

JUL 13 2005

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

Clerk

Deputy Clerk

In Re SRBA

Case No. 39576

Subcase No.: 45-7360

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

R.A. Foss 7/13/05
R.A. Foss Date
Claimant/Objector

Barbara Foss
Barbara Foss, Claimant Date
Edward Leon Nolan Date
Claimant.

IDWR Concurrence:

Douglas Jones 7/13/05
Sr. Water Resource Agent Date

C. B. Brown 7/13/05
Attorney for IDWR Date

See attached Warranty and
Quit Claim deeds tracing
ownership.

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

08/24/2004

JUL 13 2005

RIGHT NUMBER: 45-7360

NAME AND ADDRESS: ~~W. NOLAN VICTOR~~ *R.A. Foss & Barbara Foss*
~~1528 ADDISON AVE E~~ *1157 E. 4400 N.*
~~TWIN FALLS ID 83301~~ *Buhl, ID 83316*

By _____ Clerk

Deputy Clerk

SOURCE: TRAPPER CREEK

TRIBUTARY: GOOSE CREEK

QUANTITY: 10.400 CFS
7,521.20 AFY
FACILITY VOLUME 2.53 AF.

PRIORITY DATE: 09/09/1979

POINT OF
DIVERSION: T14S R21E S34 SESWNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FISH PROPAGATION	01/01 12/31	10.400 CFS 7,521.20 AFY

PLACE OF USE: FISH PROPAGATION Within CASSIA County

T14S R21E S34	SWNW	T14S R21E S34	SENW
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OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of water under this right may be affected by an agreement between the protestant and the right holder.

CERTIFICATE OF SERVICE

I certify that on _____, 2005, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

R.A. Foss
1157 E 4400 N
Buhl, ID 83316

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

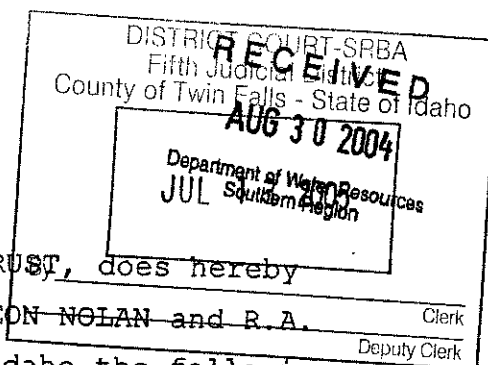
Edward Leon Nolan
616 Main
Filer, ID 83328

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Signature of person or attorney mailing the form

WARRANTY DEED

FOR VALUE RECEIVED, THE VICTOR FAMILY LIVING TRUST, does hereby grant, bargain, sell and convey, unto EDWARD LEON NOLAN and R.A. FOSS, whose address is 616 Main Street, Filer, Idaho the following described premises, to-wit: *1157 E 4400 N, Buhl*



PARCEL #1

Part of Sections 33 and 34, Township 14 South, Range 21 E. B.M., Cassia County, Idaho. Beginning at the $\frac{1}{4}$ Section corner common to Sections 33 and 34, thence S. $00^{\circ}00'$ E. 50.00 feet to the real point of beginning. Thence S. 89° E. 347.48 feet; Thence S. $05^{\circ}45'$ W. 334.48 feet; Thence S. $68^{\circ}12'$ W. 390.24 feet; Thence S. $55^{\circ}22'$ W. 625.49 feet; Thence N. $20^{\circ}26'$ W. 146.32 feet; Thence N. $00^{\circ}24'$ E. 235.46 feet; Thence N. $48^{\circ}39'$ E. 118.58 feet; thence N. $48^{\circ}31'$ E. 251.20 feet; Thence N. $56^{\circ}57'$ E. 399.78 feet to the point of beginning, LESS: an easement for ingress and egress over all existing roadways that exist on the above described property, together with: an easement for ingress over existing roadways.

PARCEL #2

A portion of Section 34, Township 14 South, Range 21 E.B.M., Cassia County, Idaho, described as: Beginning at the C-S-NW $\frac{1}{64}$ corner of Section 34, thence S. $43^{\circ}29'$ E. 100.30 feet to the real point of beginning, thence N. $62^{\circ}03'$ E. 103.63 feet; thence N. $89^{\circ}43'$ E. 352.49 feet; thence S. $08^{\circ}43'$ E. 297.35 feet; thence S. $63^{\circ}14'$ W. 939.6 feet; thence N. $29^{\circ}47'$ W. 108.04 feet; thence N. $53^{\circ}41'$ E. 282.55 feet; thence N. $06^{\circ}21'$ W. 80.05 feet; thence N. $16^{\circ}47'$ E. 132.67 feet; thence N. $36^{\circ}25'$ E. 247.66 feet to the real point of beginning, less: an easement for ingress and egress over all existing roadways that exist on the above-described property, together with: an easement for ingress and egress over existing roadways.

