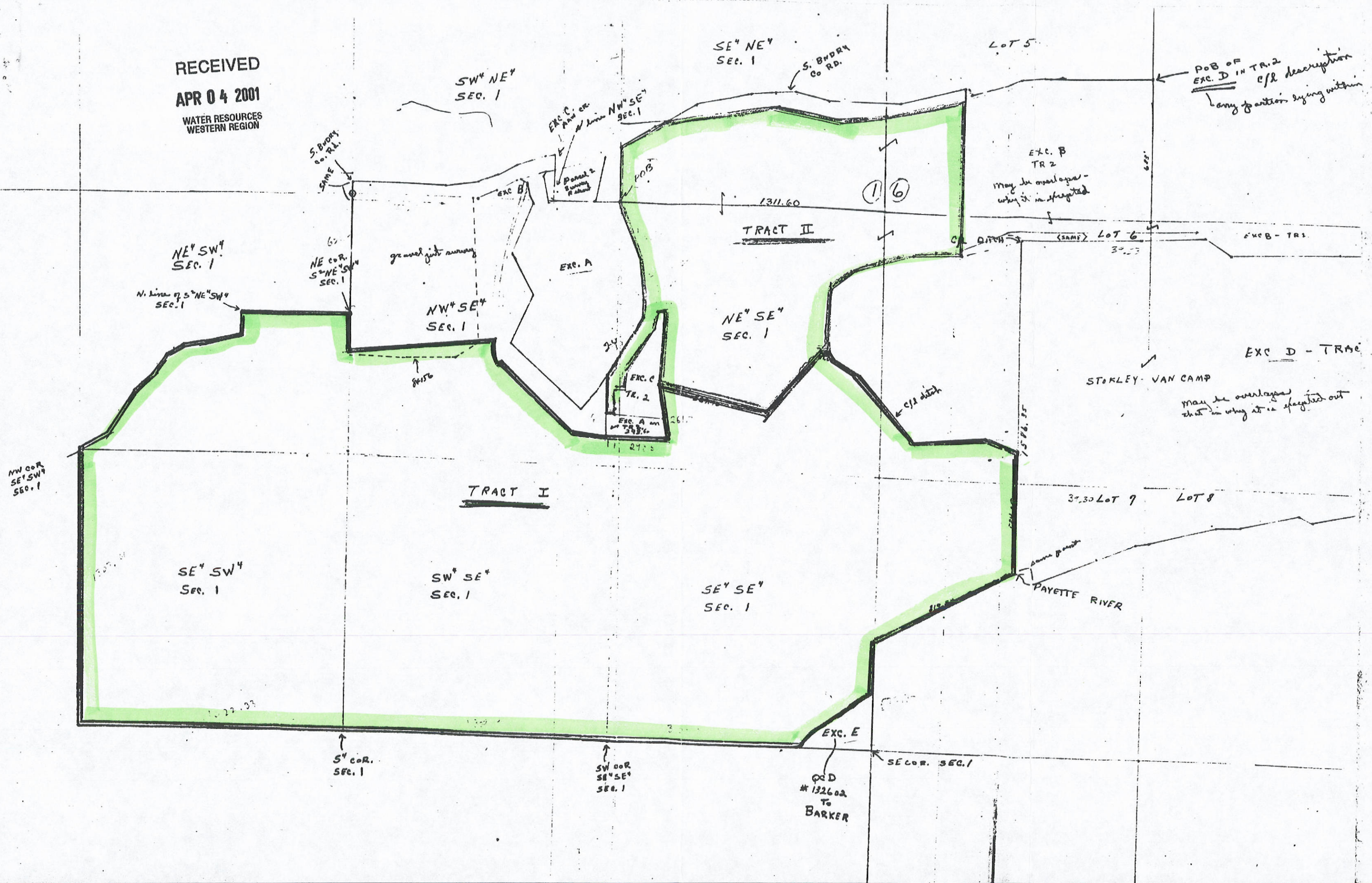


**WATER RESOURCES
WESTERN REGION**



T06N R02W
S01

Idaho Department of Water Resources

Claims: 65-02360
Prepared by:
RON HOWERTON
Modified: 4-4-01

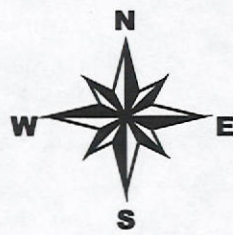
 Place of use

 POD

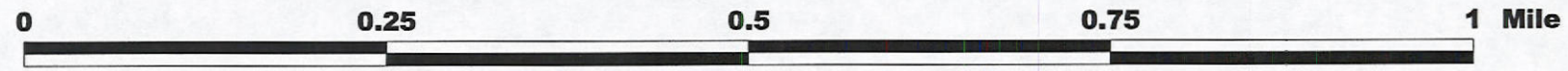
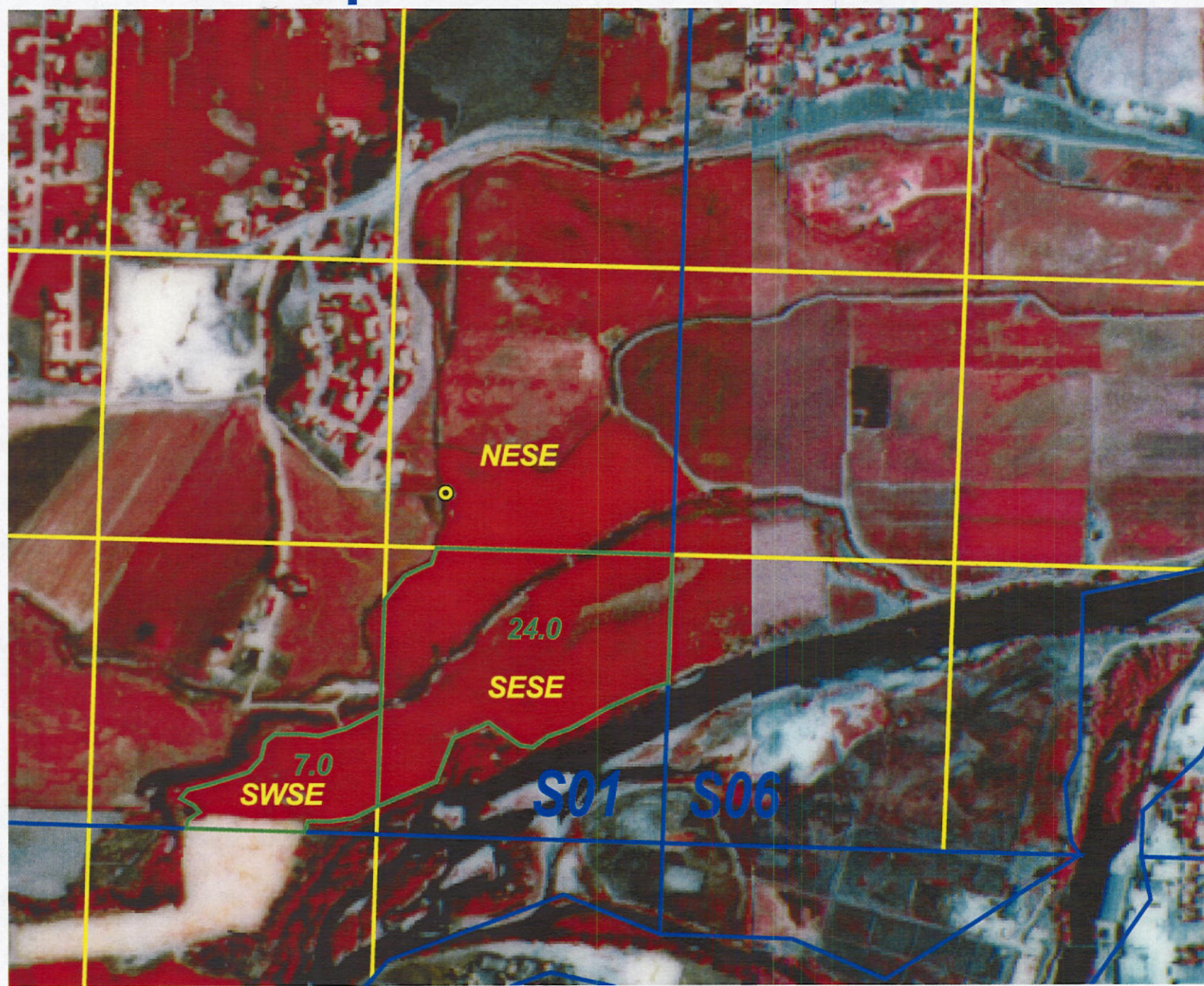
 SECTION

 1/4 1/4

31.0 Acres



1987 NAPP



T06N R02W
S01

Idaho Department of Water Resources

Claims: 65-02360
Prepared by:
RON HOWERTON
Modified: 4-4-01

 Place of use

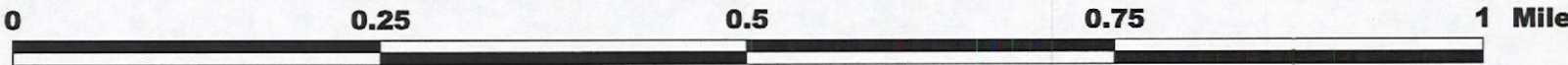
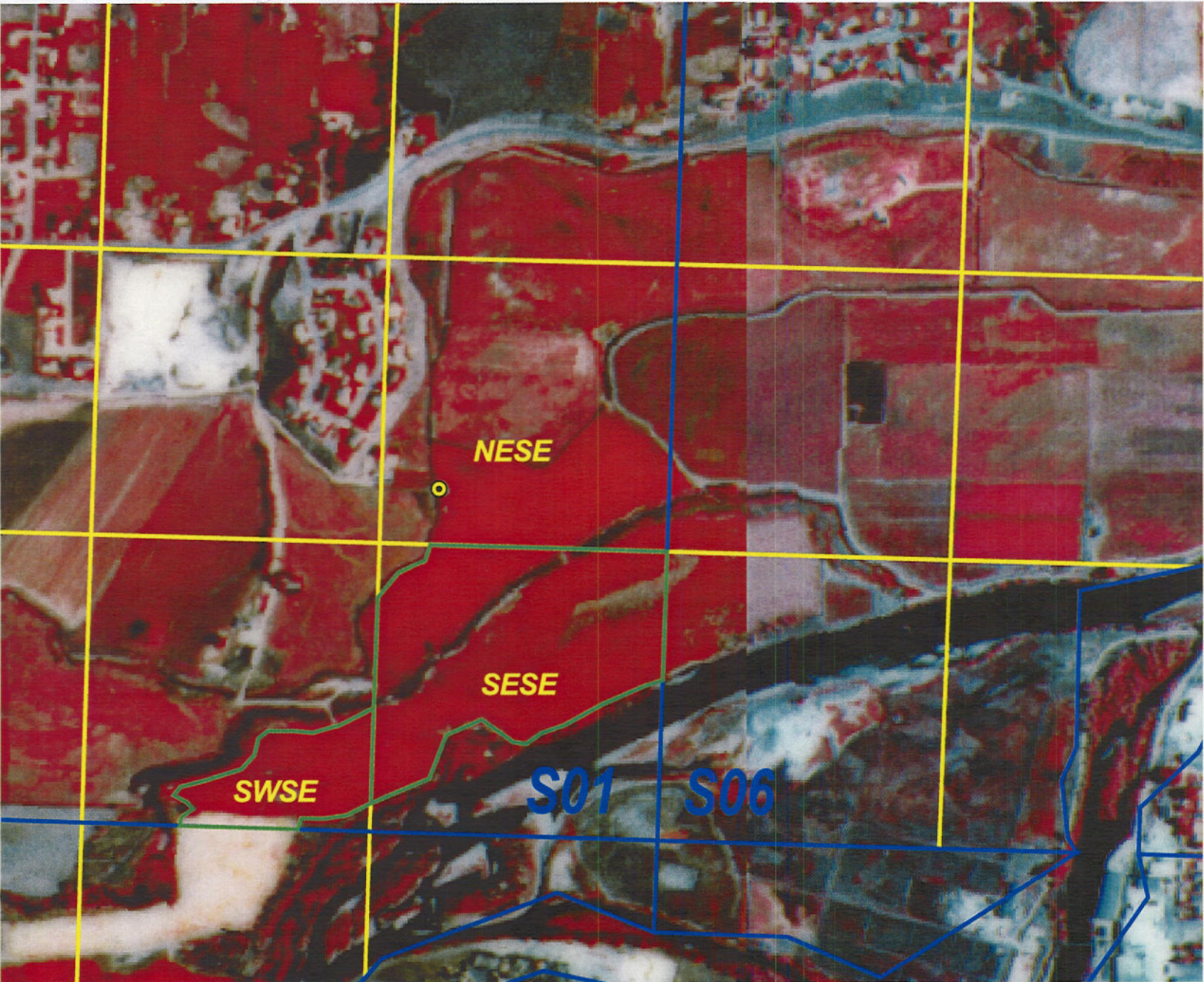
 POD

