

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: **A22-02048D**
Date Received: 11/ 2/1988
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: TERRELL J BOLES
Address: 1060 SALEM WALK DRIVE
GREENSBORO GA 30642

706-453-9062

AND

Name: JEAN BOLES
Address: 1060 SALEM WALK DRIVE
GREENSBORO GA 30642

706-453-9062

2. Date of Priority: MAR 18, 1910

3. Source: MAHOGANY CREEK

Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	44E	1	SW	SE			TETON

5. Description of diverting works:

HEADGATE TO DITCHES TO SPRINKLERS AT P/U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.370		

7. Total Quantity Appropriated is:

0.370 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 of	Lot	Use	Acres
04N	45E	6	SE	SW		IRR	18.5



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	18.5
					Total Acres	18.5

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

ORIGINAL LICENSE INDICATES P/U IN SEC6 T4N R44E. THIS APPEARS TO BE IN ERROR. ACTUAL P/U IS AS LISTED. P/D CHANGED FROM SESW SEC 12 T4N R44E TO PRESENT LOCATION ~1975.

'A' PORTION OF RIGHT SPLIT BY CHANGE OF OWNERSHIP FILED BY;

A22-02048C, 1.36 CFS, ON 68.0 AC, J. CUSHMAN III, 13DEC96.

A22-02048D, 0.37 CFS, ON 18.5 AC, T. BOLES, 10FEB97

'A' PORTION AS SPLIT TO C AND D IS CLAIMED IN-FULL. ABR.

A22-02048A, 1.73 CFS, ON 86.5 AC., J. CUSHMAN III

OVERALL A22-02048 CLAIMED IN-FULL AS PARTS B,C AND D. 14FEB97, ABR
SEE RECEIPT NO. E003735. SEE SPLIT ANALYSIS FLOW CHART IN FILE.

*** PLACE OF USE IS E1/2SE1/4SW1/4 SEC. 6, T4N, R45E.

15. Basis of Claim: LICENSE

Water Right Number: 5834



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

FEBRUARY 17, 1997

TERRELL J BOLES
1060 SALEM WALK DR
GREENSBORO GA 30642

RE: CHANGE IN OWNERSHIP FOR A22-02048.

Dear Mr. Boles:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with new Notice(s) being generated to reflect you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

A22-02048^D BOLES, 0.370 CFS, 18.5 ACRES
A22-02048^B EDWARDS, 0.370 CFS, 18.5 ACRES

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if there are other corrections or questions, feel free to contact this office.

Respectfully submitted,

Jo Thompson
Jo Thompson
Adjudications Secretary

Enclosure:

CC: HARVEY EDWARDS/COPY CLAIM/LETTER

FEBRUARY 25, 1997

DEAR MR. BOLES:

I APOLOGIZE FOR MY ERROR, BUT WHEN I ASSIGNED THE WATER RIGHT NUMBER TO YOUR NAME, I GAVE IT A "C". IT SHOULD HAVE BEEN A "D". PLEASE CHANGE YOUR "COPY" TO A "D". ALL OTHER INFORMATION SPECIFIED IS CORRECT AS SHOWN.

THANKS, JO THOMPSON

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

RECEIVED

DATE OF CLOSING 12-26-96

[] Water Right Number(s) / SRBA Claim No(s): A2202048 (SEE SPLIT ANALYSIS-ATTACHED)

[] Name and Address of Former Owner/Claimant(s) (Seller) Eric E. & Sandra A. Thompson
1101 Hidden Beach Rd.
Lake Almanor, CA 96137

[] New Owner/Claimant (Purchaser): Terrell J. & Jean Boles

[] New Mailing Address: 1060 Salem Walk Dr.
Greensboro, GA 30642

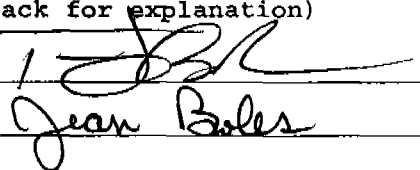
[] New Telephone Number: (706) 453 - 9062

☒ Attach proof of ownership; Proof must include legal description. (i.e. Warranty Deed). Describe proof attached Warranty Deed.

