

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 37-2634A
Date Received: 5/7/2004
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

WILLIAM NAYLOR Phone:
1689 E 1700 S
GOODING ID 83330

JAMIE NAYLOR Phone:
1689 E 1700 S
GOODING ID 83330

2. Date of Priority: 05/06/1960

3. Source: LITTLE WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	14E	35	NE NE	GOODING	

5. Description of diverting works:

2 7.5 hp pumps some flood irrigation and wheel lines

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.38	

7. Total Quantity Appropriated is:
0.38 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	14E	35	NE	NE		IRRIGATION	9
			NW	NE		IRRIGATION	10
						Section Acres	19
						Total Acres	19

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: License



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

November 12, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

WILLIAM AND JAMIE NAYLOR
1689 E 1700 S
GOODING ID 83330

Re: SRBA Claim #37-2634A

Dear Mr. and Mrs. Naylor,

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copy of the computer record of the claim noting the change in claimant. Review this record and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carrie Hahn'.

Carrie Hahn
Office Specialist

Enc.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

RECEIVED
NOV 09 2004
Department of Water Resources
Southern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>37-2634A</u>					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**. -

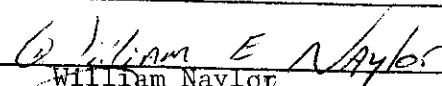
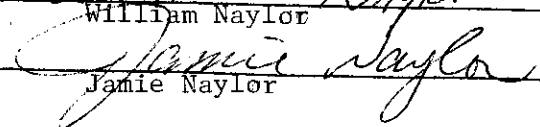
3. Name and Address of Former Owner/Claimant(s) Ann L. Simmons and James Scott Simmons
830 W 420 N Gooding, ID 83330
4. New Owner/Claimant(s) William Naylor and Jamie Naylor
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address PO Box 1689 East 1700 South
- City, State and ZIP Code Gooding ID 83330
- New Telephone Number () _____
5. Date you acquired the property November 8, 2004

6. If the change in ownership affects the entire water right for each water right adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)


 William E. Naylor

 Jamie Naylor

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

WARRANTY DEED

#GG-05841

For Value Received

James S. Simmons and Ann L. Simmons, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

William Naylor and Jamie Naylor, husband and wife
Address: 1689 East 1700 South, Gooding, ID 83330

Hereinafter called the Grantee, the following described premises situated in **Gooding** County, Idaho, to-wit:

See attached Schedule A

SUBJECT TO:

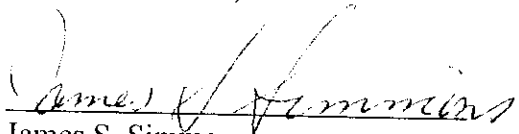
All reservations in patents or deeds in the chain of title.

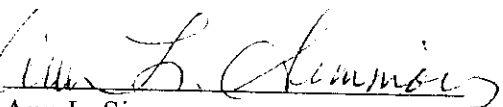
Accruing taxes, levies and assessments; easements and rights of way of record if any.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 25 shares/acres of American Falls No. 2 water and 19 inches, 38 cfs with priority date May 6, 1960 of Big Wood River Water Right No 37-2634A.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: **November 5, 2004**


James S. Simmons


Ann L. Simmons

Instrument # 208589

GOODING, GOODING, IDAHO

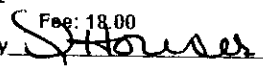
2004-11-08

03:56:32 No. of Pages: 6

Recorded for : LAND TITLE

HELEN EDWARDS

Fee: 18.00

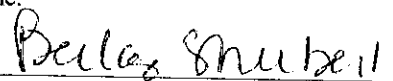
Ex-Officio Recorder Deputy 

STATE OF IDAHO)

COUNTY OF Gooding)

) ss.

On this 5th day of **November, 2004**, before me, the undersigned, a Notary Public in and for said State, personally appeared **James S. Simmons and Ann L. Simmons**, 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.


Notary Public

Residing at: Wendell, ID

My Commission expires: 02-23-05

Becky Shubert
Notary Public
State of Idaho

CONTINUATION

SCHEDULE A

Order Number: GG-05841

Parcel 1:

TOWNSHIP 5 SOUTH, RANGE 14 EAST, BOISE MERIDIAN, GOODING
COUNTY, IDAHO

Section 26: A parcel of land located in the SE $\frac{1}{4}$ And

Section 35: A parcel of land located in the NE $\frac{1}{4}$, being more particularly described as follows:

Commencing at the Section corner common to Sections 25, 26, 35 and 36, from which the One Quarter ($\frac{1}{4}$) corner common to Sections 26 and 35 bears S89°59'11" W-2624.48 feet;

Thence S89°59'11" W along the Section line common to Sections 26 and 35 for a distance of 626.66 feet to the TRUE POINT OF BEGINNING;

Thence S00°08'08" E for a distance of 1327.61 feet to a point on the South boundary of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 35;

