

A57-04048

TIS²⁶

R2W

S.34

11/20/90

SL

Snake River

Reynolds

Guffey Butte

Rabbit Creek

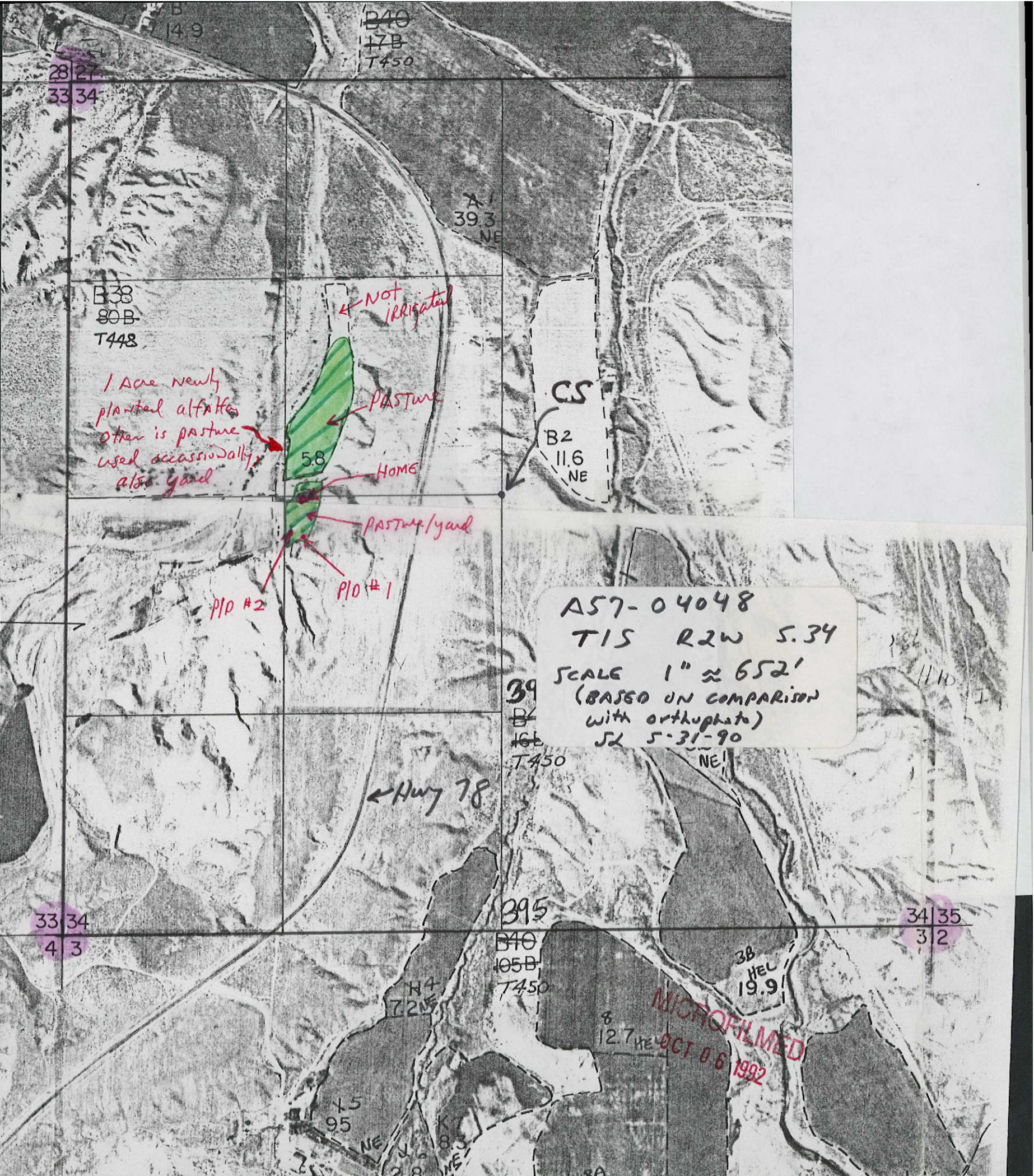
Gerdes

← Hwy 78

S.34 govt ltr in
N¹/₂NE¹/₄ only

MICROFILMED
OCT 06 1992





28 27
33 34

B38
80B
T448

1 Acre newly
planted alfalfa
Other is pasture
used occasionally,
also yard

← NOT
irrigated

PASTURE

HOME

PASTURE/YARD

P10 #1

P10 #2

CS

B2
11.6
NE

A57-04048
T1S R2W S.34
SCALE 1" ≈ 652'
(BASED ON COMPARISON
with orthophoto)
5-31-90

← Hwy 78

33 34
4 3

39.5
B40
105B
T450

H4
72 NE

45
95
NE

4
2.8
8.3
NE

38
HEL
19.9

8
12.7
NE

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OCT 06 1992

34 35
3 2

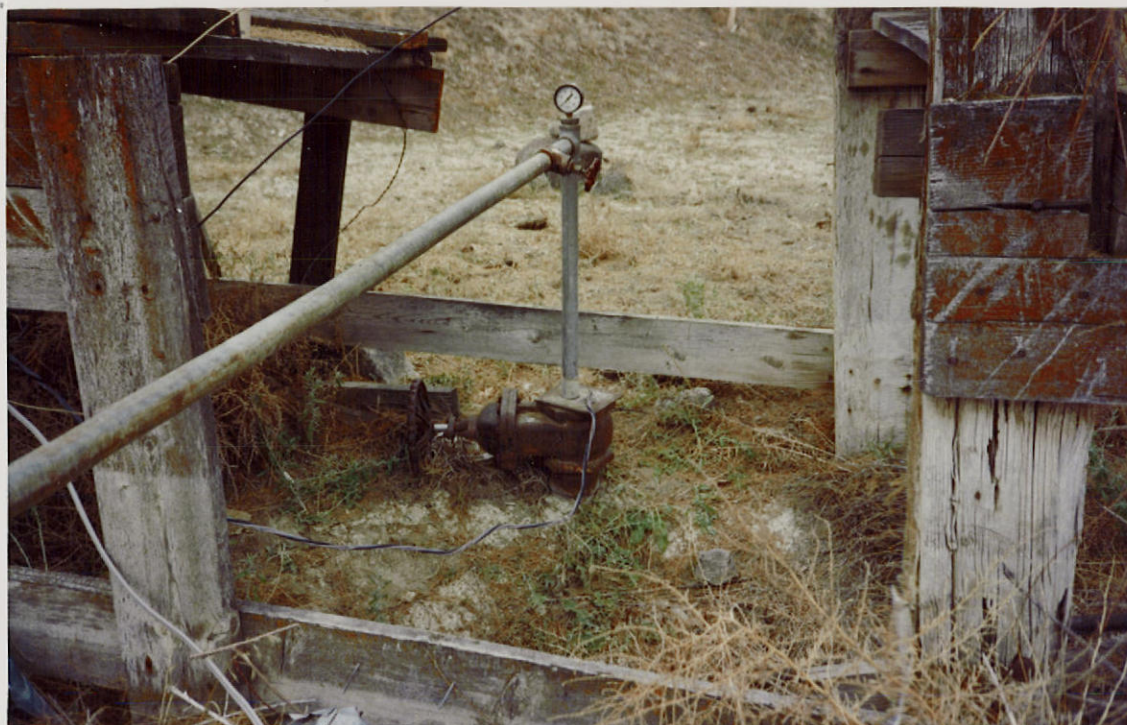


PHOTO ONE- pld #1 irrigation well looking south.
2" main line.



PHOTO TWO- Part of pln looking north from near
pld #1. Domestic well (pld #2) is southwest
of observer. Domestic use is home in
center of photo. Note 2" metal pipeline connected
to 2" portable hose line.

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OCT 06 1992

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 57-4048Date Received 6-30-89Receipt Number W003441

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JUN 30 1989

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) _____ Phone () _____

Mailing Address _____ Zip _____

2. Date of Priority (Only one (1) per claim) 1/1/19173. Source of water supply (a) Groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 1S Range 2W Section 34,
NW 1/4 of NE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Owyhee

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

3 wells - 2-4 inch casings for irrigation
1-3 inch casing for domestic - gravity
& sprinkler irrigation -

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OCT 06 1992

Memo To FILE

File No: 57-04048

CLAIMANT: Jason & Janice Richards

AGENT: Linda Werner

Date: 5-9-90

A search of AJ5 & AJA 4 & AJA1 shows nothing was ever received in reply to my letter of 4-13-89. [except the returned ext. request]

MICROFILMED

SEP 25 1995

RECEIVED

AUG 31 1994

WATER RESOURCES
WESTERN REGION

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: A57-04048

Date Received: 6/30/1989

Receipt No: W003441

Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: EARL ELSNER
Address: 3758 W DEERFLAT RD
KUNA ID

208-922-5971

83634

AND

Name: MARY GRACE ELSNER
Address: 3758 W DEERFLAT RD
KUNA ID

208-922-5971

83634

2. Date of Priority: JAN 1, 1917

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	02W	34	NW	NE	SW		OWYHEE

5. Description of diverting works:
3 WELLS & PUMPS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.200		
DOMESTIC	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is 35.0 Acre Feet Per Annum.

9. Non-irrigation uses:
ONE HOUSEHOLD

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	02W	34	SE	NW		IRR	8.0
			NE	SW		DOMEST	
			NE	SW		IRR	2.0
					Section Acres		10.0
					Total Acres		10.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
NONE

14. Remarks:
2 P/D IN NESW, S.34, T1S, R2W, B.M.
SF3 OWNERSHIP CHANGE DECKING TO ELSNER 08/29/94 SS.

15. Basis of Claim: STATUTORY CLAIM

AJ0749NP
No. 57-04048

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 07/18/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EARL ELSNER	01/01/1917	DOMESTIC	01-01 12-31	0.04 CFS	
C	MARY GRACE ELSNER HC 79 BOX 259 MELBA ID 83641 (208) 495-1148					
				TOTAL DIVERSION:	0.04 CFS	
D	DAVID C DECKING HC 78 BOX 40B MELBA ID 83641 (208) 495-2137					

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T01S R02W S34

NWNESW

OWYHEE County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
01S	02W	34	:																	:
			:																	:

POU County: OWYHEE

Non-Irrigation Uses: 1 HOME INTERNAL USE

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: POD TWO POINTS OF DIVERSION LOCATED IN T01S, R02W, S34, NWNESW.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

61641558
MICROFILMED

AJ0749NP
No. 57-04048

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 07/18/97
PAGE: 2

=====

Comments: Date: 09/12/1991 User-ID: HARRIS Subject: COPIED FROM REMARKS
A SECOND P/D IN NESW, SEC. 34, TWP. 1S, RGE. 2W, B.M., USED FOR
IRRIGATION. THE USAGE FOR IRRIGATION DISALLOWED DUE TO LACK OF
EVIDENCE SUPPORTING PRIORITY DATE.

Date: 07/14/1992 User-ID: SMITH Subject: DATA ENTRY
CHANGED TO BENEFICIAL USE

Date: 05/18/1994 User-ID: WERNER Subject: OWNERSHIP CHANGE
CHANGE OF OWNERSHIP COMPLETED BY L.R.W. ON 5/18/94.

Date: 08/30/1994 User-ID: SSHERMAN Subject: OWNERSHIP CHANGE
SF3 OWNERSHIP CHANGE, DECKING TO ELSNER, REC'D 08/25/94.

Date: 10/02/1996 User-ID: D&S-DSHA Subject: D&S CONDITION CODE UPDATE
CONDITION CODE N11 ADDED
CONDITION CODE N13 ADDED

Date: 07/18/1997 User-ID: LHARRIS Subject: NAME AND/OR ADDRESS CHANGE
THE DATA IN THE NAME FIELD WAS CHANGED TO SHOW THIS RIGHT HAS AN
ADDRESS CHANGE.