☒ Please submit a map or aerial photo showing the property purchased if one is available.

[] Does the change in ownership result in a splitting of the water right owned/claimed? X yes no

* If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right(s) held by the seller. (See back for explanation)

[] Signature of New Owner/Claimant(s):  Date 1/15/97
Jean Boles Date 1/15/97

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

Signature _____

Address _____

Eastern Region
900 N Skyline Dr
Suite A
Idaho Falls ID 83402
(208) 525-7161

Southern Region
222 Shoshone St E
Twin Falls ID 83301
(208) 736-3033

Western Region
2735 Airport Wy
Boise ID 83705
(208) 334-2190

Northern Region
1910 Northwest Blvd Ste 210
Coeur d Alene ID 83814
(208) 769-1450

State Office
1301 N Orchard St
Boise ID 83706
(208) 327-7900

Original to be mailed to IDWR Regional Office in your area.

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-1409 and 42-248, Idaho Code. These statutes provide that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights.

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer. There may also be a late fee if IDWR is not notified of a change in ownership within 120 days of the date of closing.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the number(s) are unknown, then you may wish to call or visit an IDWR office for assistance in identifying the water rights. If claims for the water rights have not been filed, you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for BOTH the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number.

Enclose a map or aerial photo that shows the property purchased. The map or photo should show at least one section corner and have the scale noted.

If the rights are to be split in any way other than proportionately, we recommend that you contact the IDWR office nearest you so they can assist you in insuring that the split will not conflict with Section 42-222 of the Idaho Code. I.C. 42-222 states in brief: "Any person, entitled to the use of water whether represented by license, issued by the department of water resources, by claims to water right(s) by reason of diversion and application to a beneficial use as filed under the provisions of this chapter, or by decree of the court, who shall desire to change the point of diversion, place of use, period of use or nature of use of all or part of the water, under the right shall first make application to the department of water resources for approval of such change."

~~The new owner must sign the form in the space provided.~~

If you want the notices required by law that are associated with the claim(s) to be mailed to your attorney instead of you, have your attorney complete the Notice of Appearance section.

RECEIVED

126032

DEC 26 1996

Warranty Deed

ALLIANCE TITLE & ESCROW CORP., INC.
P.O. BOX 644 / 78 N. MAIN STREET
DRIGGS, IDAHO 83422

TETON CO., ID
CLERK RECORDER

For Value Received

ERIC E. THOMPSON AND SANDRA A. THOMPSON, HUSBAND AND WIFE

COPY

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

TERRELL J. BOLES AND JEAN BOLES, HUSBAND AND WIFE

whose current address is 1060 SALEM WALK DRIVE, GREENSBORO, GEORGIA 30642

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

The E1/2SE1/4SW1/4 Section 6, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, being further described as follows:

From the SW corner of said Section 6, thence North 89 degrees 54'30" E, 2012.08 feet along the Southern section line to the true point of beginning; thence North 00 degrees 27'13" W, 1323.32 feet to a point on the North line of the SE1/4SW1/4 of said Section 6; thence North 89 degrees 50'49" E, 668.12 feet along the North line of the SE1/4SW1/4 to the NE corner of the SE1/4SW1/4 of said Section 6; thence South 00 degrees 33'54" E, 1324.05 feet along the East line of the SE1/4SW1/4 to the S1/4 corner of said Section 6; thence South 89 degrees 54'30" W, 670.70 feet along the Southern section line to the point of beginning.

Subject to a 30 foot county road and utility easement along the Southern section line.

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR COVENANT.

