

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: **A74-01664**  
Date Received: 5/ 8/1990  
Receipt No: X999999  
Received By: \_\_\_\_\_

**COPY FOR  
YOUR FILES**

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

**COPY FOR  
YOUR FILES**

1. Name: KELLY J THOMAS 208-768-2732  
Address: HC 68 BOX 19  
LEADORE ID 83464  
AND  
Name: LENICE THOMAS 208-768-2732  
Address: HC 68 BOX 19  
LEADORE ID 83464

2. Date of Priority: SEP 22, 1888

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 16N      | 25E   | 3       | SW     | NW     |     |     | 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 | 1.420 |      |        |

7. Total Quantity Appropriated is:  
1.420 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      | 25E   | 4       | NE     | NE  | 1   | IRR | 14.0  |

NOV 15 1990

10. Place of Use: Continued

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 16N           | 25E   | 4       | NW     | NE  | 2   | IRR | 12.0  |
| Section Acres |       |         |        |     |     |     | 26.0  |
| 17N           | 25E   | 33      | SE     | SW  |     | IRR | 5.0   |
|               |       |         | SW     | SE  |     | IRR | 16.0  |
|               |       |         | SE     | SE  |     | IRR | 1.0   |
| Section Acres |       |         |        |     |     |     | 22.0  |
| Total Acres   |       |         |        |     |     |     | 48.0  |

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.=47.2.

DIV. L-58.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

RECORDED  
NOV 15 1996

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

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A74-01664  
Date Received: 5/08/1990  
Receipt No: X999999  
Received By: RME

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: ROBERT L. THOMAS 208-756-3654  
Address: RT. 1 BOX 112  
SALMON, ID 83467  
AND/OR  
Name: REBA THOMAS 208-756-3654  
Address: RT. 1 BOX 112  
SALMON, ID 83467  
AND/OR  
Name: KELLY THOMAS 208-756-3654  
Address: RT. 1 BOX 112  
SALMON, ID 83467  
AND/OR  
Name: LENICE THOMAS 208-756-3654  
Address: RT. 1 BOX 112  
SALMON, ID 83467

2. Date of Priority: SEP 22, 1888

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 16N      | 25E   | 3       | SW     | NW     |        |     | LEMHI  |

5. Description of diverting works:

6. Water is used for the following purposes:

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

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

A.F.A.

A74-01664

Page 1

Date: 05/08/90

MICROFILMED

DEC 14 1992

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      | 25E   | 4       | NE     | NE  | 1   | IRR           | 14.0  |
|          |       |         | NW     | NE  | 2   | IRR           | 12.0  |
|          |       |         |        |     |     | Section Acres | 26.0  |
| 17N      | 25E   | 33      | SE     | SW  |     | IRR           | 5.0   |
|          |       |         | SW     | SE  |     | IRR           | 16.0  |
|          |       |         | SE     | SE  |     | IRR           | 1.0   |
|          |       |         |        |     |     | Section Acres | 22.0  |
|          |       |         |        |     |     | Total Acres   | 48.0  |

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.=47.2.  
DIV. L-58.

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 \_\_\_\_\_ 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: A74-01664  
Date Received:  
Receipt No: \_\_\_\_\_  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: JESSIE B. MAHAFFEY  
Address: P.O. BOX 36  
LEMHI, ID 83465

Name: TAYLOR MAHAFFEY  
Address: P.O. BOX 36  
LEMHI, ID 83465

2. Date of Priority: SEP 22, 1888

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 16N      | 25E   | 3       | SW     | NW     |     |     | 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 | 1.420  |      |        |

7. Total Quantity Appropriated is:  
1.420 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      | 25E   | 4       | NE            |    | NE  | 1   | IRR | 14.0  |
|          |       |         | NW            |    | NE  | 2   | IRR | 12.0  |
|          |       |         | Section Acres |    |     |     |     | 26.0  |
| 17N      | 25E   | 33      | SE            |    | SW  |     | IRR | 5.0   |
|          |       |         | SW            |    | SE  |     | IRR | 16.0  |
|          |       |         | SE            |    | SE  |     | IRR | 1.0   |
|          |       |         | Section Acres |    |     |     |     | 22.0  |
|          |       |         | Total Acres   |    |     |     |     | 48.0  |

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.=47.2.  
DIV. L-58.

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: \_\_\_\_\_

For Individuals:

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

Signature of Claimant(s): Robert L. Thomas Date: 5-8-90

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

State of Idaho )  
County of Latah ) SS.