Audit: 07/18/97 LHARRIS

001011886
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SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM

RECEIVED
JUL 08 1997
Department of Water Resources

[] Water Right Number(s): 57-04048

RECEIVED

JUL 10 1997

WATER RESOURCES
WESTERN REGION

[] Old Mailing Address: EARL &/or MARY GRACE ELSNER

3758 W DEERFLAT RD

KUNA ID 83634

[] New Mailing Address: EARL &/or MARYGRACE ELSNER

HC 79 BOX 259

MELBA ID 83641

Telephone Number: (208) 495-1148

[] Signature of Claimant: Marygrace Elsner

Date: July 7, 1997

PLEASE SEND YOUR SRBA CHANGE OF ADDRESS TO THE NEAREST
REGION OFFICE:

IDWR WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705-5082
(208) 334-2190

IDWR SOUTHERN REGION
1341 FILLMORE ST N
TWIN FALLS ID 83301-3380
(208) 736-3033

IDWR EASTERN REGION
900 N SKYLINE
IDAHO FALLS ID 83402-3653
(208) 525-7161

IDWR NORTHERN REGION
1910 NORTHWEST BLVD #210
COEUR D'ALENE ID 83814-2615
(208) 756-4639

Revised 5/95

IDWR: DATA ENTRY BY JH

DATE 7-18-97

MICROFILMED

001 8 1 1998

Water Right Number - 57-04048		Prefix Translation: WATER RIGHT	Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - + + - - - - Address - - - - - +			
*** C - CURRENT OWNER ***			
ELSNER	EARL	1 - 3758 W DEERFLAT RD 2 - 3 - City- KUNA Phone - 208-922-5971	State- ID Zip- 83634
ELSNER	MARY GRACE	1 - 3758 W DEERFLAT RD 2 - 3 - City- KUNA Phone - 208-922-5971	State- ID Zip- 83634
*** D - DIR RPT OWNER ***			
DECKING	DAVID C	1 - HC 78 BOX 40B 2 - 3 - City- MELBA Phone - 208-495-2137	State- ID Zip- 83641
*** O - ORIGINAL OWNER ***			
TURRITTIN	MILDRED	1 - RT 1 2 - (LICENSED OWNER) 3 - City- KUNA Phone - 208-000-0000	State- ID Zip- 83642
TURRITTIN	ROBERT	1 - RT 1 2 - (LICENSED OWNER) 3 - City- KUNA Phone - 208-000-0000	State- ID Zip- 83642
RICHARDS	JASON	1 - 1004 BETHLEHEM 2 - (INITIAL CLAIMANT) 3 - City- PLANT CITY Phone - 208-000-0000	State- FL Zip- 33566
+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +			
01/01/1917		14 WESTERN	J - BENEFICIAL USE
+ - - Source - - - + + - - Tributary - - - - - +			
GROUNDWATER			
+ - - Point of Diversion - - - - - +			
Twn	Rng	Sec	Tract Lot RFlg County
01S	02W	34	NW NE SW (73) OWYHEE
+ - - Water Use - - - - - +			
Code	Description	Period From	Period To Diversion Rate Diversion Volume
43 - DOMESTIC		01/01	12/31 0.040

Microfilm
SEP 25 1996

Prefix Translation: WATER RIGHT

Place of Use							
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description
01S	02W	34	NE SW			43	DOMESTIC
							(73) OWYHEE

Total Acres:

+ - - Other Rights for Same Use - NONE

```
+-----+-----+-----+-----+ Old Water Right Numbers -----+
No Old Water Right Numbers Found
```

+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+-----Comments-----+

Date: 07/14/1992 User Id: SMITH Subject: DATA ENTRY
CHANGED TO BENEFICIAL USE

Date: 05/18/1994 User Id: WERNER Subject: OWNERSHIP CHANGE
CHANGE OF OWNERSHIP COMPLETED BY L.R.W. ON 5/18/94.

Date: 08/30/1994 User Id: SSHERMAN Subject: OWNERSHIP CHANGE
SF3 OWNERSHIP CHANGE, DECKING TO ELSNER, REC'D 08/25/94.

+ - - Audit Fields - - +
08/30/94 SSHERMAN

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 10/13/1992	Field Inspection Made	- 11/20/1990	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	- 06/30/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- W003441	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S

MAILED
SEP 25 1996

AJ0743NP
(OD-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

08/30/94 10:06:49
Page 3

Water right number - 57-04048

Prefix Translation: WATER RIGHT

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Name Connector	- OR	Presumption Flag	-
		Notice of Error Flag	-

SEP 25 1996

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: A57-04048
Date Received: 8/06/1990
Receipt No: W003441
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAVID C. DECKING
Address: P.O. BOX 1536
PROJECT CITY, CA 96079

2. Date of Priority: JAN 01, 1917

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	02W	34	NW	NE	SW		OWYHEE

5. Description of diverting works:
3 WELLS & PUMPS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.200		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 35.0 Acre Feet Per Annum.

9. Non-irrigation uses:
ONE HOUSEHOLD

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	02W	34	SE	NW		IRR	8.0
			NE	SW		IRR	2.0
			NE	SW		DOMEST	

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OCT 06 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	10.0
					Total Acres	10.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
NONE

14. Remarks:
2 P/D IN NESW, S.34, T1S, R2W, B.M.

15. Basis of Claim: STATUTORY CLAIM

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

WARRANTY DEED

JANICE L. RICHARDS, a single person, and JASON LEE RICHARDS, a married person, dealing with his sole and separate property, GRANTORS, hereby CONVEY, GRANT and WARRANT TO, DAVID C. DECKING, a single person, whose present mailing address is P.O. Box 1536, Project City, California 96079, for good and valuable consideration, the following described tract of land situated in the County of Owyhee, State of Idaho, to-wit:

See Exhibit "A" attached hereto and by this reference incorporated herein as though set forth in full verbatim, containing 52 acres, more or less.

Subject to all taxes and assessments for the year 1989 and all subsequent years.

Together with all of the tenements, hereditaments thereto, belonging or otherwise appertaining.

Subject to United States Patent Restrictions if any, easements of records and right of way, easements visible on the premises, and any and all instruments of which the Grantee is made aware.

Buildings and structures and water wells are conveyed "AS IS", without warranty, and buyer is relying on his own inspection of said structures as to the value thereof.

WITNESS the hand of said GRANTORS this 18 day of July, 1989.

Jason Lee Richards
JASON LEE RICHARDS

Janice L. Richards
JANICE L. RICHARDS
MICROFILMED
OCT 06 1992

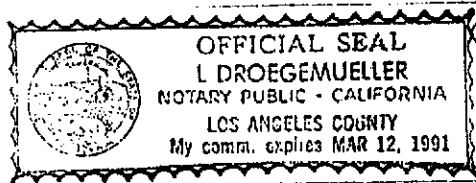
STATE OF FLORIDA
County of

)
) ss. Melinda Rena Mosley

On this 26th day of July, 1989, before me, the undersigned, a NOTARY PUBLIC in and for the State of ~~Florida~~ CALIFORNIA, personally appeared JANICE L. RICHARDS, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)



L. DroegemueLLer
NOTARY PUBLIC FOR ~~FLORIDA~~ CALIFORNIA,
Residence:
My Commission Expires: 3/12/91

STATE OF FLORIDA)
) ss.
County of)

On this 26 day of June, 1989, before me, the undersigned, a NOTARY PUBLIC in and for the State of Florida, personally appeared JASON LEE RICHARDS, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

Jean Ann Wertheimer
NOTARY PUBLIC FOR FLORIDA
Residence:
My Commission Expires:

Notary Public, State of Florida
My Commission Expires Oct. 27, 1992
Bonded Thru Troy Fain - Insurance Inc.

MAIL TAX NOTICE AND DEED TO:

DAVID C. DECKING
P.O. BOX 1536
PROEJCT CITY, CALIFORNIA 96029

MICROFILMED
OCT 06 1992

land referred to in this Guarantee is situated in the County of Owyhee
of Idaho and is described as follows:

PARCEL NO. 1:

A part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and a part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 1 South, Range 2 West, B. M., Owyhee County, Idaho, more particularly described to-wit:

Commencing at the Southwest corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 1 South, Range 2 West, B.M., the INITIAL POINT of this description; thence South 89°58' East 608.47 feet, along the South line of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$ to a point on the centerline of State Highway 78 (formerly Highway 45), said point being North 89° 58' West 716.15 feet from the Southeast corner of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$; thence meandering along said centerline, North 12°23' East 1353.07 feet, to a point on the North line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, said point being North 89°56' West 421.75 feet from the Northeast corner of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$, and South 89°56' East 901.33 feet from the Northwest corner of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$; thence continue North 12°23' East 680.43, feet along the said centerline to the point of beginning of a variable radius curve; thence curving to the left along said centerline on the said curve with a chord bearing North 4°46'35" East 658.83 feet to a point on the North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 34, said point being North 89° 58' West 216.74 feet from the Northeast corner of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence leaving said centerline North 89°58' West 924.80 feet, along the said North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, to a point on the North line of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$, said point being South 89°58' East 180 feet from the Northwest corner of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence South 0°03' East 484 feet on a line parallel to the West line of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence North 89°58' West 180 to a point on the West line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, said point being North 0°03' West 484 feet from the Northwest corner of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence South 0°03' East 836 feet along the West line of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$ to the Southwest corner thereof; thence South 0°07' East 1322.28 feet, along the West line of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$ to the INITIAL POINT of this description.

Subject to a State Highway road right of way along the Easterly 40 feet.

Excepting therefrom the following described property, to wit:

PARCEL NO. 2:

A part of SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Township 1 South, Range 2 West, B. M., Owyhee County, Idaho, more particularly described to-wit:

Commencing at the Northwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Township 1 South, Range 2 West, B. M., the INITIAL POINT of this description; thence South 0°03' East 484 feet to a point on the West line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence South 89°58' East 180 feet to a point; thence North 0°03' West 484 to a point on the North line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, said point being North 89°58' West 924.80 feet from the Northeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence North 89°58' West 180 feet to the INITIAL POINT of this description.

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 57-4048Date Received 6-30-89Receipt Number W003441

RECEIVED
AUG 02 1990

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
JUN 30 1989

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) Jason Richards Phone 813) 659-0696Mailing Address 1004 Bethlehem Rd. Plant City, Florida Zip 335662. Date of Priority (Only one (1) per claim) 11/1/9173. Source of water supply (a) Groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 1S Range 2W Section 34,
NW 1/4 of NE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Owyhee

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.3 wells - 2-4 inch casings for irrigation1-3 inch casing for domestic - gravity
& sprinkler irrigation

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OCT 06 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

Scale: 2 inches equals 1 mile

[illegible]

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OCT 06 1992

Copies: White-State, Yellow-Claimant

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount .20 or _____

For Domestic purposes from 1/1 to 12/31 amount .04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .24 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 35 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 1/ domestic

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>15</u>	<u>2W</u>	<u>34</u>								<u>8</u>	<u>2</u>								<u>10</u>

Total number of acres irrigated 10

11. In which county (ies) are lands listed above as place of use located? Owyhee

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks:

Remaining portion of this right has been abandoned through non use. **MICROFILMED**

L. Kenneth F. White was attorney for Plaintiff in quiet title action - See enclosed document **OCT 06 1992**

Last Name _____ Ident No. 57-4048

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

GENERAL INFORMATION

SEE 2-0-130

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 57-4048

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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 ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 2

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Jason Lee Richards Date 6-26-89

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Florida)
County of Hillsborough) SS.

Subscribed and sworn (or affirmed) before me this 26th day of June 1989

SEAL

Notary Public Jean Ann Wertheimer

Residing at _____

Notary Public, State of Florida

My Commission Expires _____ My Commission Expires Oct. 29, 1992

Signed Thru Tray Felt - Insurance Inc.

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

MICROFILMED
OCT 06 1992

Last Name _____ Ident. Number 57-4048

Copies White-State, Yellow-Claimant

Water Right Number - 57-04048

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

TURRITTIN

ROBERT

1 - RT. 1

2 -

3 -

City- KUNA

State- ID Zip- 83642

Phone -

TURRITTIN

MILDRED

1 - RT. 1

2 -

3 -

City- KUNA

State- ID Zip- 83642

Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
01/01/1917 14 S - STATUTORY CLAIM

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

01S 02W 34 NE SW (73) OWYHEE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

03/15

11/15

0.700

43 - DOMESTIC

01/01

12/31

0.040

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.740

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

01S

02W

34

SW NW

15.0

01

IRRIGATION

(73) OWYHEE

01S

02W

34

SE NW

15.0

01

IRRIGATION

(73) OWYHEE

01S

02W

34

NE SW

43

DOMESTIC

(73) OWYHEE

Total Acres: 30.0

+ - - Diversion Means - 2 WELLS & PUMPS.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
2 P/D IN NESW, S.34, T1S, R2W, B.M.

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OCT 06 1992

Water right number - 57-04048

Adj. flag translation: Standard Water Right Number

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - Audit Fields - 01/13/86 05/01/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Start Work Date - 00/00/0000	Verified Date - 01/13/1986	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended -
Decree Date - 00/00/0000	Presumption Flag -	Microfilm Roll Number -

MICROFILMED
OCT 06 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

May 27, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

MARY GRACE ELSNER
3758 W DEERFLAT RD
KUNA ID 83634

Dear Mrs. Elsner;

Enclosed please find the warranty deed you submitted to this office with your change of ownership information. I have made a copy of this for our records.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosure

5-27-94: Mrs. Elsner requested we send her a copy of her warranty deed as she needs it for submitting the SF-3. Requested through Cindy Zimmerman
LRW

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JUL 20 1994

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

5.18.94

MICROFILMED
JUL 20 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 10-5-93

RECEIVED

MAY 13 1994

LEGAL DESCRIPTION OF PROPERTY: Township 1S Range 2W
Section 34, 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. see attached deed WATER RESOURCES
WESTERN REGION

- ☐ 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: 57-04048
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): David C. Decking
HC 79 Box 40B
Melba ID 83641
- ☐ New Owner/Claimant (Purchaser): Earl & Mary Grace Elsner
- ☐ New Mailing Address: 3758 West Deerflat Road
Kuna ID 83634
- ☐ New Telephone Number: (208) 922 - 5971
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes x 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

(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) Earl Elsner Date 5-12-94
Mary Grace Elsner Date 5-12-94
- ☐ Signature of Former Owner/Claimant(s): David Decking Date
Date

(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:

MICROFILMED

JUL 20 1994

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

INSTRUCTIONS

RECEIVED
This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides 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, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

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.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

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 numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property 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. 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 held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

Owyhee Title Co.

