

C. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

1. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right.

Elsie & Chester McGinnis purchased land and water right No. A6S-02591X from George A. Bennett Living Trust and Ruth Bennett. on August 13, 1992. Chester & Elsie McGinnis McGinnis transferred water right A6S-02591C to Lake Estates Property Owners Assn., Inc. Sept 26, 1997. See attachments.

2. Describe the frequency of water use under the right, or portion thereof, during the past 5 years. Attach water-master records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture:

Attached is Water District 65 Rental, Pool invoice. The Association has not used the water right since transfer. The attached invoice is for 1997 water use.

3. Describe the relative availability of water to fill the right, or portion thereof. Attach evidence to support the availability:

4. Describe any other water rights with the same purpose and place of use as the right, or portion thereof. Will the present place of use continue to receive water from any source? If so, describe.

No

5. If the water right is a permit, describe the work accomplished toward developing the right.

6. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

7. If the right is included in an ongoing adjudication, a copy of the claim must be provided with this application.

Diversion
Canal

Sec

Plot

D-11

A65

T237

9.5

A

28.0

D

43

910

R3E

T16N

24.8

E

4.0

F

4.7

G

21.3

H

11.8

Victor
mine

SAR

Point of
diversion

A65

T237

9.0
B

5.7
C

A246

T238

35.1
A

4 3

9 10
A15 (7A)
T2

T219

73.5
A

A8

T243

38.7

20.3
D5

20.3
C4

17.5
A15

78.3
B2

A8

T243

T 16
N

R3E

8. Draw a map indicating the point(s) of diversion and place of use of the right, or portion thereof. Show clearly the land involved by section, township and range.

[illegible]

SCALE: 2 inches equal 1 mile. Draw plan in ink.

Idaho Department of Water Resources

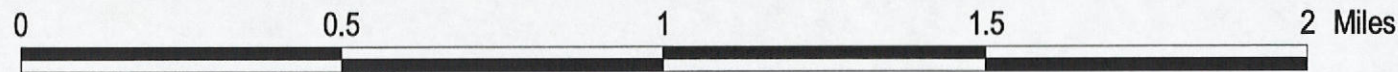
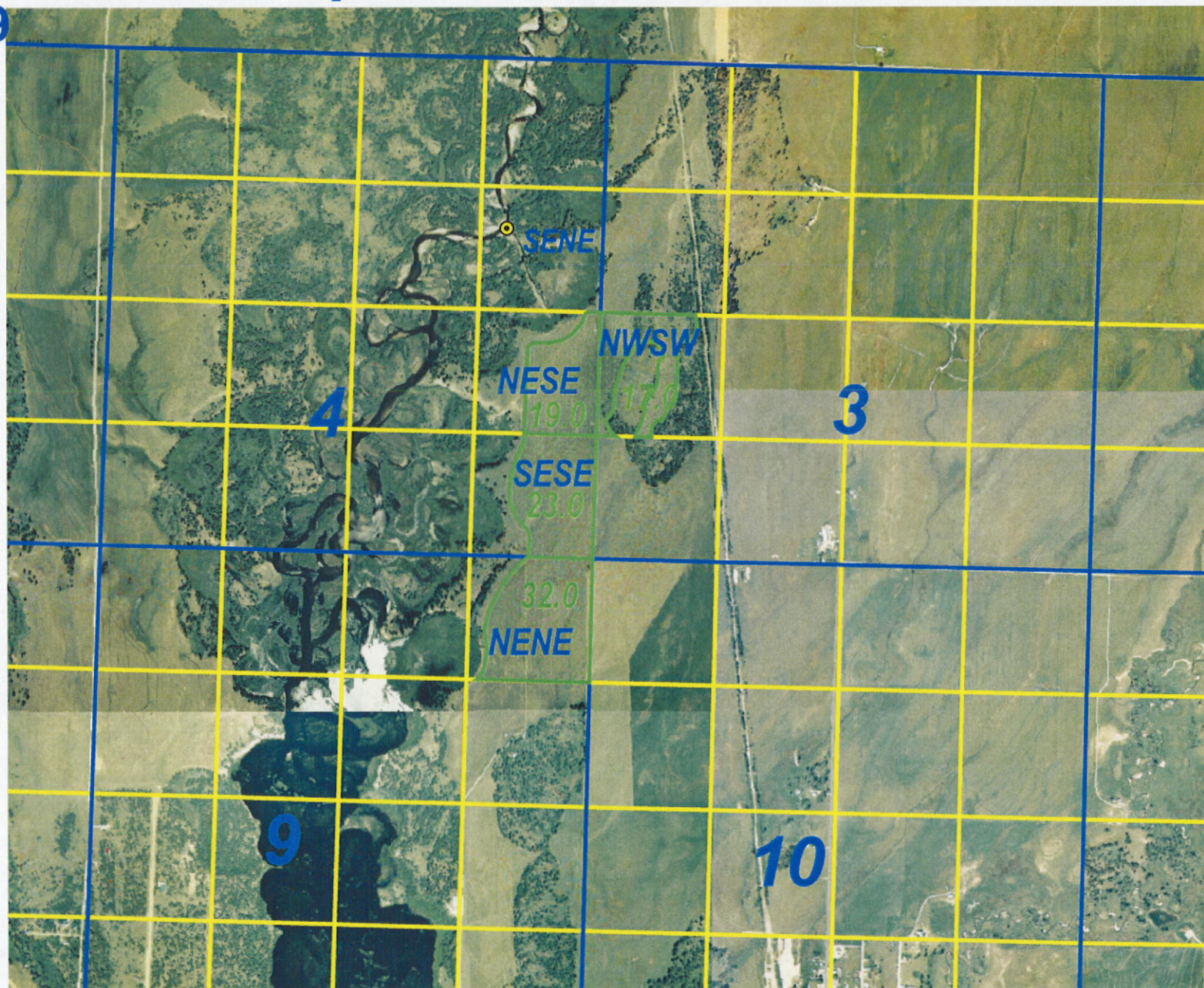
T16N, R03E
S03, S04 & S09

Claims: 65-02591C
Owner : COHO
Prepared by:
Ron Howerton
Date: 20 AUG 99

-  Place of use
-  POD
-  SECTION LINES
-  1/4 1/4 Lines
- # Acres



1987 NAPP



sdmndt

人字

65-2591 C

PRBA MAP "B" T16N R3E

65-25912

3 19

61B

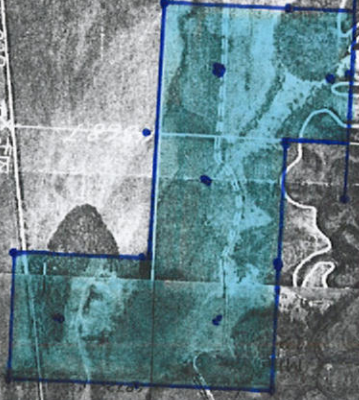
1a61 PRDA MAP DHZ -2BB-116

MICROFILMED
OCT 18 1996

7N
5N

16N 3E

3



Donnelly

DONNELLY

PACIFIC

WEST FORK

Creek

ROSEBERRY

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: A65-02591C
Date Received: 11/18/1988
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: COHO ESTATES PROPERTY OWNERS ASSN INC 208-382-3317
Address: C/O BARRY ALBERT
PO BOX 249
CASCADE ID 83611
2. Date of Priority: JAN 17, 1960
3. Source: LAKE FORK CREEK Trib. to: PAYETTE RIVER, NORTH FORK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 16N | 03E | 4 | SE | NE | | | VALLEY |
5. Description of diverting works:
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 1.490 | | |
7. Total Quantity Appropriated is:
1.490 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	03E	3	NW	SW		IRR	17.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	17.0
		4	NE	SE	IRR	19.0
			SE	SE	IRR	23.0
					Section Acres	42.0
		9	NE	NE	IRR	32.0
					Section Acres	32.0
					Total Acres	91.0

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:

14. Remarks:

DECREE GIVEN LIC. NO.
 THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION
 OF CLAIM A65-02591X. NO FEE REQUIRED. DEED LIMITED AMOUNT OF
 WATER SOLD TO CLAIMANT TO 1.49 CFS. KW 5/2/1996
 OWNERSHIP CHANGED FROM MCGINNIS TO COHO BY RDH, 8/23/1999.

15. Basis of Claim: DECREED

Water Right Number: 24958

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

ROUTING SLIP

Distribution		Provided for your:	
Date: 11/28/01	Information		✓
To: Ron Howerton WESTERN REGION		Comments	
From: Sunny Healey IDWR Vault		Approval	
		Signature	
Special Notes: For file. A65-02591C.			
NOTE			

COHO ESTATES PROPERTY OWNERS
ASSOCIATION, INC.

RECEIVED

NOV 29 2001

WATER RESOURCES
WESTERN REGION

RECEIVED

NOV 23 2001

November 21, 2001

Department of Water Resources

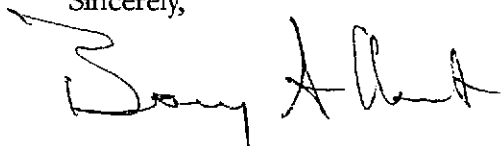
Idaho Department of Water Resources
Water Allocation Bureau
1301 North Orchard Street
P. O. Box 83720
Boise, ID 83720-0098
Attn: L. Glen Saxton, P.E., Chief

RE: Rights in the Water Supply Bank - 65-02591C

Dear Mr. Saxton:

Please be advised that the Coho Estates Property Owners Association, Incorporated wishes to extend the rights retained in the Water Supply Bank for an indefinite period. Be advised that the Coho Estates Property Owners Association, Inc. will inform the Idaho Department of Water Resources in writing when the lease to the Water Supply Bank is to be withdrawn.

Sincerely,



Barry Albert, President
Coho Estates Property Owners Association, Inc.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 65-2591C

WATER RIGHT NUMBER: 65-2591C

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ELSIE M MC GINNIS PO BOX 39 DONNELLY, ID 83615 (208)325-8726
Current Owner	COHO ESTATES PROPERTY OWNERS ASSN INC C/O BARRY ALBERT PO BOX 249 CASCADE, ID 83611 (208)382-3317
Original Owner	GEORGE A BENNETT PO BOX 714 DONNELLY, ID 83615
Original Owner	CHESTER C MC GINNIS PO BOX 39 DONNELLY, ID 83615 (208)325-8726

Priority Date: 01/17/1960

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LAKE FORK	NORTH FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	1.490 CFS	
	<u>Total Diversion:</u>	1.490 CFS	

Location of Point(s) of Diversion

LAKE FORK	SE1/4NE1/4	Sec. 4, Twp 16N, Rge 03E, B.M.
VALLEY County		

Place of UseIRRIGATION Within VALLEY County

T16N R03E S03	NWSW	17.0	T16N R03E S04	NESE	19.0
T16N R03E S04	SESE	23.0	T16N R03E S09	NENE	32.0
Total Acres: 91					

Conditions of Approval:Remarks:

- General DECREE GIVEN LIC. NO.
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM
A65-02591X. NO FEE REQUIRED. DEED LIMITED AMOUNT OF WATER SOLD TO
CLAIMANT TO 1.49 CFS. KW 5/2/1996 OWNERSHIP CHANGED FROM MCGINNIS TO

COHO BY RDH, 8/23/1999.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 65-2591C

Comments:

Dates and Other Information:

Claim Received Date: 11/18/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 65K
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
136 1st Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

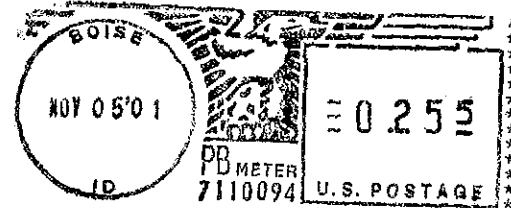
13280 Rainbow Rd
McCall, ID
83638

RECEIVED

NOV 13 2001

Department of Water Resources

PRESORTED
FIRST CLASS



NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD



65-02591C

Remailed 11/19/01
using McCall
address
13280 Rainbow Rd.
McCall, Id.
83638



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

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: _____

TO: NORREN VAUGHAN

FROM JAN PHURTE

DOCUMENT DESCRIPTION: _____

TOTAL PAGES SENT: _____ + COVER SHEET

CONTACT: _____

Co Ho

2591 d

AGENT: RON HOWERTON

DATE 9/29/99

[illegible]

POLYGON CREATED ON 803

POLYGON # () () () () UPDATED BY rdh

ATTRIBUTES OF B65-POU.SHP (846)() () () ()

ATTRIBUTES OF B65-POD.SHP (81) () () () ()

B65-DBPOU.DBF UPDATED BY rdh

B65-DBPOD.DBF UPDATED BY rdh

SAME PID AS 2591B

NOTES:

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED**NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP****JUN 24 1999****WATER RESOURCES
WESTERN REGION**

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): A65-02591C
Adjudication Claim No(s): A65-02591C
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 Elsie M. McGinnis
P.O. Box 39 Donnelly, ID 83615
4. New Owner/Claimant(s) Doho Estates Property Owners Assn., Inc
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address C/O Barry Albert P.O. Box 249
City, State and ZIP Code Cascade, ID 83611
New Telephone Number (208) 382-3317
5. Date you acquired the property Sept. 26, 1997
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. ~~ATA~~
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) Barry Albert, President Date 22 June 99
Julie Glad Vice President Date 6/22/99
(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..