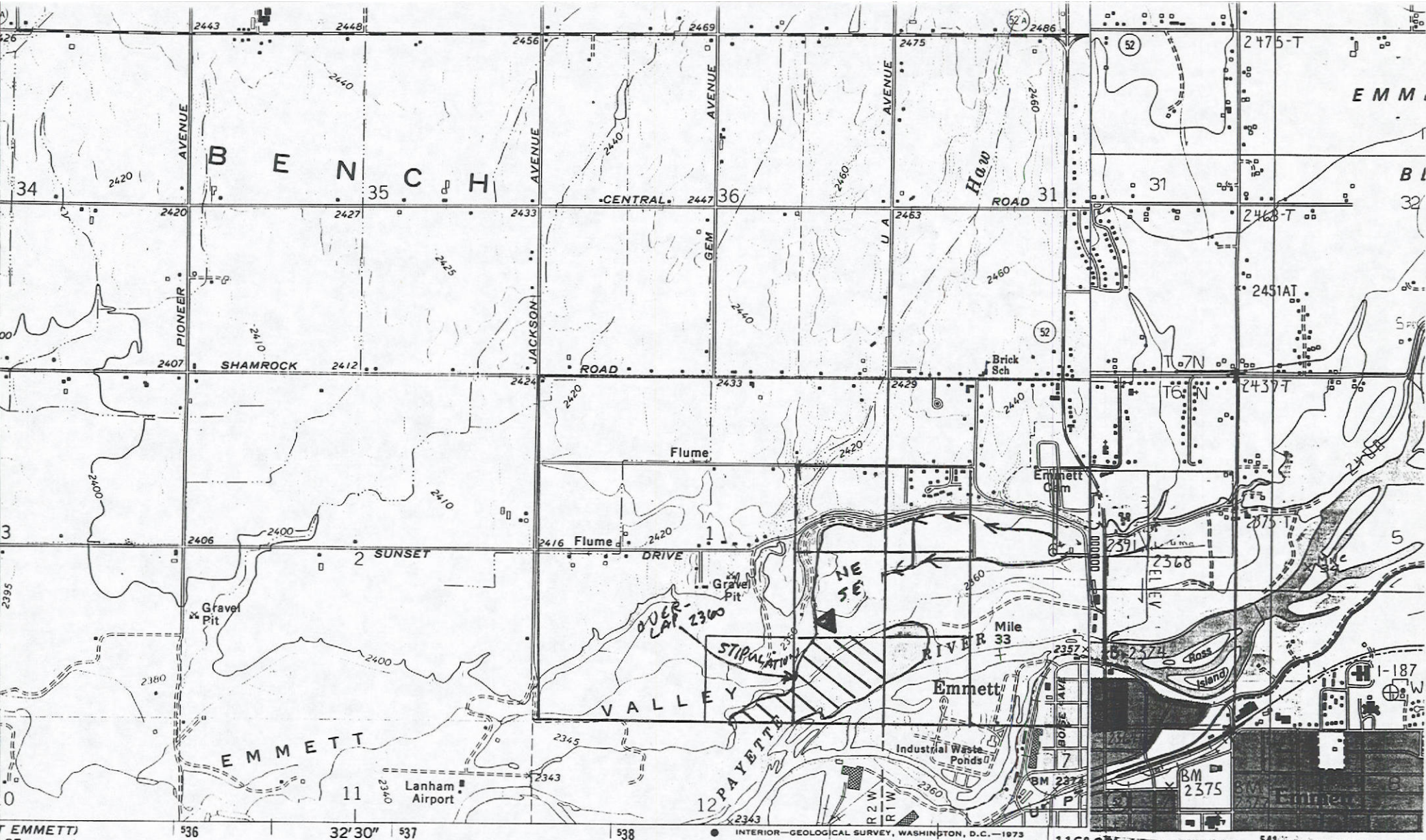
 SECTION

 1/4 1/4

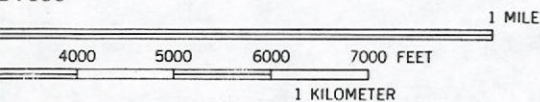


1987 NAPP





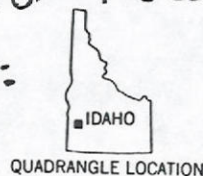
EMMETT)
SE
24000



VAL 20 FEET
AT 5-FOOT CONTOURS
SEA LEVEL

SAME PID OVERLAPS:
65-1390 & 2360 = S01 NESE

W 6
1971 TOPO
T6N R2W



QUADRANGLE LOCATION

ROAD CLASSIFICATION

Primary highway, hard surface _____ Light-duty road, hard or improved surface _____
Secondary highway, hard surface _____ Unimproved road _____

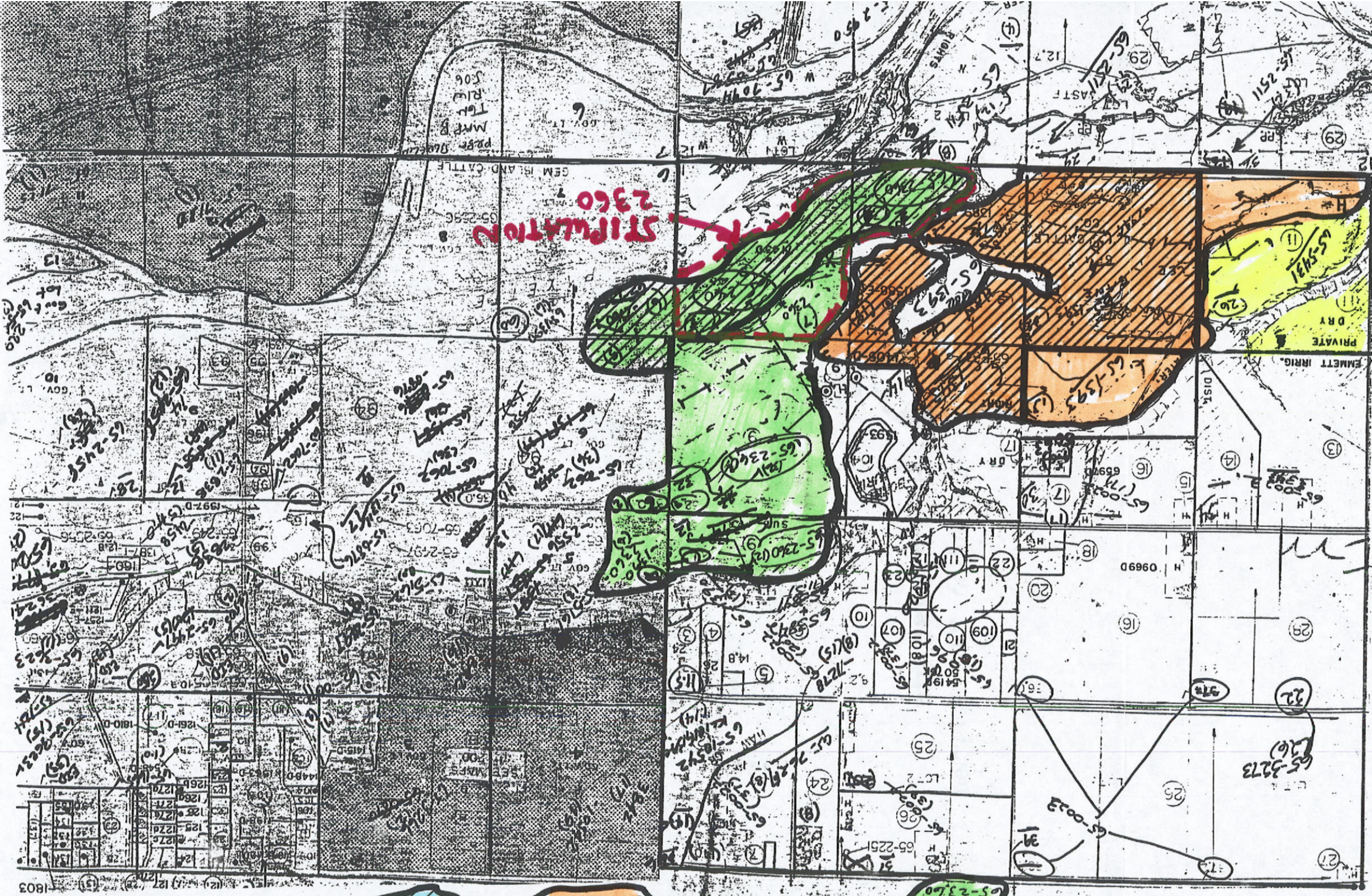
○ Interstate Route ○ U. S. Route ○ State Route
PID'S T6N R2W S01 NESE

