

10.7
6

T 321

9.6

33.2

T 328

Lot

T 331

T 330

T 335

Alta
Vista
Sub.

3.0

wet
area

secondary
POD

POU
A65-02937

18.9

11.1

22.2

2

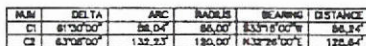
POU

← Boulder Creek POD

50°11'51"W

2645.02'

E 174, Sec. 30
CP & F inst. No.
242110



Record of Survey
Inst. No. 152177
9.483 acres

Area of Potter Lane
1.053 acres
State Easement Curves

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100

State Easement Line

LEGEND

- ☐ found brass cap
- ☒ set 5/8" rebar w/ plastic cap
- ☐ set 1/2" rebar w/ plastic cap
- ☐ calc. point, no monument set
- ☒ found aluminum cap
- ☒ found 5/8" rebar
- ☐ found 1/2" rebar



A horizontal number line with arrows at both ends. There are four major tick marks labeled -100, 0, 200, and 400. The line is divided into four equal segments by these tick marks.

Bearings based on Record of
Survey Inst. No. 248120

TOTAL SALE ACREAGE
160.072

SKETCH

Valley County, State of Idaho

Cutler Umbach, High Llama Ranch

allude in the E 1/2, SE 1/4, Sec. 36, T. 18 N., R. 3 E., B.M.,
and in Gov't Lots 3 & 4, Sec. 31, T. 18 N., R. 4 E., B.M.
Valley County, Idaho

State In	PA 10000	offersambach, St.	14m000	1000000000
----------	----------	-------------------	--------	------------

KERR SURVEYING

McCALL, IDAHO

May 2002

Idaho Dept of Water Resources

Claim No(s): 65-02937B

Claimant(s) Umbach

T18N, R03E, S 36

Prepared by: Sue Bock

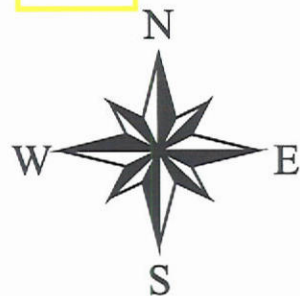
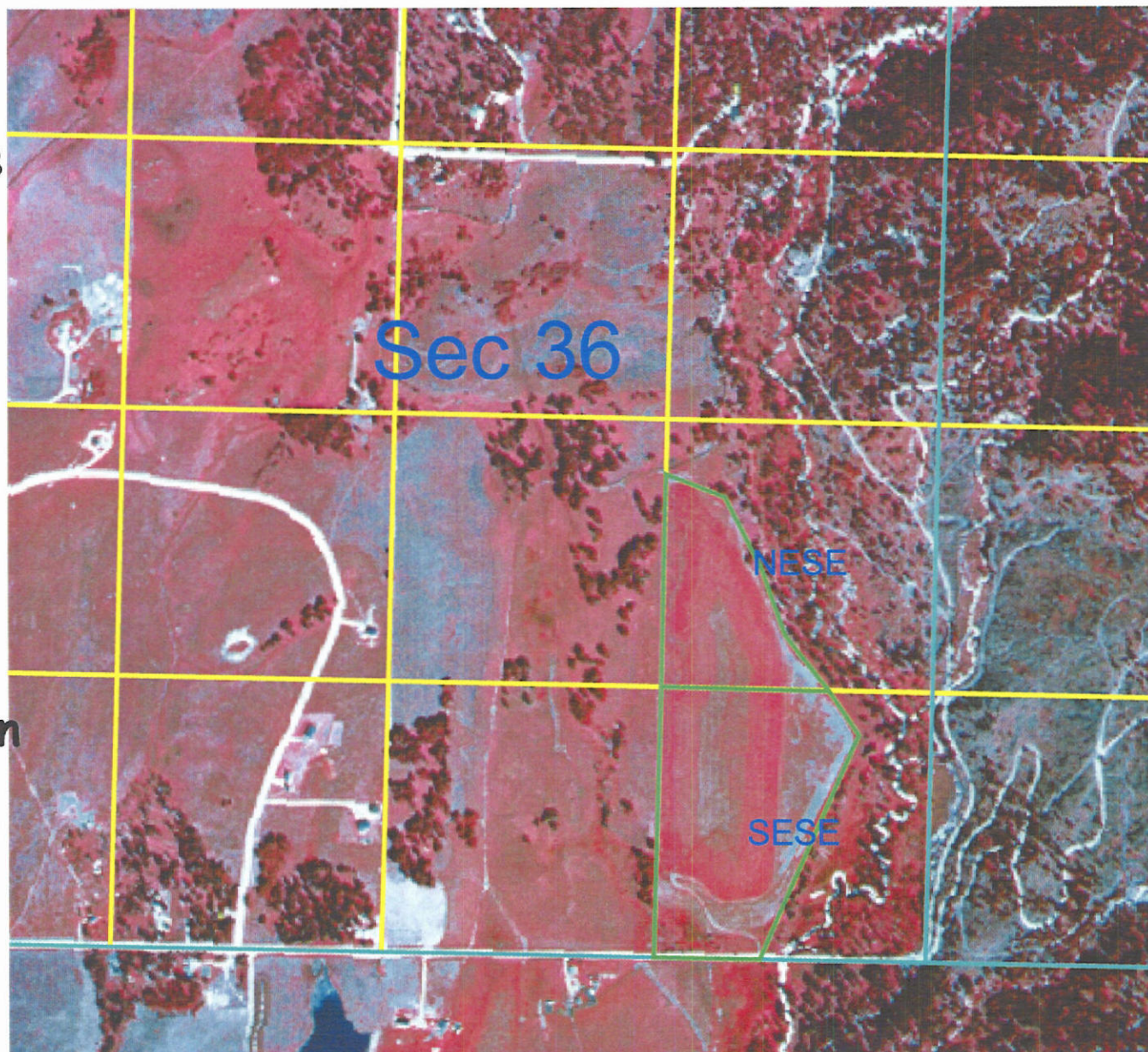
Date: 07/08/1999

 Place of Use

 Point of Diversion

 Section lines

 1/4 1/4 lines



1987 NAPP Photo

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: A65-02937B
Date Received: 11/25/1988
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: CUTLER UMBACH 208-634-5818
Address: PO BOX AN
MC CALL ID 83638
AND/OR
Name: NANCY E UMBACH 208-634-5818
Address: PO BOX AN
MC CALL ID 83638

2. Date of Priority: SEP 17, 1946

3. Source: JUG CREEK Trib. to: LOUIE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
18N	04E	32	NE	SW			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 FROM STORAGE	04/15	10/15			33.40

7. Total Quantity Appropriated is:
C.F.S. (and/or) 33.40 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
18N	03E	36	NE	SE		IRR FS	12.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
18N	03E	36	SE	SE		IRR FS	22.0

Section Acres 34.0

Total Acres 34.0

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:

15. Basis of Claim: DECREED

Case Number: 3667

Court :

Decree date: / /

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

RECEIVED
APR 27 1998
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

1. Water Right No(s): _____
Adjudication Claim No(s): A65-02937
2. The following REQUIRED information must be submitted with this from:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal documents indicating your ownership of the property and water rights or claims in question. WITH ATTACHED LEGAL DESCRIPTION.
 - 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).
 - C. For water rights of 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 From Owner/Claimant William S. and Elizabeth C. Stokes
P.O. Box 961, McCall, Idaho 83638
4. New Owner/Claimant(s) Cutler Umbach and/or Nancy E. Umbach aka Nancy Umbach
Name Connector (Check One): ☐ and, ☐ or, ☒ and/or
New Mailing Address P.O. Box AN
City, State and ZIP Code McCall, Idaho 83638
New Telephone Number (208) 634-5818
5. Date you acquired the property November 1, 1978
6. If you have acquired only a portion of the from owner's property, IDWR May need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate 34 Number and type of stock _____
Diversion rate 33.395 AFA 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) Cutler Umbach Cutler Umbach
8. For Snake River Basin Adjudication Claims: Please attach a list of directors and/or officers demonstrating authority to sign from).

RECEIVED

APR 27 1998

WATER RESOURCES
WESTERN REGION

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT, made and entered into as of this 1st day of November, 1978, by and between WILLIAM S. STOKES and ELIZABETH C. STOKES, husband and wife, hereinafter referred to as "SELLER"; and CUTLER UMBACH and NANCY E. UMBACH, husband and wife, hereinafter referred to as "PURCHASER";

W I T N E S S E T H

That the Seller, for and in consideration of the covenants, agreements and payments made on the part of the Purchaser which are herein contained, agrees to sell and convey unto said Purchaser, and that said Purchaser agrees to buy from the Seller, all that piece and parcel of land including fences and water rights appurtenant thereto, situate in the County of Valley, State of Idaho, more particularly described as follows:

The East Half of the Southeast Quarter of Section 36, Township 18 North, Range 3 East, Boise, Meridian, Valley County, Idaho.

CONSIDERATION: The Purchaser agrees to pay the total sum of ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00), together with interest as hereinafter provided in accordance with the terms and conditions set forth herein. All of these amounts to be payable in lawful money of the United States of America in the following manner, to-wit:

1. Purchaser has heretofore paid the sum of FIVE THOUSAND DOLLARS (\$5,000.00), in cash, the receipt of which is hereby acknowledged by Seller.
2. Purchaser agrees to pay to Seller the additional sum of THIRTY-FIVE THOUSAND DOLLARS (\$35,000.00) upon execution of this Agreement.
3. Purchaser agrees to pay to Seller the remaining balance of ONE HUNDRED TEN THOUSAND DOLLARS (\$110,000.00), together with interest on the unpaid

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balance at the rate of NINE PERCENT (9%) per annum, to the escrowholder named herein at the rate of SEVENTEEN THOUSAND ONE HUNDRED FORTY-ONE DOLLARS, THIRTY CENTS (\$17,141.30) per year, commencing on the 1st day of November, 1979, and a like sum on the 1st day of November each and every year thereafter, until the total balance of principal and interest is paid in full.