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 he is the owner in fee simple of said premises; that they are free from all incumbrances except; Subject to all existing patent reservations, easements, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: DECEMBER 13, 1996

Eric E. Thompson
ERIC E. THOMPSON

Sandra A. Thompson
SANDRA A. THOMPSON



STATE OF IDAHO, COUNTY OF

On this day of , 19 , before me, a notary public in and for said State, personally appeared

Eric E. Thompson and
Sandra A. Thompson

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

See Attached

Notary Public
, Idaho

Residing at
Comm. Expires

126032

FILED

AT THE REQUEST OF

ALLIANCE TITLE AND ESCROW

AT 05 MINUTES PAST 12 PM

DATE Dec. 26, 1996

*Asa J. Drake*BY *Nora Highby* CLERK OF RECORD

DEPUTY

125877
WARRANTY DEED

RECEIVED

DEC 12 1996

TETON CO., ID
CLERK RECORDER

COPY

1. Date

February 22, 1994

2. Parties

Grantor: Louis B. Cushman, a married man of 2800 Post Oak Boulevard, Suite 5300, Houston, Texas 77056-6111, dealing with his sole and separate property, joined by his wife Christina S. Cushman to convey any community property interest she may have in the property, and John C. Cushman, III and Jeanine S. Cushman, husband and wife of 601 South Figueroa Street, Suite 4700, Los Angeles, California 90017-5752.

Grantee: Eric E. Thompson and Sandra A. Thompson, husband and wife

Current Address: 1101 Hidden ^{Beach} Valley Road, Lake Almanor, California 96137

3. Property

Transferred interest: All

Idaho county: Teton

Description:

Section 6, Township 4 North, Range 45 East of the Boise Meridian: SE $\frac{1}{4}$ SW $\frac{1}{4}$ (approximately 40 acres).

Together With:

1. All water rights appurtenant to the property;
2. All appurtenant mineral rights, if any;
3. All reversions and remainders;
4. All rents, issues and profits; and
5. All tenements, hereditaments, appurtenances, improvements and fixtures, and the right to prorate use (based on acreage) of the pump, panel, screen box, and portable mainlines with the adjoining land owner to the east, subject to paying the prorate share (based on acreage) of all maintenance and electricity costs to include the responsibility for and obligation to pay costs pursuant to the attached Agreement for Electrical Services dated April 16, 1991.

Subject To:

1. Taxes for 1994 and subsequent years.
2. If zoning ordinances permit, grantees may build not more than one (1) single family residence and associated out buildings reasonably necessary to the use of the premises may be constructed on the property. A like restriction is in force on the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, Township 4 North, Range 45 East of the Boise Meridian. Grantee may build one.

such residence on each parcel and a third on this parcel or the other, buy may not build more than three on the two parcels. This provision is a covenant running with the land to be permanently enforced.

3. All conditions, covenants, restrictions and ordinances effecting the property.

4. Consideration

Ten Dollars (\$10.00) and other good and valuable consideration, receipt and sufficiency of which is acknowledged.

5. Grant

For the consideration stated, grantor grants, bargains, sells, and conveys to grantee and to grantee's heirs and assigns forever the transferred interest in the property described in this deed.

6. Warranties

Grantor, for himself, his heirs, successors and assigns, covenants with grantee, his heirs, successors, and assigns as follows:

Grantor is currently the owner of the property as described in this deed.

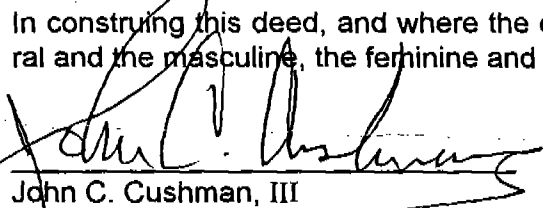
Grantor has good right to convey the property described in this deed to grantee.

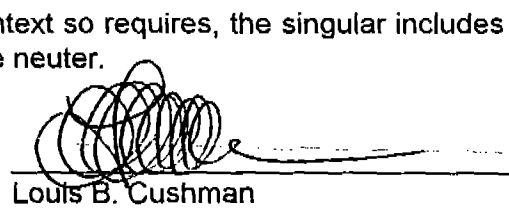
The property described in this deed is free from all encumbrances, except as otherwise shown in this deed.