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at **Item 1**. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at **Item 3**.
4. The name, mailing address, and telephone number of the new owner(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at **Item 6**.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

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

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

Coho Estates Property Owners Association, Inc.

Officers	Address	Term of Office
President Barry Albert	P. O. Box 249 Cascade, ID 83611	March, 1997 to March 2000
Vice President Julia V. Ghio	P. O. Box 330 Donnelly, ID 83615	March, 1999 to March 2002
Secretary Craig A. Geibel	P. O. Box 181 Donnelly, ID 83615	March, 1998 to March 2001
Treasurer Linda M. Albert	P. O. Box 249 Cascade, ID 83611	March, 1999 to March 2002
Archectural Review Committee:		
John Ghio 208/325-4059	P. O. Box 330 Donnelly, ID 83615	March 1998 to
Craig A. Geibel 208/325-5045	P. O. Box 181 Donnelly, ID 83615	March 1997 to
Sharon Herther 208/325-	13239 Kokanee Dr. McCall, ID 83638	March 1999 to

COHO HS

ACK

STATE
COUNTY

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STATE
COUNTY

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to the

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STATE
COUNTY

CERTIFICATE OF OWNERS

KNOW ALL MEN BY THESE PRESENTS: That the undersigned are the owners of the following described parcel of land situated in the SW 1/4, Section 3, the E 1/2 of the SE 1/4, Section 4 and the N 1/2 of the NE 1/4, Section 9, Township 16 North, Range 3 East, Boise Meridian, Valley County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of Section 4, noted above, thence along the line common to Sections 9 and 10, S.0°06'10"E., 1320.59 feet to a point, the N 1/16 corner of Section 9; thence departing said Section line, N.89°34'38"W., 1319.23 feet to a point, the NE 1/16 corner of Section 9; thence N.89°34'38"W., 330.22 feet to a point; thence N.14°02'08"E., 1360.21 feet to a point, the East 1/16 corner of Section 9; thence N.0°26'18"E., 707.00 feet to a point; thence East, 449.87 feet to a point; thence, along a curve to the right having a delta angle of 20°30'54", radius of 185.00 feet, and long chord of 65.89 feet bearing N.3°56'19"E., 66.24 feet to a point; thence N.14°11'45"E., 136.20 feet to a point; thence, along a curve to the right having a delta angle of 14°32'55", radius of 185.00 feet, and long chord of 46.85 feet bearing N.21°28'13"E., 46.98 feet to a point; thence West, 503.10 feet to a point; thence N.0°26'18"E., 387.54 feet to a point, the SE 1/16 corner of Section 4; thence N.0°26'18"E., 1335.90 feet to a point, the CE 1/16 corner of Section 4; thence S.89°50'32"E., 659.49 feet to a point, the CEE 1/64 corner of Section 4; thence South, 62.81 feet to a point; thence N.88°02'08"E., 634.62 feet to a point; thence S.89°39'48"E., 390.11 feet to a point; thence S.89°41'41"E., 961.67 feet to a point; thence S.0°24'28"W., 1344.36 feet to a point, the SW 1/16 corner of Section 3; thence N.89°49'35"E., 1297.50 feet to a point on the West Right of Way of State Highway #55; thence, along said Right of Way, S.0°20'20"W., 70.00 feet to a point; thence, departing said Right of Way, S.89°49'35"W., 1297.59 feet to a point; thence N.88°54'11"W., 433.66 feet to a point; thence N.88°52'00"W., 905.53 feet to a point; thence S.0°12'15"W., 355.27 feet to a point; thence S.0°05'45"E., 889.26 feet to the point of beginning, containing 167.3319 acres.

That the undersigned hereby dedicate to the public, for public use forever, the streets and public rights-of-way as shown on the foregoing plat. Public utility easements are not dedicated to the public, but the right of access to, and use of the public utility easements required to service all lots and parcels within this plating, is perpetually reserved. That the undersigned hereby declare their intent to include the above described tract in the plat of "Coho Estates". The owners further certify that no lot shown in this plat will be served by any water system common to one (1) or more lots, but each lot will be served by individual wells.

Estate of Chester McGinnis by

Personal Representative

David McGinnis

**DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS AND RESTRICTIONS
FOR COHO ESTATES SUBDIVISION**

For Platted Lands in Sections 3, 4, 9 and 10, Township 16 North, Range 3 East, Boise, Meridian, Valley County, Idaho.

THIS DECLARATION is made this 12th day of August, 1994, by **ELSIE M. MCGINNIS**, a widow and as the Personal Representative of the Estate of Chester C. McGinnis, hereinafter called "Developer."

WHEREAS Developer is the owner of the real property described in Article II of this Declaration and desires to create thereon a residential community; and,

WHEREAS Developer desires to provide for the preservation of the values and amenities in said Community, and to this end, desires to subject the real property described in Article III to the covenants, conditions, restrictions, easements, charges and liens hereinafter set forth, each and all of which is and are intended for the mutual benefit of said property and of each owner of a portion thereof;

NOW, THEREFORE, the Developer declares that the real property in Article III, and such additions thereto as may be made pursuant to Article III hereof, is and shall be held, transferred, sold, conveyed and occupied subject to covenants, conditions, easements, charges, and liens hereinafter set forth.

ARTICLE I: DECLARATION

Developer hereby declares that each lot, parcel or portion of Coho Estates Subdivision (hereinafter "Coho Estates"), is and shall be held, sold conveyed, encumbered, hypothecated, leased, used, occupied and improved subject to the following terms, covenants, conditions, easements and restrictions, all of which are declared and agreed to be in furtherance of a general plan for the protection, maintenance, subdivision, improvement and sale of the Property, and to enhance the value, desirability and attractiveness of the Property. The terms, covenants, conditions, easements and restrictions set forth herein: (i) shall run with the land constituting the Property, and shall be binding upon all persons having or acquiring any right, title or interest in the Property or any lot, parcel or portion thereof; (ii) shall inure to the benefit of every lot, parcel or portion of the Property and interest therein; (iii) shall inure to the benefit of and be binding upon Developer, Developer's successor in interest and each grantee or Owner and such grantee's or Owner's respective successors in interest; and, (iv) may be enforced by Developer, by any Owner or such Owner's successors in interest, or by the Association as hereinafter described.

Notwithstanding the foregoing, no provision of this Declaration shall be construed as to prevent or limit Developer's right to complete development of the Property and to



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 1, 1999

RECEIVED

JUL 07 1999

WATER RESOURCES
WESTERN REGION

Coho Estates Homeowners Ass'n Inc.
C/o Barry Albert
P.O. Box 249
Cascade, ID 83611

**RE: APPLICATION TO LEASE SRBA CLAIM NO. A65-02591C TO THE WATER
SUPPLY BANK**

Dear Mr. Albert:

The department has reviewed the above referenced application which you resubmitted to the department on June 24, 1999. As I described to you on June 30, 1999 in a telephone conversation, the recorded point of diversion is located in the SENE Section 4, T16N, R3E, B.M. rather than in Section 13 as shown on the application. In addition, the number of acres associated with the claim is 91 rather than the 118.8 shown on the application. I have made those changes on the application since you agreed with the changes.

Please consider that the water right offered for lease has been accepted into the bank and will be retained in the bank through December 31, 2001.

Several items to keep in mind in connection with the lease are as follows:

1. The monetary return to the owner of a right for rental of the right from the bank is \$2.25 per acre foot of water per year.
2. There is no payment to the owner if the right is not rented from the bank.
3. While in the bank, a water right may not be used by the owner, even if the right is not rented from the bank.
4. A right accepted into the bank stays in the bank until it is released by the Board or the time period expires, whichever is earlier.
5. While a water right is in the bank, forfeiture provisions are stayed. The five (5) year period of nonuse for forfeiture of a water right shall begin to accrue upon removal of the right from the bank if a period of nonuse did not occur prior to the effective date of lease to the bank and will continue to accrue if a period of nonuse occurred prior to the right being leased to the bank.

If you have questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, reading "L. Glen Saxton". The signature is fluid and cursive, with the first name "L." being small and the last name "Saxton" being larger and more prominent.

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - W. Region

JUN 24 1999

Additional points of diversion, if any _____

7. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
18N	03E	03																	24.7 17
18N	03E	04													19 20.5			23 170	39.5 42
18N	03E	09	32 31.7		0 0	0 0											0.7 16.8		56.6 32

NY
6-30-99

Total number of acres to be irrigated 91 ~~48.8~~

B. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE (If the entire right is for sale or lease, omit part B.)

- Amount of water: a. 1.49 cubic feet per second
&/or
b. _____ acre feet per annum
- Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

C. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

1. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right.

Elsie & Chester McGinnis purchased land and water right No. A65-02591X from George

A. Bennett Living Trust and Ruth Bennett. on August 13, 1992. ~~Owner~~ Elsie McGinnis

~~McGinnis~~ transferred water right A65-02591C to Lake Estates Property Owners Assn., Inc.
Oct 26, 1997. See attachments.

2. Describe the frequency of water use under the right, or portion thereof, during the past 5 years. Attach water-master records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture:

Attached is Water District 65 Rental Pool invoice. The Association has not
used the water right since transfer. The attached invoice is for 1997 water
use.