4. The said balance shall bear interest as above provided, from the 1st day of November, 1978, until paid in full. All payments shall be applied first to interest and the remainder thereof, if any, to the principal balance due under this Agreement.

5. In no event shall the Purchaser have the right to prepay in excess of TWENTY-NINE PERCENT (29%) of the contract balance during the calendar year's 1978 and 1979; PROVIDED HOWEVER, Purchaser may prepay any or all of the deferred balance of the purchase price at any time on or after January 1st, 1980.

POSSESSION: It is recognized that Purchaser shall assume possession of said property on the 1st day of November, 1978, and shall be entitled to retain and enjoy said premises so long as this Agreement and each and every covenant hereof shall be faithfully performed by Purchaser, it being expressly understood and agreed that title to the real property hereinabove described shall remain in the Seller and that no legal or equitable title to the same, or any part thereof, shall pass to the Purchaser until the entire purchase price, with interest thereon, is fully paid.

Purchaser further agrees that Seller or their authorized agents may go upon the premises at reasonable intervals and at reasonable times for the purpose of inspecting the same. However, Seller shall notify Purchaser at least twenty-four (24) hours in advance of his intent to make such inspection.

CONVEYANCE OF UNDIVIDED INTEREST IN WATER RESERVOIR: Seller hereby agrees to Quitclaim his one-half undivided interest which he may have in real property lying under a certain water reservoir more particularly described in Exhibit A, which is

See page 6
also for
reservoir
info

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1 attached hereto and incorporated herein as if set forth in
2 haec verba.

3 WASTE: It is understood and agreed that the Purchasers, at
4 their own expense, will keep the improvements on said Real
5 Property in good condition and repair, reasonable wear and tear
6 excepted, and that they will not commit, suffer or permit any
7 waste thereon or omit any reasonable requirement that would
8 result in the depreciation in value, or impair or defeat the
9 right or security of the Seller.

10 All buildings, improvements and fixtures which may be
11 placed upon said property by the Purchaser shall be and remain
12 a part of the realty and shall not be considered as personalty
13 and should Purchaser default hereunder, the same shall revert to
14 and revest in the Seller.

15 TAXES AND ASSESSMENTS: It is agreed that taxes and assessments
16 for the year 1977 and prior years, are the obligation of and
17 shall be paid by the Seller; the taxes and assessments for the
18 year 1979 and thereafter are the obligation of and shall be
19 paid by the Purchaser before the same shall become delinquent.
20 Taxes for the year 1978 shall be prorated as of the 1st day
21 of November, 1978. Said payments of taxes and assessments are
22 to be paid in addition to the regular annual payments as herein-
23 before provided. Purchaser shall provide the Escrowholder with
24 written receipts or other proof of the payment of all taxes
25 and assessments before they have become delinquent, within ten
26 (10) days after their payment, and the same shall be kept in
27 said escrow file.

28
29
30 SELLER MAY PAY ITEMS: In case the Purchaser shall fail to pay
31 any taxes, assessments, insurance premiums or any obligation of
32 Purchaser that is a lien on said property, whether or not such
33 lien is recorded, that may become due on said property above
34

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described, then Seller may, at Seller's option, without waiving any default hereunder, pay any such taxes, assessments, insurance premiums or lien that may not have been paid, and upon the filing of receipts showing such payment to have been made by the said Seller with the escrowholder hereinafter named, such sum or sums so paid by the said Seller shall become a part of the principal sum due hereunder and shall be immediately due and payable to the Seller with interest thereon from the date paid by the Seller at the maximum rate of interest allowable by law.

NO LIENS OR ENCUMBRANCES: It is agreed that the Purchaser shall not encumber the title to said real property during the life of this Agreement, or create, suffer or permit any liens to be filed thereon for material furnished or labor performed in making improvement or repairs thereon.

PREMISES INSPECTED: The Purchaser agrees that full inspection of said premises has been made and that neither Seller, their agents, nor their assigns shall be held to any covenant respecting the condition of any improvements on such premises or any of said property or to any agreement for alteration, improvements or repairs not included in this Agreement. Because of the great number of new laws and regulations relating to land, many of which Seller is not familiar with, Purchaser agrees to accept this land in an "AS IS" condition, after reasonable inspection and Purchaser understands that Seller does not make any representations or warranties as to qualifications or suitability of said land or premises as to any Federal, State, County or City laws, rules or regulations, pertaining to zoning, water, health, drainage, sewer or disposal system and compliance with any of these rules and regulations is Purchaser's sole responsibility and not the responsibility of Seller. Seller has in July, 1976, commissioned Bill Harris, Engineer, to prepare a preliminary plat of the property conveyed

COPY

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herein showing the exterior boundaries thereof which preliminary plat is attached hereto as Exhibit B. The Purchaser herein has been advised of said Exhibit B, which is the work product of Bill Harris, Engineer, and that Seller has made no representations regarding the boundaries and Purchaser hereby agrees to hold Seller harmless regarding the exact location of boundary lines or as to the acreage, or number of square feet, or frontage contained in the real property hereinabove described, and further agrees to pursue any claims which he might have in regard to the facts contained in Exhibit B, directly to Bill Harris, Engineer, McCall, Valley County, Idaho.

TRUTH IN LENDING DISCLOSURE: That in compliance with the Truth-In-Lending Laws of the United States of America, and the State of Idaho, the Purchaser is advised as follows:

1. Total Cash Price	\$150,000.00
2. Less Total Downpayment	40,000.00
3. Unpaid Balance of Cash Price	110,000.00
4. Amount Financed	110,000.00
5. Finance Charge or Interest	61,413.00
6. Total of Payments	171,413.00
7. Deferred Payment Price	211,413.00
8. Annual Percentage Rate	9%

Purchaser acknowledges receiving a copy of the Agreement containing this disclosure.

SALE OR ASSIGNMENT: The property hereinabove described and this Agreement and the right of the Purchaser hereunder may be sold or assigned by Purchaser only after the express written consent of Seller is first had and obtained. Said consent shall not be arbitrarily or unreasonably withheld by Seller.

Should this covenant prohibiting sale or assignment without consent ever be adjudged unenforceable by a court of competent jurisdiction, then any such sale or assignment without

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consent as aforesaid, at the option of the Seller, shall operate to accelerate payment of the balance of all sums then due under this Agreement, and in such event, said balances then unpaid, including the then principal balance and all accrued interest, shall become immediately due and payable upon the giving of notice by the Seller to the Purchaser through the Escrowholder herein named, of Seller's election to declare the same so due and payable, anything to the contrary in this Agreement notwithstanding.

PURCHASER'S SALE OF PROPERTY: So long as Purchaser is not in default hereunder, Purchaser shall have the right, after procuring Seller's written consent, to sell all or a part of the property described herein at page 1., together with the undivided interest in the water reservoir described in Exhibit A attached hereto, provided that the sale price of any land sold shall be at least equal to the per-acre cost of the same land purchased under the terms of this Agreement, and provided further that in the event of any such sale, the Purchaser shall pay into escrow and apply Fifty Percent (50%) of any such down payment to the balance of the purchase price hereinabove provided then due. Payment into escrow as herein provided shall constitute prepayment, but shall not relieve Purchaser of the obligation to make installment payments as hereinabove provided. All expenses of any such conveyance or conveyances, including the preparation of Deeds and additional escrows, shall be paid by Purchaser.

DEEDS: Seller shall execute and cause to be delivered to the escrowholder hereinafter named, with this Agreement, a good and sufficient Warranty Deed conveying to Purchaser the property hereinabove described free and clear of all claims, liens and encumbrances, except taxes and assessments for the current year, and rights-of-way of public record.

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1 In addition, there shall be deposited a Quitclaim Deed
2 from the Purchaser to the Seller, it being the intent of such
3 Deed that, if this Agreement is forfeited under the provisions
4 herein contained, the said Quitclaim Deed is to revert in the
5 Seller, full title to the said property, free and clear of any
6 claim of the Purchaser, so as to prevent the necessity of quiet
7 title, or other legal proceedings, to perfect such title in
8 the Seller following forfeiture.

9 TITLE INSURANCE: Seller shall furnish, as soon as reasonably
10 possible after the execution of this Agreement, a policy of
11 title insurance insuring the title to said real property in the
12 sum of \$150,000.00, subject only to the standard exceptions
13 contained in the title insurance company's standard policy, to
14 taxes and assessments for the current year, to easements and
15 rights-of-way of public record, and to any acts or things
16 caused or permitted by the Purchaser subsequent to the date of
17 this Agreement. Said Policy of Title Insurance shall be
18 forwarded to Purchaser as soon as is practicable.

19 ESCROW: Inter-Mountain State Bank, McCall, Idaho, is hereby
20 designated as Escrowholder, and the Warranty Deed and Quitclaim
21 Deed and the original of this Agreement, shall be deposited
22 with said Escrowholder, together with any and all other instru-
23 ments, receipts and insurance policies required to be deposited
24 with said Escrowholder under the terms of this Agreement.

25 The Escrowholder is herewith directed to take and
26 receive from the Purchaser receipts evidencing payment of taxes
27 and insurance, and policies of insurance, if required under the
28 terms of this Agreement, and to take and receive each payment
29 accruing hereunder for the use and benefit of the Seller.

30 The said Escrowholder is hereby authorized and directed
31 upon full and complete performance of this Agreement by the
32 Purchaser at the time and in the manner as herein provided, to
33 deliver to said Purchaser all papers and documents then held
34 under this escrow.

COPY

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1 If, however, the Agreement shall be forfeited or declared
2 null and void by reason of the default or breach of any of the
3 covenants herein contained, or by reason of the Purchaser's
4 failure to perform the agreements, covenants and conditions
5 herein provided, the escrowholder is hereby directed and
6 authorized upon demand of the Seller, to deliver all of the
7 papers and documents then held under this escrow to the Seller
8 upon proof submitted by the Seller of the Purchaser's failure
9 to comply with the terms and conditions of this Agreement.
10 Said proof shall be evidenced by filing with the escrowholder
11 a copy of the notice, as hereinafter provided for, or a copy of
12 said notice and proof of mailing thereof, either by affidavit of
13 mailing or by registered or certified mail, return receipt,
14 or by affidavit of personal service of said notice on the
15 Purchaser.