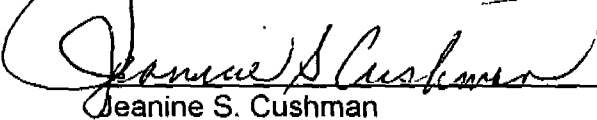
Grantor and his heirs and successors will forever warrant and defend the quiet and peaceful possession of the property granted by this deed to grantee, his heirs, successors and assigns against the lawful claims of all persons.

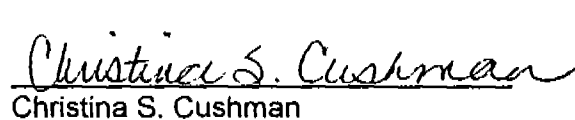
7. Construction

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.


John C. Cushman, III


Louis B. Cushman


Jeanine S. Cushman


Christina S. Cushman

125877

STATE OF CA)
) ss.
 County of Los Angeles)

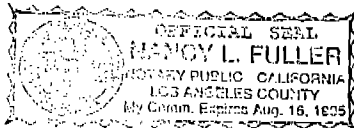
On February 14, 1994, before me, NANCY L. FULLER, a(n) CALIF
 notary public, personally appeared John C. Cushman, III and Jeanine S. Cushman,
 known or identified to me to be the persons whose names are subscribed to the within
 instrument, and acknowledged to me that they executed the same.

In witness, I have set my hand and affixed my official seal the day and year in this certi-
 cate first above written.

Nancy L. Fuller
 Notary Public for STATE OF CALIF

Residing at: 3611 FIRST AVE, LA CRESSENTA, CA 91214
 My Commission expires: 8/16/95

(SEAL)



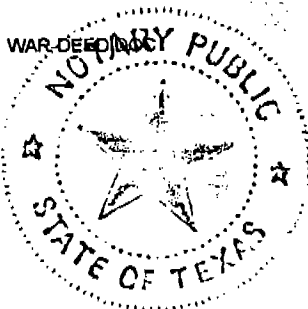
STATE OF TEXAS)
) ss.
 County of HARRIS)

On February 22, 1994, before me, LINDA ANNE RAY, a(n) TEXAS
 notary public, personally appeared Louis B. Cushman and Christina S. Cushman, known
 or identified to me to be the persons whose names are subscribed to the within instru-
 ment, and acknowledged to me that they executed the same.

In witness, I have set my hand and affixed my official seal the day and year in this certi-
 cate first above written.

Linda Anne Ray
 Notary Public for TEXAS
 Residing at: 2800 FRET OAK BLVD., SUITE 5300, HOUSTON TX 77056
 My Commission expires: 11/3/97

(SEAL)