3. Describe the relative availability of water to fill the right, or portion thereof. Attach evidence to support the availability:

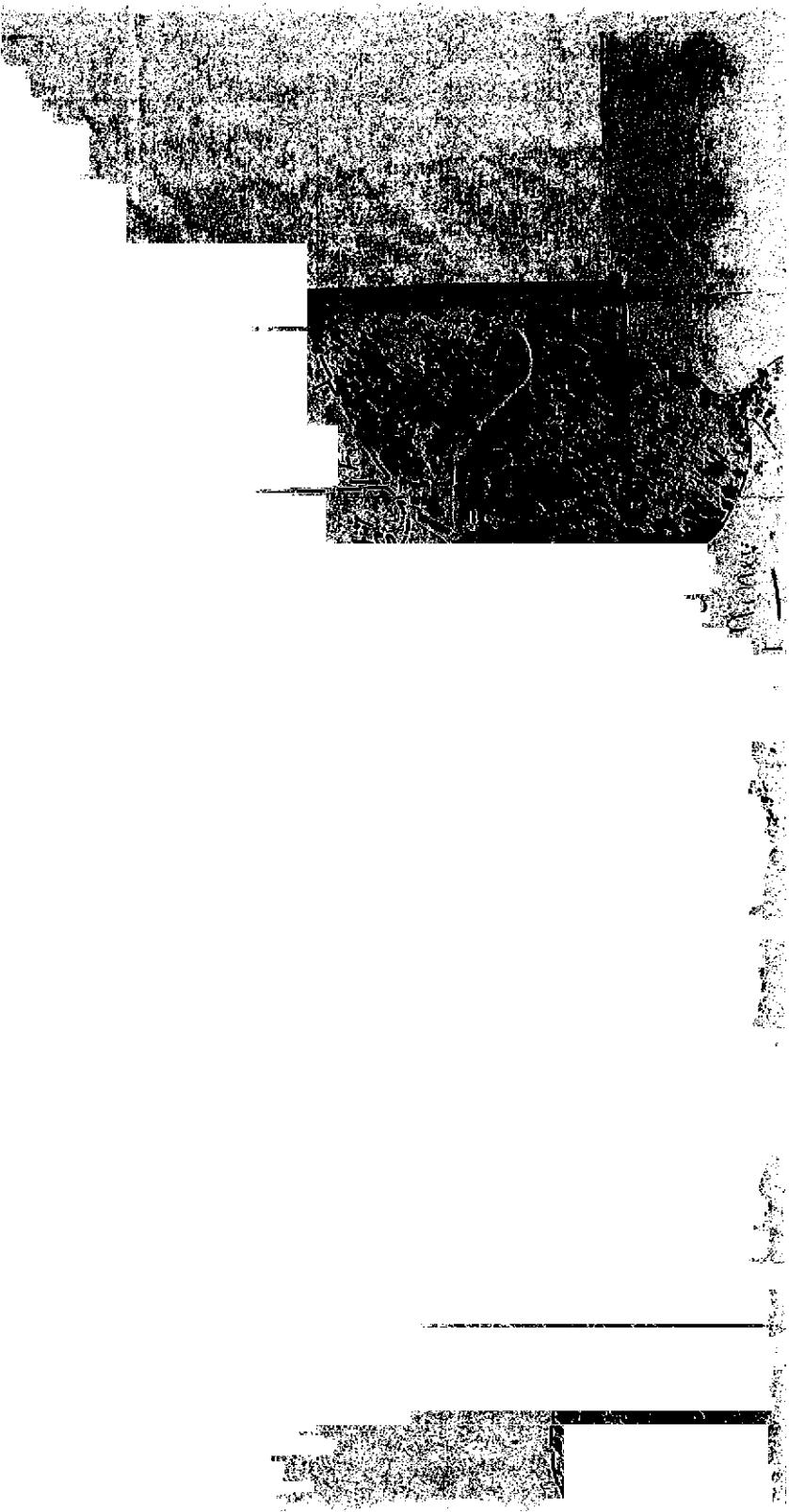
4. Describe any other water rights with the same purpose and place of use as the right, or portion thereof. Will the present place of use continue to receive water from any source? If so, describe.

No

5. If the water right is a permit, describe the work accomplished toward developing the right.

6. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

7. If the right is included in an ongoing adjudication, a copy of the claim must be provided with this application.



A

T2-38

351

735

A 351

90A

G

T2

CTA

T2

203

CV

735

A 351

8. Draw a map indicating the point(s) of diversion and place of use of the right, or portion thereof. Show clearly the land involved by section, township and range.

The image shows a full page of graph paper. It consists of a uniform grid of squares formed by thin black lines. The grid covers the entire area of the page, leaving small margins at the top, bottom, left, and right edges. There are no markings, text, or drawings on the grid itself.

SCALE: 2 inches equal 1 mile. Draw plan in ink.

9. Remarks Notice of Change of Water Right Ownership was mailed
to IDWR the week of June 12, 1999. The form had been completed
without signatures and was found in Association files.

D. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For sale
☒ For lease for period from 1999 to 2002
(year) (year)
_____ As a gift to the State of Idaho.

2. The minimum payment acceptable to the Seller/Lessor is: (Include the method of determining the minimum payment)

Most current annual rental rate

3. Payment contingent on subsequent sale or leasing of this right, or portion thereof, is:

☒ Acceptable _____ Not Acceptable

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer the sale or lease of this right to the Idaho Water Resource Board.

June 22, 1999
(Date)

[Signature]
(Signature of applicant)
Coho Estates Property Owners Assn Inc
BARRY L. ALBERT

FOR DEPARTMENT USE ONLY

Received by 128 Date 6-24-99 Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

June 11, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Coho Estates Homeowners Ass'n Inc.
c/o Barry Albert
P.O. Box 249
Cascade, ID 83611

RECEIVED

JUN 11 1999

WATER RESOUR
WESTERN REGION

**RE: APPLICATION TO LEASE WATER RIGHT NO. A65-02591C TO THE WATER
SUPPLY BANK**

Dear Mr. Albert:

I have reviewed the above referenced application which you submitted to the department on June 8, 1999 and have determined that I need additional information as further described in this letter. Returned is the application, since it presently is not acceptable.

You have applied to put a portion of Water Right No. 65-02591 and 65-07156 into the Water Supply Bank managed by the Idaho Water Resource Board. Department records show that Snake River Basin Adjudication (SRBA) claims have been filed on parts of both rights. More specifically, in 1993, the McGinnises filed SRBA Claim No. A65-07156A for the diversion of 0.83 cfs of water from Lake Fork Creek. This claim is based on permit No. 65-07156 which lapsed in December 1988 and is of no further force nor effect. Hence, SRBA claim No. A65-07156A filed on the lapsed permit also is of no force nor effect and can not be accepted into the bank. Assignment of this lapsed permit is not appropriate.

With respect to SRBA Claim No. 65-02591C, the following is applicable:

- SRBA Claim No. 65-02591C provides for the diversion of 1.49 cfs of water for the irrigation of 91 acres in parts of sections 3, 4 and 5, T16N, R3E, B.M. The department has a copy of a Warranty deed dated August 13, 1992 from the Bennetts to Chester and Elsie McGinnis which supports the conveyance of the 1.49 cfs to the McGinnises.
- The department apparently does not have change of ownership information to show that the 1.49 cfs has been conveyed from the McGinnises to the homeowners association. The association either needs to show that it has filed a change in ownership form with the department or needs to do so. Enclosed is a form for your consideration.

- The application you submitted shows a rate of diversion of 1.7 cfs. Claim A65-02591C shows a rate of diversion of 1.49 cfs. If the association owns more than 1.49 cfs of water, the association needs to provide the information to the department. In a letter dated September 26, 1997 from Elsie McGinnis to the department, Ms. McGinnis states that "It is my intent to transfer a full 1.82 cfs to Coho Estates POA." This amount would be the sum of 1.49 cfs and 0.33 cfs. I do not have a copy of a contract or similar document to show that this conveyance has occurred. If it has, please provide supporting documentation.
- The application you submitted shows the point of diversion in the NWSW Section 13, T16N, R4E, B.M. Claim A65-02591C shows the point of diversion in the SENE Section 4, T16N, R3E, B.M. which I believe is correct.
- The application shows 165 acres in parts of sections 3, 4 and 9, T17N, R3E, B.M. The claim shows 91 acres in parts of sections 3, 4 and 9, T16N, R3E, B.M. which I believe is correct.
- Item C.2. on the application needs to show the date the water right was last used as authorized. This was not shown on the application you submitted.

Ownership change information should be sent to the Idaho Department of Water Resources, Western Regional office at 2735 Airport Way Boise, ID 83705., Att'n: Ron Howerton. Once the ownerships of the water rights are properly recorded with the department, it would then be appropriate to submit a revised application to the water supply bank. Enclosed is a blank form for your use.

If you have questions, please feel free to call me or Ron Howerton at 334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Glen Saxton". The signature is fluid and cursive, with the first name "L." being small and the last name "Saxton" being larger and more prominent.

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 3

c: IDWR - W. Region
Ron Howerton

MEMO

TO: Glen Saxton

From: Kay Walker



RE: Claims A65-02591C & A65-07156A

Glen:

I found the claims you called about. Attached is a copy of the warranty deed from Bennett to McGinnis which shows 1.49 cfs of water on exhibit "A-1". I have also attached a copy of a letter I sent to McGinnis on April 1, 1993, which describes what I did. I then looked at the data base at A65-07156A – this claim was data entered by Linda Werner on April 13, 1993. I could not locate the file for that claim.

Hope these documents help to resolve your questions. Let me know if you need further information.

CONVERSATION MEMORANDUM

Date: 3/4/98

Employee Initials: JFW
Western Reg.

File #: A65-07156 A

A65-2591 C
Name of Party: Coho Estates Prop. Owners
Rep. - Barry Albert

RE: Change of ownership 1/26/98 letter from Milleman
Pittenger
McMahon

Mr. Albert had questions about 2nd paragraph of Page 2 of letter.
What additional property owners listed under lots of Noble Design file
additional ownership changes?

I reviewed the letter with Maria M. It appears the ownership
transfer was silent concerning water rights for Noble & listed lot owners.
It could be assumed the portion of WR's stayed property. The
ownership change should be to property owners Assoc. Splitting WR's to
individual lots would be cumbersome to draw to record, and
impossible for Water Dist. 65K to deliver and manage. Every
time a lot was sold an ownership change would have to be
completed. Encouraged them to submit ownership change as
group, Coho Property Owners Assoc.

- No change in P/O or delivery system.

- 65K delivers to P/O.

MILLEMANN, PITTENGER & McMAHAN
ATTORNEYS AT LAW

706 NORTH FIRST
POST OFFICE BOX 1086
McCALL, IDAHO 83638

STEVEN J. MILLEMANN
GREGORY C. PITTENGER
BRIAN L. McMAHAN
AMY N. PEMBERTON

TELEPHONE: (208) 634-7641
FACSIMILE: (208) 634-4516
E-MAIL: mpm@cyberhighway.net

January 26, 1998

CERTIFIED MAIL - RETURN RECEIPT #P163162776

Coho Estates POA
c/o Sharon Herther
13239 Kokanee Drive
Donnelly, ID 83615

Re: Transfer of Coho Estates Water Rights

Dear Sharon:

As you know, this firm represents Elsie McGinnis. She has contacted us regarding the transfer of the Coho Estates water rights to the POA. Attached hereto are the IDWR forms needed, to the best of our knowledge, for the transfer of the McGinnis' interest (whether held individually or in partnership) in the water rights we are aware of. Specifically, attached is an IDWR form entitled "Notice of Change of Water Right Ownership" for Water Right No. A65-02591C, and an IDWR form entitled "Assignment of Permit" for Water Right No. A65-07156A. Because A65-07156A is in the "permit" stage, it requires the "Assignment of Permit" form, and because A65-02591C is in the "decreed" stage, it requires the "Notice of Change of Water Right Ownership" form.

The Assignment of Permit form has been signed by Elsie and, to the best of our knowledge, should be in final form and ready for submission to IDWR.

The "Notice of Change of Water Right Ownership" form for A65-02591C, however, will need some additional information included on it or attached to it. For instance, in paragraph two you will note that certain required information must be submitted with the form. We have included a copy of Elsie's letter to IDWR dated September 26, 1997, as well as a copy of the McGinnis Development Partnership letter dated January 13, 1998, because they indicate that the water rights are to be transferred to the POA, but you will need to attach a USDA Farm Service Agency aerial photo that has been marked up pursuant to paragraph 2(C). Paragraph 6 needs completed and note that pursuant to paragraph seven you will need to sign the form and submit a

list of directors and/or officers demonstrating authority to sign the form. There are instructions that accompany the "Notice of Change of Water Right" form and you should review and comply with those instructions.

To the best of our knowledge, compliance with the above-stated requirements and submission of the requisite documents to IDWR should be sufficient to transfer the McGinnis' interest in the Coho Estates water rights. However, because other parties now own an interest in said water rights, you will need to follow a similar process with those other parties in order to get a complete change of water right ownership. Specifically, you should refer to the document entitled "Coho Estates Subdivision Vesting, 10/01/97" which is attached hereto. That document was prepared by Mountain Title, and it indicates that many of the lots in the subdivision are owned by entities or parties other than McGinnis. As you will note, Hobie Designs, Inc., owns a number of lots, and then lots 3, 5, 17, 18, 19, 33, 34, 50, 53 and 55 are owned by individual parties. There may be other individual lot owners that have purchased since 10/01/97. In any event, because water rights were not reserved in the deeds transferring ownership of those lots to Hobie Designs, Inc., and the other individual parties, an interest in the subject water rights is now owned by Hobie Designs, Inc., and the other individual lot owners. Accordingly, in order to get a complete change of water right ownership over to the POA, Hobie Designs, Inc., and the other individual lot owners will need to instruct IDWR to transfer their interest in the water rights over to the POA. You probably should contact IDWR to see if they have a stream-lined way of making that change; if not, you will probably have to submit a Notice of Change of Water Right Ownership form for Hobie Designs, Inc., and for each of the other individual lot owners.