16
17 PAYMENT OF ESCROW FEES: It is hereby agreed that Purchaser
18 shall pay the initial acceptance fee and the annual
19 collection fee associated herewith.

20 DEFAULT AND SERVICE OF NOTICES: Time is of the essence of this
21 Agreement, and if the Purchaser shall fail or refuse to promptly
22 and at the times and in the manner, as hereinafter provided,
23 perform any condition of this Agreement on the Purchaser's part
24 to be performed, or should the Purchaser or any one of them, if
25 there be more than one person constituting the Purchaser here-
26 under, be adjudicated a bankrupt, or compound with or make a
27 general assignment for the benefit of creditors, in any such
28 event, the Seller shall have the following options, to-wit:

- 29 a) Seller may elect to affirm this Agreement and sue
30 either at law or in equity to recover the entire
31 balance of principal and interest then remaining due
32 and unpaid, together with any and all other amounts
33 due under the terms of this Agreement, such default
34 operating to mature installments of principal not at
35 that time due under the terms of this Agreement; and
enforce any and all security given to Seller by
operation of law to secure the payment of said amount;
or

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b) The Seller may forfeit this Agreement and re-enter and take possession of said premises, and retain all amounts theretofore paid upon the purchase price and retain the benefit of all improvements and all work done upon the premises as reasonable rental of said premises and as liquidated damages.

PROVIDED, HOWEVER, that, if such default shall be of a nature which can be cured by Purchaser, before either option be exercised by the Seller, then Seller shall serve upon the escrowholder and also upon Purchaser a written notice specifying the default complained of and requiring compliance with the terms of this Agreement within thirty (30) days after service of said notice. This cure provision is intended to provide Purchaser up to thirty (30) days in which to correct a defect if said defect is of a nature which can be cured within said time period, however, this provision shall not be interpreted to contradict the immediately preceding general or subparagraph.

If Purchaser shall comply with said notice and the terms of this Agreement within said period of time, the default shall be deemed corrected, but if Purchaser shall not so comply, then the default shall be deemed complete at the expiration of said 30-day period, and the Seller may forthwith proceed under either option.

If such default is of such nature that it cannot be cured by Purchaser, as, for example, the bankruptcy of the Purchaser or any one of them, if there be more than one person constituting the Purchaser hereunder, then such default shall be deemed complete upon the happening of the occurrence, and without the necessity of the giving of any notice of default by Seller to Purchaser.

In the event of a completed forfeiture, should the Seller proceed under option "b", Seller may re-enter and take possession of said premises, free and clear of all claims whatsoever of the Purchaser, and continued occupation and possession of said premises by the Purchaser shall be deemed and considered a trespass on the real estate and such possession considered unlawful and without right.

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1 In order to cure any such default, the Purchaser shall
2 pay to the Escrowholder, to be transmitted to Seller, in
3 addition to all other sums necessary to cure such default, and
4 as a prerequisite to the curing of such default, the sum of
5 \$75.00 to cover the costs of preparation and service of such
6 notice and as liquidated damages for such breach for each such
7 notice of default. The said sum shall not be a payment upon
8 the Agreement and shall not be credited by the Escrowholder
9 as such, but shall be disbursed by the escrow agent directly
10 to Seller.

11
12 GIVING OF NOTICE: Service of any notice permitted or required
13 under the terms of this Agreement shall be deemed complete upon
14 the depositing of the same in the United States mails by the
15 escrowholder or Seller, by certified or registered mail,
16 addressed to Purchaser at 210 N. Mayflower Road, Lake Forest,
17 Illinois 60045; or by Purchaser addressed to Seller at P O Box
18 961, McCall, Idaho 83638, as the case may be, or such other
19 address as either shall hereafter in writing to the other
20 designate, or by causing said notice to be served personally
21 upon the Purchaser, or on the Seller, as the case may be. In
22 the event there be more than one person constituting the Seller
23 or the Purchaser herein, service by mail or personal service as
24 provided above, upon any one person in such party, shall be good
25 and sufficient service upon all persons constituting such party
26 the same as though such service had been made upon each and every
27 member of such party.

28 PARTIAL INVALIDITY: In the event any portion of the Agreement
29 or part thereof shall be determined by any court of competent
30 jurisdiction to be invalid, void, or otherwise unenforceable,
31 the remaining provisions hereunder, or parts thereof, shall
32 remain in full force and effect, and shall in no way be affected,
33 impaired or invalidated thereby, it being understood that such
34

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1 remaining provisions shall be construed in a manner most closely
2 approximating the intention of the parties with respect to the
3 invalid, void, or unenforceable provision or part thereof.

4 RETENTION OF TITLE: Title to all of said property save and
5 except partial conveyances shall be and remain in Seller and
6 shall not pass to Purchaser until said purchase price, with
7 interest, has been paid in full in accordance with the terms
8 hereof.

9
10 TIME IS OF THE ESSENCE: Time is of the essence of this agree-
11 ment and it is expressly understood and agreed that any delay in
12 enforcing the performance of any of the provisions of this
13 agreement shall not operate to waive, or be a waiver of, the
14 right of Seller to enforce any of the provisions of this
15 Agreement, in accordance with its terms.

16
17 FORBEARANCE: It is further expressly understood and agreed
18 that acceptance by Sellers of any installments of the principal,
19 interest, or repayment of any taxes after the same may have
20 been past due, or after Purchaser may have defaulted under this
21 Agreement in any particular whatever, or any forbearance of any
22 kind that may be granted or allowed by Seller to Purchaser under
23 this Agreement, shall not in anywise be deemed or construed or
24 considered as waiving or surrendering any of the conditions or
25 covenants of this Agreement, or of any subsequent default that
26 may be made by Purchaser.

27 AGREEMENT NOT TO BE RECORDED: Neither the original nor a copy
28 of this Agreement shall be recorded, possession being deemed
29 notice of Purchaser's interest and this Agreement shall super-
30 sede and include all the terms and agreements of every other
31 agreement between the parties made and entered into heretofore.

32
33 VARIANCE FROM PREVIOUS AGREEMENTS: It is acknowledged by all
34 parties that the terms of this Agreement may, to some extent,

RICHARD S. UDELL

ATTORNEY AND COUNSELOR AT LAW
CRYSTAL BEACH PROFESSIONAL BUILDING
P.O. BOX 1300A MCALL, IDAHO 83638
PHONE (208) 834-2100

1 vary from the terms contained in an original receipt and agree-
2 ment to purchase, and/or exchange of real property agreement,
3 and/or any other preliminary agreements made prior to the signing
4 hereof in connection with this transaction. The parties hereto
5 acknowledge and agree that this agreement shall supersede all
6 such previous agreements, that there are no other agreements
7 not herein contained, and they do hereby waive any claim each
8 against the other, and/or against the agent or agents of the
9 parties hereto by reason of such variance, it being agreed by
10 all parties that the terms hereof shall control, and are accepted
11 by all parties, over any conflicting provisions of such pre-
12 liminary agreements, or any of them.

13
14 PREPARATION OF DOCUMENTS: The parties acknowledge that this
15 Agreement and accompanying escrow instructions, deeds and other
16 documents were prepared by Attorney for Seller, and Purchaser
17 has retained independent counsel to represent him in this
18 transaction, and is therefore relying upon the advice of his
19 counsel in all matters pertaining to this transaction.

20 ATTORNEY'S FEES AND COSTS: In the event dispute arises between
21 the parties hereto for interpretation or enforcement of this
22 agreement, the prevailing party shall be entitled to reasonable
23 attorney's fees and costs. The Purchaser shall be responsible
24 for payment of any attorney's fees and costs for the preparation
25 and service of the notices required in the event of default as
26 set forth in paragraph entitled "Default and Service of Notices"
27 at page 8. herein.

28
29 HEIRS AND ASSIGNS: This Agreement shall be binding upon the
30 heirs, administrators, executors and assigns of the parties
31 hereto.

32 CAPTIONS TO PARAGRAPHS: The captions to the paragraphs of this
33 Agreement are for convenience only and shall not be deemed to
34

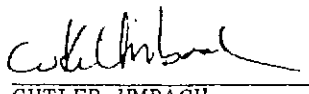
RICHARDS S. UDELL

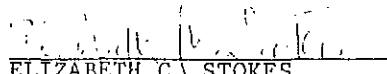
ATTORNEY AND COUNSELOR AT LAW
CRYSTAL BEACH PROFESSIONAL BUILDING
P.O. BOX 1300A MCCALL, IDAHO 83638
PHONE (208) 834-2100

enlarge, diminish, explain or in any manner affect the meaning of such paragraphs.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands as of the day and year hereinabove first written.


WILLIAM S. STOKES


CUTLER UMBACH

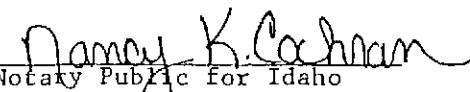

ELIZABETH C. STOKES
(Seller)


NANCY E. UMBACH
(Purchaser)

STATE OF IDAHO)
County of Valley) ss.

On this 1st day of November, 1978, before me, the undersigned, a Notary Public in and for said State, personally appeared WILLIAM S. STOKES and ELIZABETH C. STOKES, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing Real Estate Purchase Agreement and acknowledged to me that they executed the same.

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


Notary Public for Idaho
Residing at: McCall, Idaho

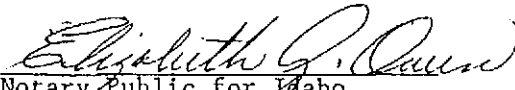
ILLINOIS
STATE OF ~~IDAHO~~)
County of ~~ADA~~) ss.
Lake

On this 30th day of November, 1978, before me, the undersigned, a Notary Public in and for said State, personally appeared CUTLER UMBACH and NANCY E. UMBACH, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing Real Estate Purchase Agreement and acknowledged to me that they executed the same.