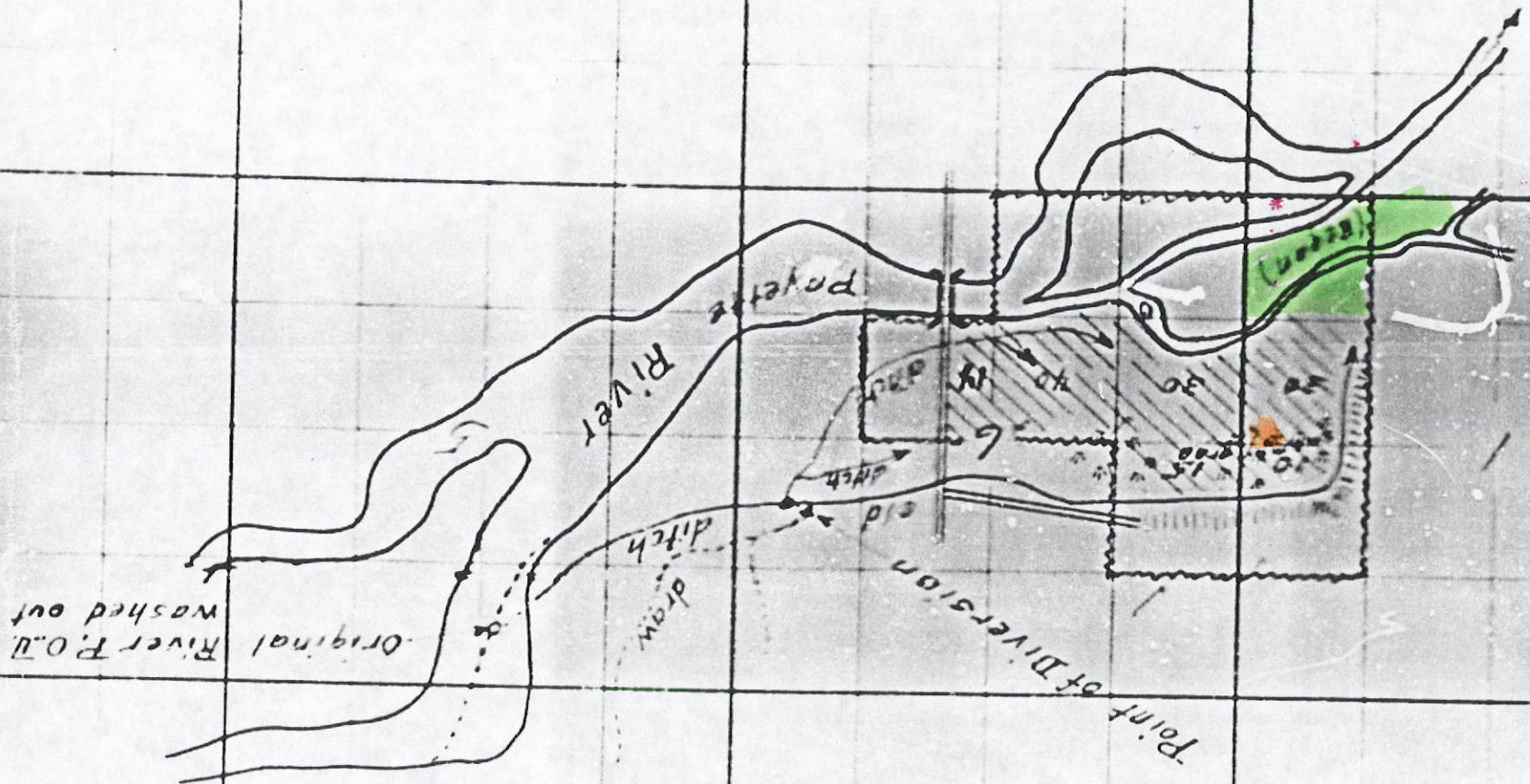
NORTHWEST EMMETT, IDAHO

N4352.5 W11622.7

PRODUCED BY THE UNITED STATES GEOLOGICAL SURVEY
CONTROL BY THE UNITED STATES GEOLOGICAL SURVEY
COMPILED FROM AERIAL PHOTOGRAPHS TAKEN IN 1961
FIELD CHECKED 1981 MAP EDITED 1981
PROJECTION 1000-METER UNIVERSAL TRANSVERSE MERCATOR
10,000-FOOT STATE GRID TICKS
UTM GRID DECLINATION

PRBA BLUELINE MAP A
T6u R2lin 501
65-1390
65-2360
65-1393
65-2895
GILL Slough & Payette River OVERLAPS





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 65-2360
Date Received: 2/2/90
Receipt No: X999999
Received By:

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

1. Name of Claimant(s)

JOHN H KIENITZ Phone: (208) 365-2753
3512 SUNSET DR
EMMETT ID USA 83617

KARON S KIENITZ Phone: (208) 365-2753
3512 SUNSET DR
EMMETT ID USA 83617

2. Date of Priority: 11/10/1929

3. Source: WASTEWATER Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	02W	6	SE NE	GEM	
06N	02W	6	SW NE	GEM	
06N	02W	1	NE SE	GEM	
06N	02W	6	SW NE	GEM	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	1.78	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
06N	01W	6	SW NW	IRRIGATION	6
			NW SW	IRRIGATION	7
			SW SW	IRRIGATION	6
Section Acres					19

06N	02W	1	SE	NE	IRRIGATION	12
			NE	SE	IRRIGATION	32
			SW	SE	IRRIGATION	7
			SE	SE	IRRIGATION	24
					Section Acres	75
					Total Acres	94

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:

THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2895 & 65-1390 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.
OWNERSHIP CHANGED BY RDH 4-5-01.

15. Basis of Claim: Decreed

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

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
65- 1393	X	MIMUS SWSW TRACT S01, T6N R2W (STANDUEY)			
65- 1390	NA				
65- 2360	NA				

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

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

OR

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

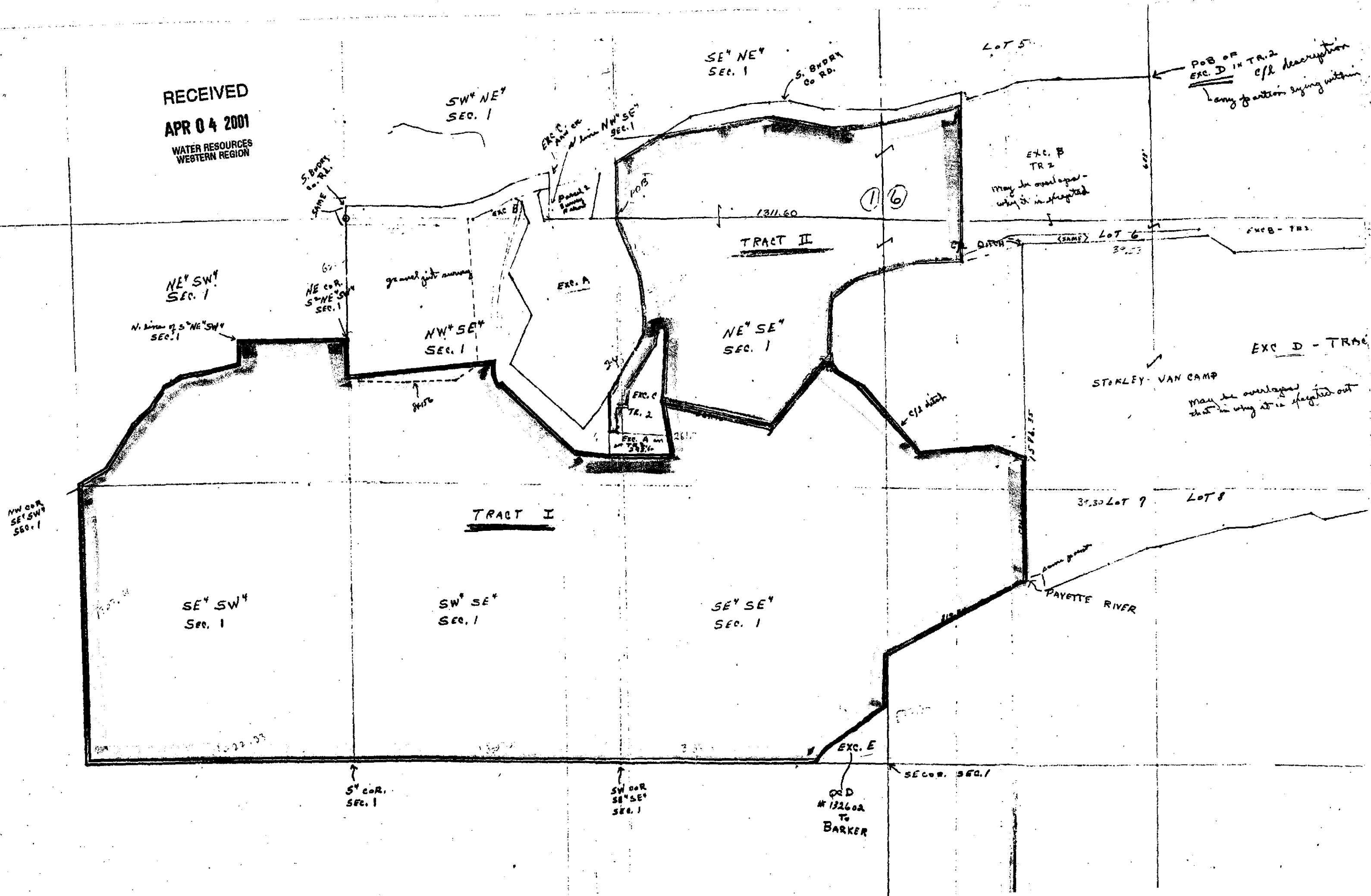
3. Name and Address of Former Owner/Claimant(s) CHARLES REKOW
4. New Owner/Claimant(s) JOHN H. KIENITZ KARON S. KIENITZ
Name Connector (Check one): ☐ and, ☒ or, ☐ and/or
- New Mailing Address 3512 SUNSET DR
- City, State and ZIP Code EMMETT ID 83617
- New Telephone Number 208) 365-2753
5. Date you acquired the property 1980

RECEIVED

APR 04 2001

3
JAN 10 2001

RECEIVED
APR 04 2001
WATER RESOURCES
WESTERN REGION



CHECK PAYABLE TO:
COUNTY TAX COLLECTOR
LYN FRASIER
EAST MAIN STREET
TT, IDAHO 83617
1ST HALF DUE

2000 TAX BILL/RECEIPT

PARCEL NUMBER
RP00219700 A
7,925

BILL# 4410 CODE AREA 2-00 L

45.98

2ND HALF DUE
TAX 45.98
LATE
INT
COST
TOT

FULL DUE
TAX 91.96
LATE
INT
COST
TOT

TOT MV 7,925

TOT ACS 14.000

REKOW CHARLES L ET UX
% KIENITZ JOHN H ET UX
3512 SUNSET DR
EMMETT ID 33617

TAXING DISTRICT	RATE	AMOUNT
COUNTY	.004380809	34.72
SCHOOL #221	.003708763	29.38
SCH BOND DEBT	.002427984	19.24
CNTY FIRE #1	.000505532	4.00
MOSQUITO	.000582857	4.62
AMOUNT DUE	.011605945	91.96

2695 02 06 3 00 00 006
LCT 6 & 7 S OF DD.
SEC 6 6N 1W

IMPORTANT
PLEASE READ BOTH FRONT AND BACK
*** MONTHLY PAYMENTS ARE ACCEPTED ***
PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.
TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.
KEEP TOP PORTION FOR YOUR RECORDS.
PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

365-3272 FOR QUESTIONS REGARDING TAX BILL
RC THIS BILL TO YOUR LENDER IF NECESSARY

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

KIENITZ, JOHN H ET UX

2000
4410

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

% KIENITZ, JOHN H ET UX

2000
4410

2ND HALF

AMOUNT DUE 45.98

COUNTY
19700 A
00

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COST
TOT

NOT IF NOT PAID ON OR BEFORE JUNE 20, 2001
PAID BY CHECK #
CASH

1ST HALF

FULL

AMOUNT DUE 45.98 91.96

GEM COUNTY
RP00219700 A
2-00

LATE
INT
COST
TOT

DELINQUENT IF NOT PAID ON OR BEFORE DECEMBER 20, 2000
DATE PAID CHECK # 1500
PAID BY CASH

TXNT 1-99

RECEIVED
APR 04 2001
WATER RESOURCES
WESTERN REGION

2000 TAX BILL/RECEIPT
COUNTY TAX COLLECTOR
LYN FRASIER
EAST MAIN STREET
TT. IDAHO 83617
1ST HALF DUE
42.81

BILL# 4412 CODE AREA 2-00 L

PARCEL NUMBER
RP00219900 A
7.380

2ND HALF DUE
42.81

FULL DUE
85.62

TOT MV 7.380

TAX
LATE
INT
COST
TOT

TAX
LATE
INT
COST
TOT

TOT ACS 10.000

REKOW CHARLES L ET UX
% KIENITZ JOHN H ET UX
3512 SUNSET DR
EMMETT ID 83617

TAXING DISTRICT	RATE	AMOUNT
COUNTY	.004390809	32.32
SCHOOL #221	.003708763	27.36
SCH BOND DEBT	.002427984	17.92
CNTY FIRE #1	.000505532	3.72
MOSQUITO	.000582857	4.30
AMOUNT DUE	.011605945	85.62

2300 02 04 0 08 05 003
TAX 153,
SEC 6 6N 1W

IMPORTANT
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MONTHLY PAYMENTS ARE ACCEPTED***
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ENITZ, JOHN H ET UX

2000
4412

% KIENITZ, JOHN H ET UX

2000
4412

2ND HALF

AMOUNT DUE 42.81

1ST HALF

FULL

42.81

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COUNTY
19900 A
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LATE
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PAID
BY

JUNE 20, 2001
CHECK #
CASH

GEM COUNTY
RP00219900 A
2-00

LATE
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DELINQUENT IF NOT PAID ON OR BEFORE
DATE PAID
PAID BY

DECEMBER 20, 2000
CHECK # 1500
CASH

TXNT 1-99

RECEIVED
APR 04 2001
WATER RESOURCES
WESTERN REGION

CHECK PAYABLE TO:
COUNTY TAX COLLECTOR
LYN FRASIER
EAST MAIN STREET
TT, IDAHO 83617
1ST HALF DUE

2000 TAX BILL/RECEIPT

PARCEL NUMBER
RP00311704 A
93.875
3.650

BILL# 5739 CODE AREA 2-00

L
I

565.93

2ND HALF DUE
565.93

FULL DUE
1,131.86

TOT MV 97.525

TAX
LATE
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COST
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TAX
LATE
INT
COST
TOT