200 Basey Street P.O. Box 8 Murphy, Idaho 83650

(208) 495-2589

May 9, 1994

RECEIVED

MAY 13 1994

WATER RESOURCES
WESTERN REGION

Earl & Mary Grace Elsner
3785 West Deerflat Road
Kuna ID 83634

Dear Mr. & Mrs. Elsner:

During a recent file cleaning it was discovered that the water rights transfer had never been completed.

Please sign and forward to Water Resources in the envelope provided.

Sincerely,


Ruth Doughty
Escrow Clerk

MICROFILMED

JUL 20 1994

TITLE INSURANCE • ESCROW CLOSINGS • LONG TERM ESCROWS • SURETY BONDS

WARRANTY DEED

POOR ORIGINAL

For Value Received DAVID C. DECKING, a single man

the grantor, does hereby grant, bargain, sell and convey unto
EARL ELSNER and MARYGRACE ELSNER, husband and wife

the grantees, whose current address is, 3758 W Deerflat, Kuna ID. 83634
the following described premises, to-wit:

As per Exhibit "A" attached hereto and by reference thereto made a
part hereof.

Together with all water rights, ditch rights, rights of way,
tenements, hereditaments and appurtenances thereto belonging or
used in connection therein.

Subject to exceptions and reservations contained in patents from
the United States.

Subject to all easements, restrictions and reservations of record
and of use.

FILED - RECORDED
93 OCT 6 PM 4 27
BARBARA LAY
OWYHEE COUNTY RECORDER
BY *E. Decking*
DEPUTY
RECEIVED
OCT 6 1993
FEE 6.00

211266

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantor does hereby covenant to and
with the said Grantees, that he is the owner in fee simple of said premises; that said
premises are free from all incumbrances except taxes and assessments for the year 1993
and subsequent years.

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

Dated: October 5, 1993

MICROFILMED

JUL 20 1994

David C. Decking
David C. Decking

STATE OF IDAHO, COUNTY OF Owyhee

On this 5th day of October, 1993,
before me, a notary public in and for said State, personally
appeared

David C. Decking

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that he executed the same.

Robert D. Fernald

Notary Public
Idaho

Residing at Boise
Comm. Expires 7/12/99

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request of

at _____ minutes past _____ o'clock m.,
this _____ day of _____,
19 _____, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____ Deputy.

Fees: _____
Mail to: 3758 W. Deerflat
Kuna ID 83634

EXHIBIT "A"

A part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and a part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 1 South, Range 2 West, B.M., Owyhee County, Idaho, more particularly described to-wit:

COMMENCING at the Southwest corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, T1S, R2W, B.M., the INITIAL POINT of this description; thence South 89°58' East 608.47 feet, along the South line of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$ to a point on the centerline of State Highway 78 (formerly Highway 45), said point being North 89°58' West 716.15 feet from the Southeast corner of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$; thence meandering along said centerline, North 12°23' East 1353.07 feet, to a point on the North line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, said point being North 89°56' West 421.75 feet from the Northeast corner of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$, and South 89°56' East 901.33 feet from the Northwest corner of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$; thence continue North 12°23' East 680.43 feet along the said centerline to the point of beginning of a variable radius curve; thence curving to the left along said centerline on the said curve with a chord bearing North 4°46'35" East 658.83 feet to a point on the North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 34, said point being North 89°58' West 216.74 feet from the Northeast corner of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence leaving said centerline North 89°58' West 924.80 feet, along the said North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ to a point on the North line of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$, said point being South 89°58' East 180 feet from the Northwest corner of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence South 0°03' East 484 feet on a line parallel to the West line of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence North 89°58' West 180 feet to a point on the West line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, said point being South 0°03' East 484 feet from the Northwest corner of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence South 0°03' East 836 feet along the West line of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$ to the Southwest corner thereof; thence South 0°07' East 1322.28 feet, along the West line of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$ to the INITIAL POINT OF THIS DESCRIPTION.

Subject to a State Highway road right of way along the Easterly 40 feet.

gld

MICROFILMED

JUL 20 1994

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID C DECKING HC 78 BOX 40B MELBA ID 83641 (208) 495-2137	01/01/1917	DOMESTIC	01-01 12-31	0.04 CFS	
TOTAL DIVERSION:					0.04 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T01S R02W S34 NWNESW

OWYHEE County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
01S	02W	34	:													:

POU County: OWYHEE

Non-Irrigation Uses: DOMESTIC, 1 HOME, INSIDE USE ONLY

Other Rights: NONE

Remarks: TWO POINTS OF DIVERSION LOCATED IN NWNESW, S34, T01S, R02W.

Dates: Exam Made Date: 11/20/1990 Verified Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 09/12/1991 User-ID: HARRIS Subject: COPIED FROM REMARKS
A SECOND P/D IN NESW, SEC. 34, TWP. 1S, RGE. 2W, B.M., USED FOR
IRRIGATION. THE USAGE FOR IRRIGATION DISALLOWED DUE TO LACK OF
EVIDENCE SUPPORTING PRIORITY DATE.

Date: 07/14/1992 User-ID: SMITH Subject: DATA ENTRY
CHANGED TO BENEFICIAL USE

Audit: 00/00/00

MICROFILMED
OCT 06 1992

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. A57-04048

WR ELEMENT	FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE	CLAIM VERIFIED BY CODE (SEE BELOW)	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE	"R" RECORD
PRIORITY*				Y		
PT. OF DIV.	Y	SC 11/20/90	1-2-5	N	SC 5/31/91	DATA ENTRY COMPLETED BY _____ DATE _____
SOURCE	N	✓	5			
PL. OF USE	Y	✓	1-2-5			FINAL RECOMMENDATION BY _____ DATE _____
DIV. AMOUNT CFS/AF	Y	✓	5			
CONSUMPTIVE USE	Y	✓	1-2-5			
NATURE OF USE	Y	✓	5			
PERIOD OF USE	N	✓	5			
BASIS OF CLAIM	N	✓				
REMARKS	Y	✓	5			

VERIFICATION CODES

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES _____ NO _____.

**IF CLAIMANT CONTACT IS NEEDED, COMPLETE
CLAIMANT CONTACT CHECKLIST AND ATTACH.

TOPO MAP/ORTHOPHOTO = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER(SEE COMMENTS) = 6

COMMENTS:

Can recommend if evidence of priority sufficient - Evidence of priority is not sufficient. Recommended for domestic use only. 11-22-91 - LRU

MICROFILMED
DEC 6 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:37:55
10/23/90

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A57-04048

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
* PRIORITY DATE								
POINT OF DIV	Y		SL 11/20/90	no, just clarified	1,2,5	SL		
SOURCE	N			N	5	5/31/91		
PLACE OF USE	Y			N	1,2,5			
DIV. AMOUNT CFS/VOLUME	Y			Y	5			
CONSUMPTIVE USE	-			Y	1,2,5			
PURPOSES	N			N	5			
PERIOD OF USE	N			N	5			
BASIS OF CLAIM	Y			N	?			
REMARKS	Y			Y	5			

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAIP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

MICROFILMED
OCT 06 1992

* Need evidence of priority on claim will be recommended as disallowed;
new water right will be required.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

A57-04048
Adjudication Claim No.

Staff Analysis Sheet For

SRBA Claim Verification Field Report pld - 15 2W 5.34 NGSW

A. Prior to Conducting the Exam, the File Contains:

- ☒ Claim Verification Report(CVR) pld - 11 56NW
☒ Copy of Adjudication Claim NGSW
☒ Copies of pertinent files(prev. rts., exams, etc.)
☒ Well Inspection Form (If Needed)
☒ Copy of U.S.G.S. Quad map, orthophotoquad, or NAPP photography
☒ Check P.D. & P.U. desc. for Govt. Lots(if a lot is found, a copy of the Govt. plat is needed to add the lot onto the R claim file later)
☒ Check CVR for P.D. overlap(see page titled Pt. of Div. Review Sheet)
☒ Check AJ & WR P/D indexes(to ck. accuracy of CVR overlap ckd. above)
 Overlap yes ☒ no If yes: copy of claims & water rights incl?
 Type of Overlap? Add acres or uses to existing system
Increase rate of flow or volume
Other: _____
☒ Check CVR for P.U. overlaps(see page titled Pl. of Use Review Sheet)
☒ Check AJ & WR P/U indexes(to ck. accuracy of CVR overlap ckd. above)
 Overlap ☒ yes no If yes: N/A copy of claims & water rights incl?
 Type of Overlap? Increase rate of flow or volume
Add P/D's
Increase number of acres within tracts
Different source for same acres
☒ Other: different well plus surface water - other land
☒ Appointment Letter Sent? N/A (initial & date)
☒ Appointment Made and Telephone Conversation Memo Attached

B. After Conducting the Exam, the File Contains:

- * Fully Completed and Signed CVR Form
☒ Photographs of Point(s) of Diversion and Place of Use
☒ Completed map outlining Point(s) of Diversion and Place of Use

C. Review and Processing:

- Claim No. submitted for weekly exam completed prog. report? ☒ Yes No
 Exam completed date data entered on claim SL 5/31/91 (initial & date)
 * Claim Verification Report completed LRW 11-22-91 (initial & date)
 ? Was CVR spot-checked by Supervisor? Yes ☒ No _____ (initial & date)
 * R claim file created LRW 11-22-91 (initial & date)
 * Recommendations entered on R claim file LRW 11-22-91 (initial & date)

* after evidence of priority, received & evaluated - SL

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OCT 08 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:37:55
10/23/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A57-04048

LAST: TURRITTIN
ADDRESS: RT. 1
CITY: KUNA
PHONE NUMBER: 208-000-0000

FIRST: MILDRED
STATE: ID ZIP: 83642

OWNER CODE: 0

LAST: RICHARDS
ADDRESS: 1004 BETHLEHEM
CITY: PLANT CITY
PHONE NUMBER: 313-659-0696

FIRST: JASON
STATE: FL ZIP: 33566

OWNER CODE: 0

LAST: TURRITTIN
ADDRESS: RT. 1
CITY: KUNA
PHONE NUMBER: 208-000-0000

FIRST: ROBERT
STATE: ID ZIP: 83642

OWNER CODE: 0

LAST: DECKING
ADDRESS: ~~P.O. BOX 1536~~ HC 78 Box 40B
CITY: ~~PROJECT CITY~~ Melba
PHONE NUMBER: ~~208-000-0000~~
495-2137

FIRST: DAVID C.
STATE: ~~CA~~ ID ZIP: ~~96079~~ 83641

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: 2 P/D IN NESW, S.34, T1S, R2W, B.M.

DATABASE
Y

FIELD
EXAMINER

yes, since statutory claim is basis of SPBA claim

Ownership changed per Warranty deed
attached to original claim

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CONTACT PERSON: David Deeking

PHONE NUMBER: () 495-2137

DATE OF FIELD EXAM: 11/20/90

APPOINTMENT MADE: Y() N(X)

TIME: 2:00 A() P(✓)

ACCOMPANIED BY: owner David Deeking was on-site

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT: when I dropped by

DIRECTIONS TO PROPERTY / REMARKS:

Located with orthophoto & ASCS maps/photos, also used NAPP photo.

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A. AJ CLAIM: # A57-04048 PRIORITY DATE: 01-01-1917 STAGE: S
B. WR RECORD: # 57-04048 PRIORITY DATE: 01-01-1917 STAGE: S

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER
N

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED?
IF YES EXPLAIN

REMARKS:

Y (X) N () - Type of claim requires proof of
on 5-9-91. Proof submitted is inadequate due to:

1. Place of use only refers to section 34; does not indicate any particular
1/4 1/4.

2. According to Larry Bachman, Our Co. assessor: Ag. land can be classified as
5 different categories 1) irr. ag. 2) pasture 3) meadow 4) improved
dry grass & 5) dry grass. The claimant's proof indicates 8 acres of ag
land but does not state whether irrigated

3. Proof has not been notarized.

RECOMMENDED PRIORITY DATE: None due to lack of sufficient proof,
01-01-1917.