RICHARD S. UDELL

ATTORNEY AND COUNSELOR AT LAW
CRYSTAL BEACH PROFESSIONAL BUILDING
P.O. BOX 1300A McALL, IDAHO 83638
PHONE (208) 634-2100

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

4
5 
6 Notary Public for Idaho
7 Residing at: ~~Boise, Idaho~~
8 Highland Park, Illinois
9
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COPY

EXHIBIT A

Legal Description:

An undivided one-half interest in that parcel of land, lying under a certain water reservoir in Valley County, Idaho, more particularly described as follows, to-wit:

Starting at the Southwest corner of Section Thirty-Two (32), Township Eighteen (18) North, Range Four (4) East, B.M., thence running East on the section line a distance of 756 feet to a point which shall be called Station 37 and which is the point of beginning thence, East 148 feet to a point which shall be called Station 24, thence South $27^{\circ} 30'$ East, 214 feet to a point called Station 25, thence South $30^{\circ} 30'$ East 145 feet to a point which shall be called Station 26, thence South $18^{\circ} 00'$ West 154 feet to a point which shall be called Station 27, thence South $56^{\circ} 00'$ West 120 feet to a point which shall be called Station 28, thence South $12^{\circ} 30'$ East 160 feet to a point which shall be called Station 29, thence South $43^{\circ} 00'$ East 106 Feet to a point which shall be called Station 30, thence South $22^{\circ} 30'$ West 460 feet to a point which shall be called Station 31, thence North $42^{\circ} 30'$ West 125 feet to a point which shall be called Station 32, thence North $2^{\circ} 00'$ West 200 feet to a point which shall be called Station 33, thence North $1^{\circ} 3'$ East 256 feet to a point which shall be called Station 34, thence North $7^{\circ} 45'$ East 309 feet to a point which shall be called Station 35, thence North $14^{\circ} 30'$ West 240 feet to a point which shall be called Station 36, thence North $21^{\circ} 00'$ West 90 feet to the North line of Section 5, Township 17 North, Range 4 East, B.M., to a point which shall be called Station 37 and is the place of beginning, containing 4.90 acres more or less.

Including all personal property presently located at said premises and with all appurtenances.

T 321

9.6

33.2

Lot

- 331

T 330

Boulder Creek POD

T 335

Alta
Vista
Sub.

secondary
POD

POU
A65-02937

18.9

22.2

2

11.1

2

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: A65-02937
Date Received: 11/25/1988
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: IRENE HEIKKILA
Address: ROUTE #1, BOX 94
MC CALL, ID 83638
OR
Name: ELIZABETH C. STOKES
Address: N/A, ID 00000
OR
Name: WILLIAM S. STOKES
Address: N/A, ID 00000
2. Date of Priority: SEP 17, 1946
3. Source: JUG CREEK Trib. to: LOUIE CREEK
4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County
18N 04E 32 NE SW 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 FROM STORAGE 04/15 10/15 66.79
7. Total Quantity Appropriated is:
C.F.S. (and/or) 66.79 A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:

A65-02937

Page 1

Date: 02/27/89

~~MICROFILMED~~
SEP 2 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
18N	03E	35	NE		NE		IRR FS	34.0
			NW		NE		IRR FS	25.0
							Section Acres	59.0
		36	SE		NW		IRR FS	35.0
			NE		SE		IRR FS	12.0
			SE		SE		IRR FS	22.0
							Section Acres	69.0
							Total Acres	128.0

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:

15. Basis of Claim: DECREED

Case Number: 3667

Court :

Decree date:

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

~~MICROFILMED~~
SEP 21 1992

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

David L. McCall Date: 3/21/89

State of Idaho)
County of Laurel) SS.

Subscribed and sworn (or affirmed) before me this 21st day

of March 19 89

David L. McCall
Notary Public

Seal

Residing at McCall Idaho

My Commission Expires 8/26/91

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: A65-02937
Date Received: 11/23/1988
Receipt No: X999999
Received By: DE JEL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VERNON HEIKKILA
Address: BOX 961
MC CALL, ID 83638

Name: CUTLER UMBACH 208-634-5318
Address: P.O. BOX 172
MCCALL, ID 83638

Name: NANCY E. UMBACH 208-634-5318
Address: P.O. BOX 172
MCCALL, ID 83638

2. Date of Priority: SEP 17, 1946

3. Source: JUG CREEK Trib. to: LOUIE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
18N	04E	32		NE	SW		VALLEY

5. Description of diverting works:
DAM WITH DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION FROM STORAGE	04/15	10/15			66.79

7. Total Quantity Appropriated is:
C.F.S. (and/or) 66.79 A.F.A.

8. Total consumptive use is 256.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A65-02937

Page 1

Date: 12/09/88

~~MICROFILMED~~

SEP 21 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
18N	03E	35	NE	NE		IRR FS	34.0
			NW	NE		IRR FS	25.0
						Section Acres	59.0
		36	SE	NW		IRR FS	35.0
			NE	SE		IRR FS	12.0
			SE	SE		IRR FS	22.0
						Section Acres	69.0
						Total Acres	128.0

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:
DOMESTIC WELL

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

~~MICROFILMED~~
SEP 21 1992

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 _____

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: A65-02937
Date Received: 11/22/1988
Receipt No: X999999
Received By: BS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ESTATE OF VERNON HEIKKILA
Address: RT. 1 BOX 94
MC CALL, ID 83638
OR
Name: WILLIAM S. STOKES
Address: N/A, ID 00000
OR
Name: ELIZABETH C. STOKES
Address: N/A, ID 00000
2. Date of Priority: SEP 17, 1946
3. Source: JUG CREEK Trib. to: LOUIE CREEK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
18N	04E	32	NE	SW			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 FROM STORAGE	04/15	10/15			66.79
7. Total Quantity Appropriated is:
C.F.S. (and/or) 66.79 A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:

A65-02937

Page 1

Date: 11/22/88

~~NOT RECORDED~~
OCT 21 1988

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
18N	03E	35	NE		NE		IRR FS	34.0
			NW		NE		IRR FS	25.0
							Section Acres	59.0
		36	SE		NW		IRR FS	35.0
			NE		SE		IRR FS	12.0
			SE		SE		IRR FS	22.0
							Section Acres	69.0
							Total Acres	128.0

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:

15. Basis of Claim: DECREED

Case Number: 3667

Court :

Decree date:

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

~~MICHAEL~~

~~SEP 21 1992~~

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 Organizations:

I do solemnly swear or affirm that I am Trustee of _____ Title

to Estate of Vernon Heikkila, that I have signed the foregoing Organization

document in the space below as Trustee of _____ Title

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

Mar E. Maki
Signature of Authorized Agent

Trustee
Title and Organization

November 22, 1988
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 22 day
of Nov. 19 88

John Dale Carlson
Notary Public

Seal

Residing at Boise, ID
My Commission Expires 4/2/94

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: A65-02937

Date Received:

Receipt No: *999999

Received By: _____

No ✓

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VERNON HEIKKILA
Address: BOX 961
MC CALL, ID 83638

Name: CUTLER UMBACH 208-634-5318
Address: P.O. BOX 172
MCCALL, ID 83638

Name: NANCY E. UMBACH 208-634-5318
Address: P.O. BOX 172
MCCALL, ID 83638

2. Date of Priority: SEP 17, 1946

3. Source: JUG CREEK Trib. to: LOUIE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
18N	04E	32	NE	SW			VALLEY

5. Description of diverting works:
DAM WITH DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION FROM STORAGE	04/15	10/15			66.79

7. Total Quantity Appropriated is:
C.F.S. (and/or) 66.79 A.F.A.

8. Total consumptive use is 256.00 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A65-02937

Page 1

Date: 11/18/88

~~NOT RECORDED~~
SEP 21 1988

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
18N	03E	35	NE	NE		IRR FS	34.0
			NW	NE		IRR FS	25.0
					Section Acres		59.0
		36	SE	NW		IRR FS	35.0
			NE	SE		IRR FS	12.0
			SE	SE		IRR FS	22.0
					Section Acres		69.0
					Total Acres		128.0

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:

DOMESTIC WELL

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

~~MICROFILMED~~

SEP 21 1992

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 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.

x Signature of Claimant(s): Curtis Unboed Date: 11/22/88
Ray E. Unboed Date: 11/22/88

State of Idaho)

County of Valley) SS.

Subscribed and sworn (or affirmed) before me this 22nd day
of November 19 88

William E. Unboed
Notary Public

Seal

Residing at McCall, Idaho
My Commission Expires 1/28/92

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

Ident. Number: A65-02937

Date Received:

Receipt No: _____

Received By: _____

Postmarked 11/23/88
cb

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER FEDERAL LAW

1. Name: VERNON HEIKKILA

Address: BOX 961
MC CALL, ID

83638

Name: WILLIAM S. STOKES

Address:

Name: ELIZABETH C. STOKES

Address:

RECEIVED
NOV 25 1988

Department of Water Resources

2. Date of Priority: SEP 17, 1946

3. Source: JUG CREEK

Trib. to: LOUIE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
18N	04E	32	NE	SW			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 FROM STORAGE	04/15	10/15			66.79

7. Total Quantity Appropriated is:

C.F.S. (and/or)

66.79 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
18N	03E	35	NE	NE		IRR FS	34.0
			NW	NE		IRR FS	25.0
					Section Acres		59.0
		36	SE	NW		IRR FS	35.0
			NE	SE		IRR FS	12.0
			SE	SE		IRR FS	22.0
					Section Acres		69.0
					Total Acres		128.0

11. Place of use in counties: VALLEY

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

~~MICROFILMED~~

~~SEP 21 1992~~

(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.