TOGETHER WITH ALL WATER RIGHTS

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises.

DATED: August 26, 2004

Nolan Victor

Nolan Victor Trustee

The Victor Family Living Trust

Twin Falls County, Idaho

Recorded for:
R.A. FOSS

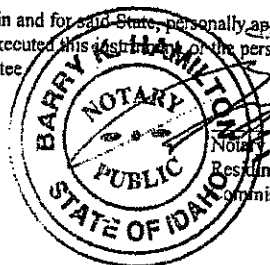
10:24am Aug. 26, 2004
2004 - 018655

No. of Pages: 1 Fee: \$3.00
KRISTINA GLASCOCK
County Clerk
Deputy: CN

STATE OF IDAHO)

COUNTY OF TWIN FALLS)

On the 25th day of August, 2004 before me, a Notary Public in and for said State, personally appeared NOLAN VICTOR, known or identified to me to be the Trustee of THE VICTOR FAMILY LIVING TRUST that executed this instrument, and acknowledged to me that he executed the same as such Trustee.



[Signature]
Notary Public for Idaho
Residing in Twin Falls, Idaho
Commission Expires 16 MAR 2006

28

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34

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3

RECEIVED

AUG 30 2004

Department of Water Resources
Southern Region

302760 QUITCLAIM DEED

For Value Received Edward Leon Nolan and R.A. Foss

do hereby convey, release, remise and forever quit claim unto

R.A. and Barbara Foss (husband and wife)

whose address is: 1157 E 4400 N, Buhl, ID 83316

Hereinafter called the Grantor, the following described premises situated in ~~3003816~~ Cassia County, ID, to-wit:

Township 14 South Range 21 East of the Boise Meridian, Cassia County, Idaho

Legal description attached

STRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 13 2005

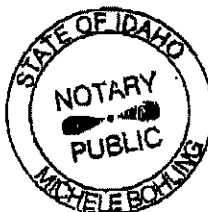
By _____ Clerk

Deputy Clerk

2005 JUN 24 PM 2 51
RECORDED AT THE REQUEST OF
R.A. Foss
1157 E 4400 N
Buhl, ID. 83316CASSIA COUNTY, IDAHO
LARRY A. MICKELSEN
RECORDER
FEE 6.00 DEPUTY *[Signature]*

302759

together with their appurtenances.

5/18/2005
Dated: *[Signature]*STATE OF Idaho
COUNTY OF Twin FallsOn This 10th day of May, in the year 2005, before me, a Notary Public in and for said State, personally appeared Edward Leon Nolan, known or identified to me to be the person(s) whose name(s) X subscribed to the within instrument, and acknowledged to me that they executed the same.Michelle Bohling
Notary Public of
Residing at Buhl, Idaho 83316
Commission Expires: 3/10/2011

SCHEDULE A

Order Number: 38868

PARCEL NO. 1:**TOWNSHIP 14 SOUTH RANGE 21 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO****Section 33 and 34:** That part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33 and part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34 more particularly described as follows:

Beginning at the quarter section corner common to Sections 33 and 34;
thence South 00°00' East 50.00 feet to the True Point of
Beginning;

Thence South 89°38' East 147.68 feet;
Thence South 05°45' West 314.48 feet;
Thence South 68°12' West 390.24 feet;
Thence South 55°22' West 625.49 feet;
Thence North 20°25' West 146.32 feet;
Thence North 0°24' East 235.46 feet;
Thence North 48°39' East 118.58 feet;
Thence North 48°30' East 251.20 feet;
Thence North 56°57' East 399.78 feet to the True Point of Beginning.

PARCEL NO. 2:**TOWNSHIP 14 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO****Section 34:** That part of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$, more particularly described as follows:

Beginning at the Northwest corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ (also known as
C-S-NW 1/64 corner) of Section 34; thence South 43°29' East
100.30 feet to the True Point of Beginning;

Thence North 62°03' East 103.63 feet;
Thence North 89°43' East 352.49 feet;
Thence South 08°43' East 297.35 feet;
Thence South 63°14' West 939.69 feet;
Thence North 29°47' West 108.04 feet;
Thence North 53°41' East 282.55 feet;
Thence North 06°21' West 80.05 feet;
Thence North 16°47' East 132.67 feet;
Thence North 36°25' East 247.66 feet to the True Point of Beginning.

Page 2:
Continuation