Thence N89°58'28" W along the South boundary of the N $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 35 for a distance of 1179.26 feet;

Thence N74°07'50" W parallel with and 25.0 feet Northerly of the Northerly right-of-way boundary of the Union Pacific Railroad for a distance of 651.48 feet to the point of curvature of a curve right;

Thence Northwesterly parallel with and 25.0 feet Northerly of the Northerly right-of-way boundary of the Union Pacific Railroad and along the arc of the curve right for a distance of 203.07 feet to a point on the West boundary of the NE $\frac{1}{4}$ of said Section 35, said arc having a radius of 17063.73 feet and a chord bearing and distance of N73°54'57" W-203.07 feet;

Thence N00°00'12" E along the West boundary of the NE $\frac{1}{4}$ of said Section 35 for a distance of 330.28 feet;

Thence N44°40'02" E for a distance of 592.51 feet;

Thence S81°55'19" E for a distance of 54.73 feet to a point in the center of an irrigation canal;

Thence along the center of the irrigation canal on the following courses:

N65°56'45" E - 138.00 feet;

N36°58'35" E - 95.20 feet;

N60°28'13" E - 209.71 feet;

N63°02'49" E - 113.99 feet to the point of curvature on a non-tangent curve left;

Northeasterly along the center of the canal on the arc of the non-tangent curve left for a distance of 114.64 feet to the point of curvature of a non-tangent curve right, said arc having a radius of 74.01 feet and a chord bearing and distance of N41°46'40" E - 103.52 feet;

- Continued -

CONTINUATION

SCHEDULE A

Order Number: GG-05841

Northeasterly along the center of the canal on the arc of the non-tangent curve right for a distance of 83.51 feet, said arc having a radius of 175.49 feet and a chord bearing and distance of N11°01'36" E - 82.72 feet;

N58°40'55" E - 69.15 feet;

N76°45'44" E - 130.86 feet;

N78°27'52" E - 23.11 feet;

Thence leaving the center of the irrigation canal on a bearing of N03°43'35"E for a distance of 142.62 feet to a point in the center of an existing county road;

Thence S84°48'40"E along the center of the county road for a distance of 53.56 feet to the point of curvature of a non-tangent curve right;

Thence Southeasterly along the center of the county road and on the arc of the non-tangent curve right for a distance of 360.18 feet, said arc having a radius of 659.75 feet and a chord bearing and distance of S69°10'18" E - 355.72 feet;

Thence S53°31'55" E along the center of the county road for a distance of 145.86 feet to the point of curvature of a non-tangent curve left;

Thence Southeasterly along the center of the county road and on the arc of the non-tangent curve left for a distance of 243.48 feet, said arc having a radius of 406.66 feet and a chord bearing and distance of S70°41'03" E - 239.86 feet;

Thence S87°50'11" E along the center of the county road for a distance of 27.16 feet;

Thence leaving the center of the county road on a bearing of S00°08'08" E for a distance of 11.49 feet to the True Point of Beginning.

EXCEPTING therefrom the following parcel of land located in SE¼ of Section 26 and in the NE¼ of Section 35 being more particularly described as follows:

Commencing at the Section corner common to Sections 25, 26, 35 and 36, from which the One Quarter (¼) corner common to Sections 26 and 35 bears S89°59'11" W -2624.48 feet;

Thence S89°59'11" W along the Section line common to Sections 26 and 35 for a distance of 626.66 feet to the TRUE POINT OF BEGINNING;

Thence S00°08'08" E for a distance of 371.65 feet to a point in the center of an irrigation canal;

Thence along the center of the irrigation canal on the following courses:

N63°38'27" W-75.07 feet;

N59°21'35" W-162.03 feet;

N81°09'55" W-64.52 feet;

- Continued -

CONTINUATION

SCHEDULE A

Order Number: GG-05841

N62°18'50" W-58.98 feet;
N42°59'47" W-107.51 feet;
N45°28'09" W-99.15 feet;
N36°17'44" W-241.32 feet to the point of curvature of a non-tangent curve left;

Thence Northwesterly along the center of the irrigation canal and on the arc of the non-tangent curve left for a distance of 97.84 feet, said arc having a radius of 94.64 feet and a chord bearing and distance of N57°50'14" W-93.54 feet;

Thence S85°15'35" W-78.36 feet;

Thence leaving the center of the irrigation canal on a bearing of N03°43'35" E for a distance of 142.62 feet to a point in the center of an existing county road;

Thence S84°48'40" E along the center of the county road for a distance of 53.57 feet to the point of curvature of a non-tangent curve right;

Thence Southeasterly along the center of the county road and on the arc of the non-tangent curve right for a distance of 360.18 feet, said arc having a radius of 659.75 feet and a chord bearing and distance of S69°10'18" E-355.72 feet;

Thence S53°31'55" E along the center of the county road for a distance of 145.86 feet to the point of curvature of a non-tangent curve left;

Thence Southeasterly along the center of the county road and on the arc of the non-tangent curve left for a distance of 243.48 feet, said arc having a radius of 406.66 feet and a chord bearing and distance of S70°41'03" E-239.86 feet;

Thence S87°50'11" E along the center of the county road for a distance of 27.15 feet;

Thence leaving the center of the county road on a bearing of S00°08'08" E for a distance of 11.49 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO:

1. A 25.0 foot wide county road easement along the most Northerly boundary of the before described parcel.
2. An easement to the canal company for the use and maintenance of the irrigation canal along part of the Northerly boundary of the before described parcel.

