing with his sole and separate property, and NANCY P. PHIPPS, his wife, known to me to be the persons whose names are subscribed to the foregoing 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.



Julie L. Fuchs
Notary Public for Wisconsin
Residing at: 310 W. Main Wautoma, WI
My Commission Expires: 9-1-96

State of Idaho)
County of Lemhi)

219705

as No. _____

This instrument was filed for record at
the request of Lynne Little
at 9:40 o'clock A M 9-2 1992
and duly filmed and indexed in the
records of Lemhi County

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: 3956
Ident. No. 74-01621

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

Please type or print clearly:

Name of claimant(s) JOHN E. PHIPPS

Mailing Address
(including zip code)

P.O. Box 3048

Tallahassee, FL 32303

Phone Number (904) 893- 1226

MICROFILMED
DEC 14 1992