REVIEWED BY

Linda Werners

DATE

6-4-91

NOTE: A priority date of 1-1-1917 is recommended for the domestic use.

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Department of Water Resources

WELL INSPECTION FORM

well #1 irrigation

If well is associated with water right, provide WR# A57-04048

Otherwise provide legal description and a sketch map and/or address so that the well can be located easily.

1. Legal Description: TWP____, Rge____, Sec.____, ____1/4____1/4
or Lot____.

2. Owner: _____

Address_____, City_____, St_____

3. Casing $\geq$ 12 inches above ground: Yes ☒ No ☐

4. Access Port: Yes____ No ☒
Pressure Gauge: Yes ☒ No____
Flowing: Yes____ No ☒

Static Water Level: ^{owner} estimated 19'
Casing Diameter: 4"
Temperature: cold

5. Are there any obvious construction problems that may be a source for contamination or waste of water: Yes____ No ☒

If answer to Item 5 is Yes, describe in remarks and attach photo.

Remarks: Previously artesian well (warm water) but no
longer flows. Temp. has declined according to owner.

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Department of Water Resources

WELL INSPECTION FORM

Well #2 Domestic

If well is associated with water right, provide WR# A57-04048

Otherwise provide legal description and a sketch map and/or address so that the well can be located easily.

1. Legal Description: TWP____, Rge____, Sec.____, ____1/4____1/4
or Lot____.

2. Owner: _____

Address_____, City_____, St_____

3. Casing $\geq$ 12 inches above ground: Yes ☒ No ☐

4. Access Port: Yes ☐ No ☒ Static Water Level: unknown
Pressure Gauge: Yes ☐ No ☒ Casing Diameter: 3"
Flowing: Yes ☐ No ☒ Temperature: 60/64

5. Are there any obvious construction problems that may be a source for contamination or waste of water: Yes ☐ No ☒

If answer to Item 5 is Yes, describe in remarks and attach photo.

Remarks: _____

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A57-04048	01S	02W	34	NW	NE	SW		OWYHEE

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
57-04048	01S	02W	34		NE	SW		OWYHEE

OTHER WR RECORDS WITH SAME WR POD
NONE

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
NONE NONE

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO POD DISCREPANCY? (Y/N)	Y	<u>Y</u>
DUE TO SOURCE DISCREPANCY? (Y/N)	N	<u>N</u>

REMARKS:

verify 10 ac tract for pld in claim. 2 wells found in NW part of Q0.

2 points of diversion in NWNE5W S. 34 T15 R2W.

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>15</u>	<u>2W</u>	<u>34</u>	<u>NW</u>	<u>NE</u>	<u>SW</u>	<u>—</u>	<u>Owyhee</u>

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY: SL DATE: 5/31/91

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OCT 06 1992

SYSTEM DESCRIPTION ATTACHMENT TO CLAIM VERIFICATION REPORT

CLAIM NO. A57-04048 D. Deeking 11/20/90

Couldn't reach owner in California so stopped by property on 11/20/90. Owner was present & said has lived here off & on for about 1 year.

NEW ADDRESS HC 78 Box 40 B MELBA 83641 495-2137

2 wells found - could not measure static level in either well.

WELL #1 IRRIGATION South of house near end of pasture.

Previously artesian but not flowing, now pumped.

No well log. 4" csg, unknown depth.

Subm. Red jacket pump but no info available. Electric control box specifies system capable of ≤ 3 hp.

Pressure gauge on 2" mainline - owner stated 10-15 psi operation, normal use ≤ 10 small rainbird heads (typical yard heads). PSI probably $> 10-15$ since takes about 12 psi to run a head.

Static estimated 19' per 1979 notes on pump log (no serial # or other info found).

Assume low pressure system ≈ 20 psi, hp ≤ 3 , $Z \approx 30'$

$$Q = \frac{(8.8)(.7)(3)}{(2.31)(20) + 30} = .24 \text{ cfs} \quad (.15 \text{ cfs if assume psi} = 40)$$

however, assuming well designed system MICROFIL ft/sec with

$$2" \text{ main, } Q = \pi r^2 V = (3.14)(.875)^2(5) = .11 \text{ cfs expected.}$$

WELL #2 DOMESTIC continued on back

Well #2

SW of pld #1 is close to fence line, well is
small pump house

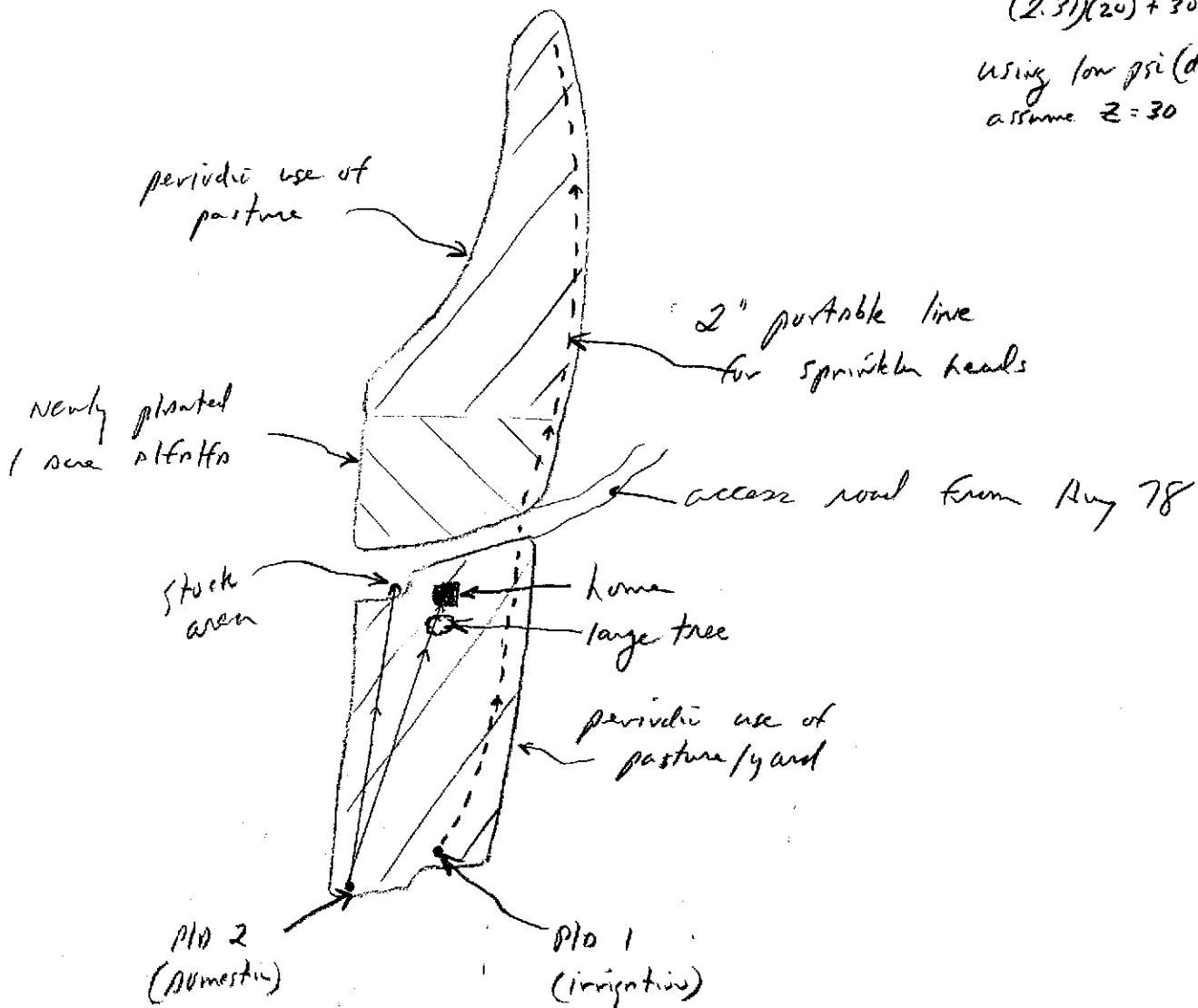
3" csg., unknown depth, no well log

Subm. 1/2 hp. pump with no tag, brand unknown

Line to 1 home (intensive) use. Also line to
stock area just west of home (± 20 hd., considered
within domestic use).

$$\text{Pld 2 } Q = \frac{(8.8)(.7)(.5)}{(2.31)(20) + 30} = .04 \text{ cfs}$$

using low psi (domestic) &
assume $z = 30$



AS-09048

25
26

25
26

25
26

25
26

534 feet high in
N. 1/4 Sec. 25, T. 26 N., R. 25 E.

RECORDED
001 06 1992

2637

2630

2546

E33

80B

T448

1 Acre newly
planted alfalfa
other is pasture
used occasionally
also yard

NOT
Irrigated

PASTURE

HOME

PASTURE/yard

PLO #1

PLO #2

CS

B2

11.6

NE

A57-04048

T1S R2W 5.34

SCALE 1" $\approx$ 652'
(BASED ON COMPARISON
with orthophoto)
JL 5-31-90

Hwy 78

39

B2

16

T450

395

B40

105B

T45

NE

34/35

3/2

38

HEC

19.9

ORH MED

1982

A. ROOT WATER RIGHT NUMBERS: A57-04048

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
01S	02W	34	NE	SW		DECKING, DAVID C.	A57-04048 / 2.0	57-04048 /		/	/
01S	02W	34	SE	NW		DECKING, DAVID C. MERCHANT, CHARLES O. NEAVILL, W.K.	A57-04048 / 8.0	57-04048 / 15.0 57-02044 / 4.0 57-04027 /		5	5
01S	02W	34	NE	SW		DECKING, DAVID C.	A57-04048 /	57-04048 /		DOMESTIC	
TOTAL ACRES							A57-04048	10.00	15.00		6

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N(✓)
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
yes

PRESUMPTION FLAG:

REMARKS:

1 acre in SWSENW was newly planted alfalfa. Remaining acres recommended
in CVR are marginal areas of pasture & yard occasionally irrigated.
See system description for details. Northern tip of field is
abandoned and not included in recommendation. Also see ASCS photo for layout
of area.

RECOMMENDATIONS:

TOTAL ACRES: 6, and domestic, 1 home (interior use)

REVIEWED BY: JR

DATE: 5/31/91

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15 2W S.34 SENW 5 ac.
NESW 1 ac.
NESW Domestic

NOTE domestic use includes misc. stock (~20 hd. mixed) for incidental use,
de minimus use is just incorporated into domestic U. listing as
separate use.

Note 57-04048 originally claimed 15 ac.
in SWNW S.34 but not
irrigated now.

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A57-04048 IRRIGATION	FROM 03-15 TO 11-15	.200 CFS
A57-04048 DOMESTIC	FROM 01-01 TO 12-31	.040 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.240 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
57-04048 IRRIGATION	FROM 03-15 TO 11-15	.700 CFS
57-04048 DOMESTIC	FROM 01-01 TO 12-31	.040 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.740 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N	<u>N</u>
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y	<u>Y</u>
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	N	<u>N</u>

need to verify rate of flow

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(✓) N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y(✓) N() Explain in remarks, below.

REMARKS:

Recommend to water right standard

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(☒)

AJ TOTAL CLAIMED DIVERSION RATE: 0.240 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.740 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

Y

Y

B.

FLOW MEASUREMENT

MEASUREMENT METHOD

theoretical

, SEE ATTACHED CALCULATIONS.

*system not on during exam
so could not do sprinkler
measure.*

C. ARE OTHER WATER RIGHTS USED? Y() N(☒) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 6 x 0.02 CFS/ACRE = .12 CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N(☒)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 35.0 AF/A

ACRES 6 x CONSUMPTIVE VOL. AF/A FOR AREA 3.5 = 21
TOTAL CONSUMPTIVE USE 21 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = Not claimed AF/A

ACRES 6 x DIVERSION VOL. AF/A FOR AREA 5 = 30
TOTAL DIVERSION VOLUME 30 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N(☒)

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

→ Domestic use is for in-house use for 1 home.

Recommended for domestic use only. - 11-22-91-LRW

1b. CALCULATIONS

HP eq. for well #1 (irrigation)
shown in system description

pg. .15 cfs to
HP eq. Q = .24 cfs

Expected flow 2" pipe (also see
syst. desc. pg.)
Q = .11 cfs

Calculations sufficient to allow
.12 cfs or max rate for
of acres

(6)(5) = 30 afa v.

(.12)(246)(1.4875) = 58.6 afa

(or 53.7 afa if limit
rate to .11 cfs)

HP eq. for well #2 (domestic)

shown in system description
pg.

