

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: A75-10193
Date Received: 4/20/1990
Receipt No: E013946
Received By:

MAY - 1 1990

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOSEPH KAISER 208-756-4729
Address: RT 1 BOX 233
SALMON, ID 83467

OR

Name: GAYLA KAISER 208-756-4729
Address: RT 1 BOX 233
SALMON, ID 83467

2. Date of Priority: OCT 01, 1969

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
20N	21E	11	NE	NE			LEMHI

5. Description of diverting works:
WELL/PUMP 47' DEEP TO HOME

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ ONE HOME

A75-10193

Page 1

Date: 04/20/90

MICROFILMED
DEC 15 1992

A7510193

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
20N	21E	11	NE NE		DOMEST	

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:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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: 0

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): Joseph W. Kaiser Date: 4/20/90
Gayla M. Kaiser Date: _____

State of Idaho)
County of Leuca) SS.

Subscribed and sworn (or affirmed) before me this 20 day
of April 19 90 Dawn Carl
Notary Public

Seal

Residing at Heise, Id
My Commission Expires 2/26/96

DELOG JH 12-21-98
SUH 12-23-98
RECEIVED
DEC 17 1998
Department of Water Resources
Eastern Region
OK SUH 12-30-98

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): _____
Adjudication Claim No(s): 75-10193
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant JOSEPH +/OR GAYLA Kaiser
Rt 1 Box 233 Salmon ID 83467
4. New Owner/Claimant(s) Dalene Swenson
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address Rt 1 Box 233
City, State and ZIP Code Salmon ID 83467
New Telephone Number (208) 756-6222
5. Date you acquired the property 9-20-1990
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Dalene A. Swenson
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

WARRANTY DEED

For Value Received

JOSEPH W. KAISER AND GAYLA M. KAISER, husband and wife

the grantor s, do hereby grant, bargain, sell and convey unto

LAURENCE D. SWENSON AND DALENE A. SWENSON, husband and wife

whose current address is

BOX 127
NUEVO, CA 92367

the grantee s, 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 s,
their heirs and assigns forever. And the said Grantor s do hereby covenant to and
with the said Grantee s, that t hey are the owner s in fee simple of said premises; that they are free
from all incumbrances

and that t he y will warrant and defend the same from all lawful claims whatsoever.

Dated: SEPT. 20, 1990

Joseph W. Kaiser
JOSEPH W. KAISER

Gayla M. Kaiser
GAYLA M. KAISER

STATE OF IDAHO, COUNTY OF LEMHI
On this 20th day of SEPT., 1990,
before me, a notary public in and for said State, personally
appeared

JOSEPH W. KAISER AND GAYLA M.
KAISER, 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.

Laurie M. Santee
LAURIE M. SANTEE Notary Public
Residing at SALMON, Idaho
Comm. Expires 6-19-1995

State of Idaho) ss No. 208216
County of Lemhi)

This instrument was filed for record at
the request of *American Land Title*
at 3:17 o'clock p.m. 9-26-1990
and duly filmed and indexed in the
records of Lemhi County

Alberta Wiederick
Ex-Officio Recorder
By *Anna L. Moshier* Deputy
Fees: 4.00 pd

EXHIBIT "A"

A PARCEL OF LAND LOCATED IN U.S. GOVERNMENT LOT 1, SECTION 11, T. 20 N., R. 21 E., B.M., LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 11, A DISTANCE OF 485.41 FEET ON A BEARING OF S. $89^{\circ} 58' 04''$ E. ALONG THE SECTION LINE TO THE REAL POINT OF BEGINNING.

THENCE N. $89^{\circ} 58' 04''$ W., 124.87 FEET;
THENCE S. $0^{\circ} 00' 21''$ E., 1455.06 FEET TO A POINT ON THE SOUTH BOUNDARY OF SAID LOT 1;
THENCE S. $89^{\circ} 58' 38''$ W., 124.87 FEET;
THENCE N. $0^{\circ} 00' 21''$ W., 1454.94 FEET TO THE REAL POINT OF BEGINNING.