TOT ACS 152.550

REKOW CHARLES L ET UX
% KIENITZ JOHN H ET UX
3512 SUNSET DR
EMMETT ID 83617

TAXING DISTRICT	RATE	AMOUNT
COUNTY	.004390809	427.24
SCHOOL #221	.003708763	361.70
SCH BOND DEBT	.002427984	236.78
CNTY FIRE #1	.000505532	49.30
MOSQUITO	.000582857	56.84
AMOUNT DUE	.011605945	1.131.86

S1/2 NE SW LESS T 54. SE SE
N OF RIVER. NE SE LESS T 47.51
152.153. SE SW. SW SE.
NW SE LESS T 47.72.87.
SEC 1 6N 2W

IMPORTANT
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AND THIS BILL TO YOUR LENDER IF NECESSARY

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

ENITZ, JOHN H ET UX

2000
5739

% KIENITZ, JOHN H ET UX

2000
5739

2ND HALF

AMOUNT DUE 565.93

COUNTY
311704 A
-00

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ENT IF NOT PAID ON OR BEFORE JUNE 20. 2001
E PAID CHECK #
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1ST HALF

FULL

AMOUNT DUE 565.93 1.131.86

GEM COUNTY
RP00311704 A
2-00

LATE
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DELINQUENT IF NOT PAID ON OR BEFORE DECEMBER 20. 2000
DATE PAID CHECK # 1500
PAID BY CASH

TXNT 1-99

RECEIVED

APR 04 2001

WATER RESOURCES
WESTERN REGION

CHECK PAYABLE TO:
COUNTY TAX COLLECTOR
ILYN FRASIER
EAST MAIN STREET
ETT, IDAHO 83617
1ST HALF DUE

2000 TAX BILL/RECEIPT
BILL# 5735 CODE AREA 2-00 L

PARCEL NUMBER
RP00311500 A
22.135

128.43	TAX	128.43	TAX	256.86	TOT MV	22.135
	LATE		LATE			
	INT		INT			
	COST		COST			
	TOT		TOT		TOT ACS	35.040

REKOW CHARLES L ET UX
% KIENITZ JOHN H ET UX
3512 SUNSET DR
EMMETT ID 83617

TAXING DISTRICT	RATE	AMOUNT
COUNTY	.004380809	96.96
SCHOOL #221	.003708763	82.08
SCH BOND DEBT	.002427984	53.74
CNTY FIRE #1	.000505532	11.18
MOSQUITO	.000582857	12.90
AMOUNT DUE	.011605945	256.86

2300 02 02 0 08 05 009
TAX 153,
SEC 1 6N 2W

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365-3272 FOR QUESTIONS REGARDING TAX BILL
HARD THIS BILL TO YOUR LENDER IF NECESSARY

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

KIENITZ, JOHN H ET UX

2000
5735

% KIENITZ, JOHN H ET UX

2000
5735

2ND HALF

1ST HALF

FULL

AMOUNT DUE 128.43

AMOUNT DUE 128.43 256.86

COUNTY
311500 A
-00

LATE
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PAID IF NOT PAID ON OR BEFORE
E PAID
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JUNE 20, 2001
CHECK #
CASH

GEM COUNTY
RP00311500 A
2-00

LATE
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DELINQUENT IF NOT PAID ON OR BEFORE
DATE PAID
PAID BY

DECEMBER 20, 2000
CHECK # 1500
CASH

TXNT 1-99

RECEIVED
APR 04 2001
WATER RESOURCES
WESTERN REGION

RECEIVED
APR 04 2001
WATER RESOURCES
WESTERN REGION

LEGAL DESCRIPTION

TRACT I

A tract of land in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, Township 6 North, Range 2 West, B.M., Gem County, Idaho, in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, Township 6 North, Range 2 West, B.M., Gem County, Idaho, in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 1, Township 6 North, Range 2 West, B.M., Gem County, Idaho, in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, Township 6 North, Range 2 West, B.M., Gem County, Idaho, the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, Township 6 North, Range 2 West, B.M., Gem County, Idaho, in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, Township 6 North, Range 2 West, B.M., Gem County, Idaho. The SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, Township 6 North, Range 2 West, B.M., Gem County, Idaho, in the S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, Township 6 North, Range 2 West, B.M., Gem County, Idaho, in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 1, Township 6 North, Range 2 West, B.M., Gem County, Idaho, in Lot 6, Section 6, Township 6 North, Range 1 West, B.M., Gem County, Idaho, and Lot 7, Section 6, Township 6 North, Range 1 West, B.M., Gem County, Idaho, described as follows:

Commencing at the $\frac{1}{4}$ section corner common to Section 1, T. 6 N., R. 2 W., B.M., Gem County, Idaho, and Section 6, T. 6 N., R. 1 W., B.M., Gem County, Idaho; thence

North 89°49' West 1311.60 feet to the C.E. 1/16 corner of Section 1, T. 6 N., R. 2 W., B.M., Gem County, Idaho, the point of beginning; thence following the Easterly boundary of Bonnie Laura Subdivision on the following courses:

South 22°44'36" East, 280.90 feet;

South 6°11'12" East 211.82 feet;

South 0°50'30" West 83.90 feet;

South 27°55' West 77.12 feet;

South 31°43'42" West 245.00 feet to a point being common to Lots 15 and 16 of said subdivision; thence

South 0°26' East 281.57 feet; thence

East 298.50 feet to the center of a ditch; thence following the center of the ditch

North 9°48' West 261.77 feet; thence along a fence line

South 77°32' East 567.70 feet; thence along a fence line

North 41°00' East 387.50 feet; thence

North 89°14'22" East 41.60 feet; thence

South 35°00' East 62.60 feet to a point on a fence line; thence along the fence line

South 60°09' East 137.20 feet; thence along the fence line

South 41°21' East 410.40 feet to the center of a drainage ditch; thence following said center of ditch

North 85°04' East 357.30 feet; thence following said center of ditch

South 69°58' East 171.15 feet; thence leaving center of ditch and

(continued)

LEGAL DESCRIPTION CONTINUED

South 584.25 feet to a point on the highwater line of the Payette River; thence following the highwater line of the Payette River a general course of
 South 62°46' West 819.74 feet to intersection of section line; thence
 South 0°35'30" West 522.30 feet to the SE corner of Section 1 T. 6 N., R. 2 W., B.M., Gem County, Idaho; thence
 North 89°33'40" West 1304.20 feet to the SW corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, section 1, T. 6 N., R. 2 W., B.M., Gem County, Idaho; thence
 North 89°33'40" West 1309.19 feet to the S $\frac{1}{2}$ section corner of Section 1, T. 6 N., R. 2 W., B.M.; thence
 South 89°44' West 1322.33 feet to the 1/16 corner; thence
 North 0°12'40" East 1307.14 feet to the NW corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, T. 6 N., R. 2 W., B.M., Gem County, Idaho; thence
 North 0°19'28" West 19.52 feet along the West line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 1; thence
 North 61°52'35" East 141.65 feet; thence
 North 34°32'40" East 249.24 feet; thence
 North 50°07'30" East 120.84 feet; thence
 North 36°49'00" East 115.36 feet; thence
 North 60°35'50" East 96.74 feet; thence
 North 82°50'30" East 96.22 feet; thence
 North 79°59'20" East 173.38 feet; thence
 North 3°38'20" East 111.14 feet to a point on the North line of the S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 1; thence
 South 89°55'15" East along said North line 534.96 feet to the NE corner of said S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$; thence
 North 0°16' East along the East line of the N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, T. 6 N., R. 2 W., B.M., Gem County, Idaho, 625.17 feet to a point on the South boundary of a County Road, said point lies South 0°16' West 25.00 feet from the center $\frac{1}{4}$ section corner of Section 1, T. 6 N., R. 2 W., B.M., Gem County, Idaho; thence following the South boundary of the County Road on the following courses:
 South 89°49' East 453.82 feet; thence along a curve left whose radius is 523.22 feet, central angle is 17°47' and long chord is 161.74 feet bearing North 81°17'30" East to a point on the mid-section line; thence following the same curve left whose radius is 523.22 feet, central angle is 11°03'10" and long chord is 100.78 feet, bearing North 66°52'25" East; thence
 North 61°20'50" East 106.56 feet; thence along a curve right whose radius is 452.46 feet, central angle is 18°27'10" and long chord is 145.09 feet bearing North 70°34'25" East; thence
 North 79°48' East 46.73 feet; thence leaving said South boundary of the County Road and
 South 0°23'15" West 148.39 feet more or less to the North line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, T. 6 N., R. 2 W., B.M., Gem County, Idaho; thence

(continued)

LEGAL DESCRIPTION CONTINUED

South 89°49' East along said North line 330.00 feet to the point of beginning.

EXCEPTING THEREFROM the following described tracts of land labeled A, B, C and D & E & F.

A) EXCEPT any portion lying within Bonnie Laura Subdivision, according to the official plat thereof filed in Book 1 of Plats at Page 65, records of Gem County, Idaho.

B) A tract of land in Section 1, T. 6 N., R. 2 W., B.M., Gem County, Idaho, more particularly described as follows:

Beginning at the center $\frac{1}{4}$ corner of said Section 1; thence South 89°49' East, 613.59 feet on the mid-section line of said Section 1 to the real point of beginning, said point being on a circular curve to the left; thence on an arc of said curve a distance of 100.93 feet, said arc having a central angle of 11°03'10", a radius of 523.22 feet and chord which bears North 66°52'25" East, 100.78 feet to a point of tangency; thence North 61°20'50" East, 106.56 feet to a point of curvature; thence on a circular curve to the right having a central angle of 18°27'10" and a radius of 452.46 feet and whose long chord bears North 70°34'25" East, 145.09 feet to a point of tangency; thence North 79°48' East, 46.73 feet to a point; thence South 0°23'15" West, 148.39 feet to a point on the mid-section line of said Section 1; thence North 89°49' West, 368.01 feet to the real point of beginning.

C) A tract of land in Section 1, T. 6 N., R. 2 W., B.M., Gem County, Idaho, lying West of the meander line of Haw Creek, North of and adjacent to Bonnie Laura Subdivision, East of and adjacent to road right-of-ways entering Bonnie Laura Subdivision, and South of County Road.

D) A tract of land in Section 6, Township 6 North, Range 1 West, B.M., Gem County, Idaho, said land boundaries being in Government Lots 6, 7, 8 and 9 and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 6, and more particularly described as follows:

Commencing at the Center $\frac{1}{4}$ section corner of Section 6, Township 6 North, Range 1 West, B.M., Gem County, Idaho; thence South 89°47' East 406.42 feet to the center line of a County Road; thence South 4°51'50" East along said centerline 41.25 feet to the real point of beginning; thence following the centerline of the County Road

(continued)

LEGAL DESCRIPTION CONTINUED

South 4°51'50" East 796.88 feet; thence
 North 83°40' West 25.49 feet; thence
 South 4°51'50" East 30.58 feet; thence
 South 5°26'50" West 247.70 feet; thence
 North 84°33'32" West 185.15 feet; thence
 South 66°25'50" West 35.05 feet; thence
 South 1°06' West 131.87 feet to the High Water Line of the
 Payette River; thence following said High Water Line
 along the right bank the following courses:
 South 81°03' West 144.51 feet;
 South 75°41' West 307.86 feet;
 South 79°01' West 309.00 feet;
 North 69°46' West 72.58 feet;
 South 77°31' West 286.20 feet;
 South 89°04' West 120.84 feet;
 South 77°21' West 340.55 feet;
 South 83°03' West 67.46 feet;
 South 69°28' West 539.32 feet; thence leaving said High Water
 Line crossing a field,
 North 1586.35 feet to the center line of a Drainage Ditch;
 thence following the center line of said Drainage Ditch
 the following courses:
 North 88°44' East 591.58 feet;
 North 88°16' East 307.05 feet;
 South 57°14' East 153.53 feet;
 North 87°20' East 859.42 feet;
 North 56°29' East 144.71 feet;
 North 66°46' East 60.30 feet;
 South 89°20' East 253.12 feet to the point of beginning.

