

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: A74-02321  
Date Received: / /  
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: | MARK FISHLER                            | 217-586-4168 |
| Address: | 303 HICKORY TREE CT<br>MOHOMET IL 61853 |              |
| AND/OR   |                                         |              |
| Name:    | SHAUNA E FISHLER                        | 217-586-4168 |
| Address: | 303 HICKORY TREE CT<br>MOHOMET IL 61853 |              |
| AND/OR   |                                         |              |
| Name:    | STEVEN NEELEY                           | 217-586-4168 |
| Address: | 303 HICKORY TREE CT<br>MOHOMET IL 61853 |              |
| AND/OR   |                                         |              |
| Name:    | VICTORIA NEELEY                         | 217-586-4168 |
| Address: | 303 HICKORY TREE CT<br>MOHOMET IL 61853 |              |

2. Date of Priority: MAR 10, 1958

3. Source: SANDY CREEK Trib. to: LEMHI RIVER

4. Point of Diversion:

|          |       |         |        |        |     |     |        |
|----------|-------|---------|--------|--------|-----|-----|--------|
| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
| 20N      | 24E   | 9       |        | SW     | SW  |     | LEMHI  |
|          |       | 17      |        | NW     | NE  |     | 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 | 0.500 |      |        |

7. Total Quantity Appropriated is:  
0.500 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 |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 20N      | 24E   | 8       | SE     | SE  |     | IRR           | 2.0   |
|          |       |         |        |     |     | Section Acres | 2.0   |
|          |       | 17      | NE     | NE  |     | IRR           | 7.0   |
|          |       |         | NW     | NE  |     | IRR           | 14.0  |
|          |       |         |        |     |     | Section Acres | 21.0  |
|          |       |         |        |     |     | Total Acres   | 23.0  |

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.=23.2.

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: 74-02321  
DATE RECEIVED: 23/3/1990  
RECEIPT NO: X99999  
RECEIVED BY: LMD

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. NAME: BOYD ANDREWS  
ADDRESS: RT. 1  
SALMON, ID 83467  
OF BA

NAME: LORNA ANDREWS  
ADDRESS: RT. 1  
SALMON, ID 83467

2. DATE OF PRIORITY: MAR 10, 1958

3. SOURCE: SANDY CREEK TRIS. TO: LEMHI RIVER

4. POINT OF DIVERSION:

| TOWNSHIP | RANGE | SECTION | 1/4 OF | 1/4 OF | 1/4 | LOT | COUNTY |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 20N      | 24E   | 9       | SW     | SW     |     |     | LEMHI  |
|          |       | 17      | NW     | NE     |     |     | LEMHI  |

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

| PURPOSE    | FROM  | TO    | C.F.S. | (COR) | A.F.A. |
|------------|-------|-------|--------|-------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.500  |       |        |

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

A.F.A.

8. TOTAL CONSUMPTIVE USE IS ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

74-02321

PAGE 1

DATE: 02/08/90

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A7402321

10. PLACE OF USE:

|          |       |         |        |     |         |       |       |
|----------|-------|---------|--------|-----|---------|-------|-------|
| TOWNSHIP | RANGE | SECTION | 1/4 OF | 1/4 | LOT     | USE   | ACRES |
| 20N      | 24E   | 9       | SE     | SE  |         | IRR   | 2.0   |
|          |       |         |        |     | SECTION | ACRES | 2.0   |
|          |       | 17      | NE     | NE  |         | IRR   | 7.0   |
|          |       |         | NW     | NE  |         | IRR   | 14.0  |
|          |       |         |        |     | SECTION | ACRES | 21.0  |
|          |       |         |        |     | TOTAL   | ACRES | 23.0  |

11. PLACE OF USE IN COUNTIES: LEMHI, LEMBI

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

13. OTHER WATER RIGHTS USED:

14. REMARKS:  
AC. IRR.=23.2.

15. BASIS OF CLAIM: DECREE  
CASE NUMBER:  
COURT :  
DECREE DATE:

DECREE PLAINTIFF

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DEGREE DEFENDANT

(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.

DEC 14 1992



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

APRIL 1, 1994

JORDON P SMITH  
807 MAIN ST  
SALMON ID 83467

RE: CHANGE IN OWNERSHIP FOR A74-01797(SPLIT RIGHT)  
CHANGE IN OWNERSHIP ALSO FOR A74-00854, -02321, &  
-01798

Dear Mr. Smith:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) (A74-01797) has been split as follows:

A74-01797A, Fishler and Neeley, 1.48 cfs; 74 acres  
A74-01797B, James Gray, 0.52 cfs; 26 acres (copies enclosed).

Also enclosed are copies of A74-00854, -02321, and -01798 for your clients, Mark and Shauna Fishler and Steven and Victoria Neeley, showing them as the current owners of these water rights.

Review the Notices and if there are other corrections or questions, feel free to contact this office (525-7161). If there are no questions, please keep these Notices for your client's records.