Subscribed and sworn (or affirmed) before me this 8 day

of May 19 90

John Dale Carter  
Notary Public

Seal

Residing at Main St

My Commission Expires 5/2/94



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

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

JUNE 10, 1996

KELLY J THOMAS  
HC 68 BOX 19  
LEADORE ID 83464

RE: CHANGE IN OWNERSHIP FOR A74-01660, -01661, -01662  
-01663, -01664, -01665, -02025A, -02263, -02266,  
-10166

Dear Mr. Thomas:

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

Enclosed are copies of the Notice(s) of Claim, with your name shown as the current owner. 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  
Adjudication Secretary

Enclosure: Notice of Claim

RECEIVED  
NOV 15 1996



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

74-  
**RECEIVED**

MAY 22 1996

DATE OF CLOSING: 4/18/96

LEGAL DESCRIPTION OF PROPERTY: Township 21 N. Range 22 E.  
Section 1/4 of 1/4 of 1/4 Govt. Lot BM.  
Lot Block Subdivision/Townsite

Department of Water Resources  
Eastern District Office

If you have additional legal descriptions, please attach separate sheet. SEE EXHIBIT "A" annexed hereto

- ☐ 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) A74-01660, A74-01661, A74-01662, A74-01663  
Assigned by IDWR: A74-01664, A74-01665, A74-02025A, A74-02263  
A74-02266, A74-10166
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Robert L. Thomas and Reba J. Thomas, husband & wife  
Route 1, Box 112  
Salmon, ID 83467
- ☐ New Owner/Claimant (Purchaser): Kelly J. Thomas and Lenice Thomas, husband and wife
- ☐ New Mailing Address: HC 68, Box 19,  
Leadore, ID 83464
- ☐ New Telephone Number: (208) 768 - 2732
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no  
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: See Warranty Deed annexed hereto.

(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) Kelly J. Thomas Date \_\_\_\_\_  
Lenice Thomas Date \_\_\_\_\_
- ☐ Signature of Former Owner/Claimant(s): Robert L. Thomas Date \_\_\_\_\_  
Reba Thomas 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:

RECORDED  
NOV 15 1996

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

## WARRANTY DEED

For Value Received, ROBERT L. THOMAS and REBA J. THOMAS, husband and wife, the Grantors, do hereby Grant, Bargain, Sell and Convey unto KELLY J. THOMAS and S. LENICE THOMAS, husband and wife, the Grantees, whose current address is HC 68, Box 19, Leadore, Idaho 83464, Grantors' 54 percent undivided interest in the real property more particularly described on Exhibit "A" annexed hereto and by this reference made a part hereof.

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 except the following:

1. All easements and rights-of-way appearing on the premises or of record;

2. Accruing real property taxes and water assessments for the year 1996 and all subsequent years;

3. All reservations, restrictions, zoning ordinances, and other governmental regulations affecting the described property;

4. The lien of that certain Farm Credit Bank Mortgage in favor of Farm Credit Bank of Spokane, a corporation whose address is West 601 First Avenue, TAF-C5 - Spokane, Washington 99220-4005, which said Farm Credit Bank Mortgage was recorded April 6, 1990 as Instrument No. 206167, records of Lemhi County, Idaho, all obligations of which by acceptance and recording of this deed shall be assumed, paid, and performed by the Grantees, jointly and severally, and Grantees shall jointly and severally indemnify and hold the Grantors harmless from any and all claims, demands, liabilities, actions, suits, or proceedings, together with costs and attorneys fees incurred in defending against the same, arising or which may arise from the said real estate mortgage.

5. Any liens or encumbrances of any nature whatsoever affecting the described premises and arising from any act or omission of the Grantees.

and that they will warrant and defend the same from all other lawful claims whatsoever.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals this 18th day of April, 1996.

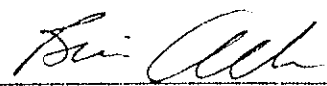
  
Robert L. Thomas

  
Reba J. Thomas

STATE OF IDAHO )  
                  : ss.  
County of Lemhi )

On this 18th day of April, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT L. THOMAS and REBA J. THOMAS, 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 seal the day and year in this certificate first above written.

  
Notary Public for Idaho  
Residing at Salmon, Idaho  
Commission Expires: 2-18-97

State of Idaho )  
County of Lemhi )

SS No. **229719**

This instrument was filed for record at the request of Bill Allen Escrow

at 10:02 o'clock A m 4-24 19 96

and duly filed and indexed in the records of Lemhi

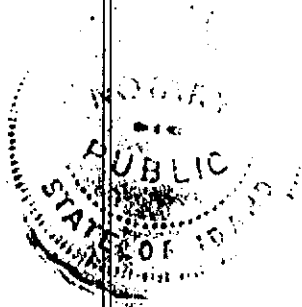
County

Alberta Wiedert  
Ex-Officio Recorder

By Terri J. Morton Deputy

Fee 9.00

Return to



All that certain real property situated in the County of Lemhi, State of Idaho, more particularly described as follows:

Lot Four (4) of Section Three (3); Lots One (1), Two (2), and Three (3); the Southeast Quarter of the Northwest Quarter ( $SE\frac{1}{4}NW\frac{1}{4}$ ), the South Half of the Northeast Quarter ( $S\frac{1}{2}NE\frac{1}{4}$ ), and the Southeast Quarter ( $SE\frac{1}{4}$ ), the Northeast Quarter of the Southwest Quarter ( $NE\frac{1}{4}SW\frac{1}{4}$ ), the South Half of the Southwest Quarter ( $S\frac{1}{2}SW\frac{1}{4}$ ), the Southwest Quarter of the Northwest Quarter ( $SW\frac{1}{4}NW\frac{1}{4}$ ), of Section Four (4); the West Half of the Northwest Quarter ( $W\frac{1}{2}NW\frac{1}{4}$ ), the Northeast Quarter of the Northwest Quarter ( $NE\frac{1}{4}NW\frac{1}{4}$ ) of Section Nine (9); Lot One (1) and the Southeast Quarter of the Northeast Quarter ( $SE\frac{1}{4}NE\frac{1}{4}$ ) of Section Five (5); all in Township 16 North, Range 25 East of the Boise Meridian.