ALSO EXCEPT roads and ditches and rights of way therefor.

- E) All that portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Township 6 North, Range 2 West, B.M., Gem County, Idaho, lying South of the Payette River on Gem Island.
- F) A portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Township 6 North, Range 1 West of the Boise Meridian and is more particularly described as follows:

COMMENCING at the Southwest corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence
 South 0°15'00" East, a distance of 25.00 feet to a point on the
 Southerly right-of-way boundary of Sunset Drive, which point
 is also the TRUE POINT OF BEGINNING; thence
 South 89°46'20" East (formerly South 89°49' East) along said Southerly
 right-of-way boundary and parallel with and 25.00 feet Southerly
 of the Northerly boundary of said NW $\frac{1}{4}$ SE $\frac{1}{4}$; a distance of 436.26

LEGAL DESCRIPTION CONTINUED

feet (formerly 453.82 feet); thence
 Northeasterly along said Southerly right-of-way boundary, a
 distance of 325.67 feet along the arc of a curve to the
 left, having a radius of 599.45 feet, a central angle of
 31°07'40" and a long chord which bears North 74°39'50"
 East, a distance of 321.68 feet (formerly two (2) curves
 combined having a radius of 523.22, a central angle of
 28°31'22" and a long chord bearing North 75°55'19" East,
 a distance of 257.79 feet); thence
 North 59°06'00" East along said Southerly right-of-way boundary,
 a distance of 5.86 feet (formerly 61°20'50" East, a distance
 of 106.56 feet); thence continuing
 Northeasterly along said Southerly right-of-way boundary, a
 distance of 74.79 feet along the arc of a curve to the
 right, having a radius of 666.34 feet, a central angle of
 6°25'51" and a long chord which bears North 62°18'56" East,
 a distance of 74.75 feet; thence leaving said Southerly
 right-of-way boundary and traversing the Westerly boundary
 of Bonnie Laura Subdivision:
 Southeasterly, a distance of 44.37 feet along the arc of a curve
 to the right, having a radius of 24.92 feet, a central angle
 of 102°00'49" and a long chord which bears South 63°27'45"
 East, a distance of 38.74 feet (formerly, a distance of 45.13
 feet along the arc of a curve to the left, having a radius of
 24.92 feet, a central angle of 103°45'40" and a long chord
 bearing North 64°22'50" West, a distance of 39.21 feet);
 South 12°27'20" East, a distance of 64.91 feet (formerly North
 12°30" West, a distance of 66.41 feet);
 South 30°01'12" East (formerly North 30° West), a distance of
 49.86 feet;
 South 22°57'30" West (formerly North 22°58'42" East), a distance
 of 83.50 feet;
 South 22°33'30" West (formerly North 22°34'42" East), a distance
 of 175.73 feet;
 South 29°10'12" East (formerly North 29°09' West), a distance of
 228.24 feet;
 South 25°09'06" West (formerly North 25°10'18" East), a distance
 of 251.77 feet;
 South 49°14'42" East (formerly North 49°13'30" West), a distance
 of 469.32 feet;
 North 41°28'42" East (formerly South 41°29'54" West), a distance
 of 117.69 feet;
 North 31°43'42" East, a distance of 91.54 feet; thence leaving
 said Westerly boundary of Bonnie Laura Subdivision and running
 South 0°26'00" East, a distance of 281.57 feet; thence
 North 84°28'49" West, a distance of 167.36 feet; thence

(continued)

LEGAL DESCRIPTION CONTINUED

North 47°23'29" West, a distance of 481.60 feet; thence
South 71°32'24" West, a distance of 20.00 feet; thence
Northwesterly, a distance of 116.56 feet along the arc of a
curve to the right, having a radius of 627.47 feet, a
central angle of 10°38'35" and a long chord which bears
North 13°08'17" West, a distance of 116.39 feet; thence
South 83°57'50" West parallel with and 15.00 feet Northerly
of a concrete irrigation ditch, a distance of 437.98 feet;
thence
South 85°33'05" West parallel with and 15.00 feet Northerly
of said irrigation ditch, a distance of 281.22 feet to a
point on the West boundary of said NW¼SE¼; thence
North 0°15'00" East along said West boundary of the NW¼SE¼,
a distance of 709.78 feet to the TRUE POINT OF BEGINNING.

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: A65-02360
Date Received: 2-2-90
Receipt No: X9-----9
Received By: LAJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHARLES L. REKOW
Address: 1029 LILAC LN.
EMMETT, ID

83617

Name: DELMA C. REKOW
Address: 1029 LILAC LN.
EMMETT, ID

83617

2. Date of Priority: NOV 10, 1929

3. Source: WASTE WATER Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	02W	1		NE	SE		GEM
		6		SW	NE		GEM
				SW	NE		GEM
				SE	NE		GEM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.780		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A65-02360

Page

1

Date: 01/19/90

MICROFILMED

SEP 18 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	01W	6	SW	NW	5	IRR	6.0
			NW	SW	6	IRR	7.0
			SW	SW	7	IRR	6.0
						Section Acres	19.0
	02W	1	SE	NE		IRR	12.0
			NE	SE		IRR	32.0
			SW	SE		IRR	7.0
			SE	SE		IRR	24.0
						Section Acres	75.0
						Total Acres	94.0

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:

THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2895 & 65-1390 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree 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 X 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): Charles L. Rebow Date: 1-22-90
Delma C. Rebow Date: 1/22/90

State of Idaho)
County of Jew) SS.

Subscribed and sworn (or affirmed) before me this 22 day
of January 19 90 Erith Sawley
Notary Public

Seal

Residing at Emmett, Idaho
My Commission Expires 4-12-95



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user:

This letter is to inform you that you may be eligible to file a stockwater claim with the Idaho Department of Water Resources (IDWR) in connection with the Snake River Basin Adjudication (SRBA). IDWR is sending this letter to water users in Basin 65 who might have relied upon the non-irrigation season stockwater provision in the Payette Adjudication. This provision states:

"When stockwater is not a specifically mentioned use for a right that includes irrigation, a reasonable flow is implied and included for the watering of livestock during the non-irrigation season."

In another basin, the Idaho Supreme Court struck down general provisions that contained similar language. The non-irrigation season stockwater language quoted above was not included in the General Provisions for Basin 65 because of the Idaho Supreme Court's ruling.

IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without a separate stockwater claim might desire to file a new stockwater claim with IDWR.

To be eligible for a new non-irrigation season stockwater claim:

1. You must have actually and historically watered livestock during the non-irrigation season without a separate stockwater right.
2. You must have filed a surface water irrigation claim in both the Payette Adjudication and the SRBA.
3. You must not have filed a stockwater claim with the surface water irrigation claim.

If you meet these three requirements, you may file a Notice of Claim form for stockwater with IDWR. **To have a timely filing you must file this claim with IDWR by May 25, 2001.** IDWR will waive filing fees for these stockwater claims if filed before this deadline. Failure to file your claim in a timely manner may prevent you from claiming it in the future. Notice of Claim forms are available on IDWR's website at www.idwr.state.id.us/info/water/srba/forms.htm or from any IDWR office. Claimants can call IDWR, Western Region at (208) 334-2190 to make an appointment if they need assistance filling out a Notice of Claim form.

Sincerely,

David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

04/05/2001

RIGHT NUMBER: 65-2360

NAME AND ADDRESS: JOHN H KIENITZ
KARON S KIENITZ
3512 SUNSET DR
EMMETT, ID 83617

SOURCE: WASTEWATER TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.62 CFS

THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2895 & 65-1390
SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 11/10/1929

POINT OF DIVERSION: T06N R02W S1 NESE Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	0.62 CFS

PLACE OF USE:

<u>IRRIGATION Within GEM County</u>			
T06N R02W S1	SWSE	7	T06N R02W S1 SESE 24

31 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 65-1390 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 94 ACRES IN A SINGLE
IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 65-2895 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 159 ACRES IN A SINGLE
IRRIGATION SEASON.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 13, 2001

Water right number: 65-2360

DELMA C REKOW
1029 LILAC LN
EMMETT ID 83617

CHARLES L REKOW
1029 LILAC LN
EMMETT ID 83617

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

*CORRECT POD & OWNERSHIP, SEE MAP &
TAX RECEIPTS*

2. Describe the changes you wish to make in the proposed recommendation:

SEE ABOVE

3. Give a brief explanation as to why you disagree with these portions:

POD & OWNERSHIP NEEDS TO BE UPDATED.

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

4-4-01

SIGNATURE:

John H. Kienitz

Please print your name:

IDWR Regional Office, 2735 Airport Way, Boise, ID 83705, (208) 334-2190

RECEIVED

APR 04 2001

**WATER RESOURCES
WESTERN REGION**

LISTING OF WATER RIGHTS

PAGE 3

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	BASIS OF RIGHT
SOURCE: WASTEWATER			TRIBUTARY: PAYETTE RIVER			
65-11415	Goslin, T. Edwin Goslin, Ida M. 944 Lower Bluff Rd. Emmett, Idaho 83617 Point of Diversion: T6N R1W Sec. 5 Sec. 6 Place of Use: T6N R1W Sec. 6 T6N R1W Sec. 5 78 Acres Total Other Rights: 65-2838 Remarks: This right when combined with right 65-2838 shall provide no more than .02 cfs/acre. This right was originally recommended as licensed right 65-2458. Although 65-11415 and 65-2838 both contain acreage in the SWNE, Section 6, T6N, R1W, the acres do not overlap.	4-1-1926	Irrigation	3-15 11-15	1.56 CFS	Beneficial Use
		SWNW SWNE				
		SWNE(2) SENE(15) Lot 10(NESE)(28) Lot 9(NWSE)(12)				
		SWNW(12) Lot 5(NWSW)(9)				
65-2360	Rekow, Charles L. Rekow, Delma C. 1029 Lilac Ln. Emmett, Idaho 83617 Point of Diversion: T6N R2W Sec. 1 Place of Use: T6N R2W Sec. 1 31 Acres Total Other Rights: 65-2895, 65-1390 Remarks: This right when combined with rights 65-2895 and 65-1390 shall provide no more than .02 cfs/acre. The source for this wastewater right has its origins to the east of Washington Street in Sections 5 and 6 of T6N R2W, B.M. (See points of diversion listed for 65-1387B, 65-2838, and 65-11415.) Wastewater is gained from irrigation occurring between the point of origin and the point of diversion.	11-10-1929	Irrigation	3-15 11-15	.62 CFS	Beneficial Use
		NESE				
		SWSE(7) SESE(24)				