~~MICROFILMED~~
SEP 24 1992

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

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

CIVIL CASE NUMBER: 39576

IDENT. NUMBER: 65-02937

DATE RECEIVED:

RECEIPT NO:

RECEIVED BY:

Postmarked 11/23/88 db

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: VERNON HEIKKILA
ADDRESS: BOX 981
MC CALL, ID 83628

NAME: WILLEAM S. STOKES
ADDRESS:

NAME: ELIZABETH C. STOKES
ADDRESS:

RECEIVED
NOV 25 1988

Department of Water Resources

2. DATE OF PRIORITY: SEP 17, 1941

3. SOURCE: JUG CREEK FRIE. TO: LOUIS CREEK

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
14N	04E	32	N	SW			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 FROM STORAGE	04/15	10/15			66.79

7. TOTAL QUANTITY APPROPRIATED IS:
C.F.S. (AND/OR) 66.79 A.F.A.

8. TOTAL CONSUMPTIVE USE IS ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

65-02937

PAGE

1

DATE: 09/30/88

73

MICROFILMED
SEP 21 1992

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
18N	05E	35	NE	NE		IRR FS	34.0
			NW	NE		IRR FS	25.0
SECTION ACRES							59.0
		36	SE	NW		IRR FS	35.0
			NE	SE		IRR FS	12.0
			SE	SE		IRR FS	22.0
SECTION ACRES							69.0
TOTAL ACRES							128.0

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:

15. BASIS OF CLAIM: DECREE
CASE NUMBER:
COURT :
DECREE DATE: 1/21/1986

STATE OF IDAHO
DECREE PL. INTIR

A. G. 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: _____

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 _____) SS.
_____)

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS _____ DAY
OF _____ 19 _____

NOTARY PUBLIC

SEAL

RESIDING AT _____

MY COMMISSION EXPIRES _____

03-02937

PAGE

3

DATE: 09/30/88

73

~~MICROFILMED~~

1002

Note -

11/20/02

Address change was done in our database in 2000 for Umbach.

No NCAP was submitted to the court, therefore not updated on LWATRS.

As of today - no corrections need to be made. Another NCAP is being sent 11/21/02, changing ownership and making Umbach the "former" owner's. AH

11/20/2002

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

RIGHT NUMBER: 65-2937B

NAME AND ADDRESS: CRISTINA S NIKKEL
292 POTTER LN
MC CALL ID 83638

WILLIAM A NIKKEL
292 POTTER LN
MC CALL ID 83638

SOURCE: JUG CREEK

TRIBUTARY: LOUIE CREEK

QUANTITY: 33.400 AFY

PRIORITY DATE: 09/17/1946

POINT OF DIVERSION:

T18N R04E S32 NESW Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	1/01 12/31	33.40 AFY
IRRIGATION FROM STORAGE	4/15 10/15	33.40 AFY

PLACE OF USE: IRRIGATION FROM STORAGE Within VALLEY County

T18N R03E S36 NESE 12.0 T18N R03E S36 SESE 22.0

34 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: Decreed

RIGHT NO.65-02937A IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

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

In Re SRBA

Case No. 39576

Water Rights: 65-2937B

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party
- ☐ IC § 42-222 transfer

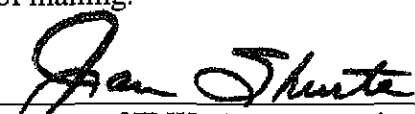
- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |
| ☐ Other | |

- ☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: November 21, 2002



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on November 21, 2002, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

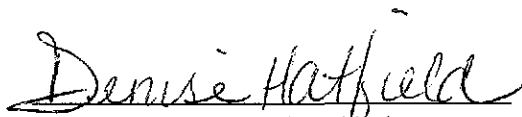
3. Copies to all parties to the subcase:

Cutler Umbach *(Former Owners)*
Nancy E Umbach
PO Box 2329
Mc Call ID 83638

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

William A Nikkel *(Current Owners)*
Cristina S Nikkel
292 Potter Ln
Mc Call ID 83638

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile


Signature of person mailing this document

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

NOV 14 2002

WATER RESOURCES
WESTERN REGION

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
65-2937B					
65-3117B					
65-17854					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. \$25
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s) Cutler Umbach and Nancy E. Umbach
P.O. Box 2329, McCall, ID 83638
4. New Owner/Claimant(s) William A. Nikkel and Cristina S. Nikkel
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 292 Potter Lane
- City, State and ZIP Code McCall, ID 83638
- New Telephone Number (208) 634-1504
5. Date you acquired the property July 1, 2002

65-3117B - NOT
 APPURTENANT TO
 DEEDS ATTACHED.
 65-2937B - OK
 65-17854 - OK - AT
 STATE OFFICE

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable) _____

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

For Office Use Only			
Received by	<u>CS</u>	Date	<u>11-14-02</u>
Received by	<u>CS</u>	Date	<u>11-14-02</u>
Processed by	_____	Date	_____
		Fee	<u>\$25-</u>
		Receipt No.	<u>62029866</u>
		WR	_____
		Date	_____

67
CN

WARRANTY DEED

FOR VALUE RECEIVED, CUTLER UMBACH and NANCY E. UMBACH, husband and wife, Grantors, do hereby grant, bargain, sell, and convey unto WILLIAM A. NIKKEL and CRISTINA S. NIKKEL, husband and wife as joint tenants with right of survivorship, Grantees, whose address is 292 Potter Lane, McCall, Idaho 83638, that certain real property situated in Valley County, Idaho, commonly known as 292 Potter Lane, McCall, Idaho 83638, and legally described at **Exhibit "A"** attached hereto and incorporated herein by reference.

And also subject to easements, liens or encumbrances of record, in use, or visible on the property.

To have and to hold the said premises, together with improvements and appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors hereby covenant to and with said Grantees, that they are the owners in fee simple of said premises; that the said premises are free from all encumbrances except as noted above; and, that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 1st day of July, 2002.

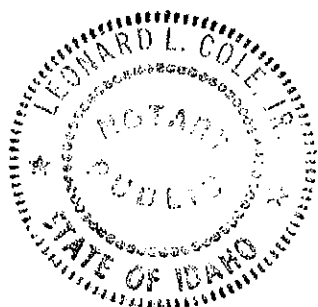

CUTLER UMBACH

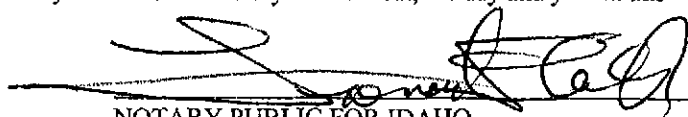

NANCY E. UMBACH

STATE OF IDAHO,)
) ss.
County of Valley.)

On this 1 day of July, 2002, before me, Leonard L. Cole Jr., a Notary Public in and for said State, personally appeared CUTLER UMBACH and NANCY E. UMBACH, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged 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
My Commission Expires: 01-14-05

THOMAS W. KERR
PLS 998

KERR SURVEYING
PO BOX 853 404 E. PARK
McCALL, IDAHO 83638
208-634-2686 / fax 208-634-4042
May 14, 2002

ROD M. SKIFTUN
PLS 9585

I

HIGH LLAMA RANCH, CUTLER UMBACH
Section 31, T. 18 N., R. 4 E., B.M.
79.634 Acres

A parcel consisting of Government Lots 3 and 4 of Section 31, T. 18 N., R. 4 E., B.M., more particularly described as follows:

Commencing at a brass cap marking the section corner common to the Southeast corner of Section 36, T. 18 N., R. 3 E., B.M., and the Southwest corner of Section 31, T. 18 N., R. 4 E., B.M., the REAL POINT OF BEGINNING;

Thence, N. 0° 07' 49" E., 35.00 feet along the-line common to said Sections 31 and 36 to a 1/2" rebar marking the northerly right-of-way of Potter Lane as shown on that particular Record of Survey on file as Inst. No. 152177 in Book 2, Page 101 of Records of Survey, recorded in the Office of the Recorder, Valley County, Idaho,

thence, continuing N. 0° 07' 49" E., 570.32 feet along said common line to a 1/2" rebar as shown on said Record of Survey,

thence, continuing N. 0° 07' 49" E., 2040.46 feet along said common line to a brass cap marking the 1/4 corner common to said Sections 36 and 31, as shown on that particular Record of Survey on file as Inst. No. 248120 in Book 6, Page 712 of Records of Survey, recorded in the Office of the Recorder, Valley County, Idaho,

thence, S. 89° 37' 10" E., 463.70 feet along the northerly boundary of Government Lot 3 of said Section 31, to a 1/2" rebar on the westerly bank of Louie Creek,

thence, continuing S. 89° 37' 10" E., 19.11 feet along said northerly boundary to the point of intersection of the thread of Louie Creek,

thence, continuing S. 89° 37' 10" E., 824.57 feet along said northerly boundary to an aluminum cap marking the CW 1/16 of said Section 31,

thence, S. 0° 03' 02" E., 2643.94 feet along the easterly boundary of Government Lots 3 and 4 of said Section 31 to an aluminum cap marking the W 1/16 of said Section 31,

NO WATER
RTS RECORDED
IN THIS LEGAL
NWSW (LOT 3) S. 31
SWSW (LOT 4) S. 31

thence, N. 89° 42' 07" W., 1315.73 feet along the line common to said Section 31, T. 18 N., R. 4 E., B.M., and Section 6, T. 18 N., R. 4 E., B.M., to the Point of Beginning, containing 79.634 acres, more or less.

Subject to: All covenants, rights, rights-of-way, and easements of record or use.

Bearings based on Record of Survey, Inst. No. 248120.

XV

MINING & CIVIL ENGINEERING & SURVEYING

TEL. 634-2686
P.O. BOX 853
McCALL, IDAHO 83638

BILL HARRIS, E.M.
Res. Tel. 634-2551

October 21, 1986

THOMAS W. KERR, R.L.S.
Res. Tel. 634-2779

CUTLER UMBACH - REMAINDER

A parcel of land situate in the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 36, T. 18 N., R. 3 E., B.M., Valley County, Idaho, more particularly described as follows:

Commencing at the southeast corner of Section 36, T. 18 N., R. 3 E., B.M., Valley County, Idaho, a brass cap, thence, N. 0° 07' 49" E., 35.00 feet along the east line of said Section 36, to the northerly right-of-way line of Potter Lane, thence, N. 89° 49' 34" W., 974.12 feet along said northerly right-of-way to the centerline of a 35.00 foot wide access and utility easement, The REAL POINT OF BEGINNING:

Thence, N. 2° 30' 00" E., 6.66 feet along said centerline,
thence, 59.04 feet along a curve to the right whose radius is 55.00 feet
and delta angle is 61° 30' 00", along said centerline,
thence, N. 64° 00' 00" E., 238.18 feet along said centerline,
thence, 132.23 feet along a curve to the left whose radius is 120.00
feet and delta angle is 63° 08' 00" along said centerline,
thence, N. 0° 52' 00" E., 303.26 feet along said centerline,
thence, East, 658.25 feet to the east line of said Section 36,
thence, N. 0° 07' 49" E., 2040.46 feet to the east $\frac{1}{4}$ corner of said
Section 36,
thence, N. 89° 51' 33" W., 1322.98 feet to the CE 1/16 corner of said
Section 36,
thence, S. 0° 11' 50" W., 2610.02 feet along the west line of the E $\frac{1}{2}$
of the SE $\frac{1}{4}$ of said Section 36 to the northerly right-of-way of
Potter Lane,
thence, S. 89° 49' 34" E., 351.91 feet to the Point of Beginning,
containing 69.891 acres, more or less.