Finally, attached to this cover letter is the Application for Transfer of Water Right that you mailed to Elsie to initiate this process. The McGinnis' transfer of these water rights to the POA is based on the presumption that upon filing the water transfer documents the POA will simultaneously file the appropriate forms to assure that there is always adequate water to fill the fire protection water tanks and otherwise provide for fire protection, regardless of whether the water rights are retained by the POA, sold, leased or otherwise transferred. If this presumption is incorrect, so inform us immediately and do not process the attached water transfer documents.

Beyond the referenced fire protection, if the Association wants to change the existing nature of use of the rest of the water, the period of its use, the place of use, and/or the point of diversion, then it would be our suggestion that you file your Application for Transfer of Water Rights simultaneously with the other forms attached to this letter. In other words, we do not believe that the Application you sent to Elsie was the proper form for transferring ownership of the water rights - - rather, we believe the forms we have prepared and which accompany this letter are the proper forms for the ownership changes. The Application you prepared is for a different, but important, purpose, such as changing the point of diversion, the place of use, the period of use, and/or the nature of use of the water rights (e.g., to allow for fire protection and filling the fire protection tanks).

When you submit all of this documentation to IDWR you should also include copies of Elsie's letter and the Partnership letter to IDWR. Even though IDWR should already have those letters in the file, it would be good to include a copy with the filings that are done by the POA.

The attorney fees and costs incurred to date by the McGinnises in transferring these water rights are \$1,480.84. Please reimburse that amount directly to Elsie McGinnis. Thank you.

Sincerely,

Brian L. McMahon

BRIAN L. McMAHAN

BLM/pld

Enc.

cc: Elsie McGinnis
David and Peggy McGinnis
Larry Schoenhut

herther.ltr

McGINNIS DEVELOPMENT PARTNERSHIP
P.O. Box 39
Donnelly, Idaho 83615

January 13, 1998

CERTIFIED MAIL - RETURN RECEIPT #P163162777

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: Water Right Nos. A65-02591C and A65-07156A

Dear IDWR:

I am the Managing Partner of the McGinnis Development Partnership. The Partnership may have some interest in the above-referenced water rights. The Partnership desires to transfer ownership of the above-referenced rights to the Coho Estates Property Owners Association, Inc.

You will shortly be receiving, from the Coho Estates Property Owners Association, Inc., a Notice of Change of Water Right Ownership for Water Right No. A65-02591C, and an Assignment of Permit for Water Right No. A65-07156A. The purpose of this letter is to give some additional explanation regarding those water rights and the transfer of those water rights to the Coho Estates POA.

Reference is hereby made to that certain letter to you from Elsie M. McGinnis dated September 26, 1997, regarding the above-referenced water rights. In addition to the information contained in that letter, you should be advised that certain of the subdivision lots were subsequently transferred to the McGinnis Development Partnership. Even though the Department's records apparently do not reflect that transfer, the purpose of this letter is to instruct you to transfer whatever interest the Partnership may have in the above-referenced water rights on to the Coho Estates POA. It is the Partnership's intent to transfer the full 1.82 cfs to the Coho Estates POA. 1.49 cfs is known in the Department's records as Adjudication Claim No. A65-02591C, and the other 0.33 cfs stems from the Supplement to Contract (copy attached to Elsie McGinnis's letter to you dated September 26, 1997). All of the above-referenced water right ownership changes and assignments are, however, subject to the continuing water rights and water transportation rights held by the George A. Bennett Living Trust and/or Ruth S. Bennett. It is our understanding that one or both of the Bennett parties still has a claim to water rights under former Water Right No. A65-02591X; furthermore, one or both of the Bennett parties have water transportation rights and easements affecting the real property that is benefited by the above-referenced water rights.

COPY

Once you receive the Notice of Change of Water Right Ownership and the Assignment of Permit from the Coho Estates POA, if you have any questions, please call Millemann, Pittenger & McMahan, Attorneys at Law, P.O. Box 1066, McCall, Idaho 83638, telephone (208)634-7641, and ask for either Steven J. Millemann or Brian L. McMahan.

Thank you for your attention to these matters.

Sincerely,

McGinnis Development Partnership

A handwritten signature in black ink, appearing to read "David C. McGinnis".

David C. McGinnis, Managing Partner

BLM/ah
cc: Coho Estates POA

idwr

COPY

ELSIE M. MCGINNIS

P.O. Box 39
Donnelly, ID 83615

September 26, 1997

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: Water Right Nos. A65-02591C and A65-07156A

Dear IDWR:

I and my deceased husband are the listed owners of the above-referenced water rights. I am the Personal Representative of the Estate of my husband, Chester C. McGinnis. On behalf of myself and the Estate of Chester C. McGinnis, I desire to transfer the ownership of the above-referenced rights to the Coho Estates Property Owners Association, Inc.

You will shortly be receiving, from the Coho Estates Property Owners Association, Inc., a Notice of Change of Water Rights Ownership for Water Right No. A65-02591C, and an Assignment of Permit form for Water Right No. A65-07156A. The purpose of this letter is to give you some additional explanation regarding those water rights and the transfer of those water rights to the Coho Estates POA.

On August 13, 1992, my late husband and I purchased certain real property in Valley County, Idaho, from the George A. Bennett Living Trust and Ruth S. Bennett. As part of that purchase, 1.49 cfs of water from Water Right No. A65-02591X was transferred to us and is now apparently known on IDWR records as Water Right No. A65-02591C. A Supplement to Contract of Sale of Real Property and Mortgage between the Bennetts and my late husband and I was subsequently executed on June 16, 1993, and pursuant to that instrument another 0.33 cfs of water from A65-02591X was transferred to us, making a total transfer of 1.82 cfs from Water Right No. A65-02591X. It appears, however, that the Department records do not reflect the transfer of the additional 0.33 cfs. A copy of the Supplement to Contract between the Bennetts and the McGinnises is attached hereto for your records.

It is my intent to transfer the full 1.82 cfs to the Coho Estates POA. 1.49 cfs is now in the Department's records as Adjudication Claim No. A65-02591C, and the other 0.33 cfs stems from the Supplement to Contract (copy attached).

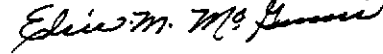
All of the above-referenced water right ownership changes and assignments are, however, subject to the continuing water rights and water transportation rights held by the George A. Bennett Living Trust and/or Ruth S. Bennett. It is my understanding that one or both of the Bennett parties still has a claim to water rights under former Water Right No. A65-02591X; furthermore, one or both of the Bennett parties have water transportation rights and easements affecting the real property that is benefitted by the above-referenced water rights.

Once you receive the Notice of Change of Water Right Ownership and the Assignment of Permit from the Coho Estates POA, if you have any questions, please call Millemann, Pittenger & McMahan, Attorneys at Law, P.O. Box 1066, McCall, Idaho 83638, phone (208) 634-7641, and ask for either Steven J. Millemann or Brian L. McMahan.

Thank you for your attention to these matters.

Sincerely,

ELSIE M. MCGINNIS



\em

Enc.

cc: Coho Estates POA

RECEIVED

JUN 24 1999

Department of Water Resources

SUPPLEMENT TO CONTRACT OF SALE OF REAL PROPERTY
AND MORTGAGE

Between GEORGE A. BENNETT LIVING TRUST
5368 Latigo, Boise, Idaho 83709,
and RUTH S. BENNETT, a divorced woman,
P.O. Box 657, Donnelly, Idaho 83615.

SELLERS

And CHESTER C. MCGINNIS and ELSIE M.
MCGINNIS, husband and wife,
whose address is P. O. Box 39,
Donnelly, Idaho 83615.

BUYERS

THIS SUPPLEMENT TO CONTRACT OF SALE OF REAL PROPERTY AND
MORTGAGE made and entered into this 16 day of June, 1993,
between GEORGE A. BENNETT LIVING TRUST, and RUTH S. BENNETT, a
divorced woman, as Sellers, and CHESTER C. MCGINNIS and ELSIE M.
MCGINNIS, husband and wife, as Buyers.

W I T N E S S E T H :

WHEREAS, pursuant to that certain Contract of Sale of Real
Property made and entered into the 24th day of August, 1992,
(herein said contract). Sellers sold and conveyed to Buyers the
real property described therein together with 1.49 cfs of water
from Water Right No. A65-02591X as recorded in the Idaho State
Department of Water Resources:

WHEREAS, pursuant to the terms of said contract the Buyers as
mortgagors executed and delivered to Sellers as mortgagees, a
promissory note secured by a mortgage on said real property and
water dated the 24th day of August, 1992, and recorded in the
office of the Recorder of Valley County, Idaho, as Instrument No.
190042; and

SUPPLEMENT TO CONTRACT OF SALE
OF REAL PROPERTY AND MORTGAGE

COPY

WHEREAS, Buyers have requested Sellers to transfer to Buyers an additional .33 cfs of water from said Water Right No. A65-02591X, making a transfer of a total of 1.82 cfs of water from said water right.

NOW, THEREFORE, in consideration of said contract, promissory note and mortgage and in consideration of the covenants and agreements hereinafter set forth, the parties agree as follows:

1. That Sellers do hereby sell and convey to Buyers an additional .33 cfs of water from said Water Right No. A65-02591X as recorded with the Idaho State Department of Water Resources, making in all a total transfer of 1.82 cfs of water from said water right to be applied to the lands described in said contract and mortgage.

2. That Buyers specifically covenant and agree that such additional water right shall be covered by and included within said purchase money mortgage above referred to. That is to say, that said mortgage shall in the event of foreclosure, include and cover a total water right of 1.82 cfs of water from said Water Right No. A65-02591X as recorded with the Idaho State Department of Water Resources.

3. In all other respects said contract and mortgage above described shall be and remain in full force and effect.

4. That this supplemental agreement shall be recorded in the
office of the Recorder of Valley County, Idaho.

Dated this 16 day of June, 1993.

GEORGE A. BENNETT LIVING TRUST

George A. Bennett
George A. Bennett, Trustee

Ruth S. Bennett
Ruth S. Bennett

Sellers

Chester C. McGinnis
Chester C. McGinnis

Elsie H. McGinnis
Elsie H. McGinnis

Buyers

STATE OF IDAHO

County of Valley

ss.

On this 16 day of June, 1993, before me the undersigned
Notary Public in and for said State, personally appeared GEORGE A.
BENNETT, known to me to be the person whose name is subscribed to
the within instrument as Trustee of the GEORGE A. BENNETT LIVING
TRUST and acknowledged to me that he executed the same as such
trustee.

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

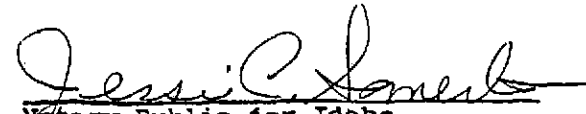
Donald L. DeBouche
Notary Public for Idaho
Residing at Boise, Idaho

SUPPLEMENT TO CONTRACT OF SALE
OF REAL PROPERTY AND MORTGAGE

STATE OF IDAHO)
) ss.
County of Valley)

On this 21st day of June, 1993, before me the undersigned Notary Public in and for said State, personally appeared RUTH S. BENNETT, a divorced woman, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

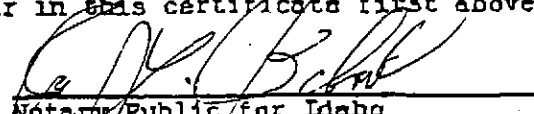
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for Idaho
Residing at ~~Cascade~~, Idaho
DONNELLY

STATE OF IDAHO)
) ss.
County of Valley)

On this 28 day of June, 1993, before me the undersigned Notary Public in and for said State, personally appeared CHESTER C. MCGINNIS and ELSIE M. MCGINNIS, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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


Notary Public for Idaho
Residing at Cascade, Idaho

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: **A65-02591C**
Date Received: 11/18/1988
Receipt No: X999999
Received By: _____

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

1. Name: CHESTER C MC GINNIS 208-325-8726
Address: PO BOX 39
DONNELLY ID 83615

AND

Name: ELSIE M MC GINNIS 208-325-8726
Address: PO BOX 39
DONNELLY ID 83615

2. Date of Priority: JAN 17, 1960

3. Source: LAKE FORK CREEK Trib. to: PAYETTE RIVER, NORTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	03E	4	SE	NE			VALLEY

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.490		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	03E	3	NW	SW		IRR	17.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	17.0
		4	NE	SE		IRR	19.0
			SE	SE		IRR	23.0
						Section Acres	42.0
		9	NE	NE		IRR	32.0
						Section Acres	32.0
						Total Acres	91.0

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:

14. Remarks:

DECREE GIVEN LIC. NO.