MAR 02, 1977

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 642

INDICATES TOTAL

SOURCE: WASTE WATER

TRIBUTARY TO: PAYETTE RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-0489	STATE OF IDAHO DEPARTMENT OF FISH & GAME, BOX 29, BOISE, IDAHO 83707 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-0490 & 65-0480 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	4/ 1/1924	IRRIGATION	3/15 11/15	--- AFA 1.00 CFS	SENW S34 T 8N R 4W SESW S27 T 8N R 4W	NENW(12) SENW(13) S34 T 8N R 4W NWSW(17) S27 T 8N R 4W SENE(3) NESE(9) S28 T 8N R 4W *54*	BENEFICIAL USE
65-10574	SCHADT, R. C. & SCHADT, ELLEN M. ROUTE 2, BOX 89, EMMETT, IDAHO 83617	6/ 1/1925	IRRIGATION	3/15 11/15	--- AFA .40 CFS	NWSE S33 T 7N R 2W	NWSE(30) SWSE(10) S33 T 7N R 2W *48*	BENEFICIAL USE
65-5195	BROWN, STANLEY L. & BROWN, ELSIE L. ROUTE 2, EMMETT, IDAHO 83617 REMARKS: SOURCES FOR THIS RIGHT ARE BISSEL CREEK & WASTE WATER.	11/ 8/1927	IRRIGATION	3/15 11/15	--- AFA 1.20 CFS	SWNW S31 T 7N R 2W SESE S31 T 7N R 2W	LOT 4(30) LOT 5(26) S31 T 7N R 2W *64*	BENEFICIAL USE
65-2360	REKOW, CHARLES L. & REKOW, DELMA C. ROUTE 2, BOX 266-6, EMMETT, IDAHO 83617 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2895 & 65-1390 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	11/10/1929	IRRIGATION	3/15 11/15	--- AFA 1.70 CFS	NESE S 1 T 6N R 2W SWNE S 6 T 6N R 2W SENE S 6 T 6N R 2W	SENE(12) NESE(32) SWSE(7) SESE(24) S 1 T 6N R 2W LOT 5(6) LOT 6(7) LOT 7(6) S 6 T 6N R 1W *94*	LICENSE
65-1854	COOPER, CLAYNE ROUTE 2, EMMETT, IDAHO 83617 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2847 & 65-1858 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	3/27/1930	IRRIGATION	3/15 11/15	--- AFA 1.50 CFS	SESE S16 T 7N R 3W	SWSE(23) LOT 2(2) LOT 1(54) S16 T 7N R 3W *75*	BENEFICIAL USE
65-1858	COOPER, CLAYNE ROUTE 2, EMMETT, IDAHO 83617 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2847, 65-2200 & 65-1854 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	3/27/1930	IRRIGATION	3/15 11/15	--- AFA 1.00 CFS	NENE S21 T 7N R 3W	LOT 2(5) LOT 1(38) S16 T 7N R 3W LOT 1(10) LOT 2(23) LOT 3(22) S21 T 7N R 3W *58*	BENEFICIAL USE
65-6470	COULTER, ALBERT A. & COULTER, ERMA L. ROUTE 1 BOX 278-A, EMMETT, IDAHO 83617	4/ 1/1930	IRRIGATION	3/15 11/15	--- AFA .04 CFS	SWNW S27 T 7N R 1W	SWNW(2) S27 T 7N R 1W *2*	BENEFICIAL USE

- AMENDED PER STIPULATION -

WR5809NP
No. 65-02360

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/25/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHARLES L. REKOW	11/10/1929	IRRIGATION	03/15 11/15	1.780 CFS	
C	DELMA C. REKOW 1029 LILAC LN. EMMETT ID 83617					
TOTAL DIVERSION:					1.780 CFS	

Water Source: WASTE WATER

Tributary to: PAYETTE RIVER

Stage: DECREED

Point(s) of Diversion:

T06N R02W S01
S06

NESE
SWNE

SENE

GEM County
GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
06N	01W	6	:																	19.0
06N	02W	1	:																	75.0
																				94.0

Pou County: GEM

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

65-01390 65-01392 65-02985X

Other Water Rights Listing Overlapping Place(s) of use:

65-01390 65-01393 65-02556 65-02895 65-05161 65-07062 65-13775

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2895 & 65-1390 SHALL
PROVIDE NO MORE THAN .02 CFS/ACRE.

Dates: App. Received: Priority Date: 11/10/1929
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 65 Field Exam Fee:

Audit: 04/02/86 04/30/88 CONVERT

AMENDED -
PER
STIPULATION

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

PHILLIP J. RASSIER
JOSEPHINE P. BEEMAN
Deputy Attorneys General
Department of Water Resources
Statehouse
Boise, Idaho 83720
Telephone: (208) 334-7920

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

IN THE MATTER OF THE GENERAL	)	Civil Case No. 3667
DETERMINATION OF THE RIGHTS TO	)	
THE USE OF SURFACE AND GROUND	)	STIPULATION ADDING, AMENDING,
WATER OF THE PAYETTE RIVER	)	AND DELETING RECOMMENDATIONS
DRAINAGE.	)	FOR GOSLIN, KIENITZ,
	)	NEBEKER AND REKOW
	)	

R. Keith Higginson, Director of the Idaho Department of Water Resources, Walter and Josephine Nebeker, John H. and Karon S. Kienitz, T. Edwin and Ida Goslin, and Charles L. and Delma C. Rekow, enter into a stipulation resolving an oversight from the record before this court in the Payette Adjudication. This omission or oversight was initially addressed by a motion pursuant to Rule 60(a) filed with the court March 28, 1988.

As explained in the motion on file with the court, the land for which a claim was omitted by the oversight of the Idaho Department of Water Resources is presently farmed by Nebeker and Kienitz. Kienitz owns his land under a contract of sale from the Rekows.

Additional facts not contained in the original motion nor the affidavits which accompanied the motion are agreed to by the parties in this stipulation. Those facts include the following: the waste water rights which are affected by this stipulation are all for waste water from the Emmett Irrigation District. From a review of documents on file with the Idaho Department of Water Resources, the parties agree that the lands now owned or being purchased by Goslin, Nebeker, Rekow and Kienitz began irrigation with waste water (originating from the east side of Washington Street) in the 1920's. Specifically, it appears that the records of the Idaho Department of Water Resources support a priority date of April 1, 1926 for 65-1387A, 65-1387B, and 65-11415, and a priority date of 11-10-1929 for 65-2360. No other individuals are presently using this particular source of waste water. Goslin has two additional water rights (65-2838 and 65-2497) for waste water from this same area which have junior priority dates.

In the process of the negotiations leading to this stipulation, it became apparent that there were other clerical errors in rights for the same lands. Specifically, right 65-3842 originally decreed in the name of Beckman, is appurtenant to lands now owned by Rekow. Further, because part of the land under right 65-3842 is under contract of purchase with Kienitz, the right was split to 65-3842A and 65-3842B.

The changes to the water right claim numbers are reflected in the attached exhibit. Also, where these new claim numbers need to be listed as "Other Rights" where the land to which the

right is appurtenant is also covered by an additional water right, those changes are reflected in the exhibit.

There is a decreed licensed right, 65-2458, which is no longer in the listing of water rights accompanying this stipulation. Right 65-2458 was originally recommended for land that is now covered by 65-11415. The records in the license files at the Department of Water Resources provided evidence that the water use under 65-2458 arose earlier than the priority date indicated on the license. Thus, instead of licensed right 65-2458, beneficial use right 65-11415 is listed in the schedule accompanying this stipulation with a priority date of April 1, 1926. The rate of diversion for 65-11415 is 1.56 cfs, reflecting a clerical correction that only 78 acres can be irrigated from this diversion. Originally, 65-2458 listed a diversion rate of 1.74 cfs for 87 irrigated acres. The points of diversion and places of use are unchanged except for clerical corrections which are indicated.

An additional decreed licensed right 65-2360 is listed with reduced acreage in the attached schedule of rights. The records in the license files at the Department of Water Resources provided evidence that water use on some acres under 65-2360 began earlier than the date on the license. Therefore, 63 acres previously listed with 65-2360 are now listed with 65-1387A in the schedule of rights accompanying this stipulation.

DATED this 17th day of April, 198⁹⁰.

Josephine P. Beeman
JOSEPHINE P. BEEMAN
Deputy Attorney General
Department of Water Resources

Water Nebeker

Josephine Nebeker

John H. Kienitz

Karon S. Kienitz

Edwin Goslin
Edwin Goslin

Ida M. Goslin
Ida Goslin

Charles L. Rekow

Delma C. Rekow

NO. _____

FILED AT A.M. _____

P.M. _____

DATE: _____

5-15-90

THELMA R KOLODZIEL, CLERK

BY: Loei Rambour DEPUTY

32
JIM JONES
Attorney General

JOSEPHINE P. BEEMAN
Deputy Attorney General
Department of Water Resources
Boise, Idaho 83720
Telephone: (208) 327-7920

RECEIVED
MAY 17 1990

Department of Water Resources

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

IN THE MATTER OF THE GENERAL)	Civil Case No. 3667
DETERMINATION OF THE RIGHTS TO)	
THE USE OF SURFACE AND GROUND)	ORDER AMENDING DECREE OF
WATER OF THE PAYETTE RIVER)	WATER RIGHTS PURSUANT TO
DRAINAGE.)	STIPULATION OF GOSLIN,
_____)	KIENITZ, NEBEKER, REKOW AND
	THE IDAHO DEPARTMENT OF
	WATER RESOURCES

The stipulation of R. Keith Higginson, Director of the Idaho Department of Water Resources, Walter Nebeker and Josephine Nebeker, John H. Kienitz and Karon A. Kienitz, T. Edwin Goslin and Ida Goslin, and Charles L. Rekow and Delma C. Rekow has been filed with the court. Attached to that stipulation is a listing of water rights. Exhibit A attached to this order is the stipulation with the listing of water rights. Since identical stipulations were separately signed by the parties, the stipulation attached as Exhibit A shows only the signature of one of the parties, the Goslins.

The stipulation lists amendments to the decree of water

ORDER AMENDING DECREE OF WATER
RIGHTS PURSUANT TO STIPULATION - 1

rights for the Payette River Drainage Basin. The need for amendments was initially addressed by a motion pursuant to Rule 60(a) of the Idaho Rules of Civil Procedure to correct an omission made by the Idaho Department of Water Resources. That motion was filed March 28, 1988 with the court. Additional corrections have been identified by the parties since that time. Now, by stipulation of the affected parties, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the decree of water rights for the Payette River Drainage Basin be amended as follows:

1. Water right 65-3842 is replaced by two new water rights known as 65-3842A and 65-3842B, as listed in Exhibit A.
2. Water right 65-2360 is replaced in part by a new water right, 65-1387A, listed in Exhibit A; the remaining portion of 65-2360 is shown as amended in Exhibit A.
3. Water right 65-1387B is a new water right listed in Exhibit A; 65-1387B was not previously listed in the water rights for the Payette River drainage basin.
4. Water right 65-2458 is replaced by a new water right, 65-11415, as listed in Exhibit A. Also, of nine acres originally listed with 65-2458, six acres are now shown with 65-2497 and three acres are shown with 65-2838, as listed in Exhibit A.
5. Water right 65-2497 is unchanged except for minor amendments listed in Exhibit A.
6. Water right 65-1390 is unchanged except for minor amendments listed in Exhibit A.
7. Water right 65-2838 as listed in Exhibit A is unchanged except for minor amendments.
8. Water right 65-1393 as listed in Exhibit A is unchanged except for minor amendments.
9. Water right 65-2895 is listed in Exhibit A as licensed subsequent to the filing of the proposed finding of water rights for the Payette River drainage basin.

10. Water right 65-7062 as listed in Exhibit A is unchanged except for minor amendments.

The specific changes accomplished by this Order are more fully set forth in the listing of the water rights accompanying the stipulation, all attached as Exhibit A and that exhibit is incorporated as if fully set forth herein. The exhibit comprises eleven pages.

DATED this 9th day of May, 1990.

JIM R. DOOLITTLE

JIM R. DOOLITTLE
District Judge

OVERLAP REVIEW SHEET FOR THE FOLLOWING WR #'s: 65-1390 65-2360

AGENT RON H DATE 10-12-00

65-2895 65-1393A ← KIENTZ

REKOW NEW SPLIT = 65-1393B NO OVERLAP

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
WASTEWATER REKOW/WCAP	1390	6N	2W	01				12									33	7	25			
		6N	1W	06					5		5	7										94
WASTEWATER	2360	6N	2W	01													7	24	31			
1390 COMBINED TOTAL																						94

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
WLC 5 PAY R (KIENTZ)	2895	6N	2W	01									38		10	24	18					*
		6N	1W	06							3	7										100
1390				01				12					38	33	10	24	25				142	
+ 2360				06					5		5	7									17	159
+ 2895																						

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
HAW CR	1393	6N	2W	01									13	(8.5)	39	1	15	18	15	95		TAX 1994
REKOW	(MINUS)																					555 KIENTZ
1393 + 2895				01				FROM OWNERSHIP CHANGE 11-11-01					13	(8.5)	39	1	15	24	18.5	119	- 8.5 =	110.5
				06							3	7									10	+ 29 = 120.5

SPLIT REKOW / PRESENT OWNER IS STANDLEY - HAWNT

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

PAGE 2: COMBINED RMKS

- 1390 with 2360 TOTAL 122 ACRES = 94 ACRES
- 2895 with 1390 & 2360 = 159 ACRES
- 1393 with 2895 = 129 ACRES
- 1203A 120.5

• 1393 DOESN'T OVERLAP 1390 2360

* Stipulation Conflict FOR OWNERSHIP

(FILED A CHANGE)

CLAIM AMENDED PFR STIP.