125877

FILED

AT THE REQUEST OF

ALLIANCE TITLE AND ESCROW

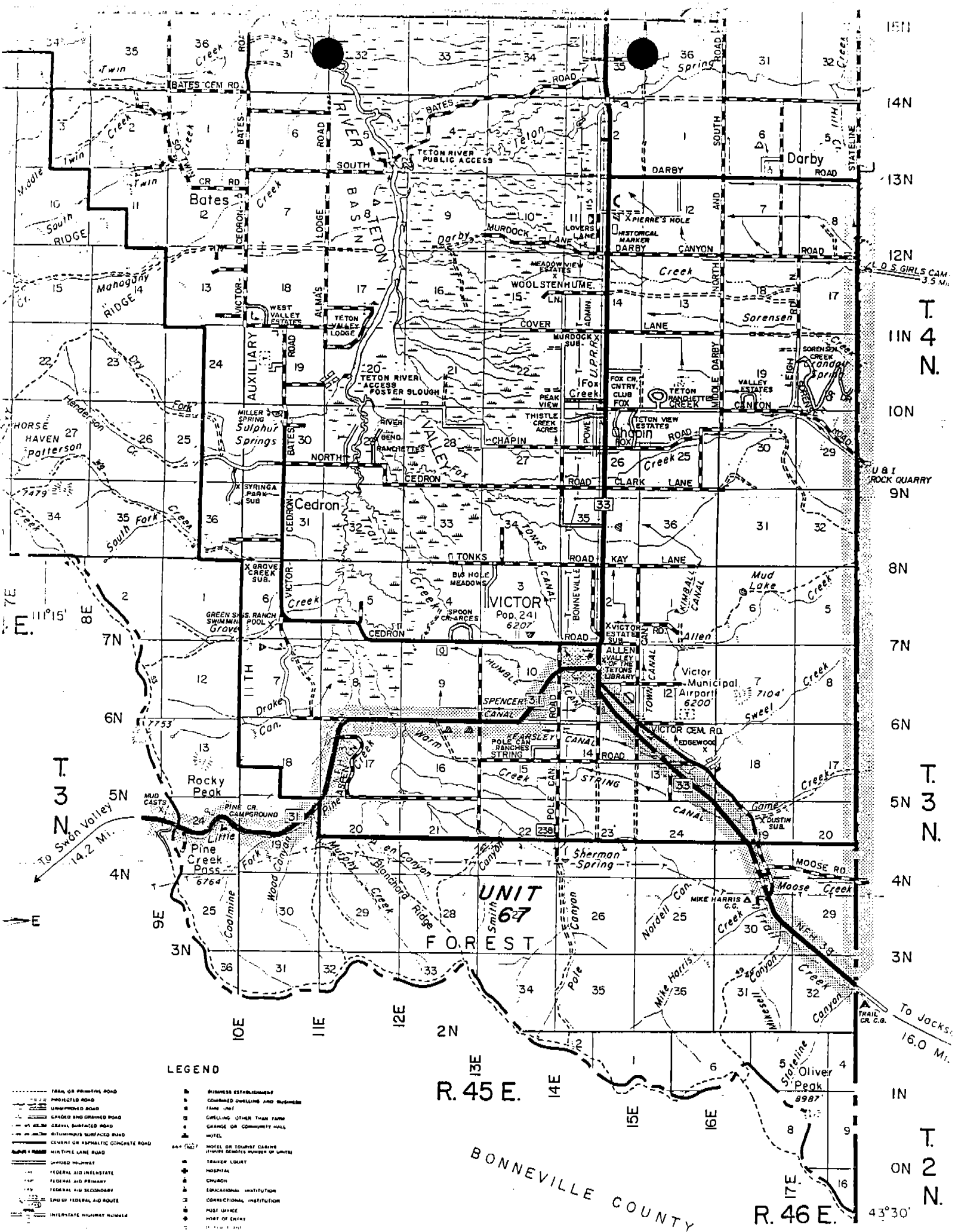
AT 17 MINUTES PAST 3 P.M.DATE Dec. 12, 1996BY Chas. J. Drake