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION
OF CLAIM A65-02591X. NO FEE REQUIRED. DEED LIMITED AMOUNT OF
WATER SOLD TO CLAIMANT TO 1.49 CFS. KW 5/2/1996

15. Basis of Claim: DECREED

Water Right Number: 24958

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED
DEC 4 1992

Department of Water Resources

DATE OF CLOSING: 8/11/92

LEGAL DESCRIPTION OF PROPERTY: Township 16N Range 3E DONNELLY
Section 59, NW 1/4 of SW 1/4 of 1/4 Govt. Lot BM. S3-E1/2 SE 1/4
Lot Block Subdivision/Townsite S4, E1/2 NE 1/4
If you have additional legal descriptions, please attach separate sheet.

Separate sheet attached

☐ 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: 65K

☐ Name and Address of Former Owner/Claimant(s)(Seller): George A. & Ruth S. Bennett

Department of Water Resources
Western Regional Office

☐ New Owner/Claimant
(Purchaser):

Chester C. & Elsie M. McHarris

☐ New Mailing Address:

P.O. Box 39
DONNELLY IDAHO 83615

☐ New Telephone Number:

(208) 325-8726

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached:

Deed Closing Statement - Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s)

Chester C. McHarris
Elsie M. McHarris

Date 11-3-92

Date 11-30-92

☐ Signature of Former Owner/Claimant(s):

Date

Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 5/2/96 By: FW

Claim Numbers or Split, if any:

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

MICROFILMED

OCT 18 1996

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

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

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

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

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

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

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

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

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

POOR ORIGINAL

WARRANTY DEED

FOR VALUE RECEIVED, GEORGE A. BENNETT LIVING TRUST, GEORGE A. BENNETT TRUSTEE, and RUTH S. BENNETT, a single person, the GRANTORS, do hereby grant, bargain, sell and convey unto CHESTER C. MCGINNIS and ELSIE M. MCGINNIS, husband and wife, the GRANTEEES, P. O. Box 39, Donnelly, Valley County, State of Idaho 83615, the following described premises, to-wit:

SEE ATTACHED EXHIBIT "A"

SUBJECT TO restrictions against use of said property for commercial or industrial purposes or for any mobile or manufactured homes, except for the premises in Section 3, Township 16 North, Range 3, East, B.M.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said GRANTEEES, their heirs and assigns forever. And the said GRANTORS do hereby covenant to and with the GRANTEEES that they are the owners in fee simple of the said premises, that said premises are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 3rd day of August, 1992.

GEORGE A. BENNETT LIVING TRUST

George A. Bennett
George A. Bennett Trustee

Ruth S. Bennett
Ruth S. Bennett

THE
VALLEY
COUNTY
CLERK
BY
J. R. D. C. 17

RECORDED
MOUNTAIN TITLE & ESONOW

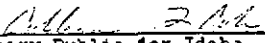
190040

POOR ORIGINAL

STATE OF IDAHO)
County of Valley) ss.

On this 13th day of August, 1992, before me the undersigned Notary Public in and for said State, personally appeared GEORGE A. BENNETT, known to me to be the person whose name is subscribed to the within instrument as Trustee of the GEORGE A. BENNETT LIVING TRUST and acknowledged to me that he executed the same.

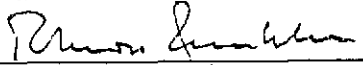
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

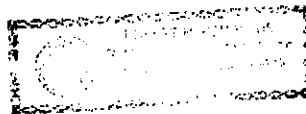

Notary Public for Idaho
Residing at Cascade, Idaho
Comm. Expires: 8/6/95

STATE OF IDAHO)
County of Valley) ss.

On this 21st day of August, 1992, before me the undersigned Notary Public in and for said State, personally appeared RUTH S. BENNETT, a single person, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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


Notary Public for Idaho
Residing at Cascade, Idaho



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POOR ORIGINAL

TRACT A

A parcel of land, situated in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 9; the E $\frac{1}{2}$ of the SE $\frac{1}{4}$, Section 4; the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 9; and that portion of the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 9 lying east of a diagonal line extending from the NE corner of said NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ to the SW corner of the E $\frac{1}{2}$ of the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 9. All parcels situated in Township 16 North, Range 3 East, Boise Meridian, Valley County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of Section 4, above described Township, thence S.0°06'10"E., 1320.59 feet to a point; thence N.89°34'38"W., 1319.23 feet to a point; thence N.89°34'38"W., 330.22 feet to a point; thence N.14°02'08"E., 1360.21 feet to a point; thence N.0°26'18"E., 1335.92 feet to a point; thence N.0°26'18"E., 1335.90 feet to a point; thence S.89°50'32"E., 659.50 feet to a point; thence South, 82.81 feet to a point on an existing fence line; thence, departing the fence line, N.88°02'08"E., 634.62 feet to a point on an existing fence line; thence, along the fence line, S.89°39'48"E., 390.11 feet to a point; thence S.89°41'41"E., 804.39 feet to a point; thence, departing the fence line, S.89°41'41"E., 157.28 feet to a point; thence S.0°24'28"W., 1344.38 feet to a point; thence N.88°54'11"W., 87.20 feet to a point on an existing fence line; thence, along the fence line, N.88°54'11"W., 368.46 feet to a point; thence N.88°52'00"W., 905.78 feet to a point; thence S.0°12'15"W., 425.28 feet to a point; thence S.0°05'45"E., 889.26 feet to the point of beginning.

Containing 165.8928 acres.

Save and except therefrom a parcel of land situated in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 4, above described Township, more particularly described as follows:

Beginning at the Southeast corner of Section 4, above described Township, thence N.89°30'48"W., 1317.20 feet to a point; thence N.0°26'18"E., 707.00 feet to the REAL POINT OF BEGINNING;

Thence East, 387.93 feet to a point on an existing fence line; thence N.8°48'51"E., 119.57 feet to a point; thence N.17°03'39"E., 128.89 feet to a point; thence, departing the fence line, West, 442.22 feet to a point; thence S.0°26'18"W., 241.38 feet to the REAL POINT OF BEGINNING.

Containing 2.2746 acres.

Together with 1.49 cfs of water from water right No. A65-02591X as recorded with Idaho State Department of Water Resources.

EXHIBIT "A"-1

PROFILMED

OCT 18 1996

POOR ORIGINAL

SUBJECT TO THE FOLLOWING:

1. Subject to irrigation ditch rights of way eight (8) feet in width along and including existing and future irrigation ditches, together with the right of ingress and egress to repair and maintain such irrigation ditches, granting to Buyers the right to move and relocate such irrigation ditches and easements and to install pipes in lieu thereof so long as rights to irrigation water hereunder are not eliminated or diminished.

2. Idaho Code, Section 58-604, which grants over all lands belonging to the State, a right of way for ditches, tunnels and telephone and transmission lines constructed by authority of the United States; and Idaho Code, Section 47-701, reserving to the state all mineral rights in land sold subsequent to the 8th day of May, 1923, as the same applies to the NW 1/4 SW 1/4 of Section 3, Township 16 North, Range 3 East, B.M.

3. United States Reservations. Those portions of said premises hereinafter designated as subject to the United States reservations hereinafter enumerated:

The west half of the west half of the northeast quarter of the southeast quarter (W 1/2 W 1/2 NE 1/4 SE 1/4) of section four (4), township sixteen (16) north, range three (3) east, Boise meridian; that portion of the east half of the east half of the northwest quarter of the northeast quarter (E 1/2 E 1/2 NW 1/4 NE 1/4) lying southeasterly of a diagonal line extending from the northeast corner thereof to the southwest corner thereof in section 9, township 16 north, range 3 east, B.M.

United States Reservations:

A. The reservation of a perpetual easement and flowage right, including the permanent right to construct, reconstruct, enlarge, operate and maintain a reservoir thereon and to flood the same with the water of said reservoir, and to seep, erode, or otherwise damage the land by action of the existing or enlarged Cascade Reservoir.

B. The reservation of presently used rights of way for canals, ditches, flumes, pipelines, railroads, highways, roads, telephone, telegraph and power transmission lines created in favor of the public or public utilities.

C. The reservation of the covenant or burden running with the above described land of the subordination of all claims for damages against the United States sustained by such land or structures thereon by reason of the operation and maintenance of the Cascade Dam and Reservoir as presently constructed.

D. The reservation of a right of way for ditches or canals constructed or to be constructed by authority of the United States, this reservation being of the same character and scope as

EXHIBIT "A"-2

PROFILMED

OCT 18 1996

POOR ORIGINAL

that created with respect to certain public lands by the act of August 30, 1890 (26 Stat. 371, 391) as it has been or may hereafter be amended.

4. Power line easement as shown as Instrument No. 158333, records of Valley County, Idaho.

5. Power line easement to Idaho Power Company recorded September 19, 1951 in Book 9 at page 97, records of Valley County, Idaho.

6. Power line easement to Idaho Power Company recorded March 2, 1955 in Book 9 at page 518, records of Valley County, Idaho.

7. That portion of said premises hereinafter described are subject to a road and utility easement for R. Kelley Chamberlin, to-wit:

A strip of land thirty (30) feet in width in the N 1/2 SE 1/4 SE 1/4, Section 4, Township 16 North, Range 3 East, B.M., lying and being south of and adjacent to a line extending from the northeast corner of said N 1/2 SE 1/4 SE 1/4 of Section 4, in a southwesterly direction to the northeast corner of the excepted 2.2746 acre tract above described.

EXHIBIT "A"-1

CROFILMED
OCT 18 1996

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

IDENT. NUMBER: 65-02591X
DATE RECEIVED: 11/15/88
RECEIPT NO: X 999499
RECEIVED BY: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
NOV 13 1988

Department of Water Resources

1. NAME: GEORGE A. BENNETT
ADDRESS: P.O. BOX 714
DONNELLY, ID

83615

2. DATE OF PRIORITY: JAN 17, 1960

3. SOURCE: LAKE FORK CREEK

TRIB. TO: PAYETTE RIVER, NORTH FORK

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
16N	03E	4	SE	NE			VALLEY

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
IRRIGATION	04/15	10/15	4.300		

7. TOTAL QUANTITY APPROPRIATED IS:
4.300 C.F.S. (AND/OR)

A.F.A.

8. TOTAL CONSUMPTIVE USE IS

ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
16N	03E	3	NW	SW		IRR	17.0
			SECTION ACRES				17.0
		4	NE	SE		IRR	19.0

65-02591X

PAGE

1

DATE: 09/30/88

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OCT 18 1996

~~MICROFILMED~~

~~SEP 18 1992~~

POOR ORIGINAL

10. PLACE OF USE: CONTINUED

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
16N	03E	4	SE	SE		IRR	23.0
						SECTION ACRES	42.0
		9	NE	NE		IRR	32.0
			SW	NE		IRR	4.0
			SE	NE		IRR	19.0
			NE	SE		IRR	23.0
			SE	SE		IRR	12.0
						SECTION ACRES	90.0
						TOTAL ACRES	149.0

11. PLACE OF USE IN COUNTIES: VALLEY, VALLEY

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

14. REMARKS:

DECREE GIVEN LIC. NO.

