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Documents

In File

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 65-1998
Date Received: 6/11/01
Receipt No: X999999
Received By:

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

1. Name of Claimant(s)

ROBERT M ENGLISH Phone: (850)994-7497

4337 B HWY 90
PACE FL USA 32571

AMY E ENGLISH Phone: (850)994-7497

4337 B HWY 90
PACE FL USA 32571

2. Date of Priority: 04/01/1915

3. Source: SPRING Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07N	01W	10	NW NW	GEM	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	01/01	12/31	0.02	1.2

7. Total Quantity Appropriated is:
0.02 C.F.S. and/or 1.2 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 1

10.. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	01W	10	NW	NW	DOMESTIC	

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed

RIGHT NUMBER: 65-1998
NAME AND ADDRESS: ROBERT M ENGLISH
4337 B HWY 90
PACE FL 32571

AMY E ENGLISH
4337 B HWY 90
PACE FL 32571

SOURCE: SPRING TRIBUTARY: PAYETTE RIVER
QUANTITY: 0.02 CFS
1.2 AFY

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

PRIORITY DATE: 04/01/1915

POINT OF DIVERSION:
T07N R01W S10 NWNW Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.020 CFS 1.20 AFY

PLACE OF USE:

DOMESTIC Within GEM County
T07N R01W S10 NWNW

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Decreed

WR5809NP
No. 65-01998

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/12/01
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LEO RADANDT	04/01/1915	DOMESTIC	01/01 12/31	0.020 CFS	1.20 AFA
C	BESSIE RADANDT					
	BOX 391					
	EMMETT ID 83617					
				TOTAL DIVERSION:	0.020 CFS	1.20 AFA

Water Source: SPRING

Tributary to: PAYETTE RIVER

Stage: DECREED

Point(s) of Diversion:

T07N R01W S10

NWNW

GEM 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
07N 01W 10	:		:		:		:		:		:		:		:	

Pou County: GEM

Dates: App. Received:
Proof Due Date:
Exam Made Date:
Licensed Date:

Priority Date: 04/01/1915
Proof Made Date:
Exam Sent to S.O.:

Misc: Water District Number: 65

Field Exam Fee:

RECEIVED

JUN 11 2001

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSWATER RESOURCES
WESTERN REGION

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEMIdentification No. _____
Date Received _____
Receipt Number _____

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW For Domestic and/or Stockwater Purposes Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Robert M & Amy E. English Phone (850) 994-7497
Mailing Address 4337 B Hwy 90 Pace, FL Zip 32571

2. Date of Priority (Only one per claim) _____ Month/Day/Year

3. Source of water supply (Check one) () Groundwater or Other ☒ (a) Spring
which is tributary to (b) Payette River Name or kind of source

4. Location of point of diversion is: Township 07N Range 01W
Section 10, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.,
County of Gem

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. _____

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from Jan 1 ^{Month/Day} to Dec 31 ^{Month/Day} amount _____ (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed _____ (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) Single family dwelling

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.

10. Place of use is: Township: 07N Range 01W
Section 10, 1/4 of 1/4, Govt. Lot , B.M.,
County of Gem for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any

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

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.

14. Remarks:

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court Decree Date Plaintiff vs Defendant

If applicable provide IDWR Water Right Number 65-1998

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Amy E English Date 6-8-01
Robert M English Date 6-8-01

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

of Title , that I have signed the foregoing

document in the space below as of

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

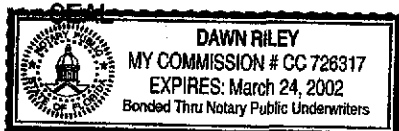
Signature of Authorized Agent Date

Title and Organization

State of ~~Idaho~~ or FLORIDA)

County of SANTA ROSA) SS.

Subscribed and sworn (or affirmed) before me this 8 day of June 2001



Notary Public [Signature]

Residing at Pace, Florida

My Commission Expires March 24, 2002

Last Name Riley Ident No.

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.



STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

1. Water Right No(s): 65-1999, 65-13532, 65-115, 65-1998 *No claim*

Adjudication Claim No(s): pd issued License Back

RECEIVED

MAY 29 2001

WATER RESOURCES
WESTERN REGION

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

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant Jerry Radandt/Leo & Bessie Radandt

4. New Owner/Claimant(s) Robert M. English and Amy E. English

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address 4337 B Highway 90

City, State and ZIP Code Pace, Florida 32571

New Telephone Number ()

5. Date you acquired the property May 18, 2001

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) Robert M. English
Amy E. English

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

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

WARRANTY DEED

Order No.:405002195

FOR VALUE RECEIVED

Tract I - Jerry L. Radandt as his sole and separate property and Hendrika Radandt, wife of Jerry L. Radandt
the grantors, do hereby grant, bargain, sell and convey unto

Robert M. English and Amy E. English, Husband and Wife

whose current address is

4337 B Highway 90 Pace, FL 32571

the grantees, the following described premises, in Gem County, Idaho, TO WIT:

TRACT I

A tract of land situated in a portion of the NW ¼ of Section 10, Township 7 North, Range 1 West, B.M., Gem County, Idaho, more particularly described as follows:

COMMENCING at the Northwest corner of the NW ¼ of Section 10, T. 7 N., R. 1 W., B.M., Gem County, Idaho; thence
South 86°54'18" East, 185.16 feet, along the North line of said NW ¼ to the REAL POINT OF BEGINNING;
thence continuing
South 86°54'18" East 380.16 feet; thence
South 04°35'33" West, 220.08 feet; thence
South 86°54'18" East, 316.58 feet; thence
South 04°35'33" West, 176.65 feet; thence
South 41°04'33" East, 600.72 feet; thence
North 89°58'10" West, 365.36 feet to a point referred hereinafter as Point "A"; thence
North 13°20'19" West, 103.81 feet; thence
North 41°04'32" West, 489.31 feet; thence
North 04°35'33" East, 110.71 feet; thence
South 85°59'33" West, 318.44 feet; thence
North 06°47'46" West, 330.07 feet to the REAL POINT OF BEGINNING.

INCLUDING an ingress, egress and utility easement lying 40.00 feet Easterly of the following described line:

BEGINNING at Point "A" described above; thence
South 13°20'19" East, 276.61 feet to a point on the Northerly right of way of Butte Road and the terminus of
this easement.

TOGETHER WITH EASEMENT (Exhibit "A" Attached)

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 Grantee(s), that they are the
owners in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes,
conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

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

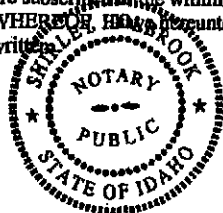
Dated: May 14, 2001

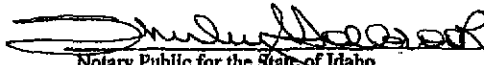

Jerry L. Radandt


Hendrika Radandt

State of Idaho)
County of Gem)

On this 21st day of May, 01, before me, a Notary Public in and for said state, personally
appeared Jerry L. Radandt and Hendrika Radandt known or identified to me to be the persons whose names
are subscribed to the within instrument and acknowledged to me that they executed same. IN WITNESS
WHEREOF, I, the Notary Public, have set my hand and affixed my official seal the day and year in this certificate first above
written.




Notary Public for the State of Idaho
Residing at: Emmett, Idaho
Commission Expires: 4/19/2006

WARRANTY DEED

FOR VALUE RECEIVED TRACT II - JERRY L. RADANDT AS HIS SOLE AND SEPARATE PROPERTY AND HENDRIKA RADANDT, WIFE OF JERRY L. RADANDT

the grantors, do hereby grant, bargain, sell and convey unto Robert M. English and Amy E. English, Husband and Wife
whose current address is 4337 B Highway 90 Pace, FL 32571

the grantees, the following described premises, in Gem County, Idaho, TO WIT:

TRACT II

A tract of land situated in a portion of the NW ¼ of Section 10, Township 7 North, Range 1 West, B.M., Gem County, Idaho, more particularly described as follows:

COMMENCING at the Northwest corner of the NW ¼ of Section 10, T. 7 N., R. 1 W., B.M., Gem County, Idaho; thence South 00°11'22" West, 1483.62 feet, along the West line of said NW ¼ to a point on the Northerly right of way of Butte Road; thence North 66°28'48" East, 598.23 feet, along said Northerly right of way to the REAL POINT OF BEGINNING; thence North 00°58'54" East, 129.07 feet; thence North 50°08'57" East, 83.40 feet; thence North 80°00'46" East, 300.06 feet; thence North 13°20'19" West, 117.80 feet to a point referred to hereinafter as Point "A"; thence South 89°58'10" East, 365.36 feet; thence North 41°04'33" West, 134.04 feet; thence South 89°58'10" East, 437.79 feet to a point referred to hereinafter as Point "C"; thence continuing South 89°58'10" East, 40.16 feet to a point referred to hereinafter as Point "B"; thence South 05°12'42" East, 251.23 feet to a point on the Northerly right of way of Butte Road; thence South 80°48'49" West, 618.61 feet, along said right of way; thence South 78°38'40" West, 511.98 feet, along said right of way to the REAL POINT OF BEGINNING.