HP eq. Q = .04 cfs

volume (internal use) = .6 afa

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	03-15 11-15	DATABASE 0.200 EXAMINER .12	DATABASE 30 EXAMINER 30	DATABASE 35.0 EXAMINER 21
DOMESTIC	01-01 12-31	0.040 .04	0.6	0
TOTAL FOR THIS RIGHT		0.240 .16	30.6	21

REVIEWED BY:

SL

DATE:

5/31/91

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OCT 06 1992

This is how the
claim would be recommended
if claimant had submitted
adequate proof of priority.

MICROFILME

OCT 06 1992

*COPY FOR PREPARING R file
after evidence of priority received is
evaluated*

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: A57-04048
Date Received: 8/06/1990
Receipt No: W003441
Received By: _____

*PL
5/31/91*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAVID C. DECKING
Address: ~~P.O. BOX 1536~~ HC 78 Box 40B
PROJECT CITY, CA 96079
Melba ID 83641

495-2137

2. Date of Priority: JAN 01, 1917

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	02W	34	NW	NE	SW		OWYHEE

5. Description of diverting works:
28 WELLS & PUMPS, sprinkler irrigation

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	~~0.200~~	.12	30.0
DOMESTIC	01/01	12/31	0.040		~~0.6~~

*DIVERSION
WILLING,
NOT
CONS.
USE*

7. Total Quantity Appropriated is:
~~0.240~~ C.F.S. (and/or) *.16*

30.6 A.F.A.

8. Total consumptive use is ~~25.0~~ Acre Feet Per Annum.

21.0

9. Non-irrigation uses:
ONE HOUSEHOLD (*in farm*)

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	02W	34	SE	NW		IRR	~~8.0~~ 5
			NE	SW		IRR	~~2.0~~ 1
			NE	SW		DOMEST	

A57-04048

Page

1

Date: 08/06/1990

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	~~10.0~~ 6
					Total Acres	~~10.0~~ 6

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
NONE

14. Remarks: *NWNEJW*
2 P/D IN ~~NESW~~, S. 34, T1S, R2W, B.M.
DOMESTIC use is for in-house use only for 1 home. *

15. Basis of Claim: STATUTORY CLAIM

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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): _____ Date: _____
_____ Date: _____

* *Domestic*
Shown as remark in W.R. database but don't know if
will be in SDJ. database. Not shown in item 9 in
W.R. data.



PHOTO ONE- pld #1 irrigation well looking south.
2" main line.

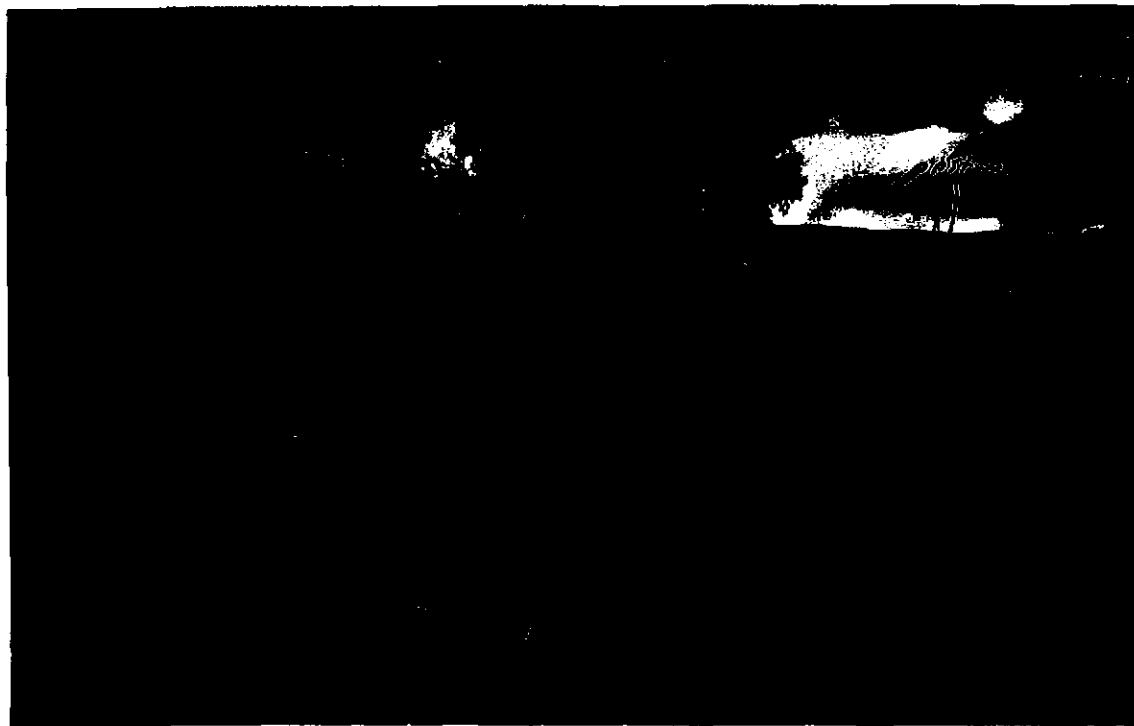


PHOTO TWO-

Part of pld looking north from near
pld #1. Domestic well (pld #2) is south
of observer. Domestic use is home in
center of photo. Note 2" metal pipeline connected
to 2" portable hose line.

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP	(☒)	()
FORFEIT/ABANDON	()	()
ADDITIONAL DIV. AMOUNT	()	()

per warranty deed
some of acres in statutory claim abandoned
per info in original SRRA claim.
no irrigation found in SW 1/4 S34.

B. SPLIT WATER RIGHT REVIEW

N/A

ROOT WATER RIGHT NUMBER: 57-04048

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.740

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A57-04048	0.240	-		57-04048	0.740
TOTAL CFS		0.240				0.740

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
N

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE:

NAME OF FIELD EXAMINER:

DATE:

TITLE:

Steve M. Lester

5/31/91

Steve M. Lester

Sr. Water Resource Agent

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OCT 10 6 1992



BARBARA WRIGHT
Treasurer/Ex-Officio Tax Collector
and Public Administrator

COUNTY OF OWYHEE
Courthouse
Murphy, Idaho 83650

Linda Charters
Chief Deputy

May 7, 1991

State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, Id 83705

RECEIVED
MAY 9 1991

Department of Water Resources
Western Regional Office

RE: Water rights Section 34 Township 1 South, Range 2 West

Ms. Werner:

Mr. David C. Decking asked that we verify the water rights on his property. In checking back thru the tax records and assessment records of this county, we find that the property was assessed in the name of C. O. Merchant of Wilson, Idaho. This assessment and taxes showed the property assessed for 8 acres of Agricultural land and 32 acres of Waste for the tax year 1920. The tax rolls of 1917 and 1918 showed 20 acres of waste and 20 acres of dry grazing for the same description.

In our opinion the property had to be irrigated to be classified as Agriculture.

If we can be of any further assistance, please do not hesitate to contact us.

Sincerely,

BARBARA WRIGHT, Treasurer and Tax Collector

L. Charters

Deputy,

BW;lc

water right # A57-04048

MICROFILMED
OCT 06 1992

April 17, 1991

David C. Decking
HC 78, Box 40B
Melba, ID 83641

Dear Mr. Decking:

SUBJECT: Notice of Claim to a Water Right, A57-04048

In the past, you submitted the above referenced claim in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim for your reference; this print-out is not to be returned or refiled.

You indicated when this claim was filed that the water right was based on "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used. Your claim has not been confirmed by a previous filing with the Department of Water Resources such as a license, decree, or permit on file to verify the use of this water. For this reason, the Department is under a legal requirement to gather evidence from claimants supporting the date of first use, or "priority date" for claims based on historical use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes the types of evidence required and explains what kind of documents will fulfill this requirement. It will also explain why this evidence is necessary.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, cannot be recommended to the Court for decree. This could jeopardize your water use under this right, if water availability problems arise in the future. Field exams to verify other items of the above claim have been conducted.

Please submit the required evidence supporting the priority date by May 10, 1991. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. If you have any questions not covered by this letter or the enclosed pamphlet, please contact me.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosure

8 Ac - 19, 20, S.34 SENEW
" " NESW

MICROFILMED

OCT 06 1992

CONVERSATION MEMORANDUM

DATE 10/31/90FILE A57-04048NAME OF PARTY David DeekingEMPLOYEE Steve Lesta

RE: _____

No local phone #Directory Assistance - no # Project City sent # in
CENTRAL VALLEY (NSARMS)916-275-5162* Local contact?3 wells in 2?Locate, uses, system etc.O/I int/ext?PER WELLDEPTHSWL/2PSICASE FROMDESCRIPTION OF DELIVERY10/31/90 1:15 Ø MDT11/5/90 12:00 Ø "11/7/90 9:30 Ø "11/8/90 8:30 Ø "No response to phone calls.Conduct exam as best as can & following
with correspondence if needed.

MICROFILMED

OCT 06 1992

15 20134



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

October 12, 1990

RE: Claim No(s): A57-04048

CECIL D. ANDRUS

A57-04048

GOVERNOR

DAVID C. DECKING

R. KEITH HIGGINSON

~~P.O. BOX 1536~~

*HC78, Box 40B
Mulla 83641*

DIRECTOR

PROJECT CITY

CA 96079

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is NOT to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no license, decree or permit on file to verify the use of this water. For this reason, the Department is under a legal requirement to gather evidence from claimants supporting the date of first use, or "Priority Date", for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes the types of evidence required and explains what kind of documents will fulfill this requirement. While we encourage you to read the entire pamphlet, we would like to direct your attention to the right-hand half of this pamphlet once you open it. There you will find information concerning the evidence requirements mentioned above. The other sections describe to you why this evidence is necessary.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, cannot be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the above claim(s) have been or soon will be conducted by Department personnel.

Please submit the required evidence supporting the priority date(s) by December 1, 1990, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact a water resource agent in this office.

Sincerely,

Jan Shurte
Water Rights Supervisor
Adjudication Section

MICROFILMED

OCT 06 1992

JS:lh

Enclosures

RECEIPT IS FROM THE STATE FILE

SD-01 IDAHO DEPARTMENT OF WATER RESOURCES
RECEIPT ENTRY SCREEN

DATE 09/04/90
TIME 11:26:23

REC/NO - W003441 AR/NO -
FROM: - WHITE, KENNETH F.

RECEIPT TYPE - CK DOC/NO - 929
REMARKS -

TYPE OF PAYMENT
ADJUDICATION CLAIM FEE

PROGRAM	ACCT	CLASS	FEE
410162	9337	6490	130.00

Attorney for original claimants (Tara Richards)
(Nampa office)

TOTAL DUE - 130.00

WR/NO
A5704048

WR FEE
130.00

WR/NO

WR FEE

WR/NO

WR FEE

(ENTER=INQUIRE)
(GOLD6=2ND/COPY REC)

(GOLD1=ADD/PRINT REC)
(GOLD7=LASER/COPY REC)

(GOLD2=CHANGE)

(GOLD3=VOID)
(MENU _____)

MICROFILMED

OCT 06 1992

KENNETH F. WHITE

CHARTERED

Attorney at Law

703 - 2nd Street South * P.O. Box 1099

Nampa, Idaho 83653-1099

Phone (208) 466-3100

RECEIVED

AUG 02 1990

August 1, 1990

Department of Water Resources
Western Regional Office

STATE OF IDAHO
Attn: Bruce A. Schuld
Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: JASON L. / JANICE RICHARDS
Water Rights
A57-04048

Dear Mr. Schuld:

I am in receipt of a letter from you dated June 20, 1990, regarding water rights on adjudication claim #A57-04048 and receipt #W003441.

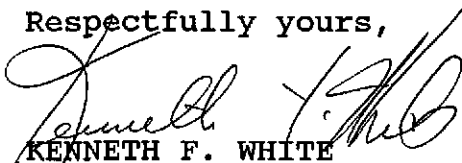
At the time I made said claim for the Richards, they were indeed the record holders of the property, and were involved in a quiet-title lawsuit involving said property. After the resolution of the quiet-title action, they have subsequently sold said property to:

DAVID C. DECKING
P.O. Box 1536
Project City, CA 96079

I am enclosing a copy of the Warranty Deed reflecting said sale, and a copy of the Judgment in the quiet-title action.

If I can be of any further assistance, please advise.

Respectfully yours,


KENNETH F. WHITE

KFW:cs
enc.

MICROFILMED

OCT 06 1992

June 20, 1990

Jason L. and/or Janice L. Richards
c/o Kenneth F. White, Chartered
P.O. Box 1099
Nampa, Idaho 83653

RE: A57-04048

Dear Mr. and Mrs. Richards;

Please find attached your adjudication claim #A57-04048 and Receipt #W003441 for \$130.00. During the review process we have noticed a problem with the claim, which requires your immediate attention.

Although we assume from your representative's request for an extension of time that you are making the claim to the water right in your name, you have not indicated on the claim that you are doing so. You must complete the Name and Address of Claimant on the form, and if you are claiming the water right for another party you must noted in Remarks what legal authority you have to do so.