15. BASIS OF CLAIM: DECREEED
WATER RIGHT NUMBER: 24958
CASE NUMBER:
COURT :
DECREE DATE: 1/21/1986

STATE OF IDAHO
DECREE PLAINTIFF

A & C CORP., ET AL:
VS DECREE DEFENDANT

MICROFILMED

OCT 18 1996

~~MICROFILMED~~

~~SEP 1 1988~~

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): George A. Bannett DATE: 18 Nov. 1988

DATE: _____

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM _____ OF
_____, TITLE
_____, THAT I HAVE SIGNED THE FOREGOING
ORGANIZATION
DOCUMENT IN THE SPACE BELOW AS _____ OF
_____, TITLE
_____, AND THAT THE STATEMENTS CONTAINED IN THE
ORGANIZATION
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF AUTHORIZED AGENT

TITLE AND ORGANIZATION

DATE

STATE OF IDAHO)
COUNTY OF Ada) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 18th DAY
OF Nov 19 88

Roberta M. Garrett
NOTARY PUBLIC

SEAL

RESIDING AT Boise, Id

MY COMMISSION EXPIRES 12-17-1993
DATE: 09/30/88

65-02591X

PAGE

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OCT 18 1996

~~SEP 18 1992~~

September 29, 1999

**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: October 29, 1999

Water right number: 65-02591C

COHO ESTATES PROPERTY OWNERS ASSN INC
C/O BARRY ALBERT
PO BOX 249
CASCADE ID 83611

Daytime Telephone Number: 208/382-3317
Evening Telephone Number: 208/325-4015

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

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

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

☒ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 10/13/99 SIGNATURE: [Signature]
Please print your name: BARRY L. ALBERT, President

AJ0749NP
No. R65-02591C

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

DATE: 08/23/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	COHO ESTATES PROPERTY OWNERS ASSN INC C/O BARRY ALBERT PO BOX 249 CASCADE ID 83611 (208) 382-3317	01/17/1960	IRRIGATION	04-15 10-15	1.490 CFS	
TOTAL DIVERSION:					1.490 CFS	

Water Source: LAKE FORK CREEK

Tributary to: PAYETTE RIVER, NORTH FORK

Stage: DECREED

Point(s) of Diversion: T16N R03E S04 SENE

VALLEY County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
T	R S	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
16N	03E 3	:		:		:		:		:	17	:		:		:		17.0
16N	03E 4	:		:		:		:		:		:		19			23	42.0
16N	03E 9	:	32	:		:		:		:		:		:		:		32.0
TOTAL ACRES																	91.0	

POU County: VALLEY

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A65-02591B A65-02591C A65-07156 A65-07156A

Remarks: EXP RIGHT NO. 65-02591B IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

Dates: Exam Made Date: Verified Date: 08/23/1999 Objection Filed Date:

Misc: Water District Number: 65K Field Inspection Flag:
Presumption Flag:

Comments: Date: 08/23/1999 User-ID: RHOWERTO Subject: WATER BANK
THIS RIGHT HAS BEEN ACCEPTED INTO THE WATER BANK PER LETTER DATED
JULY 1, 1999, SEE FILE.
THE RIGHT WILL BE RETAINED IN THE BANK THROUGH DECEMBER 31, 2001,
IT WILL STAY IN THE BANK UNTIL IT IS RELEASED BY THE BOARD OR
THE TIME PERIOD EXPIRES, WHICHEVER IS EARLIER.

Date: 08/23/1999 User-ID: RHOWERTO Subject: COPIED FROM REMARKS

AJ0749NP
No. R65-02591C

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

DATE: 08/23/99
PAGE: 2

=====

Comments: Date: 08/23/1999 User-ID: RHOWERTO Subject: COPIED FROM REMARKS
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION
OF CLAIM A65-02591X. NO FEE REQUIRED. DEED LIMITED AMOUNT OF
WATER SOLD TO CLAIMANT TO 1.49 CFS. KW 5/2/1996
OWNERSHIP CHANGED FROM MCGINNIS TO COHO BY RDH, 8/23/1999.

Audit: 08/23/99 RHOWERTO



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

August 23, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

COHO ESTATES PROPERTY OWNERS ASSN INC
C/O BARRY ALBERT
PO BOX 249
CASCADE ID 83611

NOTICE OF CLAIM NO.
A65-02591C

Ref: Ownership change

Dear Barry,

1. Enclosed is a copy of the above referenced claim, which reflects the CHANGE IN OWNERSHIP of the lands and appurtenant water rights, covered by this claim.
2. The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.
3. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ron Howerton', is written over a horizontal line.

Ron Howerton
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

WR5809NP
No. 65-02591X

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/23/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GEORGE A. BENNETT P.O. BOX 714 DONNELLY ID 83615	01/17/1960	IRRIGATION	04/15 10/15	4.300 CFS	
TOTAL DIVERSION:					4.300 CFS	

Water Source: LAKE FORK CREEK

Tributary to: PAYETTE RIVER, NORTH FORK

Stage: DECREED

Point(s) of Diversion: T16N R03E S04 SENE

VALLEY County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE					
T	R	S	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM	
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		
16N	03E	3	:				:				:				:				17.0	
16N	03E	4	:				:				:				:				42.0	
16N	03E	9	:	32			:				:				:	19		23	90.0	
																			TOTAL ACRES	149.0

Pou County: VALLEY

Remarks: GEN DECREE GIVEN LIC. NO.

Dates:	App. Received:	Priority Date:	01/17/1960
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		02/03/1967

Misc: Water District Number: 65K Field Exam Fee:

Audit: 04/24/87 04/30/88 CONVERT

Idaho Department of Water Resources

**T16N, R03E
S03, S04 & S09**

Claims: 65-02591C

Owner : COHO

Prepared by:

Ron Howerton

Date: 20 AUG 99

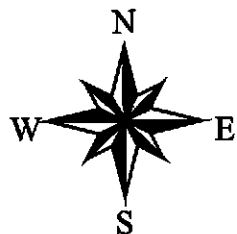
 Place of use

● POD

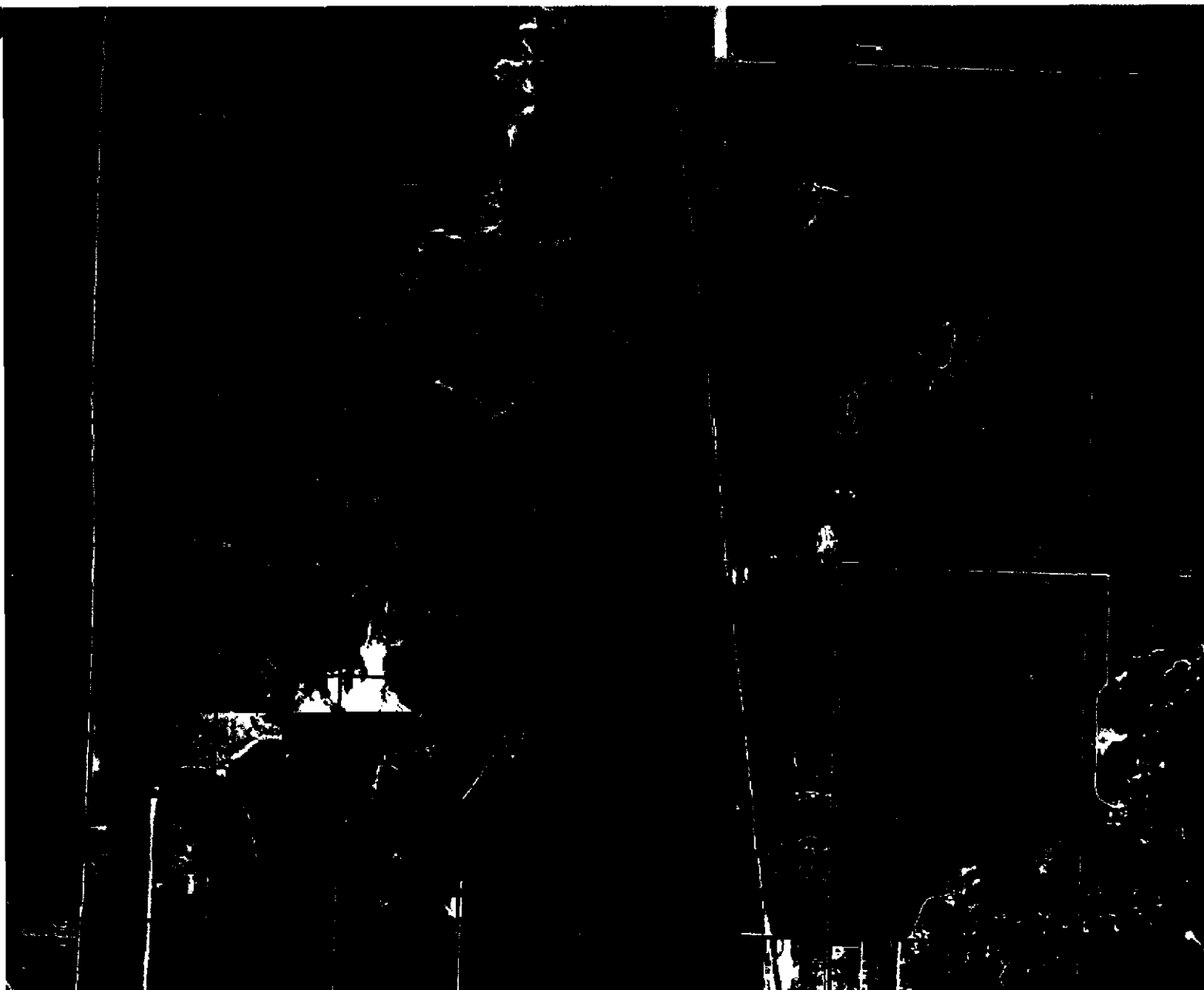
 SECTION LINES

 1/4 1/4 Lines

Acres



1987 NAPP



MAP "B" T16N R3E

3 pumps

SHAMP

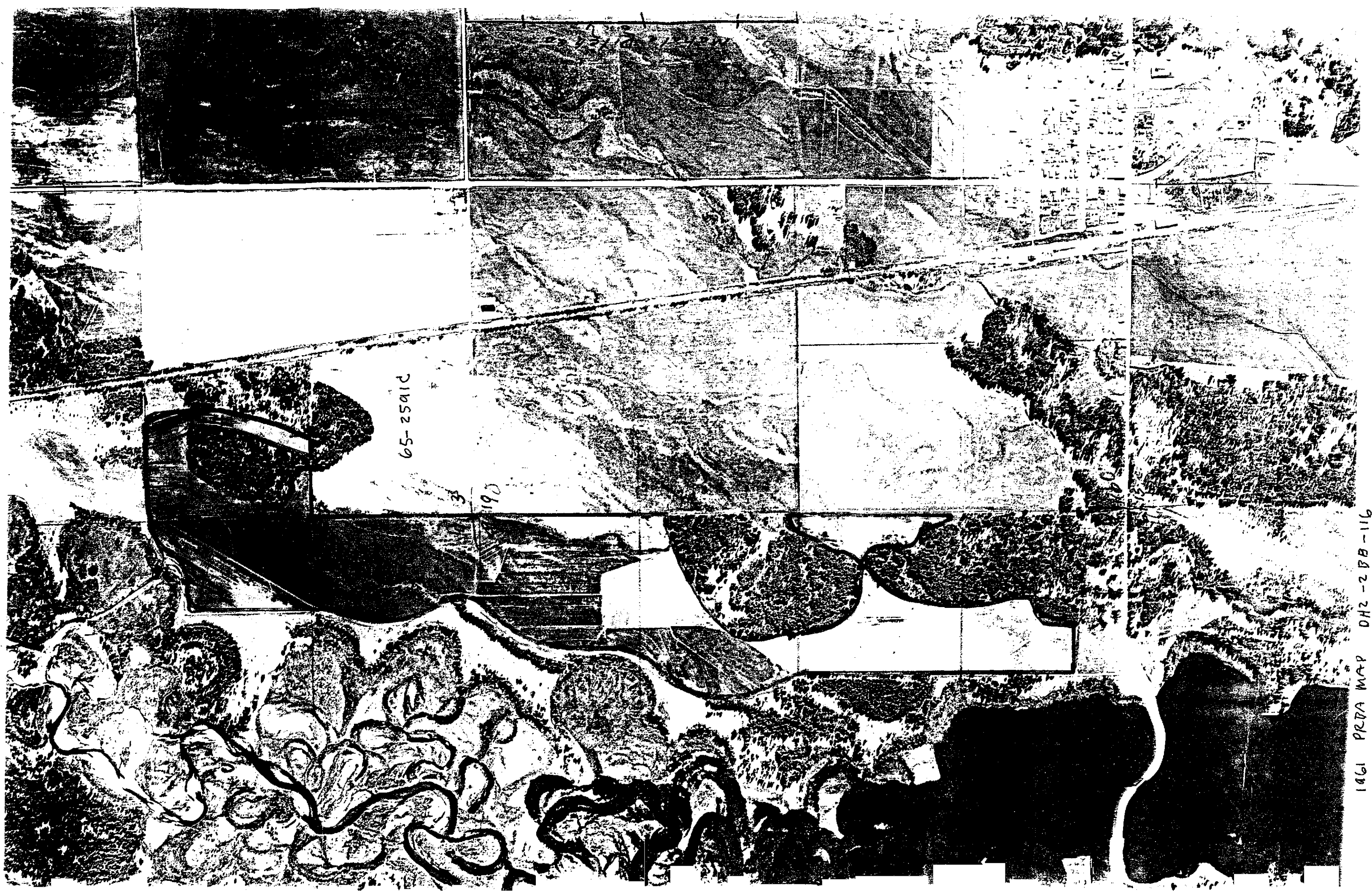
DRY

DRY

65-2591 C

65-2591

PRDA MAP "B" T16N R3E



65-25912

1961

SPLIT TREE

PRBA CLAIM A65-02591X

BENNETT/MCGINNIS/COHO

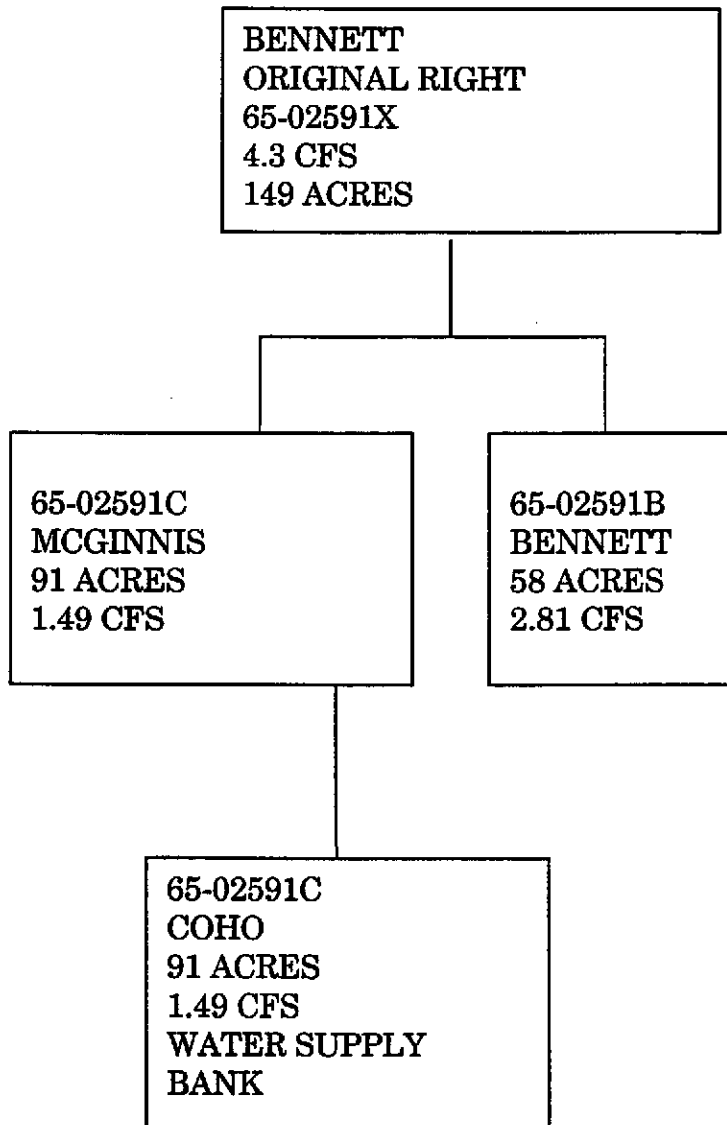
AGENT: Ron Howerton

Date: 8/20/99

Note: Deed from Bennett to McGinnis Limited amount of water to be sold with property to 1.49 CFS.

65-02591X "C" SPLIT (1.49 CFS) + "C" SPLIT (2.81 CFS) = 4.3 CFS

65-02591X "C" SPLIT (91 ACRES) + "C" SPLIT (58 ACRES) = 149 ACRES



SD-0420-2
MODIFY RECORD

Idaho Department of Water Resources
Modify Comment

Date: 08/23/99
Time: 10:46:33

Water Right Number: R65-02591C

Comment Date: 8/23/1999 User ID: RHOWERTO

Subject: WATER BANK

THIS RIGHT HAS BEEN ACCEPTED INTO THE WATER BANK PER LETTER DATED
JULY 1, 1999, SEE FILE.

THE RIGHT WILL BE RETAINED IN THE BANK THROUGH DECEMBER 31, 2001,
IT WILL STAY IN THE BANK UNTIL IT IT IS RELEASED BY THE BOARD OR
THE TIME PERIOD EXPIRES, WHICHEVER IS EARLIER.

(ENTER=Continue/Exit) (Gold2=Update) (Gold3=Delete) (Gold4=Prev) (Gold5=Next)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:14:54
03/09/99

PAGE: 16
QUICKLOOK INFORMATION

228
CLAIM NUMBER: A65-02591C

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y		Rdh 8/23/99 IN OFFICE					Rdh 9/23/99
POINT OF DIV	Y							
SOURCE	Y							
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES OF USE	Y							
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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03/09/99

PAGE: 1
GENERAL INFORMATION

213
CLAIM NUMBER: A65-02591C

LAST: BENNETT
ADDRESS: PO BOX 714
CITY: DONNELLY
PHONE NUMBER: 208-000-0000

FIRST: GEORGE A
STATE: ID ZIP: 83615

OWNER CODE: O

LAST: MC GINNIS
ADDRESS: PO BOX 39
CITY: DONNELLY
PHONE NUMBER: 208-325-8726

FIRST: CHESTER C
STATE: ID ZIP: 83615

OWNER CODE: C

LAST: MC GINNIS
ADDRESS: PO BOX 39
CITY: DONNELLY
PHONE NUMBER: 208-325-8726

FIRST: ELSIE M
STATE: ID ZIP: 83615

OWNER CODE: C

COHO ESTATES PROPERTY
OWNERS ASSN, INC
90 BARRY ALBERT
PO BOX 249
CASCADE ID 83611
382-3317

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: GEN DECREE GIVEN LIC. NO.

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION
OF CLAIM A65-02591X. NO FEE REQUIRED. DEED LIMITED AMOUNT OF
WATER SOLD TO CLAIMANT TO 1.49 CFS. KW 5/2/1996

CONTACT PERSON: IN-OFFICE

PHONE NUMBER: () -

DATE OF FIELD EXAM: 8/2/99

APPOINTMENT MADE: Y() N(☒)

TIME: : A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

SEE MAPS IN FILE

- A. AJ CLAIM: # A65-02591C PRIORITY DATE: 01-17-1960 STAGE: D
- B. WR RECORD: # 65-02591 PRIORITY DATE: - - STAGE:
- C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y(☒) N(☐)
- D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y(☐) N(☒)
- E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW) Y(☐) N(☒)
- F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?
- PROOF OF BENEFICIAL USE SUBMITTED N/A(☒) Y(☐) N(☐)
- FIELD EXAM COMPLETED N/A(☒) Y(☐) N(☐)
- FIELD EXAM SENT TO STATE OFFICE N/A(☒) Y(☐) N(☐)
- LICENSE ISSUED N/A(☒) Y(☐) N(☐)
- * IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.
- G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A(☒) Y(☐) N(☐)
- * FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.
- H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y(☒) N(☐)

NOTES: _____

=====

RECOMMENDED PRIORITY DATE:

1-17-1960

REVIEWED BY Rdh

DATE 8/23/99

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A65-02591C	16N	03E		4		SE NE		VALLEY		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A65-02591B NONE
A65-07156
A65-07156A

WR RECORDS IN SAME 40 ACRE TRACT
65-02591X

SOURCE: LAKE FORK CREEK

TRIB: PAYETTE RIVER, NORTH FORK

B. WR POINT OF DIVERSION AND SOURCE:

6502591 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y(☒) N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N(☒)

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y(☒) N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N(☒)

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM _____ NAME OF EXAMINER _____) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: 1987 GIS MAP PHOTO

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ☒

TWP. 16N	RGE. 03E	SEC. 4	1/4	1/4 SE	1/4 NE	LOT	POD FLAG	COUNTY VALLEY	DIVERSION NAME	DIVERSION NBR
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—

SOURCE: LAKE FORK CR

TRIB: PAYETTE RIVER, NFK

REVIEWED BY: RCH DATE: 8/23/99

SYSTEM DESCRIPTION: DESCRIBED BELOW ☒ SEE LICENSE FILE (), OR SEE ATTACHMENT ()

Ditches & pumps

A. ROOT WATER RIGHT NUMBERS: A65-02591B
A65-02591C

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
16N	03E	3	NW	SW		MC GINNIS, CHESTER C	A65-02591C / 17.0	- /	24.0		
			NW	SW		BENNETT, GEORGE A	A65-07156 / 40.0	- /			
			NW	SW		MCGINNIS, ELSIE M	A65-07156A / 40.0	- /			17
			NW	SW		BENNETT, GEORGE A.		65-02591X / 17.0			
16N	03E	4	NE	SE		MC GINNIS, CHESTER C	A65-02591C / 19.0	- /	26.0		
			NE	SE		BENNETT, GEORGE A	A65-07156 / 40.0	- /			
			NE	SE		MCGINNIS, ELSIE M	A65-07156A / 40.0	- /			
			NE	SE		BENNETT, GEORGE A.		65-02591X / 19.0			19
16N	03E	4	SE	SE		MC GINNIS, CHESTER C	A65-02591C / 23.0	- /	19.0		
			SE	SE		BENNETT, GEORGE A	A65-07156 / 40.0	- /			
			SE	SE		MCGINNIS, ELSIE M	A65-07156A / 40.0	- /			23
			SE	SE		BENNETT, GEORGE A.		65-02591X / 23.0			
16N	03E	9	NE	NE		MC GINNIS, CHESTER C	A65-02591C / 32.0	- /	12.0		
			NE	NE		BENNETT, GEORGE A	A65-07156 / 40.0	- /			
			NE	NE		MCGINNIS, ELSIE M	A65-07156A / 40.0	- /			32
			NE	NE		BENNETT, GEORGE A.		65-02591X / 32.0			

ADDITIONAL POU FOUND

LAPSED PERMIT

TOTAL ACRES A65-02591C

91.00

81.00

POU COUNTY: VALLEY

91

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N(☒)

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A65-02591C	LAKE FORK CREEK	MC GINNIS, CHESTER C	1.490	0.016		
A65-07156	LAKE FORK CREEK	BENNETT, GEORGE A	1.600	0.005		
A65-07156A	LAKE FORK CREEK	MCGINNIS, ELSIE M	0.830	0.005		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N(☒)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM:

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y(☒) N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N(☒)

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N(☒)

CHECK DOCUMENTS USED TO VERIFY POU: () ORTHOPHOTOQUAD, IDWR NO. _____; () TOPOGRAPHIC QUAD, IDWR NO. _____;

(☒) NAPP, IDWR NO. 1987; (☒) ASCS PHOTO; (☒) OTHER _____

NOTES: SEE PRBA MAPS: MAP "B" TIGH R3F
1961 PRBA MAP DH2-2BB-116

RECOMMENDATIONS:

TOTAL ACRES: 91 N/A()

REVIEWED BY: Rch DATE: 8/23/99

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-02591C IRRIGATION	FROM 04-15 TO 10-15	1.490 CFS	
TOTAL DIVERSION RATE/VOLUME		1.490 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
TOTAL DIVERSION RATE/VOLUME			

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(☒) N(☐)

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y(☐) N(☒)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y(☒) N(☐)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(☒) N(☐)

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☐) N(☒)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☒) Y(☐) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☒) Y(☐) N(☐)

PAGE: 10

PURPOSE OF USE, PERIOD OF USE, DIVERSION RATE AND DIVERSION VOLUME REVIEW SHEET CONTINUED

222

CLAIM NUMBER: A65-02591C

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 1.490 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y(☒) N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N(☒)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N(☒)

E. FLOW MEASUREMENT

MEASUREMENT METHOD NA, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 91 x 0.02 CFS/ACRE = 1.82 CFS
(Taken from pou review)

1.49 CFS ALLOWED/
WHIRLWIND DEED FROM

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N(☒) BENNETT

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() TO MCGINNIS.