AJ5809NP
No. A65-02360

IDAHO DEPARTMENT OF WATER RESOURCES ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/03/01
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
P	MICHAEL L WEAR	11/10/1929	IRRIGATION	03-15 11-15	1.780 CFS	
P	THERESA D WEAR 1009 SUNSET DR EMMETT ID 83617 (208) 365-5159					
C	DELMA C REKOW					
C	CHARLES L REKOW 1029 LILAC LN EMMETT ID 83617					

TOTAL DIVERSION:

1.780 CFS

62 cfs

Water Source: WASTE WATER

Tributary to: PAYETTE RIVER

Stage: DECREE

Point(s) of Diversion:

T06N R02W S01

NESE

SWNE

SWNE

SENE

GEM County

GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE						
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
06N	01W	6	:																			19.0
06N	02W	1	:																			75.0
			:																			94.0
			:																			31

POU County: GEM

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2895 & 65-1390 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE. WEARS ENTERED AS PRESENT OWNERS - THEY MAY OWN A PORTION OF THIS WATER RIGHT. PRA MAPS, ETC., LOCATED IN FILE A65-01390. FIELD EXAM MAY BE NECESSARY TO DETERMINE APPURTENANT RIGHTS (SEE ALSO A65-2360). MM 02/18/1998.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:

Presumption Flag:

OWNERSHIP IN QUESTION
1994 TAX SHOWS KLENITZ

Pond Rmk 5 (E11)
94 ACRES with 1390
159 ACRES with 2895
C18

**T06N R02W
S01**

Idaho Department of Water Resources

**Claims: 65-02360
Prepared by:
RON HOWERTON
Modified: 4-4-01**

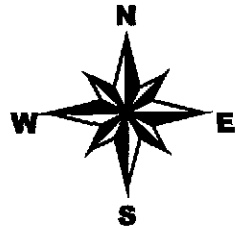
 **Place of use**

 **POD**

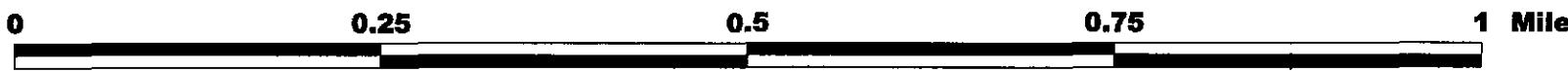
 **SECTION**

 **1/4 1/4**

31.0 Acres



1987 NAPP



T06N R02W
S01

Idaho Department of Water Resources

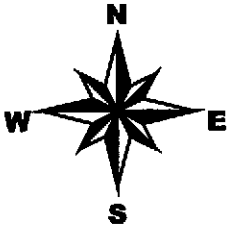
Claims: 65-02360
Prepared by:
RON HOWERTON
Modified: 4-4-01

 Place of use

● POD

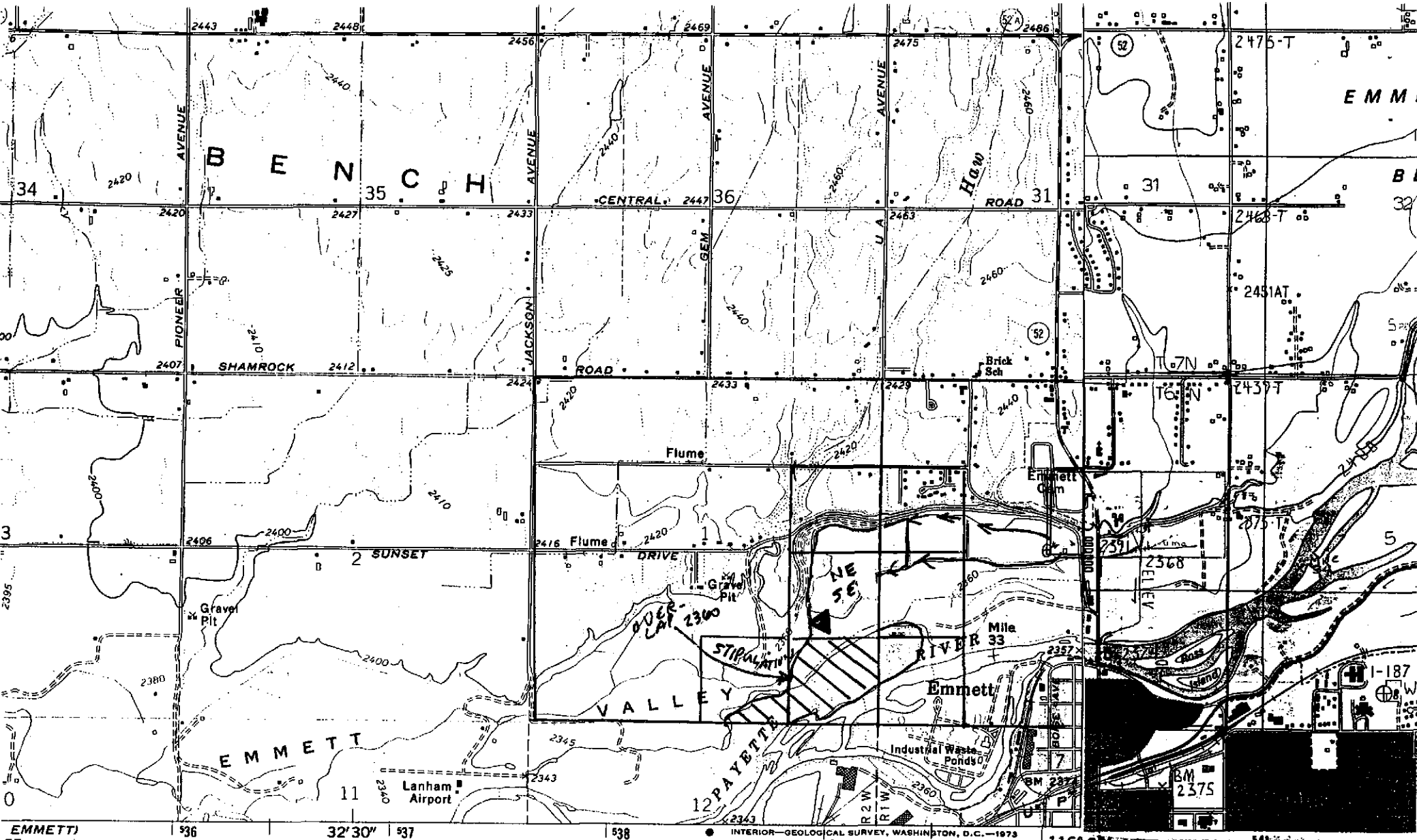
 SECTION

 1/4 1/4

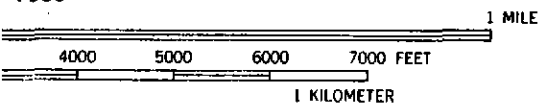


1987 NAPP





EMMETT
SE
4000



VAL 20 FEET
T 5-FOOT CONTOURS
SEA LEVEL

SAME PID OVERLAPS:
65-1390 & 2360 = 501 NESE



QUADRANGLE LOCATION

ROAD CLASSIFICATION

Primary highway, hard surface _____ Light-duty road, hard or improved surface _____
Secondary highway, hard surface _____ Unimproved road _____

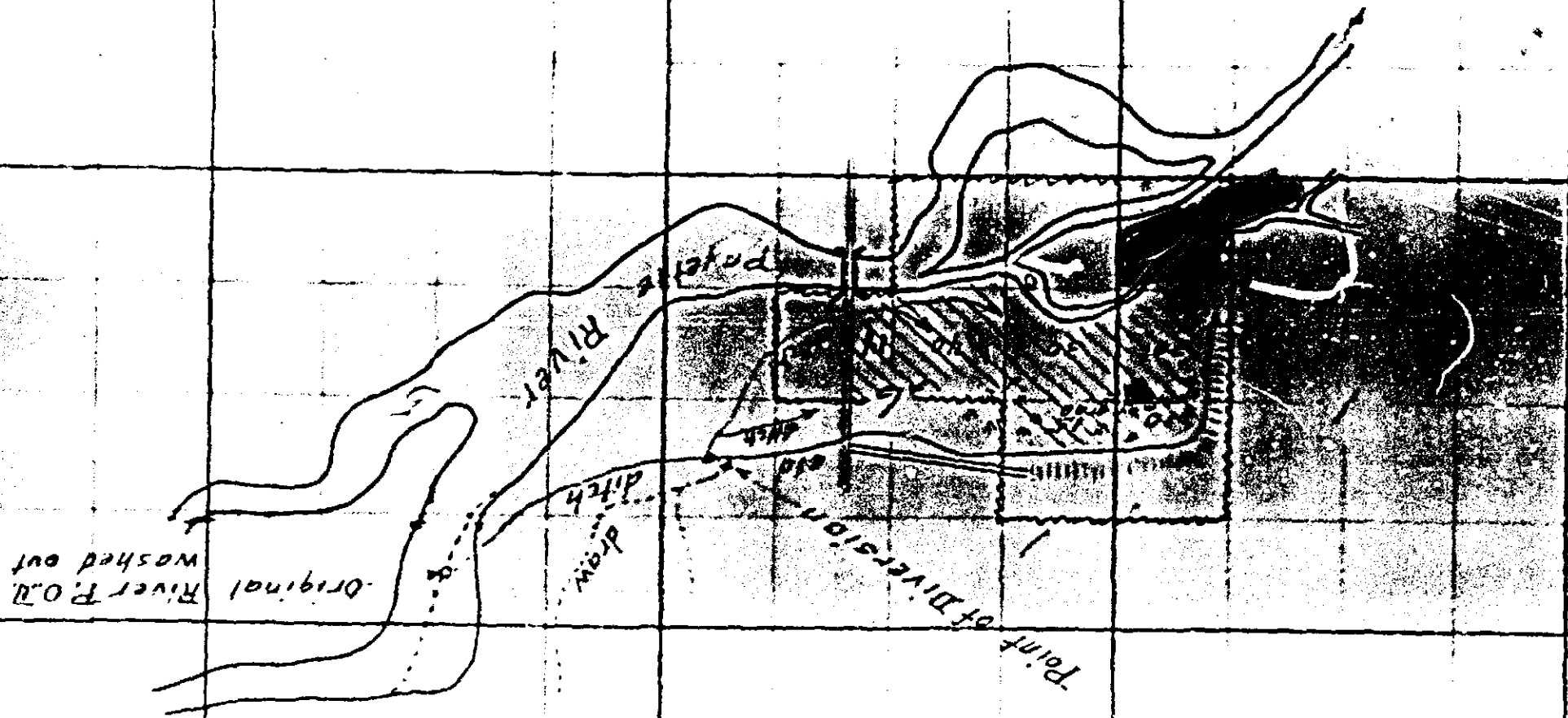
○ Interstate Route □ U. S. Route ○ State Route
PID'S T6N R2W 501 NESE

NORTHWEST EMMETT, IDAHO

N4252.5 W11600.7

PRODUCED BY THE UNITED STATES GEOLOGICAL SURVEY
CONTROL BY THE UNITED STATES GEOLOGICAL SURVEY
COMPILED FROM AERIAL PHOTOGRAPHS TAKEN IN 1961
FIELD CHECKED 1981 MAP EDITED
PROJECTION
GRID: 1000-METER UNIVERSAL TRANSVERSE MERCATOR
1000-FOOT STATE GRID TICKS
UTM GRID DECLINATION





#65-2360 MAR 13 90

Wasn't Available For
Filming At This Time.