Please respond promptly as we are performing the field verifications for Owyhee County this summer and claims which are not verified will be recommended for disallowal.

Regards,

Bruce A. Schuld
Senior Water Rights Agent

cc:BS:file
attachments: A57-04048
W003441

MICROFILMED

OCT 06 1992

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 57-4048Date Received 6-30-89Receipt Number W003441

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
JUN 30 1989

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) _____ Phone () _____

Mailing Address _____ Zip _____

2. Date of Priority (Only one (1) per claim) 1/1/19173. Source of water supply (a) Groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 1S Range 2W Section 34,
NW 1/4 of NE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Owyhee

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.3 wells - 2-4 inch casings for irrigation1-3 inch casing for domestic - gravity
& sprinkler irrigation -

MICROFILMED

OCT 06 1992

Rec'd 9/8/94 - Atty Gen. Office DBS

RECEIVED
OCT 03 1994
WATER RESOURCES
WESTERN REGION

6-ri - Please update address. 57-04048

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.

Case No. 39576

STANDARD FORM 3

The State of Idaho, ex rel. R. Keith
Higginson in his official capacity as
Director of the Idaho Department
of Water Resources,

STANDARD FORM FOR NOTICE
OF CHANGE IN ADDRESS

OR

Petitioner,

CONSENT TO SUBSTITUTION OF
PARTY

vs.

The United States; the State of Idaho; and
all Claimants to the Use of Water From
the Snake River Basin Water System,

Respondents.

INSTRUCTIONS FOR USE

This form must be used to provide notice of change in address or to substitute a party whose water right recommendation is in a director's report which has been filed with the court. The filing of Standard Form 3 cannot result in a contested matter. A hearing will not be scheduled.

This form has been adopted by the court in *SRBA Administrative Order 1* (amended June 21, 1993), Section 4A, which may be consulted for further information.

Standard Form 3 shall not operate to excuse compliance with the statutory requirements of I.C. § 42-1409(7) where a water right recommendation is not before the court.

As used in this form, the term "prior claimant/seller" means any person who, pursuant to I.C. § 42-1409(2), (3) and (6), filed a notice of claim asserting the right to the use of water or on whose behalf the right to the use of water was asserted. "New claimant/purchaser" means any successor in interest of a "prior claimant/seller," whether the interest is acquired by purchase, gift, inheritance or other means.

A *Consent to Substitution of Party (Substitution)* must be signed by the prior claimant/seller and the new claimant/purchaser. The *Substitution* shall be filed by the new claimant/purchaser.

Check either the *Change in Address* or *Consent to Substitution of Party* box and fill in the requested information. A party may copy or reproduce the standard form. The text of the form must be on the front and back of each page, exactly as it appears here.

Follow the instructions on the form or the court will not accept it for filing. The Verification and the Certificate of Mailing must be completed.

The standard form may be obtained from the Idaho Department of Water Resources and the court. You must provide a copy of this form to each party, or to their legal counsel, in any subcase in which you are a party.

☐ CHANGE IN ADDRESS

My name is _____

I am the claimant of _____

(Insert each water right number)

I have filed an objection/response to the following water right(s) _____

(Insert each water right number)

My new mailing address is _____

My phone number is: Work _____ Home _____

☒ **CONSENT TO SUBSTITUTION OF PARTY**

My name is Earl and/or Marygrove Elsner
My address is HC 79 Box 259
Melba, Idaho 83641

My phone number is: Work _____ Home 208-495-2137

The name and address of the party who I wish to be substituted for are:

David C Deeking
HC 78 Box 40B Melba, Id. 83641

I am the new claimant/purchaser of 57-04048 and
(Insert each water right number)

I am submitting proof of acquisition of the interest of the prior claimant/seller, which is required by the court to support my Substitution. Proof must contain a legal description of the property, including the water right numbers conveyed. You must describe the documents you are submitting.

1 Notice of new property ownership
2 Warranty Deed

See notice of New Property Earl Elsner
(Signature of prior claimant/seller) (Signature of new claimant/purchaser)
owner form.

☐ **ATTORNEY OF RECORD COMPLETING FORM**

My name is _____

I am the attorney of record for _____
(Identify party/claimant)

My address and phone number are _____

VERIFICATION

(Must be completed for either a *Notice of Change in Address* or for *Consent for Substitution of Party*)

State of Idaho

County of Oneida

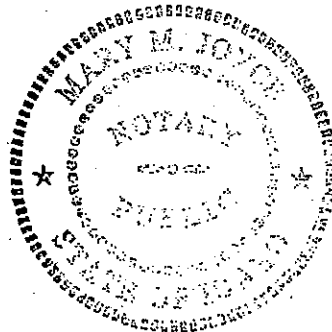
Earl and Margaret Elmer, being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)

That I am the person or entity filing this form, that I am a water right claimant or party or their successor in interest, defined by I.C. §§ 42-1401A(1), (7) or (10); and that I have read this form, know its contents and that the statements are true to the best of my knowledge and belief.

Earl M Elmer
Margaret Elmer
Signature of person filing form

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on 6-7-94
(Insert Date)



Mary M. Joyce
Notary Public for
Residing at: Meridian ID
My Commission expires: 4-26-2000

INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on _____, 199____, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid 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, Idaho 83303-2707

2. A *Change of Address* must be served on each party, or their attorney, in each subcase in which you are a party at the following address(es):

3. A *Consent to Substitution of Party* must be served on the prior claimant/seller or their attorney at the following address:

David C. Decking
HC 78 Box 40-B.
Melba, Idaho 83641

4. A *Consent to Substitution of Party* must be served on each party, or their attorney, to each subcase in which the prior claimant/seller is a party at the following address(es):

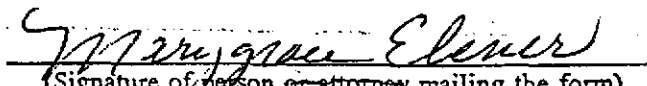
See #3

4. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

5. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734


(Signature of person or attorney mailing the form)

NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 10-5-93

LEGAL DESCRIPTION OF PROPERTY: Township 1S Range 2W
Section 34, 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. see attached deed

- ☐ 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: 57-04048
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): David C. Decking
HC 79 Box 408
Melba ID 83641
- ☐ New Owner/Claimant (Purchaser): Earl & Mary Grace Elsner
- ☐ New Mailing Address: 3758 West Deerflat Road
Kuna ID 83634
- ☐ New Telephone Number: (208) 922-5971
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes x 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

(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) Earl Elsner Date 5-12-94
- ☐ Signature of Former Owner/Claimant(s) David Decking Date

(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

MICROFILMED

SEP 25 1996

WARRANTY DEED

For Value Received DAVID C. DECKING, a single man

the grantor, does hereby grant, bargain, sell and convey unto
EARL ELSNER and MARYGRACE ELSNER, husband and wife

the grantees, whose current address is, 3758 W Deerflat, Kuna ID. 83634
the following described premises, to-wit:

As per Exhibit "A" attached hereto and by reference thereto made a
part hereof.

Together with all water rights, ditch rights, rights of way,
tenements, hereditaments and appurtenances thereto belonging or
used in connection therein.

Subject to exceptions and reservations contained in patents from
the United States.

Subject to all easements, restrictions and reservations of record
and of use.

FILED-RECORDED
93 OCT 6 PM 4 27
BY
CLERK OF
COUNTY OF
OWYHIE
IDAHO
HE 6.00

211266

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantor does hereby covenant to and
with the said Grantees, that he is the owner in fee simple of said premises; that said
premises are free from all incumbrances except taxes and assessments for the year 1993
and subsequent years.

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

Dated: October 5, 1993

David C. Decking
David C. Decking

STATE OF IDAHO, COUNTY OF Owyhee

On this 5th day of October, 1993,
before me, a notary public in and for said State, personally
appeared

David C. Decking

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that he executed the same.

David C. Decking
Notary Public

Residing at Boise

Comm. Expires

7/12/99

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request of

at _____ minutes past _____ o'clock m.,
this _____ day of _____,
19____, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____

Feen 2

Mail to:

3758 W. Deerflat
Kuna, ID. 83634

SEP 25 1996

EXHIBIT "A"

A part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and a part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 1 South, Range 2 West, B.M., Owyhee County, Idaho, more particularly described to-wit:

COMMENCING at the Southwest corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, T1S, R2W, B.M., the INITIAL POINT of this description; thence South 89°58' East 608.47 feet, along the South line of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$ to a point on the centerline of State Highway 78 (formerly Highway 45), said point being North 89°58' West 716.15 feet from the Southeast corner of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$; thence meandering along said centerline, North 12°23' East 1353.07 feet, to a point on the North line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, said point being North 89°56' West 421.75 feet from the Northeast corner of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$, and South 89°56' East 901.33 feet from the Northwest corner of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$; thence continue North 12°23' East 680.43 feet along the said centerline to the point of beginning of a variable radius curve; thence curving to the left along said centerline on the said curve with a chord bearing North 4°46'35" East 658.83 feet to a point on the North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 34, said point being North 89°58' West 216.74 feet from the Northeast corner of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence leaving said centerline North 89°58' West 924.80 feet, along the said North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ to a point on the North line of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$, said point being South 89°58' East 180 feet from the Northwest corner of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence South 0°03' East 484 feet on a line parallel to the West line of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence North 89°58' West 180 feet to a point on the West line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, said point being South 0°03' East 484 feet from the Northwest corner of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence South 0°03' East 836 feet along the West line of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$ to the Southwest corner thereof; thence South 0°07' East 1322.28 feet, along the West line of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$ to the INITIAL POINT OF THIS DESCRIPTION.

Subject to a State Highway road right of way along the Easterly 40 feet.

ELP

MICROFILMED

SEP 25 1996

Rec'd 6/8/94 - Atty Gen. Office

RECEIVED

AUG 25 1994

Department of Water Resources
Adjudication Bureau

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.

Case No. 39576

STANDARD FORM 3

The State of Idaho, ex rel. R. Keith
Higginson in his official capacity as
Director of the Idaho Department
of Water Resources,

STANDARD FORM FOR NOTICE
OF CHANGE IN ADDRESS

OR

Petitioner,

CONSENT TO SUBSTITUTION OF
PARTY

vs.

A + blank modified

57-04048

The United States; the State of Idaho; and
all Claimants to the Use of Water From
the Snake River Basin Water System,

Respondents.

A. Skuman
8-30-94

INSTRUCTIONS FOR USE

This form must be used to provide notice of change in address or to substitute a party whose water right recommendation is in a director's report which has been filed with the court. The filing of Standard Form 3 cannot result in a contested matter. A hearing will not be scheduled.

This form has been adopted by the court in *SRBA Administrative Order 1* (amended June 21, 1993), Section 4A, which may be consulted for further information.

MICROFILMED

SEP 25 1996

☒ **CONSENT TO SUBSTITUTION OF PARTY**

My name is Earl and/or Marygrove Elmer
My address is HC 79 Box 259
Melba, Idaho 83641

My phone number is: Work _____ Home 208-495-2137

The name and address of the party who I wish to be substituted for are:

David C Deeking
HC 78 Box 40B Melba, Id. 83641

I am the new claimant/purchaser of 57-04048 and
(Insert each water right number)

I am submitting proof of acquisition of the interest of the prior claimant/seller, which is required by the court to support my Substitution. Proof must contain a legal description of the property, including the water right numbers conveyed. You must describe the documents you are submitting.

- 1 Notice of new property ownership
- 2 Warranty Deed

See notice of new property
(Signature of prior claimant/seller)
owner form.

Earl Elmer
Marygrove Elmer
(Signature of new claimant/purchaser)

☐ **ATTORNEY OF RECORD COMPLETING FORM**

My name is _____

I am the attorney of record for _____
(Identify party/claimant)

My address and phone number are _____

INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on _____, 199__, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid 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, Idaho 83303-2707

2. A *Change of Address* must be served on each party, or their attorney, in each subcase in which you are a party at the following address(es):

3. A *Consent to Substitution of Party* must be served on the prior claimant/seller or their attorney at the following address:

David C. Deeking
HC 78 Box 406
Melba, Idaho 83641

4. A *Consent to Substitution of Party* must be served on each party, or their attorney, to each subcase in which the prior claimant/seller is a party at the following address(es):

See #3

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

LEGAL DESCRIPTION OF PROPERTY: Township 1S Range 2W
 Section 34, 1/4 of 1/4 of 1/4 Govt. Lot , BM.
 Lot , Block , Subdivision/Townsite .

SEP 25 1996

WARRANTY DEED

For Value Received DAVID C. DECKING, a single man

the grantor, does hereby grant, bargain, sell and convey unto
EARL ELSNER and MARYGRACE ELSNER, husband and wife

the grantees, whose current address is, 3758 W Deerflat, Kuna ID. 83634
the following described premises, to-wit:

As per Exhibit "A" attached hereto and by reference thereto made a
part hereof.