Bearings based on State Plane Grid Azimuth.

MINING & CIVIL ENGINEERING & SURVEYING

#3

TEL. 634-2686
P.O. BOX 853
McCALL, IDAHO 83638

PHIL HARRIS, E.M.
Res. Tel. 634-2551

October 21, 1986

THOMAS W. KERR, R.L.S.
Res. Tel. 634-2779

CUTLER UMBACH

A parcel of land situate in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 36, T. 18 N., R. 3 E., B.M., Valley County, Idaho, more particularly described as follows:

Commencing at the southeast corner of Section 36, T. 18 N., R. 3 E., B.M., Valley County, Idaho, a brass cap, thence, N. 0° 07' 49" E., 35.00 feet along the east line of said Section 36, to the northerly right-of-way line of Potter Lane, The REAL POINT OF BEGINNING:

Thence, N. 89° 49' 34" W., 974.12 feet along said northerly right-of-way to the centerline of a 35.00 foot wide access and utility easement, thence, N. 2° 30' 00" E., 6.66 feet along said centerline, thence, 59.04 feet along a curve to the right whose radius is 55.00 feet and delta angle is 61° 30' 00", along said centerline, thence, N. 64° 00' 00" E., 238.18 feet along said centerline, thence, 132.23 feet along a curve to the left whose radius is 120.00 feet, and delta angle is 63° 08' 00" along said centerline, thence, N. 0° 52' 00" E., 303.26 feet along said centerline, thence, East, 658.25 feet to the east line of said Section 36, thence, S. 0° 07' 49" W., 570.32 feet to the Point of Beginning, containing 9.483 acres, more or less.

Bearings based on State Plane Grid Azimuth.

#4

MINING & CIVIL ENGINEERING & SURVEYING

TEL. 634-2686
P.O. BOX 853
McCALL, IDAHO 83638

BILL HARRIS, E.M.
Res. Tel. 634-2551

October 21, 1986

THOMAS W. KERR, R.L.S.
Res. Tel. 634-2779

CUTLER UMBACH - POTTER LANE RIGHT-OF-WAY

A parcel of land being the south 35.00 feet of the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 36, T. 18 N., R. 3 E., B.M., Valley County, Idaho, for a public right-of-way, more particularly described as follows:

Commencing at the southeast corner of Section 36, T. 18 N., R. 3 E., B.M., Valley County, Idaho, a brass cap The REAL POINT OF BEGINNING:

Thence, N. 89° 49' 34" W., 1326.08 feet to the E 1/16 corner on the south boundary of said Section 36, a 5/8" rebar,

thence, N. 0° 11' 50" E., 35.00 feet to the northerly right-of-way line of Potter Lane,

thence, S. 89° 49' 34" E., 1326.03 feet along said northerly right-of-way to the east boundary of said Section 36,

thence, S. 0° 07' 49" W., 35.00 feet to The Point of Beginning, containing 1.066 acres, more or less.

Bearings based on State Plane Grid Azimuth.

Idaho Department of Water Resources Receipt

Receipt ID W029866

Payment Amount \$25.00 Date Received 11/14/2002 4:44:51 PM Region Western Status 
Payment Type Check Check Number 117

Payer NIKKEL, WILLIAM AND CRISTINA

Comment C/O Partial Decreed right 65-17854 


Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	OWNERSHIP CHANGES/SECURITY INTERESTS	0229	21	62140	1155

Signature Line (Dept. Representative)

SRBA

SUBCASE SUMMARY REPORT 65-02937B

[Return to SRBA Home Page](#)

SRBA
11-20-2002

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 65-02937B FILE#: 00417
CLAIMANT: UMBACH, CUTLER
PO BOX AN

MC CALL ID 83638
STATUS: UNOBJECTED TO W/R SPECIAL MASTER: BURDICK, HON. ROGER S.
WATER SOURCE: JUG CREEK, LOUIE CREEK

**** PARTIES INVOLVED ****

CUTLER UMBACH C PRO SE
NANCY E UMBACH C PRO SE

**** ROA ENTRIES ****

01-31-2000 NOTICE OF ADMINISTRATIVE PROCEEDING AZ 12-15-2000
12-13-2000 WITHDRAWAL OF APPLICATION FOR TFER
PER LETTER FROM IDWR

[Return to SRBA Home Page](#)

September 29, 1999

NOTICE OF ERROR
REPLY

RECEIVED

OCT 28 1999

WATER RESOURCES
WESTERN REGION

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: 65-02937B

CUTLER UMBACH
NANCY E UMBACH
PO BOX AN
MC CALL ID 83638

Daytime Telephone Number: 208-634-5818

Evening Telephone Number: 208-634-5318

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

Place of use.

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

Place of use should show 25 acres (not 12 acres) in the NE SE, and it should show 29 acres (not 22 acres) in the SE SE, for a total of 54 acres.

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

A total of 54 acres (not 34 acres) is actually being irrigated.

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

DATE: 22 Oct. 1999

SIGNATURE:

Please print your name:

Cutler Umbach *Nancy E. Umbach*
Cutler Umbach Nancy E. Umbach

MILLEMANN, PITTENGER & McMAHAN
ATTORNEYS AT LAW
708 NORTH FIRST
POST OFFICE BOX 1088
MCCALL, IDAHO 83638

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

TELEPHONE (208) 834-7841
FACSIMILE (208) 634-4516
E-MAIL mpm@cyberhighway.net

October 25, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED #Z358048946

State of Idaho Department of Water Resources
SRBA Western Region
P.O. Box 83720
Boise, ID 83720-9815

Re: Application for Transfer of Water Right No. 65-03117B *Steven*
SRBA Notice of Error Reply for Water Right No. 65-03117B *ady*
SRBA Notice of Error Reply for Water Right No. 65-02937B *ady* *SP*

Dear IDWR:

This firm represents Cutler Umbach and Nancy E. Umbach, the applicants under the above-referenced Application for Transfer of Water Right, and the persons signing the two attached SRBA Notice of Error Reply forms. Attached to this cover letter is the original Application for Transfer of Water Right, as well as the two above-referenced original Notice of Error Reply forms. Also accompanying this cover letter is a \$100 check to accompany the Application for Transfer of Water Right.

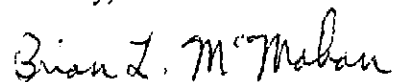
We have also enclosed an extra copy of the first page of the Application for Transfer, as well as extra copies of the two Notice of Error Reply forms. Will you please date stamp those three extra copies showing the date you receive them, then return them to us in the enclosed self-addressed stamped envelope which is provided for your convenience. Then, please process the Application and each of the Notice of Error Reply forms at your earliest convenience. Realizing that you will probably not get the Transfer Application processed prior to the Director's Report for this basin, we request that you file a Notice of Administrative Procedure (NAP) regarding Water Right No. 65-03117B. Again, assuming that the transfer will not be complete prior to the Director's Report, we also anticipate filing an objection to the Director's Report when it is issued in order to allow for the complete processing of the Transfer Application prior to the ultimate issuance of the SRBA decree regarding this water right. In that vein, we would also anticipate filing a motion with the SRBA Court to stay this subcase until complete processing of the Transfer Application. Once the Transfer Application is completely processed, we would then

State of Idaho
Department of Water Resources
Attn: Steve Lester
October 25, 1999
Page 2

anticipate your filing of a Notice of Completed Administrative Procedure (NCAP), and the mutual filing of a Standard Form 5 stipulation to resolve the objection.

We thank you in advance for giving these matters your due consideration at the earliest possible time. We realize that you are extremely busy, so we may be contacting you from time to time regarding the status of these matters. If you have any questions regarding anything at any time, please do not hesitate to call. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Brian L. McMahon".

BRIAN L. McMAHAN

BLM/plp
Encs.
cc: Client w/encs.

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: **A65-02937B**
Date Received: 11/25/1988
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: CUTLER UMBACH 208-634-5818
Address: PO BOX 2329
MC CALL ID 83638
AND/OR
Name: NANCY E UMBACH 208-634-5818
Address: PO BOX 2329
MC CALL ID 83638

2. Date of Priority: SEP 17, 1946

3. Source: JUG CREEK Trib. to: LOUIE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
18N	04E	32		NE	SW		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 FROM STORAGE	04/15	10/15			33.40

7. Total Quantity Appropriated is:
C.F.S. (and/or) 33.40 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
18N	03E	36	NE	SE		IRR FS	12.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
18N	03E	36	SE	SE		IRR FS	22.0
Section Acres							34.0
Total Acres							34.0

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:

ADDRESS CORRECTION 2/11/00 SB

15. Basis of Claim: DECREED

Case Number: 3667

Court :

Decree date: / /

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

In Re SRBA
Case No. 39576

NOTICE OF ADMINISTRATIVE PROCEEDING

Page 1

INSTRUCTIONS FOR MAILING

Mail this form, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

CERTIFICATE OF MAILING

I certify that on December 15, 1999, I mailed the original and copies of this form, to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707
2. One Copy to:
~~Claimant/Seller for Substitution of Party or attorney of record:~~
Cutler and Nancy E Umbach
PO Box 172
Mc Call ID 83638
3. One Copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A
4. One copy to:
Each party in the subcase, or attorney of record :
Brian L Mc Mahan
Millemann, Pittenger & Mc Mahan
706 N First
PO Box 1066
Mc Call ID 83638


Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

November 21, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

WILLIAM A NIKKEL
CRISTINA S NIKKEL
292 POTTER LN
MC CALL ID 83638

RE: Water Right No. 65-2937B

Dear Property Owner(s):

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

This change of ownership information has also been forwarded to our State Office to process water right number 65-17854, as it has already been decreed by the SRBA Court.