See Misc. Roll

ADJUDICATION MEMORANDUM

CLAIM NO.: A6501390 A65-02390

SUBJECT: Change of ownership

EMPLOYEE: T. T. Wicucci

DATE: 02/18/1998

A change of ownership was submitted in Sept of 1996 on these claims. The legal description of the property was plotted with IDWR's computer program. After review of the Payette River Adjudication field maps it was very difficult to tell which water rights were appurtenant to the property. T.R. Wear (new owner) indicated that he would stop in our offices sometime in the Fall of 1996 but he was not able to meet with IDWR.

Copies of the Payette maps, claims, etc are located in file A65-01390.

The ownership of the claim (or portion thereof) was not changed because of the uncertainty in the number of acres of the appropriate water right (see also 65-02360). A field exam may be necessary to straighten out ownership, etc.

The Wears will be de'd as present owners.

They should be contacted at the time of the field exam.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 17, 1996

MICHAEL L WEAR
THERESA D WEAR
1009 SUNSET DR
EMMETT ID 83617

RE: Notice of Change of Water Right Ownership

Dear Mr. and Mrs. Wear:

This office has received the enclosed form requests the department change the ownership on claim numbers A65-01390 and A65-02360. Enclosed are reports which summarize these claims. We cannot process the Change of Ownership form without additional information from you.

First, if you are the new owners of the property, you must sign and date the Change of Ownership form.

Secondly, it is very difficult to determine how many acres, if any, of the listed water right claims are appurtenant to the property which you have purchased. To assist us in this matter, please indicate on the enclosed map the property that you have purchased and how many acres are irrigated. Please also indicate the source of the water and where the water is diverted from the source.

Thank you for your assistance in this matter. We cannot process that change in ownership without receiving the requested information from you. Please submit the requested information by August 12, 1996. If we do not receive the requested information the ownership of the claims will remain in the names of the original owners.

Please do not hesitate to contact me if you have any questions or comments about this letter or the referenced claims.

Sincerely,

Maria Minicucci
Sr. Water Agent, Adjudication Bureau

MM:m

Enc: Profile reports, A65-01390, A65-02360; OQ of T06N, R01W, s. 6 & 02W, s. 1
C of O Form



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 7, 1996

CHARLES L REKOW
DELMA C REKOW
1029 LILAC DR
EMMETT ID 83617

RE: Change in Ownership for portions of claim nos. A65-01390 and A65-02360

Dear Mr. and Mrs. Rekow:

This office has received a change of ownership for which indicates that you have sold a portion of your property and the appurtenant water rights to another party. A copy of the form is enclosed.

Unfortunately, it is very difficult to determine how much of the water right is appurtenant to the property that was sold. In order to split the claims so that the appropriate amount is put into the name of the new owner, please locate the property which was sold on the enclosed map and indicate how many acres in each quarter-quarter were sold to the new owner.

Once this office receives the information, we will proceed with splitting the original claims so that the appurtenant water rights are put in the name of the appropriate owners. You will receive a copy of the claim which represents your remaining portions of the water rights.

If you have any questions or need additional information, please do not hesitate to contact me at this office.

Sincerely,

Maria Minicucci

Sr. Water Agent, Adjudication Bureau

MM:m

Enc: ✓ OQ map of T06N, R01W, section 6
✓ Profile reports, A65-01390 & A65-02360

RECEIVED

SEP 03 1996

WATER RESOURCES
WESTERN REGIONNEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

MAY 8 - 1996

Department of Water Resources

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

DATE OF CLOSING: 5-23-94 & 12-21-95

RECEIVED

MAY 08 1996

WATER RESOURCES
WESTERN REGIONLEGAL DESCRIPTION OF PROPERTY: Township 6 North Range 1 West,
Section 6, SE 1/4 of NW 1/4 of NE 1/4 SW 1/4, Govt. Lot 5&6, BM.
Lot _____, Block _____, Subdivision/Townsite _____If you have additional legal descriptions, please attach separate sheet.
as attached on Warranty Deeds enclosed.

[] 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:

A65-01390 and A65-02360[] Name and Address of Former
Owner/Claimant(s)(Seller):Charles L. RekowDelma C. Rekow1029 Lilac Drive Emmett, Idaho 83617[] New Owner/Claimant
(Purchaser):~~Emmett, Idaho 83617~~ Geri Heavrin

[] New Mailing Address:

~~Emmett~~ 5-23-94 1490 Fernlee CircleEmmett, Idaho 83617Newest Deed & Mailing Address: 12-21-95 Michael L. Wear and Theresa D. Wear, 1009 Sunset Drive[] New Telephone Number: (208) 365-5159Emmett, Idaho 83617[] Does the change in ownership result in a splitting of the water right owned/claimed? X yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:Legal Description Attached on Attached Legal.[] Attach proof of
ownership, describe
proof attached:Copy of Warranty Deed to Heavrin attached. OCD Heavrin to Heavrin,Copy of Warranty Deed to Wear attached.
(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)Michael L. WearDate 08-20-96Theresa D. WearDate 8-20-96[] Signature of Former
Owner/Claimant(s):Charles L. RekowDate 3-13-96

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: 07/10/1996 By: MM

Further Action Needed:

Signature(s), map of property

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

RECEIVED

OCT 26 1995

CHANGE IN OWNERSHIP

Department of Water Resources

[] Water Right Number(s): A65-01390, A65-02360

[] Name and Address of
Former Claimant:

Charles L. Rekow

1029 Lilac Ln.

Emmett Id. 83617

Geri L. Heavrin

RECEIVED

OCT 30 1995

WATER RESOURCES
WESTERN REGION

[] New Claimant(s):

[] New Mailing Address:

1490 Fernlee Cir.

Emmett Id. 83617

New Telephone Number: (208) 365-5159

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

If yes, then describe the portion of the water right that is
now claimed by the new owner:

[] Attach proof of ownership
Describe proof attached:

[] Signature of New Claimant(s):

Geri Heavrin

Date:

10-25-95

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 03/13/1996

By: PT

Further Action Needed: split

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

Claim Numbers of Split, if any:

QUITCLAIM DEED

For Value Received

A. CLARK HEVRIN, a married man

do hereby convey, release, remise and forever quitclaim unto

GERI L. HEVRIN, a married woman, as her sole and separate property
whose current address is 1009 Sunset Drive, Emmett, Idaho 83617

the following described premises, to-wit:

SEE ATTACHED LEGAL DESCRIPTION

together with their appurtenances.

Dated: July 25, 1994

7-29-94A. Clark Hevrin

A. CLARK HEVRIN

STATE OF IDAHO, COUNTY OF Gem

On this 29th day of July, 1994.

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at

together with their appurtenances.

Dated: July 25, 1994

7-29-94

A. Clark Heavrin
A. CLARK HEVRIN

STATE OF IDAHO, COUNTY OF Gem

On this 29th day of July, 1994,
before me, a notary public in and for the said State, personally appeared A. Clark Heavrin

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

Emmett D. Emmett

Residing at _____, Idaho
Comm. Expires 3-14-99

Notary Public

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: _____

INSTRU. NO. 87465

PAGES 1 of 2

Legal Description

A tract of land situate in a portion of the SE 1/4 of the NW 1/4, a portion of U.S. Lots 5 and 6 and a portion of the NE 1/4 of the SW 1/4, all within Section 6, Township 6 North, Range 1 West, B.M., Gem County, Idaho, more particularly described as follows:

COMMENCING at the Southeast corner of said Government Lot 5 as said corner is shown on that certain Record of Survey filed as Instrument No. 132562, records of Gem County, Idaho; thence

North 00°00'45" East along the East line of said Lot 5, a distance of 618.15 feet to a point, said point being THE REAL POINT OF BEGINNING; thence along the following courses and distances as shown on that certain sketch of Harman Property to C.H. Hilger, Attorney and Surveyed by Tudor Engineers on July 1, 1969:

South 87° West, a distance of 373.64 feet;

North 79° West, a distance of 180.00 feet;

South 80° West, a distance of 120.00 feet;

South 71° West, a distance of 260.00 feet;

South 00° West, a distance of 719.00 feet;

North 68°30' East, a distance of 243.00 feet; thence

North 89° East, a distance of 787.71 feet to a point, said point being 100 feet East of the East line of Government Lot 5; thence

North 00°00'45" East and parallel with the East line of said Government Lot 5, a distance of 761.65 feet to a point on the Southerly right of way line of Sunset Drive as shown in the above referenced survey by Tudor Engineers; thence

North 85°16' West along said right of way, a distance of 100.34 feet to a point on the East line of Government Lot 5; thence

South 00°00'45" West along last said East line a distance of 63.04 feet to the REAL POINT OF BEGINNING.

INSTRU. NO. 181465
PAGES 2 of 3

181465

Gem County, IDAHO) ss.

Recorded at request of

Geri Heavrin, Emmett

Time 11:52 AM

Date August 1, 1994

Instr. No. 181465

Recorded as a Deed

Thelma R. Kolodziej, Clerk
Ex-officio Recorder

By: Judy Bigham
Deputy

Fees \$ 6.00

Doris Vesner
1669 Summit

MAY 8 - 1996

WARRANTY DEED

Department of Water Resources

For Value Received

CHARLES L. REKOW and DELMA C. REKOW, husband and wife

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

A. CLARK HEAVRIN and GERI L. HEAVRIN, husband and wife

the grantees, whose current address is 1009 Sunset Drive, Emmett, Idaho 83617

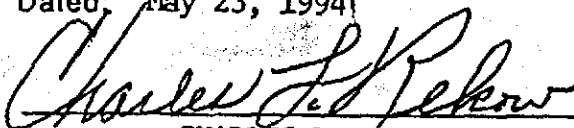
the following described premises, in Gem County Idaho, to-wit:

SEE ATTACHED LEGAL DESCRIPTION

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances 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 23, 1994


CHARLES L. REKOW
DELMA C. REKOW

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances 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 23, 1994

Charles L. Rekow
CHARLES L. REKOW

Delma C. Rekow
DELMA C. REKOW

STATE OF IDAHO, COUNTY OF Gem

On this 23rd day of May, 1994, before me, a notary public in and for the said State, personally appeared Charles L. Rekow and Delma C. Rekow

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

Emmett D. Lambird
Notary Public
Residing at Emmett, Idaho
Comm Expires

STATE OF IDAHO, COUNTY OF GEM

I hereby certify that this instrument was filed for record at the request of Security Title Co.

at 21 minutes past 11 o'clock A.M., this 23rd day of May 1994 in my office, and duly recorded in Book as a Deed under Instr. #180479.

Thelma R. Kolodziej
Ex-Officio Recorder

By Judy Bigdame Deputy.
Fees \$6.00
Mail to:

Legal Description

A tract of land situate in a portion of the SE 1/4 of the NW 1/4, a portion of U.S. Lots 5 and 6 and a portion of the NE 1/4 of the SW 1/4, all within Section 6, Township 6 North, Range 1 West, B.M., Gem County, Idaho, more particularly described as follows:

COMMENCING at the Southeast corner of said Government Lot 5 as said corner is shown on that certain Record of Survey filed as Instrument No. 132562, records of Gem County, Idaho; thence

North 00°00'45" East along the East line of said Lot 5, a distance of 618.15 feet to a point, said point being THE REAL POINT OF BEGINNING; thence along the following courses and distances as shown on that certain sketch of Harman Property to C.H. Higer, Attorney and Surveyed by Tudor Engineers on July 1, 1969:

South 87° West, a distance of 373.64 feet;

North 79° West, a distance of 180.00 feet;

South 80° West, a distance of 120.00 feet;

South 71° West, a distance of 260.00 feet;

South 00° West, a distance of 719.00 feet;

North 68°30' East, a distance of 243.00 feet; thence

North 39° East, a distance of 787.71 feet to a point, said point being 100 feet East of the East line of Government Lot 5; thence

North 00°00'45" East and parallel with the East line of said Government Lot 5, a distance of 761.65 feet to a point on the Southerly right of way line of Sunset Drive as shown in the above referenced survey by Tudor Engineers; thence

North 85°16' West along said right of way, a distance of 100.34 feet to a point on the East line of Government Lot 5; thence

South 00°00'45" West along last said East line a distance of 63.04 feet to the REAL POINT OF BEGINNING.