The Southeast Quarter of the Southwest Quarter ( $SE\frac{1}{4}SW\frac{1}{4}$ ), the Southeast Quarter ( $SE\frac{1}{4}$ ), of Section Thirty-three (33); Lot Four (4) of Section Thirty Four (34); All that part of the Southwest Quarter of the Northeast Quarter ( $SW\frac{1}{4}NE\frac{1}{4}$ ), of Section Thirty-three (33); Township Seventeen (17) North, Range Twenty-Five (25) East of Boise Meridian, situate in the County of Lemhi, State of Idaho, and described as follows, to-wit:

Beginning at the Southeast Corner (SE) of the Southwest Quarter of the Northeast Quarter ( $SW\frac{1}{4}NE\frac{1}{4}$ ); thence running West Eighty (80) rods to the Southwest Corner of the Southwest Quarter of the Northeast Quarter ( $SW\frac{1}{4}NE\frac{1}{4}$ ); thence running North Forty (40) rods; thence running Southeasterly to the point of beginning at the Southeast Corner of the Southwest Quarter of the Northeast Quarter ( $SW\frac{1}{4}NE\frac{1}{4}$ ), of Section Thirty-three (33); Township Seventeen (17) North, Range 25 East of the Boise Meridian.

EXCEPTING AND RESERVING THEREFROM ALL that parcel of land heretofore deeded for Railroad, Telephone and Highway purposes.

An irregular parcel of land in Lot 2, Lot 1,  $SW\frac{1}{4}NE\frac{1}{4}$  and  $SE\frac{1}{4}NE\frac{1}{4}$  of Section 4, Township 16 North, Range 25 East, Boise Meridian, described as follows, to-wit:

Beginning at a point approximately 995.0 feet South 1302.0 feet West from the Northeast Corner of Section 4, Township 16 North, Range 25 East, Boise Meridian, Which point is also South  $35^{\circ} 49' 30''$  West - 50.0 feet distant from Station 1982+85.2 in the center line of State Highway No. 28 -project No. S-6873 (1) Highway Survey; thence South  $54^{\circ} 10' 30''$  East, parallel with and 50.0 feet distant Southwesterly from said Highway Survey center line, for a distance of 1064.8 feet to a point opposite Station 1993+50 of said Highway Survey line; thence South  $35^{\circ} 49' 30''$  West, 240.0 feet; thence North  $64^{\circ} 10' 30''$  West-243.3 feet; thence South  $85^{\circ} 49' 30''$  West - 340.3 feet; thence North  $74^{\circ} 49' 30''$  West - 185.0 feet; thence North  $29^{\circ} 10' 30''$  West - 500.0 feet; thence North  $45^{\circ} 49' 30''$  East 358.8 feet to the point of beginning.

EXHIBIT 'A'

RECORDED  
NOV 15 1930

FUREY & FUREY

CHARTERED

ATTORNEYS AT LAW

116 N CENTER STREET

SALMON, IDAHO 83467

SHERMAN F FUREY, III

SHERMAN F. FUREY, JR  
OF COUNSEL

TELEPHONE  
(208) 756-2577

FAX  
(208) 756-4545

May 20, 1996

Idaho Department of Water Resources  
Eastern Region Office  
900 N. Skyline  
Idaho Falls, Idaho 83402

Re: Snake River Basin Adjudication

Gentlemen:

You are notified that Robert L. Thomas and Reba J. Thomas, husband and wife, conveyed to Kelly J. Thomas and Lenice Thomas, husband and wife, the real estate described in the enclosed copy of Warranty Deed between said parties and, as a result, Kelly J. Thomas and Lenice Thomas, husband and wife are now the owners of this real estate.

All notices and other communications regarding the water rights on those lands should now be addressed as follows:

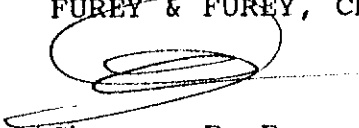
Kelly and Lenice Thomas  
HC 68, Box 19  
Leadore, ID 83464

If you need any further information from us to satisfy your requirements, I would appreciate it if you would let me know as soon as possible.

Thank you.

Sincerely yours,

FUREY & FUREY, Chartered

  
Sherman F. Furey III

SFIII:ps  
Enclosures

cc: Kelly and Lenice Thomas  
Bob and Reba Thomas  
Bill Allen

RECEIVED

MAY 22 1996  
Department of Water Resources  
Eastern District Office

RECORDED

NOV 15 1996