Together with all water rights, ditch rights, rights of way,
tenements, hereditaments and appurtenances thereto belonging or
used in connection therein.

Subject to exceptions and reservations contained in patents from
the United States.
Subject to all easements, restrictions and reservations of record
and of use.

FILED-RECORDED
93 OCT 6 PM 4 27
DAVID C. DECKING
COUNTY CLERK
BY *[Signature]*
DEPUTY
O.C.T.
FEE 6.00

211266

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantor does hereby covenant to and
with the said Grantees, that he is the owner in fee simple of said premises; that said
premises are free from all incumbrances except taxes and assessments for the year 1993
and subsequent years.

and that he will warrant and defend the same from all lawful claims whatsoever.
Dated: October 5, 1993

[Signature]
David C. Decking

STATE OF IDAHO, COUNTY OF Owyhee

On this 5th day of October, 1993,
before me, a notary public in and for said State, personally
appeared

David C. Decking

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that he executed the same.

[Signature]
Notary Public
Residing at Boise, Idaho
Comm. Expires 7/12/99

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request of

at _____ minutes past _____ o'clock m.,
this _____ day of _____,
19____, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____

Fees \$ _____

Mall to: _____

3758 W. Deerflat
Kuna, ID. 83634
SEP 25 1993

EXHIBIT "A"

A part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and a part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 1 South, Range 2 West, B.M., Owyhee County, Idaho, more particularly described to-wit:

COMMENCING at the Southwest corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, T1S, R2W, B.M., the INITIAL POINT of this description; thence South 89°58' East 608.47 feet, along the South line of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$ to a point on the centerline of State Highway 78 (formerly Highway 45), said point being North 89°58' West 716.15 feet from the Southeast corner of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$; thence meandering along said centerline, North 12°23' East 1353.07 feet, to a point on the North line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, said point being North 89°56' West 421.75 feet from the Northeast corner of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$, and South 89°56' East 901.33 feet from the Northwest corner of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$; thence continue North 12°23' East 680.43 feet along the said centerline to the point of beginning of a variable radius curve; thence curving to the left along said centerline on the said curve with a chord bearing North 4°46'35" East 658.83 feet to a point on the North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 34, said point being North 89°58' West 216.74 feet from the Northeast corner of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence leaving said centerline North 89°58' West 924.80 feet, along the said North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ to a point on the North line of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$, said point being South 89°58' East 180 feet from the Northwest corner of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence South 0°03' East 484 feet on a line parallel to the West line of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence North 89°58' West 180 feet to a point on the West line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, said point being South 0°03' East 484 feet from the Northwest corner of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence South 0°03' East 836 feet along the West line of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$ to the Southwest corner thereof; thence South 0°07' East 1322.28 feet, along the West line of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$ to the INITIAL POINT OF THIS DESCRIPTION.

Subject to a State Highway road right of way along the Easterly 40 feet.

ELP

SEP 25 1936

Memo To FILE


CLAIMANT Jason & Janice Richards

AGENT Linda Werner

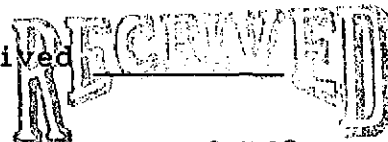
Date: 5-9-90

A search of AJ5 & AJA 4 & AJA1 shows nothing was ever received in reply to my letter of 4-13-89. I except the returned ext. request?

MICROFILMED

SEP 25 1995

Date Received



MAY 09 1989

State of Idaho
Department of Water Resources

REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

Department of Water Resources

Department of Water Resources
Western Regional Office

The Idaho Department of Water Resources will consider this form as a request that the claimant be granted an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Jason L. Richards and Janice L. Richards

% Kenneth F. White, Chartered

Name of Claimant

P.O. Box 1099

Post Office Address

Nampa, Idaho 83653-1099

City, State, Zip Code

Owyhee

County(s) where Place of Use is located

January 19, 1989

Date Claim Originally Due

Domestic 43 and Irrigation 01

Identify water right(s) for which extension is requested

State reason(s) why an extension of time is requested:

Please see attached. Also, my clients live in Florida,

and it will require additional time to investigate the date the wells were drilled, type of existing equipment, and define the point or points of diversion.

Claimant requests an extension to June 30, , 1989.

Signature

Kenneth F. White

Attorney for Jason and Janice Richards

Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby

X granted denied,

and the filing deadline extended to 6/30 , 1989.

Signed this 11 day of May , 1989.

Director or his designated agent

DAVID B. SHAW

SEP 25 1988



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 13, 1989

RECEIVED
MAY 09 1989

Kenneth F. White, Chartered
Attorney at Law
PO Box 1099
Nampa, ID 83653-1099

Department of Water Resources

Dear Mr. White;

SUBJECT: Notice of Claim for Jason and Janice Richards

This office has received your request for a Notice of Claim to a Water Right for the above claimants. Our records indicate a previous water right, number 57-04048, showing owners as Robert and Mildred Turrittin.

Enclosed is a claim form and proof of the above water right to assist in such filing. If this right is appurtenant to the property in question, simply complete this claim making the necessary changes.

An adjudication claim for this right was not filed by the Turrittins; therefore, a late fee is required. I have enclosed a form for an extension of time which may enable you to have this late fee waived. However, when you return the claim I will need the late fee before the claim can be filed. The fee for this will be \$50.00 and the claim filing fee is \$50.00 plus \$1.00 per irrigated acre. The late fee will be refunded if the extension is approved.

If I can be of further assistance, please don't hesitate to contact me.

Sincerely,

Linda A. Werner

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosures

RECEIVED

SEP 25 1988

KENNETH F. WHITE, CHARTERED
ATTORNEY AT LAW
703 SECOND STREET SOUTH
P.O. BOX 1099
NAMPA, IDAHO 83653-1099
PHONE (208) 466-3100

RECEIVED
MAY 09 1989

April 4, 1989

Department of Water Resources

State of Idaho
Idaho Department of Water Resources
Western Region
Attn: Jan Shurte
Water Rights Supervisor
Ajudication Section
2735 Airport Way
Boise, Idaho 83705

Re: Richard's Property in Owyhee County

Dear Ms. Shurte:

I have been involved in a Quiet Title Action regarding a premises in Owyhee County. I have attached a copy of the description of the said premises and a copy of the final Judgment, which grants ownership to my clients, Janice Richards and Jason Richards.

I am not sure who the notice of the necessity for filing a claim might have been mailed to, but my clients, who are residents of Florida, did not receive any notice and, therefore, were unaware of the necessity to file a Notice of Claim with the State of Idaho.

Please mail a Notice of Claim form to this office, so that a claim for water rights might be filed for the premises located in Owyhee County. If there is any problem or question, please let me know. Thank you.

Respectfully yours,

COPY
KENNETH F. WHITE

KFW:sr

enclosures

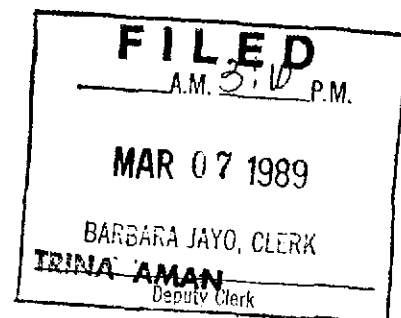
RECORDED
SEP 25 1989

57- 4048

Robert & Mildred Turrill
SE, NW & NE, SW : Sec. 34
T 1 S, R 2 W

MICROFILMED

SEP 25 1996



KENNETH F. WHITE Chartered
Attorney at Law
703 Second Street South
P. O. Box 1099
Nampa, ID 83653-1099
Telephone (208)466-3100

Attorney for Plaintiffs

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE

JASON RICHARDS and
JANICE RICHARDS,

Plaintiffs,

vs.

LESTER BARTHOLEMEW and
BARBARA BARTHOLEMEW, husband
and wife, ROGER QUINNEY and
PAMELA QUINNEY, husband and
wife, ROBERT TURRITTIN and
M. WEITZ, husband and wife,
Wayne H. WILLIAMSON and
MARY B. WILLIAMSON, husband
and wife, THE UNITED STATES
OF AMERICA, a body politic,
THE STATE OF IDAHO, a body
politic, JAMES V. POTTER,
D/B/A POTTER AND ASSOCIATES,

Defendants.

CASE NO. 4833

JUDGMENT AND DECREE

The plaintiffs in the abov-entitled matter, Jason Lee Richards and Janice L. Richards, having filed a Complaint with the above-entitled court on the 20th day of June, 1988; and,

COPY

The Defendants Lester Bartholemew and Barbara Bartholemew were served on the 14th day of August, 1988; and that an Affidavit of Service upon the Defendants Lester Bartholemew and Barbara Bartholemew, husband and wife, is on file herein; and that the said Defendants are in default for failure to file an Answer to the plaintiffs' Complaint after having been served on said date; and,

That a Real Estate Contract for the sale of the subject property between the above-named Plaintiffs and the Defendants, Roger Quinney and Pamela Quinney, husband and wife, was placed in escrow with Capital Escrow, who transferred escrow duties and responsibilities to the Idaho First National Bank Escrow Department. That the Idaho First National escrow holder served the said Defendants, by certified mail, and the said Defendants having failed to cure the default of the contract and, therefore; the plaintiffs received the escrow documents, papers, and Deeds from the said escrow holder, and are entitled to Judgment against the said Defendants for a free and clear title to the subject property; and,

That an Acceptance of Service by the Defendant, Robert Turritin, for himself and for M/ Turritin, deceased, a/k/a M. Weitz, is on file herein; and that the said Defendants are in default for failure to file an Answer to the Plaintiffs' Complaint, after accepting service on the 28th day of September, 1988; and,

RECORDED
SEP 25 1988

That on file herein is a Quitcliam Deed that the Defendant Robert Turrittin has signed before a notary public, for himself, and as personal representative of the estate of M. Turrittin, a/k/a M. Weitz, quitclaiming any and all right to the subject property; and,

That on file herein is a Quitclaim Deed that the Defendant Robert Turrittin and Jackie Turrittin, husband and wife, have signed before a notary public quitclaiming any and all right to the subject property; and,

That an Affidavit of Service upon the Defendants, Wayne H. Williamson and Mary B. Williamson, husband and wife, is on file herein; and that the said Defendants are in default for failure to file an Answer to the Plaintiffs' Complaint after being served on the 18th day of August, 1988; and,

That an Affidavit of Service upon the Defendant, United States of America, is on file herein; and that Marice O. Ellsworth, United States Attorney, District of Idaho, has filed an Acknowledgemnt of Serivce and a Disclaimer of Interest herein; and,

That an Affidavit of Service upon the Defendant, The State of Idaho, a body politic, is on file herein, and the said Defendants are in default for failure to file an Answer to the Plaintiffs' Complaint after being served on the 23rd day of September, 1988; and,

MICROFILMED
SEP 25 1988

That an Affidavit of Service upon the Defendant, James V. Potter, d/b/a Potter and Associates, by serving JoAnn Potter, an agent for the corporation, Potter and Associates, on the 23rd day of August, 1988. And that each, JoAnn Potter and James V. Potter, has signed a Satisfaction of Judgment for the Judgment and subsequent lien against Robert Turritin, and that both said Satisfaction of Judgments are on file herein; and,

That William Ralph Richards deceased on the 18th day of February, 1985, and by reason of the probate of his estate, his son and heir, Jason Richards, became owner of an undivided one-half (1/2) interest in said property in common with his mother, Janice Richards; and,

That the Plaintiffs' counsel of record, Kenneth F. White, of Nampa, having filed a Motion for Default and an Affidavit of Kenneth F. White in support of said Motion; and

This matter having been Noticed up for Hearing, and having come before the Honorable Gerald L. Weston for scheduled hearing on the 3rd day of March, 1989, and the Honorable Gerald L. Weston having reviewed the file, and having been advised of the foregoing; and the Plaintiffs, by and through their counsel of record, Kenneth F. White, having moved this court for Default Judgment according to the Idaho Rules of Civil Procedure; and good cause appearing therein; NOW THEREFORE;

IT IS HEREBY ORDERED, ADJUDGED and DECREED and this does hereby ORDER, ADJUDGE and DECREE that the property described in Exhibit "A" attached hereto and incorporated herein as though set forth in full verbatim be vested in fee simple estate free and IS HEREBY VESTED in the Plaintiffs, JASON LEE RICHARDS and JANICE L. RICHARDS, an undivided one-half (1/2) each fee simple estate; clear of any and all claims of each of the above-named Defendants. The Plaintiffs shall bear their own costs and disbursements.

DATED this 3rd day of March, 1989.