SUBJECT TO the following described easements:

Easement A:

An easement for ingress, egress and utility purposes lying 40.00 feet Easterly of the following described line:

BEGINNING at Point "A" described above; thence South 13°20'19" East, 276.61 feet to a point on the Northerly right of way of Butte Road and the terminus of this easement.

Easement B:

An easement for ingress, egress and utility purposes lying 40.00 feet Westerly of the following described line:

BEGINNING at Point "B" described above; thence South 05°12'42" East, 251.23 feet to a point on the Northerly right of way of Butte Road and the terminus of this easement.

Easement C:

An easement for ingress, egress and utility purposes lying 40.00 feet Westerly of the following described line:

BEGINNING at Point "C" described above; thence South 05°12'42" East, 40.17 feet to the point of terminus of this easement.

TOGETHER WITH AN EASEMENT (Exhibit "A" Attached)
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 Grantee(s), that they are the owners in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

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

Dated: May 14, 2001

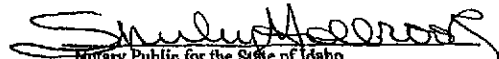

Jerry L. Radandt


Hendrika Radandt

State of Idaho
County of Gem

On this 14th day of May, 01, before me, a Notary Public in and for said state, personally appeared Jerry L. Radandt and Hendrika Radandt known or identified to me to be the persons whose names are subscribed to the within Instrument and acknowledged to me that they executed same.




Notary Public for the State of Idaho
Residing at: Emmett, Idaho
Commission Expires: 4/19/2006

WARRANTY DEED

Order No.:405002195

FOR VALUE RECEIVED

Tract III- Jerry L. Radandt as his sole and separate property and Hendrika Radandt, wife of Jerry L. Radandt

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

Robert M. English and Amy E. English, Husband and Wife

whose current address is 4337 B Highway 90 Pace, FL 32571

the grantees, the following described premises, in Gem County, Idaho, TO WIT:

TRACT III

A tract of land situated in a portion of the NW ¼ of Section 10, Township 7 North, Range 1 West, B.M., Gem County, Idaho, more particularly described as follows:

COMMENCING at the Northwest corner of the NW ¼ of Section 10, T. 7 N., R. 1 W., B.M., Gem County, Idaho; thence

South 86°54'18" East, 565.32 feet, along the North line of said NW ¼; thence

South 04°35'33" West, 220.08 feet; thence

South 86°54'18" East, 316.58 feet to the REAL POINT OF BEGINNING; thence continuing

South 86°54'18" East, 476.28 feet; thence

South 26°52'58" East, 563.27 feet to a point referred to hereinafter as Point "C"; thence

North 89°58'10" West, 437.79 feet; thence

North 41°04'33" West, 466.68 feet; thence

North 04°35'33" East, 176.65 feet to the REAL POINT OF BEGINNING.

INCLUDING an ingress, egress and utility easement lying 40.00 feet Westerly of the following described line

BEGINNING at Point "C" described above; thence

South 89°58'10" East, 40.16 feet to the REAL POINT OF BEGINNING; thence

South 05°12'42" East, 251.23 feet to a point on the Northerly right of way of Butte Road and the terminus of this easement.

TOGETHER WITH EASEMENT (Exhibit "A" Attached)

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 they are the owners in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

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

Dated: May 14, 2001

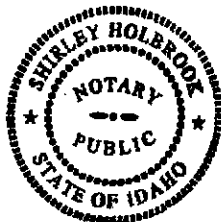

Jerry L. Radandt


Hendrika Radandt

State of Idaho

County of Gem

On this 21st day of May, 01, before me, a Notary Public in and for said state, personally appeared Jerry L. Radandt and Hendrika Radandt known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed 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.