CLERK OF RECORD

BY Nora Rigby

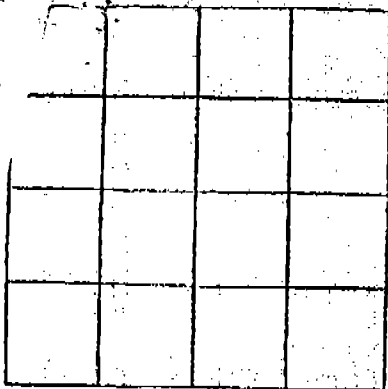
DEPUTY

WARRANTY DEED - PAGE 3



RPT 07N 72E 000000

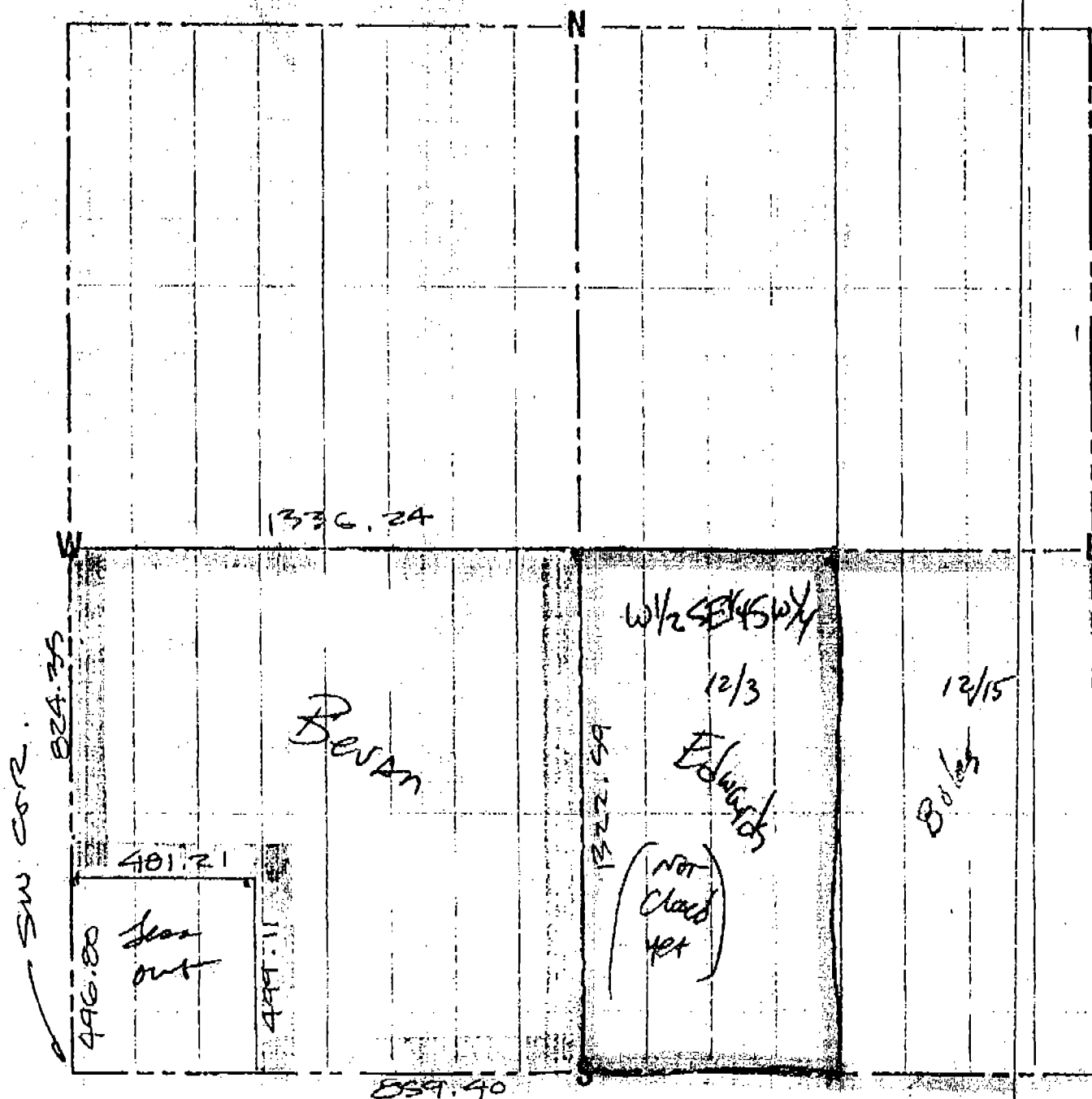
This plat is made for location purposes only, no liability is assumed hereto for any incorrectness with actual survey.