INCLUDING AND SUBJECT TO: AN EASEMENT FOR A DRIVEWAY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE ABOVE DESCRIBED PARCEL, A DISTANCE OF 1027.08 FEET ON A BEARING OF S. $0^{\circ} 00' 21''$ E. TO A POINT ON THE SOUTH RIGHT-OF-WAY OF THE WILLIAMS CREEK ROAD AND BRING THE REAL POINT OF BEGINNING.

THENCE S. $68^{\circ} 55' 14''$ E., 10.72 FEET;
THENCE S. $0^{\circ} 00' 21''$ E., 239.14 FEET;
THENCE S. $89^{\circ} 59' 39''$ W., 20.00 FEET;
THENCE N. $0^{\circ} 00' 21''$ W., 246.86 FEET TO A POINT ON SAID RIGHT-OF-WAY;
THENCE S. $68^{\circ} 55' 14''$ E., 10.72 FEET TO THE REAL POINT OF BEGINNING.

JORDAN P. SMITH
CHARTERED
ATTORNEY AT LAW
807 MAIN STREET
SALMON, IDAHO 83467
208-756-2257
TELEFAX (208) 756-4626

September 3, 1998

National Investors
4220 Von Karman Ave., Suite 110
Newport Beach, CA 92660

Attention: Vivian

Re: Estate of Laurence D. Swenson

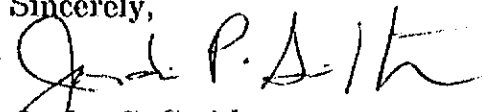
Dear Vivian:

Please be advised that I represent Mrs. Dalene A. Swenson, personal representative of the Estate of Laurence D. Swenson, deceased. Mr. and Mrs. Swenson owned a limited partnership interest in your development commonly known as Trudy-Pat Palmdale, evidenced by Certificate No. 8693. As personal representative, Mrs. Swenson desires to transfer the estate's interest in that limited partnership to herself, individually, pursuant to the terms of the will of Mr. Swenson. In accordance with your direction, we are enclosing the following documents:

1. Certified copy of death certificate.
2. Statement of Informal Probate of Will and Informal appointment of Personal Representative.
3. Copy of Letters Testamentary.
4. Personal Representative's Assignment.

I trust that the enclosed documents provide the authorization to you to convey the estate's interest in the limited partnership to Mrs. Swenson, and I would appreciate your sending confirmation of the transfer to this office. If you have any questions, please call me.

Sincerely,


Jordan P. Smith

JPS:scz

Enclosures

cc: Dalene A. Swenson

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

In Re SRBA	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE PROCEEDINGS
Case No. 39576	)	
	)	
_____	)	SUB CASE NO. 75-10193

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

FROM: Claimant/Seller(s):
Name and Address of Claimant/Seller(s):

JOSEPH & GAYLA KAISER
RT 1 BOX 233
SALMON ID 83467

Phone:

TO: Claimant/Purchaser(s):
Name and Address of Claimant/Purchaser(s):

DALENE SWENSON
RT 1 BOX 233
SALMON ID 83467

Phone: (208) 756-6222

The Claimant has filed Objections or Responses to the following water rights:

NO OBJECTIONS

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

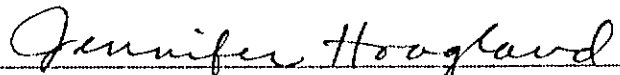
DATED: Dec 31, 1998

Ernest Carlson
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 12-31, 1998, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
JOSEPH & GAYLA KAISER
RT 1 BOX 233
SALMON ID 83467
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
DALENE SWENSON
RT 1 BOX 233
SALMON ID 83467
4. One Copy to:
Each party in the subcase or attorney of record:
N/A
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: DEC-31-1998
PAGE: A-3

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 75-10193

NAME & ADDRESS: DALENE SWENSON
RT 1 BOX 233
SALMON ID 83467

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 10/01/1969

POINT OF DIVERSION: T20N R21E S11 NENE Within LEMHI County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within LEMHI County
T20N R21E S11 NENE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
MH 0000000442 A



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

DALENE SWENSON
RT 1 BOX 233
SALMON ID 83467

RE: Notice of Change of Water Right Ownership (NCO) for 75-10193
and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Walker:

On December 17, 1998, the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Hoagland
Technical Records Specialist

Enclosure

cc: Joseph & Gayla Kaiser

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: SEP-23-1997
PAGE: A-121

RIGHT NUMBER: 75-10193

NAME & ADDRESS: JOSEPH KAISER
GAYLA KAISER
RT 1 BOX 233
SALMON ID 83467

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 10/01/1969

POINT OF DIVERSION: T20N R21E S11 NENE Within LEMHI County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOUSE	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within LEMHI County
T20N R21E S11 NENE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
MH 0000000442 A

Use
1008
SH
OCT 16 1997

JUL-08-1997
0002

1

RIGHT NUMBER: 75-10193

NAME AND ADDRESS: JOSEPH KAISER
GAYLA KAISER
RT 1 BOX 233
SALMON ID 83467

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 10/01/1969

POINT OF DIVERSION: T20N R21E S11 NENE Within LEMHI County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOUSE	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within LEMHI County
T20N R21E S11 NENE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
MH 0000000442 A

SEP-21-1998
0067

1

RIGHT NUMBER: 75-10193

NAME AND ADDRESS: JOSEPH KAISER
GAYLA KAISER
RT 1 BOX 233
SALMON ID 83467

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 10/01/1969

POINT OF DIVERSION: T20N R21E S11 NENE Within LEMHI County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE:	DOMESTIC	Within LEMHI County
	T20N R21E S11	NENE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
MH 0000000442 A

✓ RBA - OK
10/6/98

WATER RIGHT NUMBER - A75-10193

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (O) NUMBER -

+ - - - - LAST NAME - - - - + + - FIRST NAME - - - + + - - - - - ADDRESS - - - - -

*** C - CURRENT OWNER ***
KAISER

JOSEPH

1 - RT 1 BOX 233

2 -
3 -

CITY- SALMON

STATE- ID ZIP- 83467

PHONE - 208-756-4729

KAISER

GAYLA

1 - RT 1 BOX 233

2 -
3 -

CITY- SALMON

STATE- ID ZIP- 83467

PHONE - 208-756-4729

+ - - PRIORITY DATE - - + + - - - REGION - - - + + - - - STAGE - - - + + - - - STATUS - - - +
10/01/1969 15 EASTERN J - BENEFICIAL USE

+ - - - - SOURCE - - - - - + - - - - - TRIBUTARY - - - - -
GROUNDWATER

+ - - - - POINT OF DIVERSION - - - - - +
TWN RNG SEC TRACT LOT RFLG COUNTY STREAM INDEX (BLANK IF NO INDEX CODE)

20N 21E 11 NE NE (59) LEMHI

+ - - - - WATER USE - - - - - +
CODE DESCRIPTION PERIOD FROM PERIOD TO DIVERSION RATE DIVERSION VOLUME

43 - DOMESTIC 01/01 12/31 0.040

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +
0.040 0.0

+ - - - - PLACE OF USE - - - - - +
TWN RNG SEC TRACT LOT ACRES CODE DESCRIPTION COUNTY

20N 21E 11 NE NE 43 DOMESTIC (59) LEMHI

+ - - DIVERSION MEANS - WELL/PUMP 47' DEEP TO HOME

+ - - NON-IRRIGATION USE - D/ ONE HOME

+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - REMARKS - - - - - +
NO REMARKS FOUND.

+ - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.

+ - - - - CONDITIONS OF APPROVAL - - - - - +
NO CONDITIONS OF APPROVAL FOUND.

WATER RIGHT NUMBER - A75-10193

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - DECREE PLAINTIFF - - - +

+ - - - - DECREE DEFENDANT - - - +

+ - DECREE DATE - +
00/00/0000

+ - - AUDIT FIELDS - 05/01/90 MOBILE2

+ - - - - COMMENTS - - - - -
NO COMMENTS FOUND

+ - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - -

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	- 05/01/1990	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	- P
PROOF OUR DATE	- 00/00/0000	PROOF MADE DATE	- 00/00/0000	WATER DISTRICT	-
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- 5013346	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	POU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	- OR	NOTICE OF ERROR FLAG	-

MH000000042A

DATA ENTRY

ENTERED

CHECKED

Verified By
Topo Map/Ortho-PO
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
EIV/R Records

VERIFIED

AUG 23 1992

CERTIFIED
MAR 29 1993
WATER EXAMINER