In reviewing this change of ownership, it was discovered that we are unable to change water right number 65-3117B at this time. The legal description on the deed submitted does not match the Place of Use on the water right. In addition, this water right is currently in the name of Alan W Busby, per a change of ownership from Cutler and Nancy Umbach to Mr. Busby processed in November, 2000. If you have any additional information regarding this particular water right transfer, please contact this office.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Hatfield".

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region

DH: dh

Enclosures

cc: Cutler and Nancy Umbach



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



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

December 12, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVE N
PO BOX 2707
TWIN FALLS ID 83303-2707

RE: Water Right No. 65-02937B

To Whom It May Concern:

Per the enclosed copy of Notice of Administrative Proceeding form, the Application for Transfer referenced has been withdrawn.

If you have any questions regarding this letter, feel free to contact this office at (208) 334-2190.

Sincerely,

A handwritten signature in cursive script that reads 'Denise Buffington'.

Denise Buffington
Office Specialist I
Adjudication Section
Western Region

DB:db

Enclosures

cc: Brian L McMahan

RECEIVED

SEP 26 2000

WATER RESOURCES
WESTERN REGION

McCall, Idaho
Sept. 25, 00 .

Dear John:

I am enclosing a copy of the Certificate of Incorporation for the Jug Creek Reservoir share-holders. I would appreciate it if you would get it to the proper place in your department.

Thank you.

Del Catlin
Del Catlin



CERTIFICATE OF INCORPORATION
OF

JUG CREEK RESERVOIR, INC.

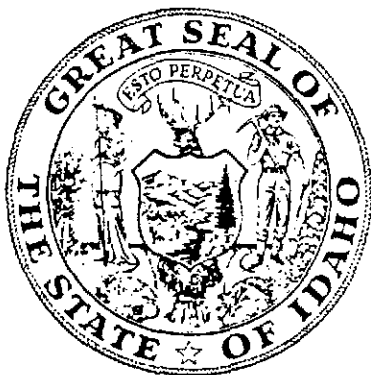
I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that
duplicate originals of Articles of Incorporation for the incorporation of _____

JUG CREEK RESERVOIR, INC.

duly signed pursuant to the provisions of the Idaho Nonprofit Corporation Act, have been received
in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of
Incorporation and attach hereto a duplicate original of the Articles of Incorporation.

Dated _____ September 3, 1985 _____, 19 _____.



Pete T. Cenarrusa

SECRETARY OF STATE

Vicki Rast

Corporation Clerk

RECEIVED

JAN 10 2000

AJ0749NP
No. 65-029378IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)DATE: 01/06/00
PAGE: 1WATER RESOURCES
WESTERN REGION

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CUTLER UMBACH	09/17/1946	IRRIGATION STORAGE	01-01 12-31		33.40 AFA
C	NANCY E UMBACH PO BOX 2329 MC CALL ID 836382329 (208) 634-5818		IRRIGATION FROM STORAGE	04-15 10-15		33.40 AFA
TOTAL DIVERSION:						33.40 AFA

Water Source: JUG CREEK

Tributary to: LOUIE CREEK

Stage: DECREEED

Point(s) of Diversion: T18N R04E S32 NESW

VALLEY County

Place of use Legal Description for: IRRIGATION FROM STORAGE

NE				NW				SW				SE			
T	R	S	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
18N	03E	36	:	:	:	:	:	:	:	:	:	:	:	:	:
												12	22	34.0	
												TOTAL ACRES		34.0	

POU County: VALLEY

Conditions of Approval:

- C18 - THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
- NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
 - ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
 - DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
 - ENTRY OF A FINAL UNIFIED DECREE, SECTION 42-1412(6) IDAHO CODE.

Remarks: EXP RIGHT NO.65-02937A IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

Comments: Date: 09/21/1999 User-ID: SBOCK Subject: STORAGE
YEAR ROUND STOR FOR IRR WAS ADDED TO THIS RIGHT SINCE IT IS NO
LONGER A GEN PROVISION IN THE SRBA

Date: 09/24/1999 User-ID: AJU10-JS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART
OF RECORD THRU AJU10.

Date: 01/06/2000 User-ID: SSHERMAN Subject: ADDRESS CHANGE

AJ0749NP
No. 65-02937B

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

DATE: 01/06/00
PAGE: 2

=====

Comments: Date: 01/06/2000 User-ID: SSHERMAN Subject: ADDRESS CHANGE
ADDRESS CHANGE BY CLAIMANT NOTE.

Audit: 60/00/10 SSHERMAN

RECEIVED

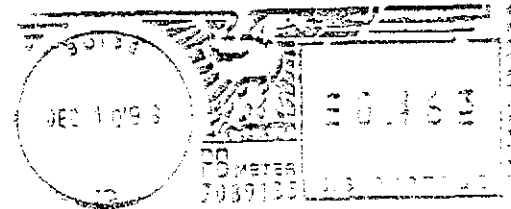
DEC 23 1999

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

ADDRESS SERVICE
REQUESTED

PRESORTED
FIRST CLASS



~~RETURN SERVICE REQUESTED~~

IMPORTANT WATER RIGHT INFORMATION

+ 65-17854, -00800, -03117B

*records modified, NCAT prepared.
- po 1-6-2k*

65-02937B
CUTLER UMBACH
NAICU UMBACH
PO BOX ~~2329~~
MC CALL ID 83638

UMBA000 836382221 1699 05 12/16/99
FORM 3517
UMBACH
PO BOX 2329
MC CALL ID 83638-2329

83638X000



*Please change your
records of this address
as indicated*
↑

*Thank
you*

*W.A. has cy.
65-00800
65-12990*

PLEASE NOTE ADDRESS CHANGE:

Cutler Umbach
P.O. Box 2329
McCall ID 83638



65-02931B

✓ -17854

✓-00800

✓-0311B

State of Idaho
Dept. of Water Resources
1301 N. Orchard
P.O. Box 83720

Burien, Id 83720-0098

83720/0098 

DATE: 09/21/99
PAGE: 1

Audit: 09/21/99 SBOCK

DATE: 03/05/99
PAGE: 32

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

ERHS

10:29:30
07/08/99
17

CLAIM NUMBER: A65-02937B

Field Inspection Flag:
Presumption Flag:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:29:07
07/08/99

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A65-029378

LAST: HEIKKILA
ADDRESS: RT 1 BOX 94
CITY: MC CALL
PHONE NUMBER: 208-000-0000

FIRST: VERNON
STATE: ID ZIP: 83638

OWNER CODE: 0

LAST: HEIKKILA
ADDRESS: ROUTE #1 BOX 94
CITY: MC CALL
PHONE NUMBER: 208-000-0000

FIRST: IRENE
STATE: ID ZIP: 83638

OWNER CODE: 0

LAST: STOKES
ADDRESS:
CITY: N/A
PHONE NUMBER: 208-000-0000

FIRST: ELIZABETH C
STATE: ID ZIP: 00000

OWNER CODE: 0

LAST: STOKES
ADDRESS:
CITY: N/A
PHONE NUMBER: 208-000-0000

FIRST: WILLIAM S
STATE: ID ZIP: 00000

OWNER CODE: 0

LAST: UMBACH
ADDRESS: PO BOX AN
CITY: MC CALL
PHONE NUMBER: 208-634-5818

FIRST: CUTLER
STATE: ID ZIP: 83638

OWNER CODE: C

LAST: UMBACH
ADDRESS: PO BOX AN
CITY: MC CALL
PHONE NUMBER: 208-634-5818

FIRST: NANCY E
STATE: ID ZIP: 83638

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

PAGE: 2
FIELD EXAMINATION INFORMATION

2
CLAIM NUMBER: A65-02937B

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: __/__/__

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A65-02937B PRIORITY DATE: 09-17-1946 STAGE: D

B. WR RECORD: # 65-02937 PRIORITY DATE: 09-17-1946 STAGE: D

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:

09-17-1946

REVIEWED BY JB

DATE 7/8/99

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
A65-02937B	18N 04E	32		NE	SW			VALLEY		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A65-02937A NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: JUG CREEK

TRIB: LOUIE CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
65-02937	18N 04E	32		NE	SW			VALLEY		

OTHER WR RECORDS WITH SAME WR POD
NONE

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
A65-02937A NONE

SOURCE: JUG CREEK

TRIB: LOUIE CREEK

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 Done) Y() N()

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

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

=====

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

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
18N	04E	32		NE	SW			VALLEY		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: JUG CREEK

TRIB: LOUIE CREEK

REVIEWED BY: SB

DATE: 7/8/99

=====

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

A. ROOT WATER RIGHT NUMBERS: A65-02937A
A65-02937B

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
18N	03E	36	NE	SE		UMBACH, CUTLER	A65-02937B / 12.0	- /	38.0		
			NE	SE		HEIKKILA, VERNON		65-02937 / 12.0			12
18N	03E	36	SE	SE		UMBACH, CUTLER	A65-02937B / 22.0	- /	32.0		
			SE	SE		UMBACH, CUTLER	A65-17854 /	- /			22
			SE	SE		UMBACH, CUTLER	65-17854 /	- /			
			SE	SE		HEIKKILA, VERNON		65-02937 / 22.0			

ADDITIONAL POU FOUND

TOTAL ACRES A65-02937B 34.00 70.00

POU COUNTY: VALLEY

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

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A65-17854	DOMESTIC	UMBACH, CUTLER	FROM 01-01 TO 12-31	0.040 CFS	
A65-17854	STOCKWATER	UMBACH, CUTLER	FROM 01-01 TO 12-31	0.030 CFS	
65-17854	DOMESTIC	UMBACH, CUTLER	FROM 01-01 TO 12-31	0.040 CFS	
65-17854	STOCKWATER	UMBACH, CUTLER	FROM 01-01 TO 12-31	0.030 CFS	