SW 1/4

SEC 6 TWP 4 N RG 45 RBM

SCALE FOR QUARTER SECTION, (Each side large blue squares = 30 chains, 40 rods, 660 feet; area of square 30 acres.
400 FL = 1 inch
Each side small red squares = 2.5 chains, 10 rods, 165 feet; area of square .025 of 1 acre.



SCALE FOR QUARTER QUARTER SECTION, 200 FL = 1 inch

(Each side large blue squares = 5 chains, 20 rods, 330 feet; area of square 2.5 acres.
Each side small red squares = 1.25 chains, 5 rods, 82.5 feet; area of square .0025 of 1 acre.

PRONTO LAND MEASURE 20-40 MAP SHEET

PRONTO LAND MEASURE
P.O. Box 3218, Flint, MI 48602
Phone (313) 833-7980

DECREED RIGHT 22-02048

SPLIT ANALYSIS FLOW CHART
(FOR NUMBERING PURPOSES)

• UNDER CONTRACT OF SALE FROM
POTTER ENT. TO J.C. CUSHMAN III
DEEDED 29 NOV 96.

A22-02048 J.C. CUSHMAN III

2.1 cfs MAHOGANY CK 18 MAR 1910
P.O.U. AS SEC. 6 T. 4N. R. 45E.
SWSW 31.0 AC LOT 7
SESW 37.0 AC
SWSE 37.0 AC
105.0 AC

(A) A22-02048A J.C. CUSHMAN III

1.73 cfs MAHOGANY CK 18 MAR 1910
P.O.U. T. 4N. R. 45E SEC 6
SWSE 37.0 AC.
(LOT 7) SWSW 31.0 AC.
E²SESW 18.5 AC.
86.5 AC

(B) A22-02048B HE EDWARDS

0.37 cfs MAHOGANY CK
P.O.U. T. 4N. R. 45E SEC 6 W²SESW
18.5 AC

(C) A22-02048C J.C. CUSHMAN III

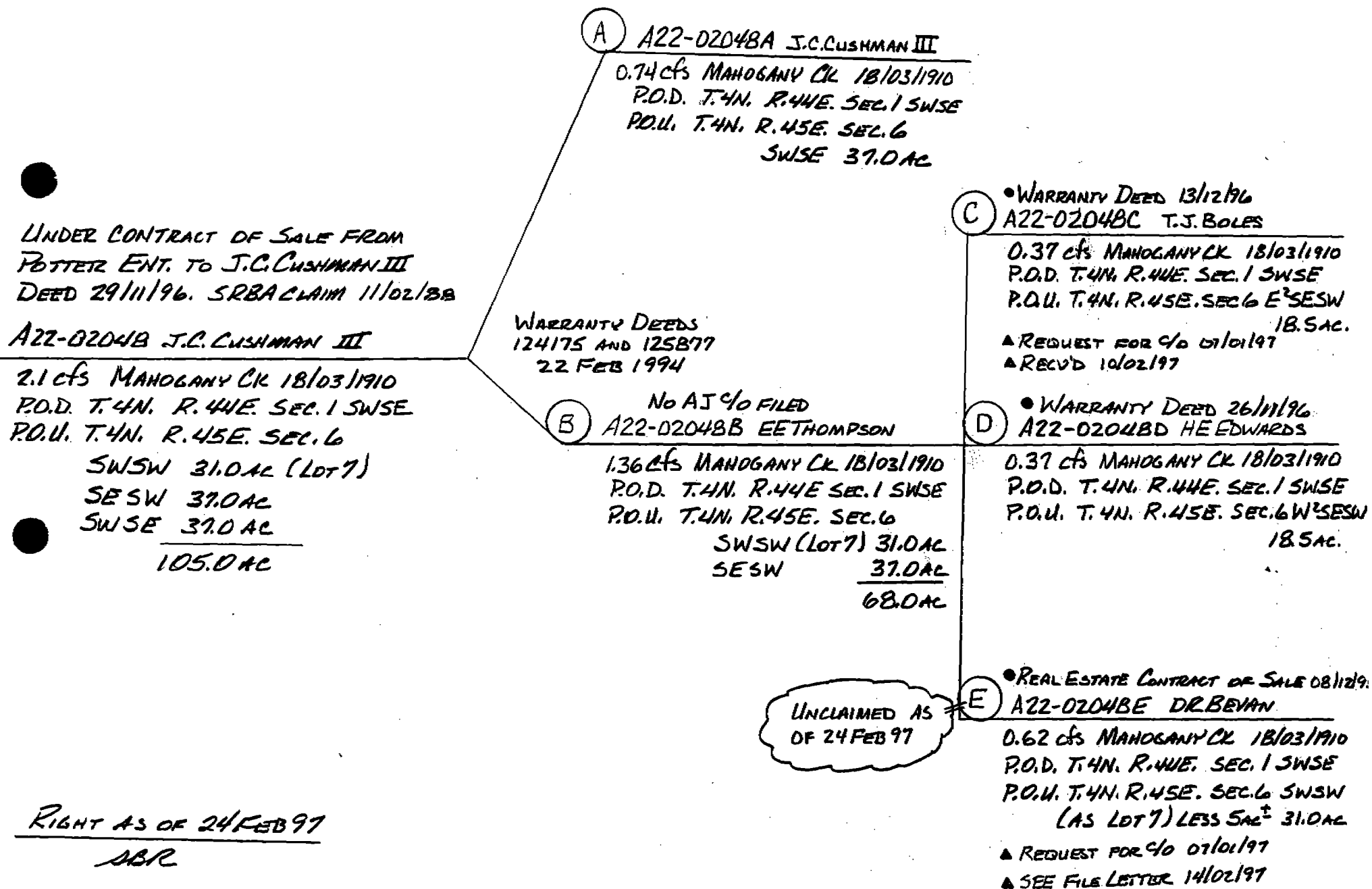
1.36 cfs MAHOGANY CK 18 MAR 1910
P.O.U. T. 4N. R. 45E. SEC. 6
SWSE 37.0 AC.
(LOT 7) SWSW 31.0 AC.
68.0 AC.