Respectfully submitted,

*Jo Thompson*

Gregory J. Taylor  
Sr. Water Agent, Adjudications

GT:jt

Enclosure: Notice(s) of Claim

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# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 3-18-94

POOR ORIGINAL

LEGAL DESCRIPTION OF PROPERTY: Township 20 Range 24E.  
Section 8, 17 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: 74-2321; 74-0854; 74-1797; 74-1798

☐ Name and Address of Former Owner/Claimant(s)(Seller): Boyd Andrews and Lorna Andrews  
Rt. 1, Box 36

☐ New Owner/Claimant (Purchaser): Salmon, ID 83467  
Mark Fishler and Shauna E. Fishler  
Steven Neeley and Victoria Neeley

☐ New Mailing Address: 303 Hickory Tree Court  
Mohammet, IL 61853

☐ New Telephone Number: (217) 586-4168

☐ 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: Warranty deed dated March 18, 1994

(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) Mark Fishler Date 12 March 1994  
Steven Neeley Date 12 March 1994

☐ Signature of Former Owner/Claimant(s) Boyd E. Andrews Date 12 March 1994  
Lorna C. Andrews Date Mar. 18, 1994

(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

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# WARRANTY DEED

POOR ORIGINAL

For Value Received

BOYD E. ANDREWS, aka BOYD ANDREWS, and LORNA C. ANDREWS, aka LORNA ANDREWS,  
husband and wife

the grantors, do hereby grant, bargain, sell and convey unto

MARK FISHLER and SHAUNA E. FISHLER, husband and wife, and  
STEVEN NEELEY and VICTORIA NEELEY, husband and wife

whose current address is

303 Hickory Tree Court, Mohomet, IL 61853

the grantees, the following described premises, in.....LEMHI.....County Idaho, to wit:

See attached Exhibit "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee<sup>s</sup>,  
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 incumbrances

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

Dated: March 18, 1994.

Boyd E. Andrews  
Boyd E. Andrews

Lorna C. Andrews  
Lorna C. Andrews

STATE OF IDAHO, COUNTY OF LEMHI  
On this 18<sup>th</sup> day of March, 19 94,  
before me, a notary public in and for said State, personally  
appeared

BOYD E. ANDREWS and LORNA C. ANDREWS

known to me to be the person<sup>s</sup> whose name<sup>s</sup> are  
subscribed to the within instrument, and acknowledged to  
me that they executed the same.

Laurie MacSantee  
Notary Public  
Residing at Salmon, Idaho  
Comm. Expires 6-19-1995

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POOR ORIGINAL

The E1/2SW1/4, and the SW1/4SE1/4, and the SW1/4SW1/4 in Section 4; and the E1/2E1/2, and the SW1/4SE1/4 in Section 8; and the NW1/4NE1/4 in Section 9; and the N1/2NE1/4 in Section 17, all in Township 20 N., Range 24 E., Boise Meridian, Lemhi County, Idaho.

ALSO:

A part of the NW1/4SE1/4 of Section 8, Township 20 N., Range 24 E., Boise Meidian, Lemhi County, Idaho, and more particularly described as follows, to-wit:

Beginning at the southwest corner (a stone marked XVI-L.S.) of said NW1/4SE1/4 of Section 8, run North, 330 feet; Thence East, 1320 feet, more or less to the east line of said NW1/4SE1/4 of Section 8; Thence South along the east line of said NW1/4SE1/4 of Section 8, 330 feet, more or less, to the southeast corner of said NW1/4SE1/4 of Section 8; Thence West along the south line of said NW1/4SE1/4 of Section 8, 1320 feet, more or less, to the POINT OF BEGINNING.

EXCEPTING THEREFROM:

A parcel of land located in NE1/4SE1/4, Section 8, Township 20 N., Range 24 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at the east quarter corner of said Section 8, a distance of 239.06 feet on a bearing of S. 0°00'21" W. along the section line to the REAL POINT OF BEGINNING.

Thence S. 0°00'21" W., 208.71 feet;

Thence N. 89°59'39" W., 208.71 feet;

Thence N. 0°00'21" E., 208.71 feet;

Thence S. 89°59'39" E., 208.71 feet to the REAL POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM:

A parcel of land located in NE1/4SE1/4, Section 8, Township 20 N., Range 24 E., Boise Meridian, Lemhi County, Idaho, ore particularly described as follows:

Commencing at the east quarter corner of said Section 8, a distance of 447.77 feet on a bearing of S. 0°00'21" W. along the section line to the REAL POINT OF BEGINNING.

Thence S. 0°00'21" W., 208.71 feet;

POOR ORIGINAL

Thence N. 89°59'39" W., 208.71 feet;  
Thence N. 0°00'21" E., 208.71 feet;  
Thence S. 89°59'39" E., 208.71 feet to the  
REAL POINT OF BEGINNING.

SUBJECT TO AN EASEMENT 50 FEET WIDE ALONG THE  
WEST BOUNDARY OF SAID PARCEL.

ALSO EXCEPTING THEREFROM:

A parcel of land located in NE1/4SE1/4, Section 8, Township 20 N., Range 24 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at the east quarter corner of said Section 8, a distance of 656.48 feet on a bearing of S. 0°00'21" W. along the section line to the REAL POINT OF BEGINNING.

Thence S. 0°00'21" W., 208.71 feet;  
Thence N. 89°59'39" W., 208.71 feet;  
Thence N. 0°00'21" E., 208.71 feet;  
Thence S. 89°59'39" E., 208.71 feet to the  
REAL POINT OF BEGINNING.

SUBJECT TO AN EASEMENT 50 FEET WIDE ALONG THE  
WEST BOUNDARY OF SAID PARCEL.

ALSO EXCEPTING THEREFROM:

A parcel of land located in NE1/4SE1/4, Section 8, Township 20 N., Range 24 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at the east quarter corner of said Section 8, a distance of 865.19 feet on a bearing of S. 0°00'21" W. along the section line to the REAL POINT OF BEGINNING.

Thence S. 0°21" W., 171.34 feet to a point on the north right-of-way of a county road;

Thence the following courses and distances along said county road:

A distance of 8.92 feet along a curve concave to the southeast having a radial of S. 15°22'26" E., 113.61 feet and a central angle of 4°30'00";

S. 70°07'35" W., 212.90 feet;

Thence N. 0°00'21" E., 246.44 feet;

Thence S. 89°59'39" E., 208.71 feet to the  
REAL POINT OF BEGINNING.

SUBJECT TO AN EASEMENT 50 feet wide along the  
west boundary of said parcel . . .

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