1-31 GERALD L. WESTON
HONORABLE GERALD L. WESTON
DISTRICT JUDGE

198130

FILED-RECORDED

MAR 7 3 25 PM '89

BARBARA J. P.
OWYHEE COUNTY CLERK
BY M. M.
DEPUTY

REQUEST OF
Kenneth F. Whit
FEE 1800

The land referred to in this Guarantee is situated in the County of Owyhee
State of Idaho and is described as follows:

PARCEL NO. 1:

A part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and a part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 1 South, Range 2 West, B. M., Owyhee County, Idaho, more particularly described to-wit:

Commencing at the Southwest corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 1 South, Range 2 West, B.M., the INITIAL POINT of this description; thence South 89°58' East 608.47 feet, along the South line of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$ to a point on the centerline of State Highway 78 (formerly Highway 45), said point being North 89° 58' West 716.15 feet from the Southeast corner of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$; thence meandering along said centerline, North 12°23' East 1353.07 feet, to a point on the North line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, said point being North 89°56' West 421.75 feet from the Northeast corner of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$, and South 89°56' East 901.33 feet from the Northwest corner of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$; thence continue North 12°23' East 680.43, feet along the said centerline to the point of beginning of a variable radius curve; thence curving to the left along said centerline on the said curve with a chord bearing North 4°46'35" East 658.83 feet to a point on the North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 34, said point being North 89° 58' West 216.74 feet from the Northeast corner of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence leaving said centerline North 89°58' West 924.80 feet, along the said North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, to a point on the North line of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$, said point being South 89°58' East 180 feet from the Northwest corner of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence South 0°03' East 484 feet on a line parallel to the West line of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence North 89°58' West 180 to a point on the West line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, said point being North 0°03' West 484 feet from the Northwest corner of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence South 0°03' East 836 feet along the West line of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$ to the Southwest corner thereof; thence South 0°07' East 1322.28 feet, along the West line of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$ to the INITIAL POINT of this description.

Subject to a State Highway road right of way along the Easterly 40 feet.

PARCEL NO. 2:

A part of SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Township 1 South, Range 2 West, B. M., Owyhee County, Idaho, more particularly described to-wit:

Commencing at the Northwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Township 1 South, Range 2 West, B. M., the INITIAL POINT of this description; thence South 0°03' East 484 feet to a point on the West line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence South 89°58' East 180 feet to a point; thence North 0°03' West 484 to a point on the North line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, said point being North 89°58' West 924.80 feet from the Northeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence North 89°58' West 180 feet to the INITIAL POINT of this description.

EXHIBIT "A"

I hereby certify that the foregoing instrument is a true and correct copy of the original on file in this office.
Noted March 19 1989
Barbara J. Joyo, Clerk of the District Court
Lana Amac
Deputy Clerk

RECORDED
SEP 25 1989

KENNETH F. WHITE, CHARTERED
ATTORNEY AT LAW
703 SECOND STREET SOUTH
P.O. BOX 1099
NAMPA, IDAHO 83653-1099
PHONE (208) 466-3100

RECEIVED
APR 5 1989

Department of Water Resources
Western Regional Office

April 4, 1989

State of Idaho
Idaho Department of Water Resources
Western Region
Attn: Jan Shurte
Water Rights Supervisor
Ajudication Section
2735 Airport Way
Boise, Idaho 83705

Re: Richard's Property in Owyhee County

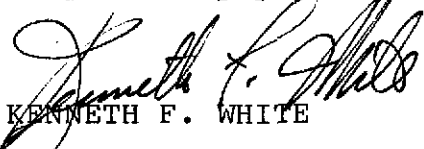
Dear Ms. Shurte:

I have been involved in a Quiet Title Action regarding a premises in Owyhee County. I have attached a copy of the description of the said premises and a copy of the final Judgment, which grants ownership to my clients, Janice Richards and Jason Richards.

I am not sure who the notice of the necessity for filing a claim might have been mailed to, but my clients, who are residents of Florida, did not receive any notice and, therefore, were unaware of the necessity to file a Notice of Claim with the State of Idaho.

Please mail a Notice of Claim form to this office, so that a claim for water rights might be filed for the premises located in Owyhee County. If there is any problem or question, please let me know. Thank you.

Respectfully yours,

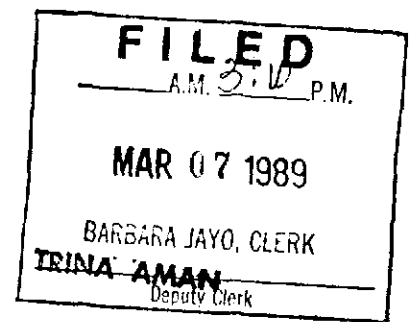


KENNETH F. WHITE

KFW:sr

enclosures

RECORDED
SEP 25 1989



KENNETH F. WHITE Chartered
Attorney at Law
703 Second Street South
P. O. Box 1099
Nampa, ID 83653-1099
Telephone (208)466-3100

Attorney for Plaintiffs

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE

JASON RICHARDS and
JANICE RICHARDS,

Plaintiffs,

vs.

LESTER BARTHOLEMEW and
BARBARA BARTHOLEMEW, husband
and wife, ROGER QUINNEY and
PAMELA QUINNEY, husband and
wife, ROBERT TURRITTIN and
M. WEITZ, husband and wife,
Wayne H. WILLIAMSON and
MARY B. WILLIAMSON, husband
and wife, THE UNITED STATES
OF AMERICA, a body politic,
THE STATE OF IDAHO, a body
politic, JAMES V. POTTER,
D/B/A POTTER AND ASSOCIATES,

Defendants.

CASE NO. 4833

JUDGMENT AND DECREE

The Plaintiffs in the abov-entitled matter, Jason Lee Richards and Janice L. Richards, having filed a Complaint with the above-entitled court on the 20th day of June, 1988; and,

MICROFILMED
OCT 06 1992

The Defendants Lester Bartholemew and Barbara Bartholemew were served on the 14th day of August, 1988; and that an Affidavit of Service upon the Defendants Lester Bartholemew and Barbara Bartholemew, husband and wife, is on file herein; and that the said Defendants are in default for failure to file an Answer to the Plaintiffs' Complaint after having been served on said date; and,

That a Real Estate Contract for the sale of the subject property between the above-named Plaintiffs and the Defendants, Roger Quinney and Pamela Quinney, husband and wife, was placed in escrow with Capital Escrow, who transferred escrow duties and responsibilities to the Idaho First National Bank Escrow Department. That the Idaho First National escrow holder served the said Defendants, by certified mail, and the said Defendants having failed to cure the default of the contract and, therefore; the Plaintiffs received the escrow documents, papers, and Deeds from the said escrow holder, and are entitled to Judgment against the said Defendants for a free and clear title to the subject property; and,

That an Acceptance of Service by the Defendant, Robert Turritin, for himself and for M/ Turritin, deceased, a/k/a M. Weitz, is on file herein; and that the said Defendants are in default for failure to file an Answer to the Plaintiffs' Complaint, after accepting service on the 28th day of September, 1988; and,

MICROFILMED

OCT 06 1992

That on file herein is a Quitclaim Deed that the Defendant Robert Turrittin has signed before a notary public, for himself, and as personal representative of the estate of M. Turrittin, a/k/a M. Weitz, quitclaiming any and all right to the subject property; and,

That on file herein is a Quitclaim Deed that the Defendant Robert Turrittin and Jackie Turrittin, husband and wife, have signed before a notary public quitclaiming any and all right to the subject property; and,

That an Affidavit of Service upon the Defendants, Wayne H. Williamson and Mary B. Williamson, husband and wife, is on file herein; and that the said Defendants are in default for failure to file an Answer to the Plaintiffs' Complaint after being served on the 18th day of August, 1988; and,

That an Affidavit of Service upon the Defendant, United States of America, is on file herein; and that Marice O. Ellsworth, United States Attorney, District of Idaho, has filed an Acknowledgment of Service and a Disclaimer of Interest herein; and,

That an Affidavit of Service upon the Defendant, The State of Idaho, a body politic, is on file herein, and the said Defendants are in default for failure to file an Answer to the Plaintiffs' Complaint after being served on the 23rd day of September, 1988; and,

MICROFILMED
OCT 06 1992

That an Affidavit of Service upon the Defendant, James V. Potter, d/b/a Potter and Associates, by serving JoAnn Potter, an agent for the corporation, Potter and Associates, on the 23rd day of August, 1988. And that each, JoAnn Potter and James V. Potter, has signed a Satisfaction of Judgment for the Judgment and subsequent lien against Robert Turritin, and that both said Satisfaction of Judgments are on file herein; and,

That William Ralph Richards deceased on the 18th day of February, 1985, and by reason of the probate of his estate, his son and heir, Jason Richards, became owner of an undivided one-half (1/2) interest in said property in common with his mother, Janice Richards; and,

That the Plaintiffs' counsel of record, Kenneth F. White, of Nampa, having filed a Motion for Default and an Affidavit of Kenneth F. White in support of said Motion; and

This matter having been Noticed up for Hearing, and having come before the Honorable Gerald L. Weston for scheduled hearing on the 3rd day of March, 1989, and the Honorable Gerald L. Weston having reviewed the file, and having been advised of the foregoing; and the Plaintiffs, by and through their counsel of record, Kenneth F. White, having moved this court for Default Judgment according to the Idaho Rules of Civil Procedure; and good cause appearing therein; NOW THEREFORE;

MICROFILMED
OCT 06 1992

IT IS HEREBY ORDERED, ADJUDGED and DECREED and this does hereby ORDER, ADJUDGE and DECREE that the property described in Exhibit "A" attached hereto and incorporated herein as though set forth in full verbatim be vested in fee simple estate free and IS HEREBY VESTED in the Plaintiffs, JASON LEE RICHARDS and JANICE L. RICHARDS, an undivided one-half (1/2) each fee simple estate; clear of any and all claims of each of the above-named Defendants. The Plaintiffs shall bear their own costs and disbursements.

DATED this 3rd day of March, 1989.

151 GERALD L. WESTON
HONORABLE GERALD L. WESTON
DISTRICT JUDGE

REQUEST OF
KENNETH F. WATKINS
FEE 18.00

BALEW
OWYHEE COUNTY
BY M. M.
DEPUTY

MAR 7 3 25 PM 1989

FILED-RECORDED

MICROFILMED
OCT 6 1992

198130

The land referred to in this Guarantee is situated in the County of Owyhee
State of Idaho and is described as follows:

PARCEL NO. 1:

A part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and a part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 1 South, Range 2 West, B. M., Owyhee County, Idaho, more particularly described to-wit:

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Subject to a State Highway road right of way along the Easterly 40 feet.

PARCEL NO. 2:

A part of SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Township 1 South, Range 2 West, B. M., Owyhee County, Idaho, more particularly described to-wit:

Commencing at the Northwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Township 1 South, Range 2 West, B. M., the INITIAL POINT of this description; thence South 0°03' East 484 feet to a point on the West line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence South 89°58' East 180 feet to a point; thence North 0°03' West 484 to a point on the North line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, said point being North 89°58' West 924.80 feet from the Northeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence North 89°58' West 180 feet to the INITIAL POINT of this description.

EXHIBIT "A"

I hereby certify that the foregoing instrument is a true and correct copy of the original on file in this office.
Witness my hand and seal of office this 7th day of March 1989.
Barbara J. Jago, Clerk of the District Court
Dana [Signature]
Deputy Clerk

MICROFILMED

OCT 06 1992

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 57-04048 ✓

NAME AND ADDRESS: EARL ELSNER
MARY GRACE ELSNER
3758 W DEERFLAT RD
KUNA ID 83634DAVID E DECKING
HE 78 BOX 408
MEYER ID 83641

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY FOR NONIRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIAALLY
USED FOR DOMESTIC 1 HOME, INSIDE USE ONLYTHE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1917

POINT OF DIVERSION: T01S R02W S34 NWNESE Within Owyhee County
TWO POINTS OF DIVERSION LOCATED IN T01S, R02W, S34, NWNESE.

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

PLACE OF USE: DOMESTIC Within Owyhee County
T01S R02W S34 NESW

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.
TWO POINTS OF DIVERSION LOCATED IN NWNESE, S34, T01S, R02W,

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

*decreed
6/23/97*

AJ5856NP

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

DATE: OCT-1-1996

PAGE: A-43

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 57-04048

NAME & ADDRESS: EARL ELSNER
MARY GRACE ELSNER
3758 W DEERFLAT RD
KUNA ID 83634

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

PRIORITY DATE: 01/01/1917

POINT OF DIVERSION: T01S R02W S34 NWNESE Within Owyhee County

PURPOSE AND

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

PLACE OF USE: DOMESTIC Within Owyhee County
T01S R02W S34 NESW

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

TWO POINTS OF DIVERSION LOCATED IN NWNESE, S34, T01S, R02W.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

POD
~~POD~~
~~POD~~
FO2

N11
N13