(D) A22-02048D T.J. BOLES

0.37 cfs MAHOGANY CK 18 MAR 1910
P.O.U. T. 4N. R. 45E. SEC. 6
E²SESW 18.5 AC.
• WARRANTY DEED 13 DEC 96
• REQUEST FOR 9/0 7 JAN 97
• REC'D 10 FEB 97

DECEED RIGHT 22-0204B (AS SPLIT)
ENJOINED TO SRBA RECEIPT No. EDD3735

SPLIT ANALYSIS FLOW CHART
(ACTUAL)



7 JANUARY 1997

MR TERRELL J BOLES
1060 SALEM WALK DRIVE
GREENSBORO GEORGIA 30642

RE: PURCHASE OF PROPERTY WITH WATER RIGHTS, A22-02048 (PART)

Dear Mr Boles;

It has come to our attention that you may have recently purchased a parcel of property in, or near, Driggs, Idaho. The legal description of this parcel would be E1/2SE1/4SW1/4 Section 6, T04N, R45E, B.M. According to Idaho Department of Water Resources records, the parcel which we understand you may have purchased has appurtenant to it a portion of a water right.

If, in-fact, our information is correct and you wish to claim the portion of the water appurtenant to this parcel I have enclosed a Notice of Change of Water Right Ownership form and a Proof Report of the right (in it's entirety) for your convenience. Please complete the form, sign it, and return it to our office as soon as possible. Also, please note the need for the required document(s) in item 2 of the form. There is no fee for a change of ownership filing.

This water right is enjoined to the on-going Snake River Basin Adjudication (SRBA), and it is our goal to favorably recommend this water right to the court. In review of this matter should you have questions regarding this water right please feel free to contact this office at the above address and/or telephone number.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudications Bureau

CC: File

Enclosure: Change of Ownership Form
Proof Report, A22-02048