SEE SPLIT TREE

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 91 x DIVERSION VOL. AF/A FOR AREA 91 =

TOTAL DIVERSION VOLUME 91 AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A

ACRES 91 x CONSUMPTIVE VOL. AF/A FOR AREA 91 =

TOTAL CONSUMPTIVE USE 91 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

NOTES:

Limited to 0.02/cfs per acre with 65-7156 (Lapsed Permit)

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE CFS		VOL. AF/A		USE	
IRRIGATION	04-15	10-15	DATABASE 1.490	EXAMINER _____	DATABASE	EXAMINER _____	DATABASE 0.0	EXAMINER _____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
TOTAL FOR THIS RIGHT				_____		_____		_____

NON-IRRIGATION USES CLAIMED:

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ☒

REVIEWED BY: RLH

DATE: 8/23/99

FLAG: _____

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

FDS SAME PID AS 65-02591B

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-02591

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 6.000	EXAMINER _____	CFS
-----------------------------------	-------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A65-02591X	A65-02591B	2.810	-		65-02591	
-	A65-02591C	1.490	-		65-02591A	1.700
-	-	-	-		65-02591X	4.300
TOTAL CFS		4.300				6.000

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE
N

FIELD
EXAMINER
Y (/) N ()

SEE SPLIT TREE

NOTES:

AUTHENTICATION:

SIGNATURE:

Ron Howerton

DATE:

8/23/99

NAME OF FIELD EXAMINER:

Ron Howerton

TITLE:

Sr Water Agent

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
(X) NAPP	DATE OF PHOTO <u>1987</u> IDWR ID NO. _____	Y(X) N()
(X) ASCS AERIAL PHOTO	DATE OF PHOTO <u>1961 PRBA DH2-2BB-116</u>	Y(X) N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
(X) OTHER <u>PRBA MAP</u>	DATE <u>MAP "B" T16N R3E</u>	Y(X) N()
(X) OTHER <u>PROFILE</u>	DATE <u>WR RECORD</u>	Y(X) N()
(X) OTHER <u>APPL</u>	DATE <u>WATER SUPPLY BANK APPL</u>	Y(X) N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
(X) SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED <u>8/20/99</u>	<u>1</u>	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
(X) OTHER <u>EVIDENCE OF CHG IN OWNERSHIP</u>	DATE <u>Sept 26, 97</u>	<u>2</u>	<u>TRANSFER LTR TO Collo ESTATES FROM McGINNIS</u>
() OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

12:32:21
03/09/99
229

PAGE: 17
PROFILE REPORT

CLAIM NUMBER: A65-02591C

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHESTER C MC GINNIS	01/17/1960	IRRIGATION	04-15 10-15	1.49 CFS	
C	ELSIE M MC GINNIS					
TOTAL DIVERSION:					1.49 CFS	

Water Source: LAKE FORK CREEK

Tributary to: PAYETTE RIVER, NORTH FORK

Stage: DECREED

Point(s) of Diversion: T16N R03E S04 SENE

VALLEY 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
16N	03E 3	:																: 17.0
16N	03E 4	:														19		: 42.0
16N	03E 9	:	32															: 32.0
TOTAL ACRES																	: 91.0	

POU County: VALLEY

Remarks: GEN DECREE GIVEN LIC. NO.

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION
OF CLAIM A65-02591X. NO FEE REQUIRED. DEED LIMITED AMOUNT OF
WATER SOLD TO CLAIMANT TO 1.49 CFS. KW 5/2/1996

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65K

Field Inspection Flag:
Presumption Flag:



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

May 2, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: Original Notice of Claim to a Water Right No. A65-02591X
Renumbered to Notice of Claim to a Water Right No. A65-02591C

Chester C. and Elsie M. McGinnis
P.O. Box 39
Donnelly, ID 83615

Dear Claimants:

We have processed the Change of Ownership for a portion of George Bennett's original claim to a water right as referenced above. This change of ownership required a split of the original claim resulting in renumbering this claim by adding alpha-suffixes to represent each split. The new notice of claim to a water right number for your portion is referenced above and a copy is enclosed. Please note that I changed only the amount of water that was mentioned in your deed for your 91 acres.

Your portion of the claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the application for transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time.

If you have any questions concerning this letter or the enclosed claim, please feel free to contact this office.

Sincerely,

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosure

MICROFILMED

OCT 18 1996

Bob Romabulis -
Attorney for

Mr. Bennett

called & discussed my
4-1-93 letter.

says Mr. Bennett
has sold ~~the~~ water
from this right to
other parties - on top
of ~~Bennett~~ Maximis

I told him we need
to have records
for transfers filed
on these other "sales"
of water.

Weld action on change
of ownership until
I hear from them
again.

1031

5/14/93

4-30

Mr. Bennett came
in & took the
prepared change of
ownership w/ him -
he wants it to
@ thru his attorney
prior to signing
it. pw



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 1, 1993

RE: Notice of Change of Water Right Ownership

Chester C. & Elsie M. McGinnis
P.O. Box 39
Donnelly, ID 83615

Dear Mr. and Mrs. McGinnis:

This office has reviewed the Notice of Change of Water Right Ownership form submitted to our office. However, due to the items below, we cannot continue to process this ownership change. We are returning the Notice of Change of Ownership to you to research the following items.

The legal description of the property you have inserted on the top of the form does not match the legal description of the property on Exhibit "A"-1 attached to your Warranty Deed. I find that your property description would be better identified as within the NWSW, Sec. 3; E1/2SE, Sec. 4; NENE, E1/2NWNE, Sec. 9; Twp. 16N, Rge. 03E.

In researching our records, I find that Mr. Bennett has two claims on record in the Snake River Basin Adjudication (SRBA) which are appurtenant to the land you are purchasing. However, I also see on your Warranty Deed that he has only released 1.49 cfs of Claim A65-02591X to your property. In reviewing our water right records, I found that one of the claims he has on file is on a lapsed Permit No. 65-07156. This may be why he has not identified that claim in your deed.

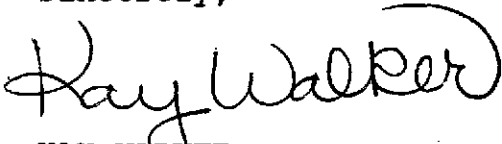
On the Notice of Change of Ownership form, it is noted that this action does not split the water right claimed. This needs to be corrected prior to our Department changing ownership of the water right appurtenant to your property. Claim A65-02591X which is attached to the lands identified on your warranty deed also covers land that Mr. Bennett has not sold to you. Thus, a "splitting" of this water right will result. We are also curious as to why Mr. Bennett only allowed 1.49 cfs of this water right to be conveyed to you. This right has been decreed for 4.3 cfs to be used on 149 acres. This amount of water would include water for conveyance loss to the place of use. I find that 91 of these acres are on lands that you now own. The proportionate amount of water for these 91 acres would be 2.63 cfs. You may want to find out why Mr. Bennett is not conveying the decreed amount per acre to you.

Mr. & Mrs. McGinnis came in at the end of April - returning change of ownership to me. kw

MICROFILMED
OCT 18 1996

I am enclosing another Notice of Change of Water Right Ownership for your convenience. You may want to use this new form rather than to try to "fix" the completed one. If I can be of any assistance to you in regard to this matter, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Kay Walker". The signature is written in dark ink and is positioned above the typed name.

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosures

MICROFILMED
OCT 18 1996

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 131

INDICATES TOTAL

SOURCE: LAKE FORK CREEK

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
65-2591X	BENNETT, GEORGE A. P.O. BOX 714, DONNELLY, IDAHO 83615 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-7156 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	1/17/1960	IRRIGATION	4/15 10/15	--- AFA 4.30 CFS	SENE S 4 T16N R 3E	NWSE(17) S 3 T16N R 3E NESE(19) SESE(23) S 4 T16N R 3E NENE(32) SWNE(4) SENE(19) NESE(23) SESE(12) S 9 T16N R 3E *149*	LICENSE
65-2591A	FURRMAN, OWEN M. BOX 32, DONNELLY, IDAHO 83615	1/17/1960	IRRIGATION	4/15 10/15	--- AFA 1.70 CFS	SWSE S 9 T16N R 3E	SENE(15) NESE(23) SESE(36) S16 T16N R 3E *74*	LICENSE
65-2700	FLEMING, THOMAS E. ROUTE 1, MC CALL, IDAHO 83638 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2319 & 65-2573 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	8/18/1961	IRRIGATION	4/15 10/15	--- AFA 1.35 CFS	NENE S 3 T17N R 3E	NENE(14) NWNE(2) SWNE(5) NESE(19) NWSE(3) SWSE(12) SESE(14) SESE(21) S32 T17N R 3E *90*	LICENSE
65-2955	CRUICKSHANK, JAMES L. & CRUICKSHANK, HELEN E. ROUTE 1, BOX 70, MC CALL, IDAHO 83638	11/17/1961	IRRIGATION FROM STCR	4/15 10/15	1100.00 AFA --- CFS	SESW S 7 T18N R 4E	NESW(40) SESW(40) S26 T17N R 3E NENE(35) NWNE(39) SWNE(40) SESE(33) NENW(40) NWNE(38) SWNW(40) SESE(40) NESW(40) SESW(39) NESE(31) NWSE(40) SWSE(39) SESE(27) S35 T17N R 3E NENE(15) S 2 T16N R 3E *616*	LICENSE
65-2707	HALLANTYNE, BARTON H. C/O MC KEE & HARWOOD, 1076 NORTH COLE ROAD, BOISE, IDAHO 83704 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-2398 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	12/21/1961	IRRIGATION	4/15 10/15	--- AFA 2.00 CFS	NENE S 3 T17N R 3E	NESW(40) SESW(39) NWSE(19) SWSE(36) SESE(12) S 8 T16N R 3E *146*	LICENSE
65-2708	CRUZEN, EDWARD A. DONNELLY, IDAHO 83615	1/ 5/1962	IRRIGATION	4/15 10/15	--- AFA 2.00 CFS	SENE S 3 T17N R 3E	SESW(24) SWSE(40) SESE(40) S16 T17N R 3E *104*	LICENSE

← Your
Property
Description
in yellow

MICROFILMED

OCT 18 1996



001
MICF

4854

4855

4856

NS

7N

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

RECEIVED

MAY 09 2001

WATER RESOURCES
WESTERN REGION

COHO ESTATES PROPERTY OWNERS
ASSN INC
C/O BARRY ALBERT
PO BOX 249
CASCADE, ID 83611

85-2591C

ALBE249 836112019 1200 06 05/07/01
FORWARD TIME EXP RTN TO SEND
ALBERT
13280 RAINBOW RD
MCCALL ID 83636-5234

RETURN TO SENDER

AUMS 83705/5082





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.

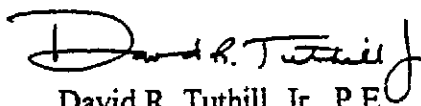
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without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