Notary Public for the State of Idaho
Residing at: Emmett, Idaho
Commission Expires: 04/19/2006

"EXHIBIT A"

TOGETHER WITH all water and ditch rights appurtenant to or used for the benefit of said described premises, including all shares of water appurtenant to the above described premises from a certain spring known to all parties and delivered to individual parcels by $\frac{1}{2}$ " stub lines from the 2" main line and as described in Warranty Deed, Instrument No. 99618, records of Gem County, Idaho. Also including any easements or rights of ways appurtenant to or used for the benefit of or dedicated to said described premises.

SUBJECT TO an easement over and across the above described premises in a location known to all parties for a 2" main line for the delivery of water from the spring mentioned herein to the above described premises and adjoining premises and requirements for maintenance thereof and as described in Warranty Deed, Instrument No. 99618, records of Gem County, Idaho. And subject to any other easements, rights of way, reservations and exceptions, if any.

Together with appurtenances.

WARRANTY DEED

Order No. 405002195

For Value Received Joni L. Nevers, as her sole and separate property

the grantor, does hereby grant, bargain, sell and convey unto

Robert M. English and Amy E. English, Husband and Wife

whose current address is 4337 B Highway 90 Pace, FL 32571

the grantees, the following described premises, in Gem County, Idaho, TO WIT:

TRACT IV

A tract of land situated in a portion of the NW ¼ of Section 10, Township 7 North, Range 1 West, Boise Meridian, Gem County, Idaho, more particularly described as follows:

COMMENCING at the Northwest corner of the NW ¼ of Section 10, T. 7 N., R. 1 W., B.M., Gem County, Idaho; thence
South 86°54'18" East 565.32 feet along the North line of said NW ¼ to the REAL POINT OF BEGINNING;
thence continuing
South 86°54'18" East, 1105.02 feet; thence
South 23°49'27" West, 135.12 feet; thence
South 01°40'15" West, 273.52 feet; thence
South 05°12'42" East, 309.20 feet to a point referred to hereinafter as Point "B"; thence
North 89°58'10" West, 40.16 feet; thence
North 26°52'58" West, 563.27 feet; thence
North 86°54'18" West, 792.86 feet; thence
North 04°35'33" East, 220.08 feet to the REAL POINT OF BEGINNING.

INCLUDING an ingress, egress and utility easement lying 40.00 feet Westerly of the following described line:

BEGINNING at Point "B" described above; thence

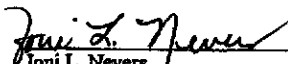
South 05°12'42" East, 251.23 feet to a point on the Northerly right of way of Butte Road and the terminus of this easement.

TOGETHER WITH EASEMENT (Exhibit "A") Attached

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 she is the owner in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

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

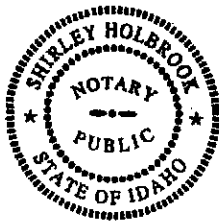
Dated: May 15, 2001


Joni L. Nevers

State of Idaho)
County of Gem)

On this 21st day of May, 01, before me, a Notary Public in and for said state, personally appeared Joni L. Nevers

known or identified to me to be the person whose name is subscribed to the within Instrument and acknowledged to me that she executed 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.




Notary Public for the State of Idaho
Residing at: Emmett, Idaho
Commission Expires: 4/19/2006

"EXHIBIT A"

TOGETHER WITH all water and ditch rights appurtenant to or used for the benefit of said described premises, including all shares of water appurtenant to the above described premises from a certain spring known to all parties and delivered to individual parcels by $\frac{1}{2}$ " stub lines from the 2" main line and as described in Warranty Deed, Instrument No. 99618, records of Gem County, Idaho. Also including any easements or rights of ways appurtenant to or used for the benefit of or dedicated to said described premises.

SUBJECT TO an easement over and across the above described premises in a location known to all parties for a 2" main line for the delivery of water from the spring mentioned herein to the above described premises and adjoining premises and requirements for maintenance thereof and as described in Warranty Deed, Instrument No. 99618, records of Gem County, Idaho. And subject to any other easements, rights of way, reservations and exceptions, if any.

Together with appurtenances.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 12, 2001

ROBERT M ENGLISH
AMY E ENGLISH
4337 B HWY 90
PACE FL 32571

Dear Mr. & Mrs. English:

Enclosed is a copy of your Notice of Claim to a Water Right that you submitted to our office for water right 65-1998. In addition, we are returning your check for \$25.00 that you submitted as the fee for this claim. This claim is not subject to a fee in the Snake River Basin Adjudication since it was decreed in the Payette River Basin Adjudication.

If you have any questions, please feel free to contact our office.

Sincerely,

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region

Enclosures

LH:I