- Continued -

CONTINUATION

SCHEDULE A

Order Number: GG-05841

Parcel 2:

TOWNSHIP 5 SOUTH, RANGE 14 EAST, BOISE MERIDIAN, GOODING
COUNTY, IDAHO

Section 26: A parcel of land located in SE¼ And

Section 35: A parcel of land located in the NE¼ and being more particularly described as
follows:

Commencing at the Section corner common to Sections 25, 26, 35 and 36, from
which the One Quarter (¼) corner common to Sections 26 and 35 bears
S89°59'11" W -2624.48 feet;
Thence S89°59'11" W along the Section line common to Sections 26 and 35 for a
distance of 626.66 feet to the TRUE POINT OF BEGINNING;
Thence S00°08'08" E for a distance of 371.65 feet to a point in the center of an
irrigation canal;
Thence along the center of the irrigation canal on the following courses:
N63°38'27" W-75.07 feet;
N59°21'35" W-162.03 feet;
N81°09'55" W-64.52 feet;
N62°18'50" W-58.98 feet;
N42°59'47" W-107.51 feet;
N45°28'09" W-99.15 feet;
N36°17'44" W-241.32 feet to the point of curvature of a non-tangent
curve left;
Thence Northwesterly along the center of the irrigation canal and on the arc of the
non-tangent curve left for a distance of 97.84 feet, said arc having a radius
of 94.64 feet and a chord bearing and distance of N57°50'14" W-93.54
feet;
Thence S85°15'35" W-78.36 feet;
Thence leaving the center of the irrigation canal on a bearing of N03°43'35" E for
a distance of 142.62 feet to a point in the center of an existing county road;
Thence S84°48'40" E along the center of the county road for a distance of 53.57
feet to the point of curvature of a non-tangent curve right;
Thence Southeasterly along the center of the county road and on the arc of the
non-tangent curve right for a distance of 360.18 feet, said arc having a
radius of 659.75 feet and a chord bearing and distance of S69°10'18" E-
355.72 feet;

- Continued -

CONTINUATION

SCHEDULE A

Order Number: GG-05841

Thence S53°31'55" E along the center of the county road for a distance of 145.86 feet to the point of curvature of a non-tangent curve left;

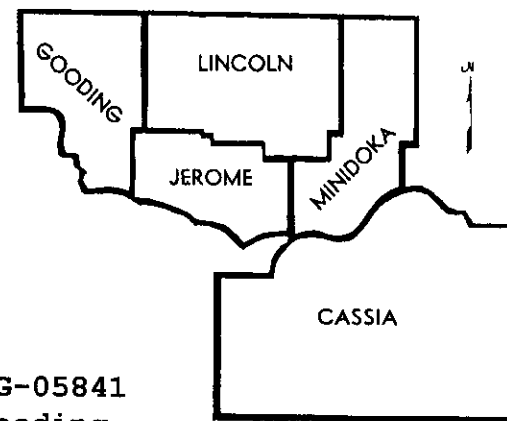
Thence Southeasterly along the center of the county road and on the arc of the non-tangent curve left for a distance of 243.48 feet, said arc having a radius of 406.66 feet and a chord bearing and distance of S70°41'03" E-239.86 feet;

Thence S87°50'11" E along the center of the county road for a distance of 27.15 feet;

Thence leaving the center of the county road on a bearing of S00°08'08" E for a distance of 11.49 feet to the TRUE POINT OF BEGINNING.

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: GG-05841
OFFICE: Gooding

November 9, 2004

Department of Water Resources
Southern Region
1341 Fillmore Suite 200
Twin Falls, Idaho 83301

RECEIVED
NOV 09 2004
Department of Water Resources
Southern Region

RE: Notice of Change of Water Right Ownership
From Simmons to Naylor
Cert Mail 7003 2260 0007 6342 2880

Dear Sirs:

At the request of the buyer, we are forwarding to your office the following in connection with the above referenced:

- Notice of Change of Water Right Ownership on
James and Ann Simmons to William and Jamie Naylor
for Water Right Number 37-2634A
- Copy of Deed #208589
- Copy of Map

Thank you,

LAND TITLE AND ESCROW, INC.

A handwritten signature in cursive script, appearing to read "Brenda Evers".

Brenda Evers
(208) 934-8477
P.O. Box 473, 546 Main Street
Gooding, Idaho 83330

cc: William and Jamie Naylor
1689 East 1700 South
Gooding, ID 83330