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. _____; () ASCS PHOTO; () OTHER _____

NOTES: _____

RECOMMENDATIONS:

TOTAL ACRES: 54 N/A()

REVIEWED BY:

DATE: 7/8/99

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-02937B IRRIGATION FROM STORAGE	FROM 04-15 TO 10-15		33.40 AF/A
TOTAL DIVERSION RATE/VOLUME			33.40 AF/A

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-02937 IRRIGATION FROM STORAGE	FROM 04-15 TO 10-15		66.79 AF/A
TOTAL DIVERSION RATE/VOLUME			66.79 AF/A

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

10

CLAIM NUMBER: A65-029378

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 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 _____, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

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

1b. CALCULATIONS

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

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

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 33.40 AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A

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

TOTAL CONSUMPTIVE USE _____ AF/A

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

NOTES: The deal split this season right in half

WR RECORD CONDITIONS/REMARKS:

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 FROM STORAGE	04-15	10-15	DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
					33.40		0.0	
TOTAL FOR THIS RIGHT					33.40		0.0	

NON-IRRIGATION USES CLAIMED:

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REVIEWED BY: _____ DATE: _____

FLAG: _____

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

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: 65-02937

TOTAL DIVERSION RATE OF WR SPLITS DATABASE EXAMINER CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A65-02937	A65-02937A		-		65-02937	
-	A65-02937B		-		-	

TOTAL CFS

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 FIELD
Y EXAMINER
Y() N()

NOTES:

Split Equally

AUTHENTICATION:

SIGNATURE: *Jim Boer* DATE: 7/8/99

NAME OF FIELD EXAMINER: _____ TITLE: _____

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()
() NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() 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>GIS Map</u>	DATE <u>7/2/99</u>	Y(X) N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() 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 _____	_____	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
() OTHER _____	DATE _____	_____	_____
() OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:29:07
07/08/99

PAGE: 16
QUICKLOOK INFORMATION

16
CLAIM NUMBER: A65-02937B

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				N	Draper 7-8-99	7-8-99		
POINT OF DIV								
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE								
PURPOSES OF USE								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS								

BARCODE UPDATED
WHOM/DATE



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

June 25, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Cutler Umbach
Nancy E Umbach
PO Box AN
Mc Call ID 83638

Re: Original Notice of Claim to a Water Right No. A65-02937

Renumbered Notice of Claim to a Water Right No. A65-02937B

Dear Mr. & Mrs. Umbach:

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number 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.

Your portion of this 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. You will be notified of any future action taken on this claim.

Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

Denise Buffington
Records Clerk
Adjudication Section
Western Region

DB:d

Enclosure

SEE ORIGINAL CLAIM FILE DOCUMENTS IN

CLAIM NO. A65-02937

RECEIVED

APR 27 1998

WATER RESOURCES
WESTERN REGION

MILLEMANN, PITTENGER & McMAHAN, LLP
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

April 23, 1998

CERTIFIED MAIL - RETURN RECEIPT REQUESTED #P163163397

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

Re: SRBA Claim No. A65-03117, and SRBA Claim No. A65-02937

Dear Denise:

This letter will follow my letter to you dated January 8, 1998, regarding SRBA Claim No. A65-03117, and your subsequent telephone conversation with my secretary, Patti, on February 12, 1998. You indicated that the processing of the Notice of Change of Water Right Ownership form accompanying my January 8th letter could not be accomplished until your records reflected the Umbach's ownership of the subject water right. Accordingly, attached to this cover letter is a Notice of Change of Water Right Ownership form showing the change of the water right ownership from the Potters to the Umbachs. The Umbachs inadvertently did not have the appropriate water right ownership change forms filed back in 1989 when they purchased the subject property. In any event, with the attached Notice regarding SRBA Claim No. A65-03117, it is my understanding that you can now complete the chain of title and process not only the enclosed Notice, but also the Notice enclosed with my January 8th letter regarding the Umbach/Busby change. If my understanding is in error, or if you have any difficulties in making all of these changes, please let me know as soon as possible.

While doing the research and gathering the documentation for the chain of title on SRBA Claim No. A65-03117, it also came to our attention that the chain of title had not been updated for SRBA Claim No. A65-02937, either. Accordingly, also accompanying this cover letter is a Notice of Change of Water Right Ownership form showing the change from Stokes to Umbach regarding A65-02937. Again, if you have any difficulty in processing that Notice, please let me know at your earliest convenience.

State of Idaho Department of Water Resources

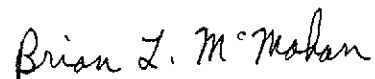
Attn: Denise

April 23, 1998

Page 2

Finally, once you have processed all of these Notices, would you please send me an updated adjudication claim profile report and/or other confirmation for each of the claims showing the new ownerships? Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Brian L. McMahon".

BRIAN L. McMAHAN

BLM/pld

Encs.

Idaho Dept of Water Resources

Claim No(s): 65-02937B

Claimant(s) Umbach

T18N, R03E, S 36

Prepared by: Sue Bock

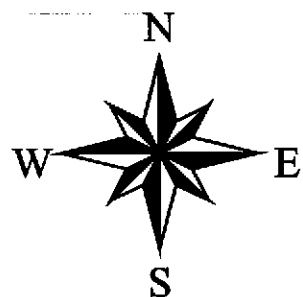
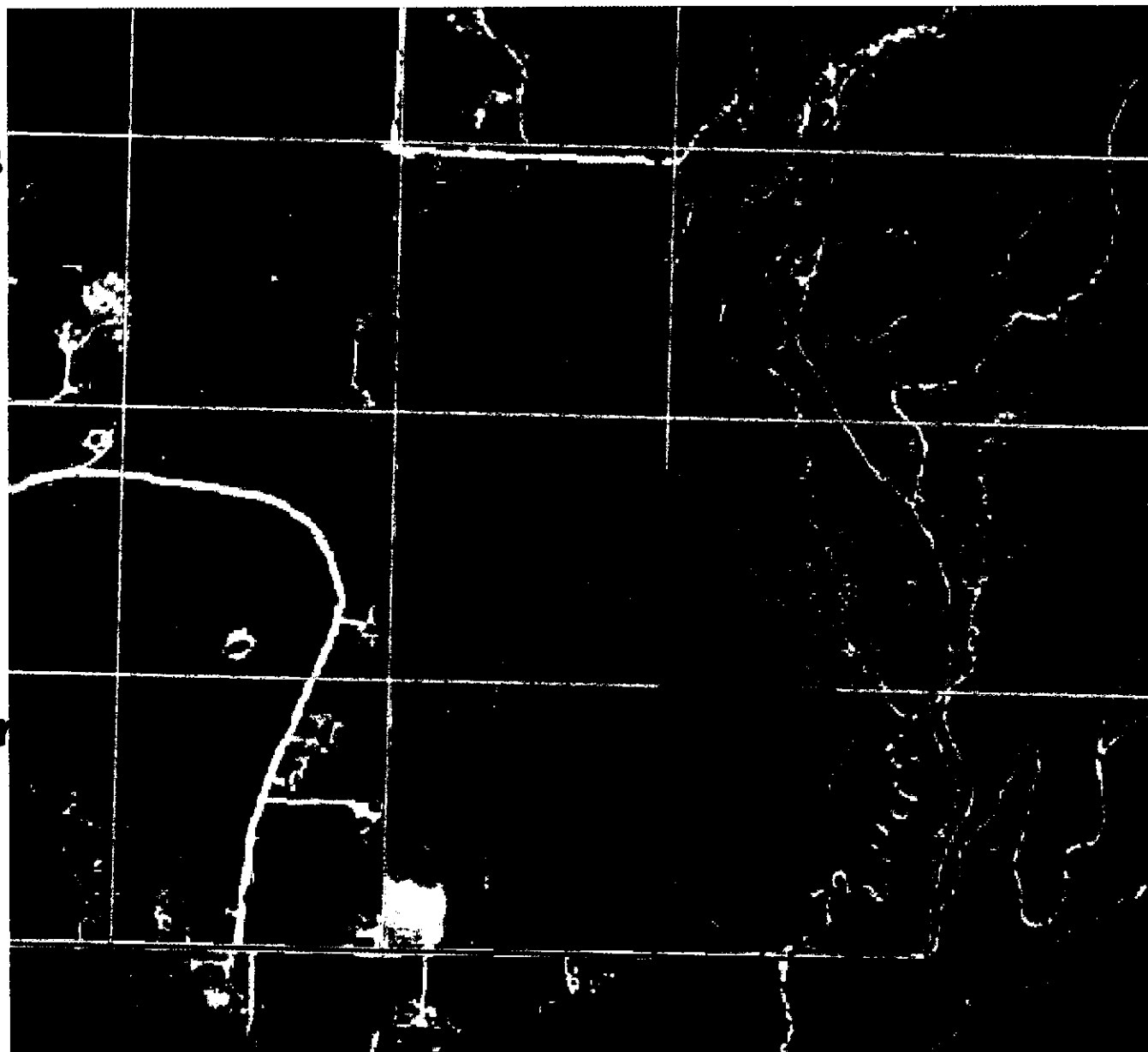
Date: 07/08/1999

 Place of Use

 Point of Diversion

 Section lines

1/4 1/4 lines



1987 NAPP Photo

WESTERN REGION

OWNER (S): LS-62932B Umbach

CLAIM NUMBERS: _____

AGENT: Sue Bock

DATE 7/8/99

RIGHT NO					NE				NW				SW				SE			
	TSP	RNG	SEC		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
P.O.D.	TOWNSHIP				RANGE				SEC.				SOURCE							

POLYGON CREATED ON 332

POLYGON # () () () () UPDATED BY sue

ATTRIBUTES OF B65-POU.SHP (68) () () () ()

ATTRIBUTES OF B65-POD.SHP (71) () () () ()

X B65-DBPOU.DBF UPDATED BY sue

X B65-DBPOD.DBF UPDATED BY sue

NOTES:
