

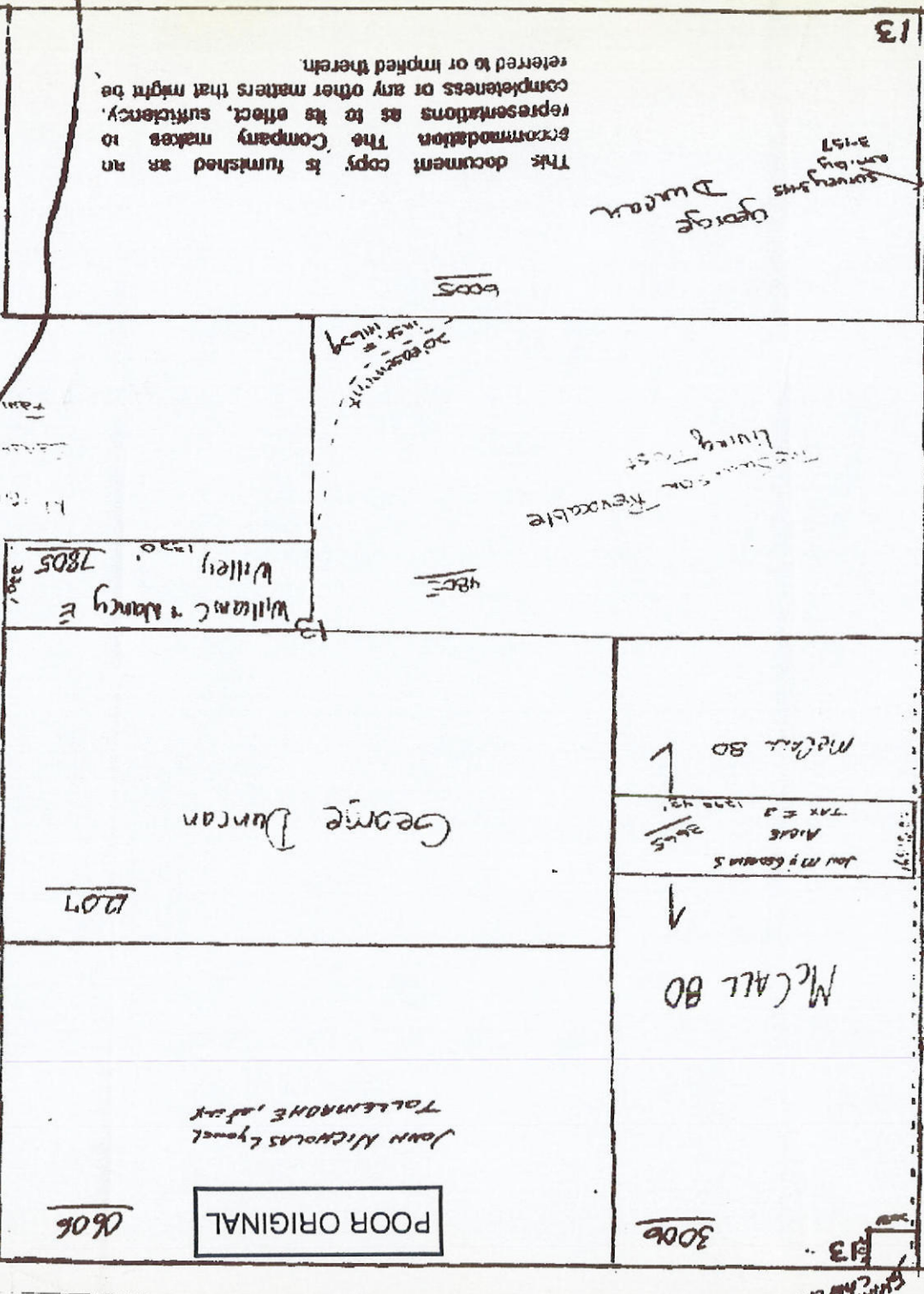
JUN-06-1995 16:37

FROM CITY FILE 21 CHISHOLM RLY TO

3824210 P.04

10	4266	Wm. E. E. Berry Blvd	4266	5007
11	9515	Dee H. H. Berry Blvd	9515	5007
12	9515	Dee H. H. Berry Blvd	9515	5007
13	9515	Dee H. H. Berry Blvd	9515	5007
14	9515	Dee H. H. Berry Blvd	9515	5007

15	1205	McCall BO	1205	1205
16	1205	McCall BO	1205	1205
17	1205	McCall BO	1205	1205
18	1205	McCall BO	1205	1205
19	1205	McCall BO	1205	1205



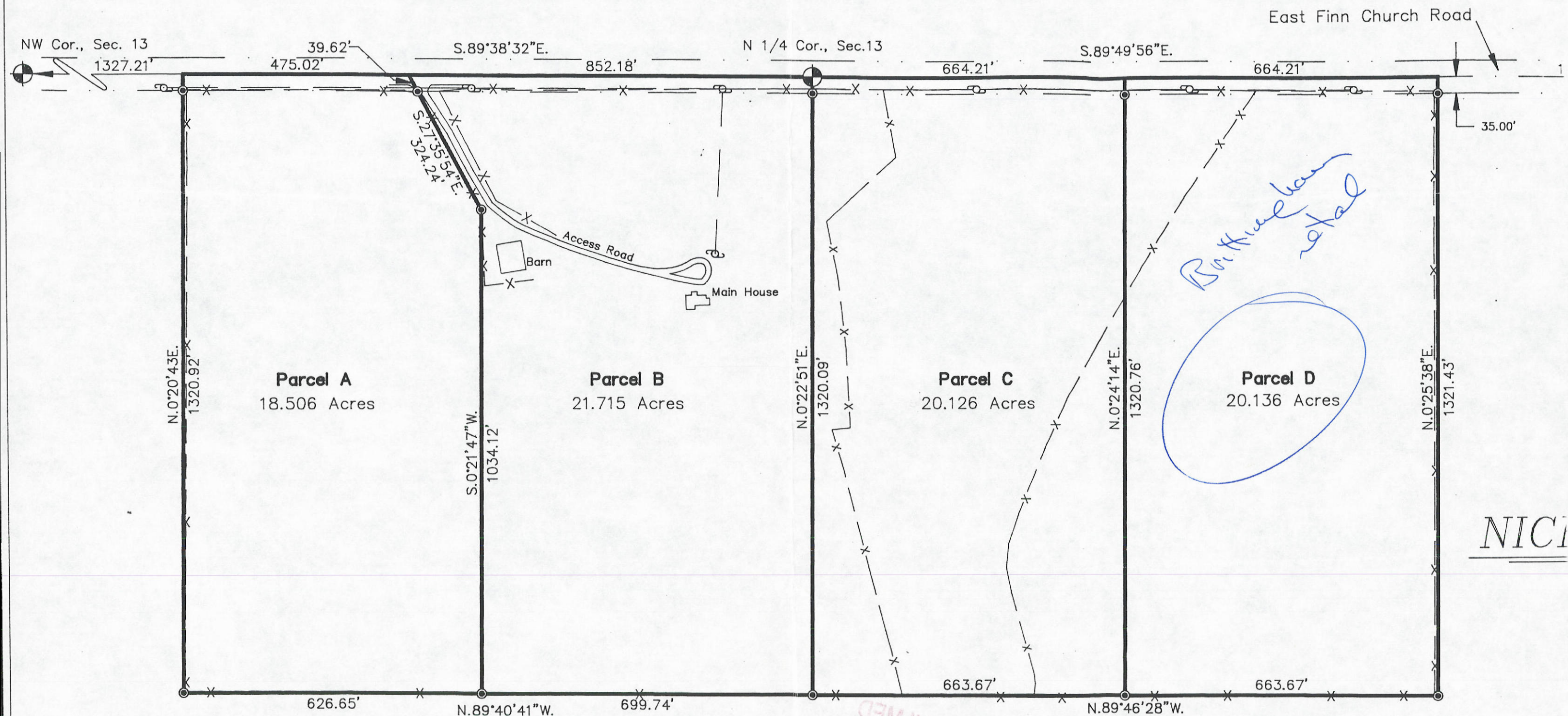
This document copy is furnished as an
examination. The Company makes no
representations as to its effect, sufficiency,
completeness or any other matters that might be
referred to or implied therein.

George Duncan
Surveyors
2-157

MAP FROM MATO TITLE.

POOR ORIGINAL

TOTAL P.04



SECTION BREAKDOWN DETAIL

Found 2 1/2" brass cap
CP&F inst.# 178439

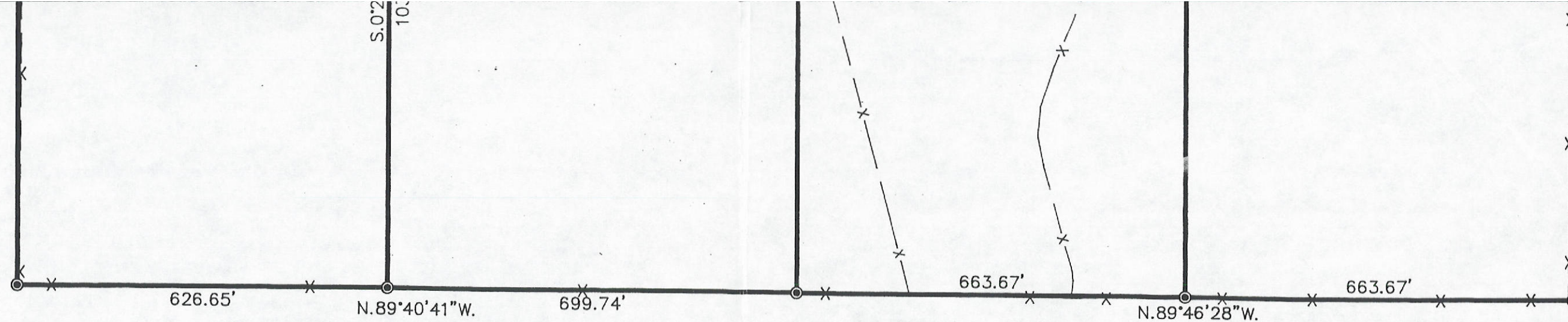
Found 3 1/4" aluminum cap
CP&F inst.# 190513

Found 3 1/4" aluminum cap
CP&F inst.# 207868

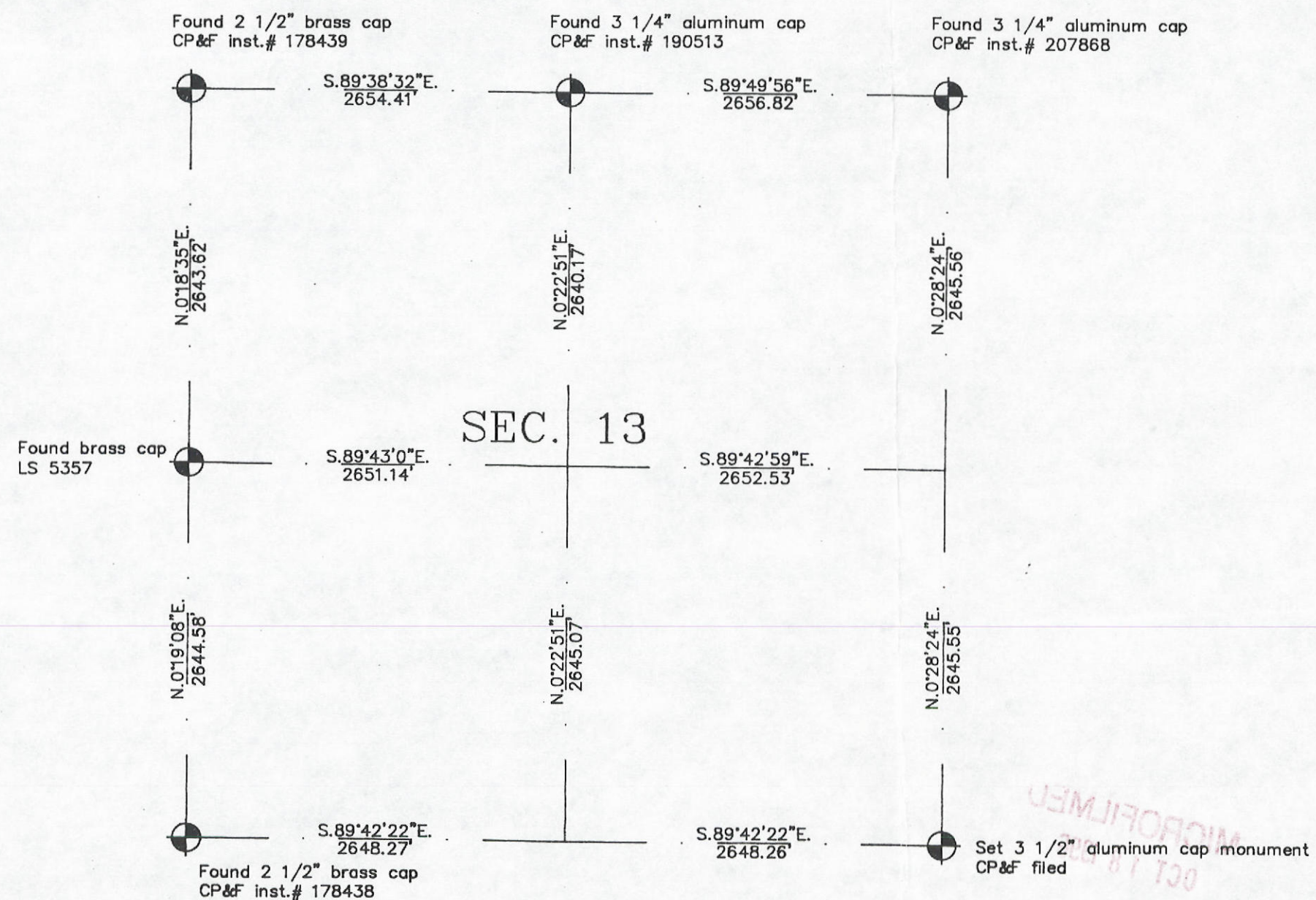
S.89°38'32"E.
2654.41'

S.89°49'56"E.
2656.89'

NIC



SECTION BREAKDOWN DETAIL

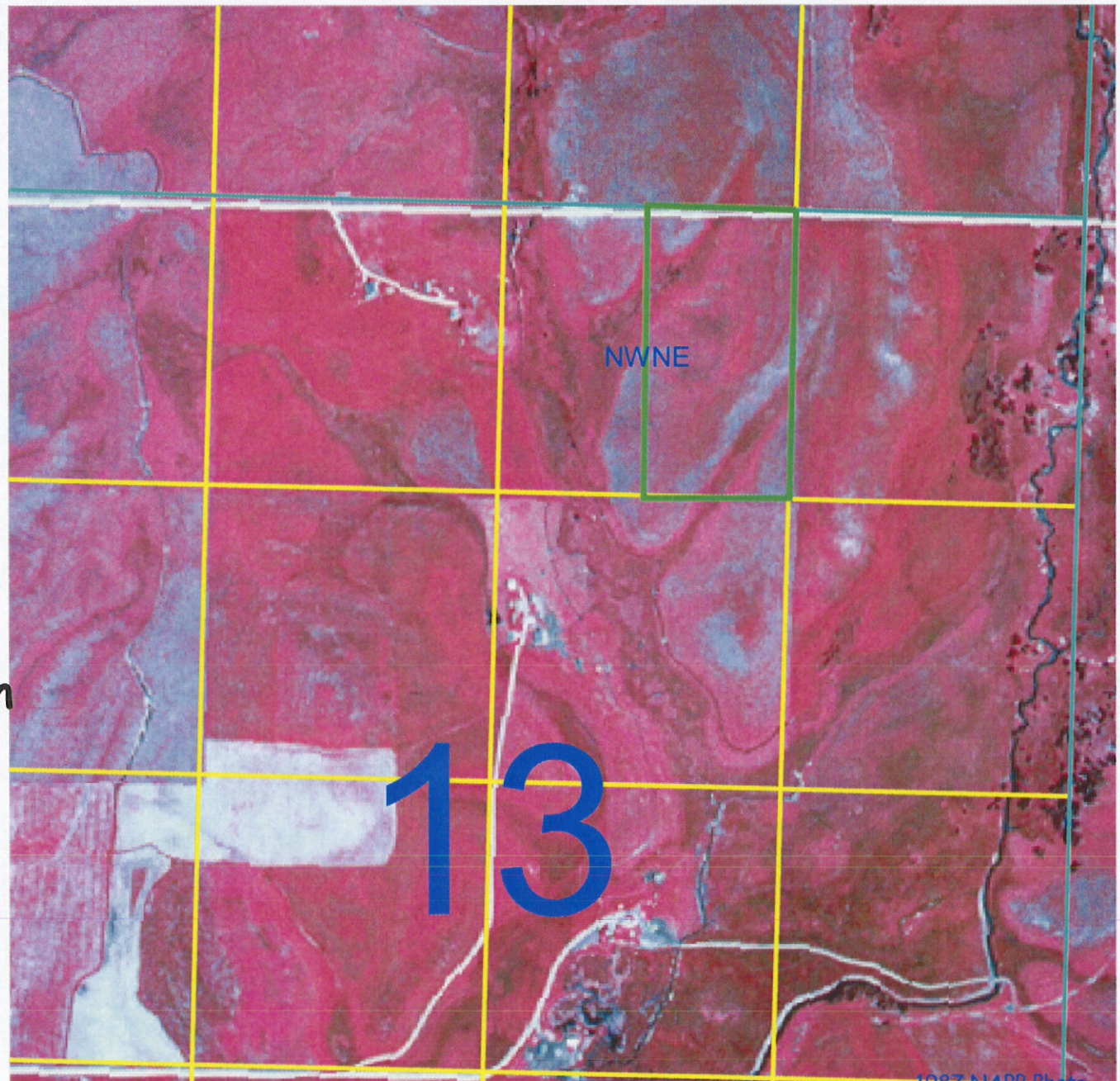


DRAWN: R. Miller DATE: 5/24/95 SHEET: 1 of 1
RSI # 95-16 (94-7, 92-69, 90-25b)

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notes to
May 19
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said fiel

Idaho Dept of Water Resources

Claim No(s): 65-02943P
Claimant(s) Brittingham/
Remsen
T17N, R03E, S 13
Prepared by: Sue Bock
Date: 07/19/1999



-  Place of Use
-  Point of Diversion
-  Section lines
-  1/4 1/4 lines



0 0.25 0.5 0.75 Miles

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: **A65-02943P**
Date Received: 11/10/1988
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: T. SCHENCK REMSEN 208-634-3238
Address: PO BOX 450
MC CALL ID 83638
OR
Name: JEANNE BRITTINGHAM 208-634-3238
Address: PO BOX 450
MC CALL ID 83638

2. Date of Priority: DEC 31, 1949

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
17N	04E	5	NE	NW		3	VALLEY

5. Description of diverting works:
HEADGATE, 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			11.10

7. Total Quantity Appropriated is:
C.F.S. (and/or) 11.10 A.F.A.

8. Total consumptive use is 40.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	03E	13	NW	NE		IRR FS	20.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	20.0
					Total Acres	20.0

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:
65-02308

14. Remarks:

WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.
SEE ATTACHMENTS.

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION
OF CLAIM NO. A65-02943D, FEE PAID UNDER RECEIPT NO. W001363.

KW 2/5/1996

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION
OF CLAIM NO. A65-02943M. KW 2/5/1996
OWNERSHIP CHANGE 11/5/99 SB

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

RECEIVED

NOV 01 1999

WATER RESOURCES
WESTERN REGION

QUITCLAIM DEED

For Value Received, THOMAS A. TUCKER AND JEAN ANN TUCKER AS CO-TRUSTEES OF THE TUCKER FAMILY TRUST (OF JULY 17, 1992)

hereby conveys, releases, remises and forever quits claim unto
JEANNE BRITTINGHAM AND T. SCHNECK-REMSEN AS JOINT TENANTS
T. SCHENCK

whose address is : P.O. BOX 450 MCCALL, IDAHO 83638
the following premises, to wit:

SEE ATTACHED AS EXHIBIT "A"

THE PURPOSE OF THIS QUITCLAIM DEED IS TO RELEASE ANY INTEREST OF
THE TUCKER FAMILY TRUST.

Dated:

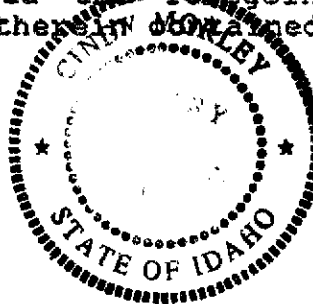
TUCKER FAMILY TRUST, OF JULY 17, 1992

Thomas A. Tucker *Jean Ann Tucker* trustee
BY: Thomas A. Tucker, Trustee Jean Ann Tucker, Trustee

State of *Idaho*)
County of *Valley*) ss

On the *5th* day of *Sept.*, 1994 before me, *the undersigned*
a notary public in and for said State,
personally appeared *Thomas A. Tucker, Jean Ann Tucker* being
by me first duly sworn, declared that they are Trustees of the
Tucker Family Trust that they signed the foregoing document as the
Trustees and that statements therein contained are true.

Cindy D. Bailey
Notary Public
Residing at: *Valley County*
Commission Expires: *2-13-1997*



REC'D BY

1995

FILE ROOM

EXHIBIT A

A parcel of land, the E1/2 NW1/4 NE1/4, Section 13, Township 17 North, Range 3 East, Boise Meridian, Valley County, Idaho, more particularly described as follows:

Commencing at the N1/4 corner of said Section 13, thence along the line common to Sections 12 and 13, S. 89° 49' 56" E, 664.21 feet, the point of beginning; thence, departing said Section line, S 0° 24' 14" W., 1320.76 feet to a point; thence, S 89° 46' 28" E. 663.67 feet to a point; thence, N 0° 25' 38" E., 1321.43 feet to a point; thence, along the line common to Sections 12 and 13, N. 89° 49' 56" W., 664.21 feet back to the real point of beginning.

95 JAN 30 PM 10 36
MOUNTAIN TITLE & ESTATE
RECORDED BY

216150
Book #10
RECORDED
BY
6.00

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: A65-02943P
Date Received: 11/10/1988
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JEANNE BRITTINGHAM 208-634-3238
Address: PO BOX 450
MC CALL ID 83638
OR
Name: T. SCHENCK REMSEN 208-634-3238
Address: PO BOX 450
MC CALL ID 83638
OR
Name: TUCKER FAMILY TRUST 208-634-3238
Address: PO BOX 450
MC CALL ID 83638

2. Date of Priority: DEC 31, 1949

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
17N	04E	5	NE	NW		3	VALLEY

5. Description of diverting works:
HEADGATE, 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			11.10

7. Total Quantity Appropriated is:
C.F.S. (and/or) 11.10 A.F.A.

8. Total consumptive use is 40.0 Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED
OCT 18 1996

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	03E	13	NW	NE	IRR FS	20.0

Section Acres 20.0

Total Acres 20.0

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:
65-02308

14. Remarks:

WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.
SEE ATTACHMENTS.

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION
OF CLAIM NO. A65-02943D, FEE PAID UNDER RECEIPT NO. W001363.
KW 2/5/1996

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION
OF CLAIM NO. A65-02943M. KW 2/5/1996

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

MICROFILMED
OCT 18 1996

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 _____

MICROFILMED
OCT 18 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

RECEIVED

DATE OF CLOSING: July 11, 1995

SEP 01 1995

LEGAL DESCRIPTION OF PROPERTY: Township 17 N Range 3 EastSection 13, East 1/4 of NW 1/4 of NE 1/4, Govt. Lot _____, BM.

Lot _____, Block _____, Subdivision/Townsite _____

WATER RESOURCES
WESTERN REGION

If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: 40
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): (John N.L.)
Nicholas John + Dietrich Tollemache
- ☐ New Owner/Claimant (Purchaser): Jeanne Brittingham, T. Schenck Damson
Thomas A + Jean Ann Tucker
- ☐ New Mailing Address: Box 450
McCall ID 83638
- ☐ New Telephone Number: (208) 634-3238
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
1/2 of all shares Grants held in
Boulder Irrigation Co. (or)
1/2 of 67 1/2 Louie Lake + 67 1/2 Ditch
- ☐ Attach proof of ownership, describe proof attached: Warranty Deed + Ditch Co. Certificate
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- ☐ Signature of New Owner/Claimant(s): Jeanne Brittingham Date 24 August 1995
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 2-5-96 By: kw

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

Claim Numbers of Split, if any:

MICROFILMED
OCT 18 1996Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

INSTRUCTIONS

RECEIVED
2001 1 10 11:12
This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

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

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

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

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

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

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

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

RECEIVED
2001 1 10 11:12
The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

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

RECEIVED

SEP 01 1995

WATER RESOURCES
WESTERN REGION

WARRANTY DEED

FOR VALUE RECEIVED, JOHN NICHOLAS LYONEL TOLLEMACHE and DIETLINDE MARIANNE HANNELORE TOLLEMACHE, husband and wife, the grantors, do hereby sell and convey unto JEANNE BRITTINGHAM, a single woman, the grantee, ~~XXXXXX~~ and T. SCHENCK REMSEN, as joint tenants, an undivided one-half interest; Thomas A. Tucker and Jean Ann Tucker as

P.O. Box 450 McCall, Idaho
83438

co-trustees of the TUCKER FAMILY TRUST (of July 17, 1992) as joint tenants the following described premises, to-wit: with rights of survivorship

A parcel of land, the E1/2 NW1/4 NE1/4, Section 13, Township 17 North, Range 3 East, Boise Meridian, Valley County, Idaho, more particularly described as follows:

Commencing at the N1/4 corner of said Section 13, thence along the line common to Sections 12 and 13, S. 89° 49' 56" E., 664.21 feet, the point of beginning; thence, departing said Section line, S. 0° 24' 14" W., 1320.76 feet to a point; thence, S. 89° 46' 28" E., 663.67 feet to a point; thence, N. 0° 25' 38" E., 1321.43 feet to a point; thence, along the line common to Sections 12 and 13, N. 89° 49' 56" W., 664.21 feet back to the real point of beginning.

Subject to the 35 foot right-of-way along the northern boundary for Finn Church Lane.

Granting also unto the Grantee One half (1/2) of all of the shares Grantors now hold in the Boulder Irrigation Company.

Subject to the following restrictions which shall run with the land:

1. No metal building may be constructed, or placed, on the premises.
2. Recreational vehicles on the property are to be kept in fully enclosed buildings.
3. No trailers, mobile, modular or manufactured homes shall be allowed.
4. Structures are to be earth toned colors and if metal roofs are used they shall be colored steel and not galvanized metal.
5. Only underground utilities are to be used, if approved and allowed by utility company.

continued

MICROFILMED
OCT 18 1995

SUBJECT TO:

1. General taxes for the year 1995, a lien, not yet due or payable.
2. Subject to any easements of use or of record.
3. Subject to the right powers and easements of Boulder Creek Irrigation District as shown on Warranty Deed, Instrument #174001, recorded on July 2nd, 1990.

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

DATED: 21st June, 1995.

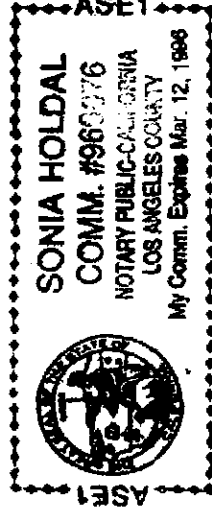
[Signature]
JOHN NICHOLAS LYONEL TOLLENMACHE

[Signature]
DIETLINDE MARIANNE HANNELORE TOLLENMACHE

STATE OF California) ss.
County of Los Angeles)

On this 21st day of June, 1995 before me, a Notary Public in and for said State, personally appeared JOHN NICHOLAS LYONEL TOLLENMACHE and DIETLINDE MARIANNE HANNELORE TOLLENMACHE, husband and wife, known or identified to me to be the persons whose names are subscribed to the within and foregoing instrument, and acknowledged to me that they executed the same.

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



[Signature]
Notary Public for
Residing at: Los Angeles
My Commission Expires: 03-12-1998

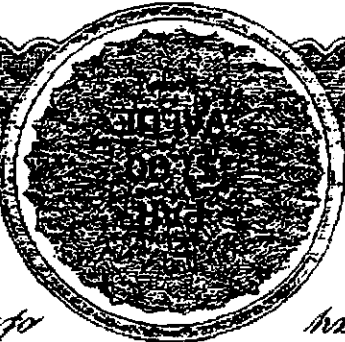
NOTARIAL PUBLIC
OCT 18 1996

211982
TYPE: Warranty Deed
LELAND HEINRICH
VALLEY COUNTY RECORDER
BY: *[Signature]*
FEE: 6.00

'95 JUL 11 PM 1 08

REQUESTED BY _____
RECORDED

RECORD IN TITLE & E.



Wm. H. Dyer
PRESIDENT

Frank B. Dyer
SECRETARY

RECORDED
OCT 1 1910

In Witness Whereof, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed this 16th day of July A.D. 1910

transferable only on the books of the Corporation, by the holder hereof in person or by attorney upon surrender of this Certificate properly endorsed.

BOULDER IRRIGATION COMPANY

registered holder of 27 1/2 Louis Lake + 67 1/2 Ditch
shares
is the

NON-ASSESSABLE

FULLY PAID



INCORPORATED UNDER THE LAWS OF IDAHO

SCHEDULE A

Order No.: Brittingham/

Policy No.: O-9993-129513

Date of Policy: July 11, 1995

Amount of Insurance: \$ \$114,000.00

1. Name of Insured:

***See No. 3 Below

2. The estate or interest in the land which is covered by this policy is:

Fee Simple in and to the surface rights, excepting therefrom any and all interest in and to oil, gas, mineral like substances together with all rights incidental thereto, that may have been theretofore conveyed or reserved for which there has been no search of the public records and for which no insurance is provided hereunder.

3. Title to the estate or interest in the land is vested in:

*** Jeanne Brittingham, a single woman and T. Schenck as joint tenants, an undivided one-half interest; Thomas A. Tucker and Jean Ann Tucker as co-trustees of the Tucker Family Trust (of July 17, 1992) as joint tenant with rights of survivorship.

4. The land referred to in this policy is described as follows:

A parcel of land, the E1/2 NW1/4 NE1/4, Section 13, Township 17 North, Range 3 East, Boise Meridian, Valley County, Idaho, more particularly described as follows:

Commencing at the N1/4 corner of said Section 13, thence along the line common to Sections 12 and 13, S. 89° 49' 56" E, 664.21 feet, the point of beginning; thence, departing said Section line, S 0° 24' 14" W. ,1320.76 feet to a point; thence, S 89° 46' 28" E. 663.67 feet to a point; thence, N 0° 25' 38" E., 1321.43 feet to a point; thence, along the line common to Sections 12 and 13, N. 89° 49' 56" W., 664.21 feet back to the real point of beginning.

MICROFILMED
OCT 18 1996

Policy No.:

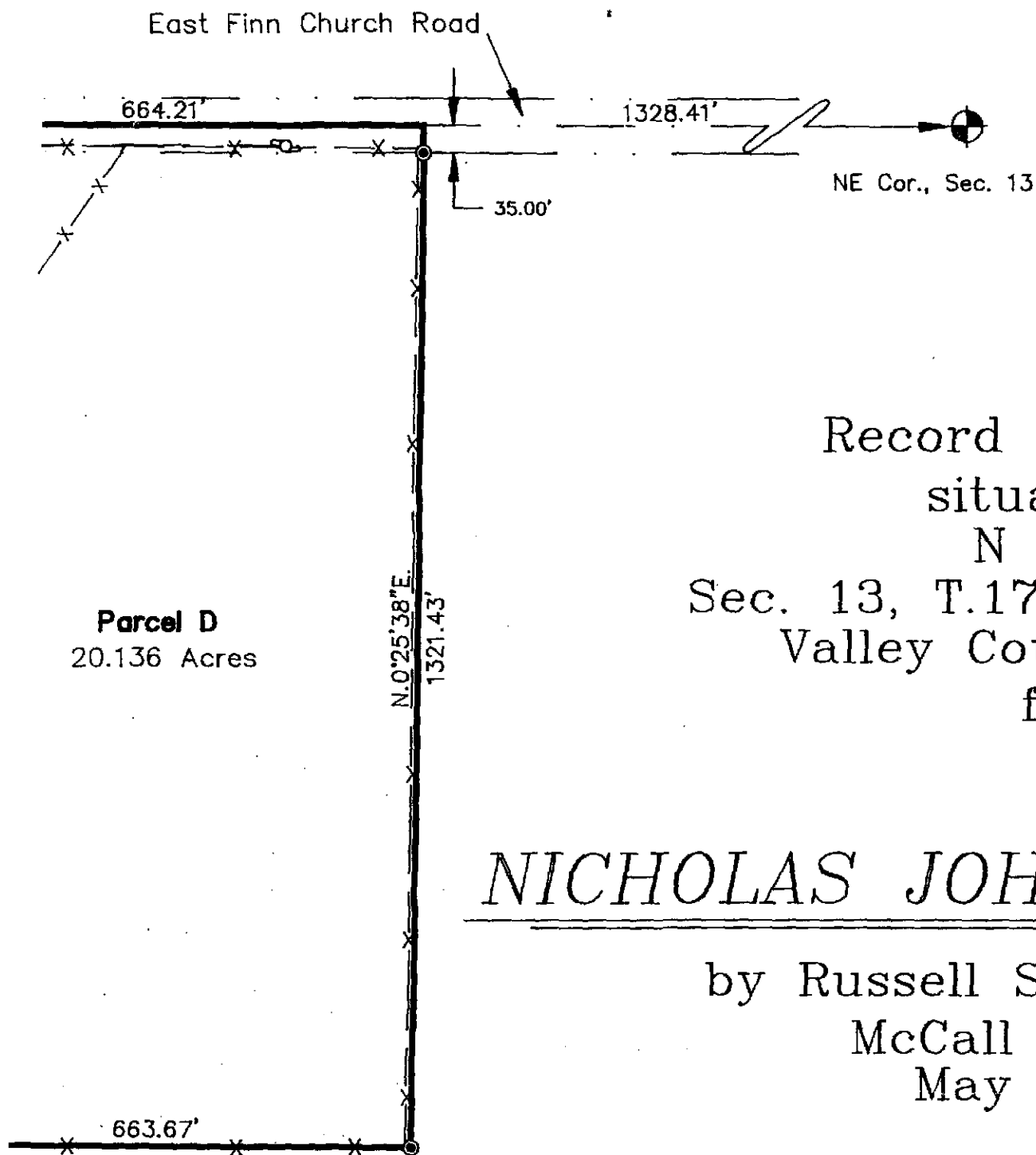
SCHEDULE B

0-9993-129513

This policy does not insure against loss by reason of the matters shown or referred to in this Schedule.

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public record.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
7. Taxes for the year 1995 and subsequent years are an accruing lien and not yet due and payable.
8. Assessments or liens by Valley County for garbage collection as provided for by law.
9. EASEMENT for right of way for public highway, as filed for record in the office of the Recorder of Valley County, Idaho on July 25, 1952 in Book 9 of Miscellaneous at page 202.
10. The rights, powers and easements of Boulder Creek Irrigation District as shown on Warranty Deed, Instrument No. 174001, recorded on July 2, 1990.
11. County road easement along the northerly boundary.
12. RECORD OF SURVEY as filed in the office of the Recorder of Valley County, Idaho on June 23, 1995 as Instrument No. 211702.

MICROFILMED
OCT 18 1996



RECORDERS STAMP

Record of Survey
situate in
N 1/2,
Sec. 13, T.17N., R.3E., B.M.,
Valley County, Idaho
for

NICHOLAS JOHN TOLLEMACHE

by Russell Surveying, Inc.
McCall ~ Idaho
May 1995

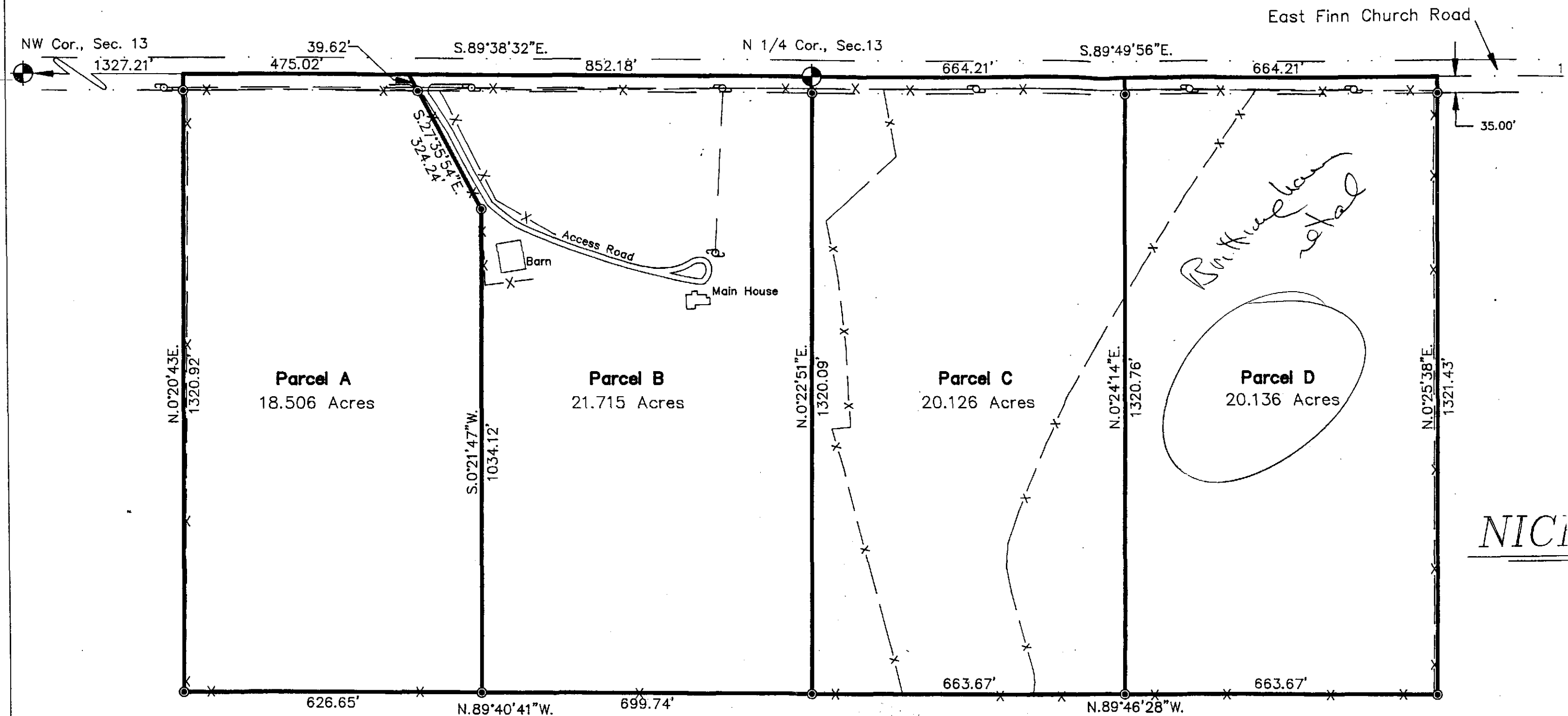
SCALE: 1" = 200'
Bearings based on Solar Observation

LEGEND

- = Set 5/8"x30" rebar, marked LS 6021
- x- = Fence line
- ⊙ = Utility Pole
- ⊙ = Section Corner

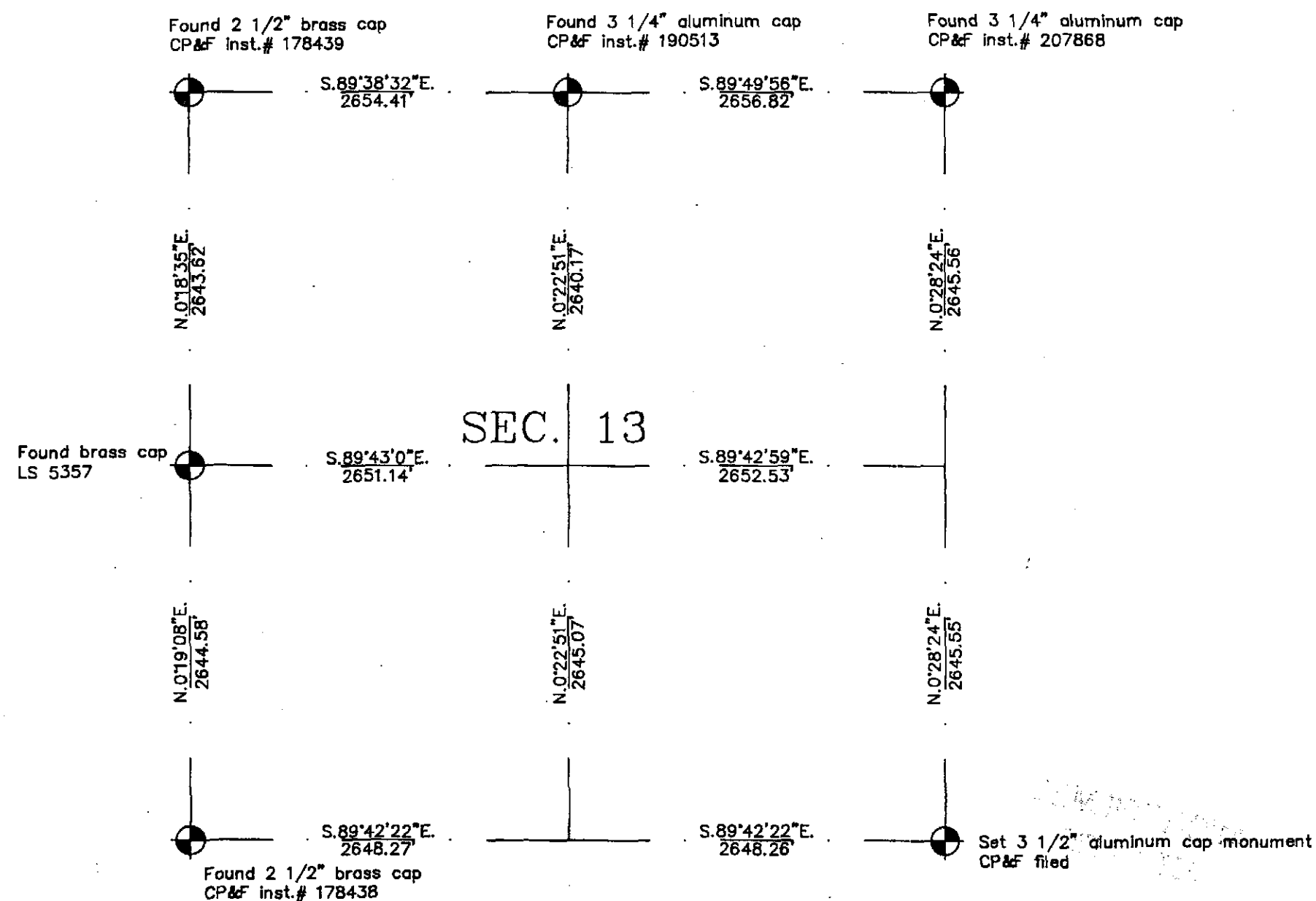
I, John Russell, a Registered Land Surveyor,
do hereby certify that this plat was prepared from
notes taken during an actual survey made by me in
May 1995, and that it correctly represents
the points, courses and distances as recorded in
said field notes.







SECTION BREAKDOWN DETAIL



DRAWN: R. Miller DATE: 5/24/95 SHEET: 1 of 1
RSI # 95-16 (94-7, 92-69, 90-25b)

I,
do here
notes to
May 19
the pair
said field

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: A65-02943M
Date Received: 11/10/1988
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J NICHOLAS TOLLEMACHE 310-275-9639
Address: 1114 SAN YSIDRO DR
BEVERLY HILLS CA 90210

OR

Name: DIETLINDE TOLLEMACHE 310-275-9639
Address: 1114 SAN YSIDRO DR
BEVERLY HILLS CA 90210

2. Date of Priority: DEC 31, 1949

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
17N	04E	5	NE	NW		3	VALLEY

5. Description of diverting works:
HEADGATE, 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			44.30

7. Total Quantity Appropriated is:
C.F.S. (and/or) 44.30 A.F.A.

8. Total consumptive use is 160.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	03E	13	NW	NE		IRR FS	40.0

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OCT 18 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	03E	13	NE	NW		IRR FS	40.0
Section Acres							80.0
Total Acres							80.0

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:
65-02308

14. Remarks:

WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.
SEE ATTACHMENTS.

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION
OF CLAIM NO. A65-02943D, FEE PAID UNDER RECEIPT NO. W001363.
KW 2/5/1996

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

MICROFILMED
OCT 18 1996

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 _____

MICROFILMED
JUL 18 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: _____

RECEIVED

LEGAL DESCRIPTION OF PROPERTY: Township 17 North Range 3 East
Section 13, NE $\frac{1}{4}$ NW $\frac{1}{4}$ of and 1/4 of NW $\frac{1}{4}$ NE $\frac{1}{4}$, Govt. Lot _____, BM. _____
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

MAY 16 1994

WATER RESOURCES
WESTERN REGION

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A65-08257
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): NADENE MCGOVERN
8142 REDLAND ST. #106
PLAYA DEL REY, CA 90293
- ☐ New Owner/Claimant (Purchaser): J. NICHOLAS & DIETRICH TOLLEMACH (DIETRICH)
- ☐ New Mailing Address: 1114 SAN YSIDRO DR.
BEVERLY HILLS, CA 90210
- ☐ New Telephone Number: (310) 275-9639
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: TITLE INSURANCE
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s): Nicholas Tollema Date 5/13/94
Tollema Date 5/13/94
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 5-23-94 By: AD

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 5-23-94 By: AD

Claim Numbers of Split, if any:

MICROFILMED
OCT 18 1996

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

RECEIVED
MAY 16 1994
WATER RESOURCES
WESTERN REGION

CENTRAL IDAHO TITLE, INC.
dba First American Title Company of Valley County
311 E. Lake Street # A
P. O. Box 1024
McCall, Idaho 83638
(208) 634-2153

July 9, 1990

John Nicholas Lyonel Tollemache and
Dietlinde Marianne Hannelore Tollemache
1114 San Ysidro Drive
Beverly Hills, CA 90210

Re: Valley County, Idaho property
T-4035

Dear Mr. & Mrs. Tollemache:

Relative to the above captioned order, we are enclosing the following documents to be retained in your files:

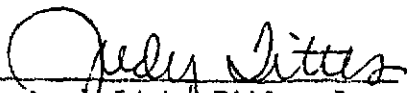
- * Warranty Deed - Instrument Number # 174001
- * Warranty Deed - Instrument Number # 174005
- * Consent - Instrument Number # 174004
- * Bill of Sale - Instrument Number # 174002

TITLE INSURANCE POLICIES:

- * Owner's Extended Coverage - Policy Number H 326190

Encl:

Sincerely,


Central Idaho Title, Inc.

MICROFILMED
OCT 18 1996

Form No. 1402
(10/21/87)
ALTA Owner's Policy



POLICY OF TITLE INSURANCE



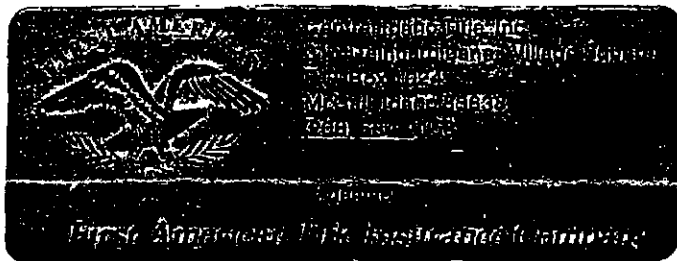
ISSUED BY

First American Title Insurance Company

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.



This Policy Not Valid
Countersigned By
Central Idaho Title, Inc.

Michael R. Anderson
First American Title Insurance Company

BY

J. J. Kennedy

PRESIDENT

ATTEST

William C. Ziegler, Jr.

SECRETARY

H 326190

MICROFILMED
OCT 18 1996

SCHEDULE A

Order No. T-4035

Policy No. H 326190

Amount of Insurance: \$105,000.00 Premium: \$ 788.63

Date of Policy: July 2, 1990 @ 11:36 a.m.

1. Name of Insured:

John Nicholas Lyonel Tollemache and Dietlinde Marianne Hannelore Tollemache,
husband and wife, as tenants in common

2. The estate or interest referred to herein is at Date of Policy
vested in:

John Nicholas Lyonel Tollemache and Dietlinde Marianne Hannelore Tollemache,
husband and wife, as tenants in common

3. The estate or interest in the land described in Schedule C and which is
covered by this policy is:

A Fee Simple Estate

MICROFILMED
OCT 18 1996

SCHEDULE B

File No. T-4035

Policy No. H 326190

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs attorneys' fees or expenses) which arise by reason of:

PART I

SECTION 1

1. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
2. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.

SECTION 2

1. General taxes for the year 1990, a lien, not yet due or payable.
2. Liens and assessments of any irrigation district which serves the property and the rights, powers and easements of said District, as by law provided.
3. A county road easement 25 feet wide along the north boundary of the NW 1/4 and the NW 1/4 NE 1/4 recorded July 25, 1952 under Instrument No. 44472, records of Valley County, Idaho.
4. A REAL ESTATE MORTGAGE to secure an indebtedness, and any other amounts and/or obligations secured thereby, recorded July 2, 1990 under Instrument No. 174003, records of Valley County, Idaho.
DATED: June 30, 1990
MORTGAGOR: John Nicholas Lyonel Tollemache and Dietlinde
Marianne Hannelore Tollemache
MORTGAGEE: Nadene McGovern

MICROFILMED
OCT 18 1996

SCHEDULE C
T-4035

The land referred to in this policy is situated in the State of Idaho, County of Valley and is described as follows:

NE 1/4 NW 1/4 and the NW 1/4 NE 1/4 of Section 13, Township 17 North, Range 3 East, B.M. in Valley County, Idaho.

Excepting therefrom: A county road easement 25 feet wide along the North boundary of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter, recorded July 25, 1952 under Instrument No. 44472, records of Valley County, Idaho, and subject to the rights, powers and easements of the Boulder Irrigation District as shown on the official Plat thereof, on file of record in the office of the Valley County Recorder, Valley County, Idaho.

MICROFILMED
OCT 18 1996

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A65-02943D
Date Received: 11/10/1988
Receipt No: W001363
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES E. KANTOLA 208-365-5234
Address: 721 HAZEL
EMMETT, ID 83617

OR
Name: NADENE MCGOVERN 213-305-8478
Address: 8142 REDLANDS, #106
PLAYA DEL RAY, CA 90293

2. Date of Priority: DEC 31, 1949

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
17N	04E	5	NE	NW		3	VALLEY

5. Description of diverting works:
HEADGATE, 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			88.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 88.00 A.F.A.

8. Total consumptive use is 318.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot
17N	03E	13	NW	NE	

Use
IRR FS

MICROFILMED
OCT 18 1996

A65-02943D

Page 1

Date: 08/27/90

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	03E	13	NE	NW		IRR FS	40.0
			NW	NW		IRR FS	39.0
			SW	NW		IRR FS	40.0

Section Acres 159.0

Total Acres 159.0

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:
65-02308

14. Remarks:
WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.
SEE ATTACHMENTS.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

MICROFILMED
OCT 18 1996

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 _____

MICROFILMED
OCT 18 1996

RECEIVED

OCT 31 1989

CHANGE IN OWNERSHIP

Department of Water Resources

[4] Water Right Number(s): A 65-02943-D

[4] Name and Address of
Former Claimant:

① James E. Kantola
721 Hazel

Emmett, Idaho 83617

② Nadene McGovern
8142 Redlands #106
Playa del Rey, Ca. 90293

③ Elma Kantola
Rt. 1 Box 79
McCall, Id 836

[4] New Claimant(s):

① James E. Kantola
~~721 Hazel~~

② Nadene E. McGovern

[4] New Mailing Address:

① James E. Kantola

② Nadene E. McGovern

721 Hazel

8142 Redlands #106

Emmett, Id. 83617

Playa del Rey, Ca. 90293

New Telephone Number: (208) 365-5234

(213) 305-8478

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

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

James E. Kantola 44 A.F.A.

Nadene E. McGovern 44 A.F.A.

[] Attach proof of ownership

Describe proof attached:

Partnership dissolution,
Leads, Allocation Agreement of Successors,

[] Signature of New Claimant(s):

Nadene E. McGovern

Date:

10/19/89

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date:

By:

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

Claim Numbers of Split, if any:

MICROFILMED

OCT 18 1996

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A65-02943D
Date Received: 11/10/1988
Receipt No: W001363
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES E. KANTOLA
Address: 1023 CAMELOT
NAMPA, ID

208-467-7742

83651

OR
Name: NADENE MCGOVERN
Address: 8142 REDLANDS, #106
PLAYA DEL RAY, CA

90293
00000

OR
Name: ELMA KANTOLA
Address: RT 1, BOX 79
MCCALL, ID

83638

RECEIVED
OCT 31 1989

Department of Water Resources

2. Date of Priority: DEC 31, 1949

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
17N	04E	5	NE	NW		3	VALLEY

5. Description of diverting works:
HEADGATE, 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			88.00

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

88.00 A.F.A.

8. Total consumptive use is 318.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A65-02943D

Page 1

Date:

MICROFILMED
OCT 18 1996

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
17N	03E	13	NW	NE		IRR FS	40.0
			NE	NW		IRR FS	40.0
			NW	NW		IRR FS	39.0
			SW	NW		IRR FS	40.0
						Section Acres	159.0
						Total Acres	159.0

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:
65-02308

14. Remarks:
WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.
SEE ATTACHMENTS.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

Decree Defendant

VS

09/15/89
MICROFILMED
OCT 18 1996

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): Marianne E. Nigam Date: 10/19/89

Date: _____

State of ~~Idaho~~ ^{BBC} California
County of Los Angeles SS.

Subscribed and sworn (or affirmed) before me this 19th day
of October 19 89
Betty B. Cosenza
Notary Public

Seal



Residing at Los Angeles Ca.
My Commission Expires 12/11/92

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: A65-02943D
Date Received: 11/10/1988
Receipt No: W1363
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES E. KANTOLA 208-467-7742
Address: 1023 CAMELOT
NAMPA, ID 83651
OR
Name: NADENE MCGOVERN
Address: 8142 REDLANDS, #106
PLAYA DEL RAY, CA 00000
OR
Name: ELMA KANTOLA
Address: RT 1, BOX 79
MCCALL, ID 83638

2. Date of Priority: DEC 31, 1949

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
17N	04E	5	NE	NW		3	VALLEY

5. Description of diverting works:
HEADGATE, 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			88.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 88.00 A.F.A.

8. Total consumptive use is 318.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A65-02943D

Page 1

Date: 11/10/88

MICROFILMED
OCT 18 1996

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
17N	03E	13	NW		NE		IRR FS	40.0
			NE		NW		IRR FS	40.0
			NW		NW		IRR FS	39.0
			SW		NW		IRR FS	40.0
							Section Acres	159.0
							Total Acres	159.0

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:
65-02308

14. Remarks:
WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.
SEE ATTACHMENTS.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: 14

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): James E. Kauboka Date: 11-10-88

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 10 day
of November 19 88.

Nancy M. Lindgren
Notary Public

Seal

Residing at Boise
My Commission Expires 1-19-1994

POOR ORIGINAL

CONTRACT OF SALE OF REAL PROPERTY

THIS AGREEMENT made and entered into this 9th day of September, 1976, by and between OSBORN RANCH, INC., an Idaho Corporation, hereinafter called Seller, and FRANK R. THOMAS and DIANE THOMAS, husband and wife, hereinafter called Buyers.

WITNESSETH: That the Seller agrees to and does grant, sell and convey, subject to the terms of this Contract, to the Buyers and the Buyers agree to buy of the Seller the following described real estate, with appurtenances, situated in Valley County, State of Idaho, more particularly described as follows, to-wit:

The East one-half of the Southeast quarter (E 1/2 SE 1/4) of Section 35, and the Southwest quarter (SW 1/4) of Section 36, all in Township 18 North, Range 3 East, Boise Meridian, County of Valley, State of Idaho.

Subject to all existing, reserved and/or granted easements or right of ways of any nature.

Together with 300 acre feet of water from Jug Creek Reservoir, plus all decreed water and ditch rights pertaining to the land being sold. Buyers shall have full use of said water rights while this Contract is not in default. Seller also grants to Buyers the first right of refusal to rent any other irrigation water that Seller is not using on other properties that can be conveyed to the above described property over existing ditches and has the right to use at any time that the Seller does not have a use for the same. This right of first refusal on water rights shall not be construed to in any way prevent Seller from selling any water rights he may have in excess of 300 acre feet from Jug Creek Reservoir; and which is not appurtenant to this land. Buyers agree to be responsible for preserving the water rights and shall compensate Seller for any loss of water rights caused through negligent or wilful acts of Buyers.

The terms and conditions of this Contract are as follows:

PURCHASE PRICE: The purchase price for the property shall be the sum of TWO HUNDRED SIXTY THOUSAND (\$260,000.00) DOLLARS, of which FIFTY THOUSAND (\$50,000.00) DOLLARS has been paid and the balance of TWO HUNDRED TEN THOUSAND (\$210,000.00) DOLLARS to be paid as follows:

MICROFILMED
OCT 18 1996

STATE OF IDAHO
DEPARTMENT OF WATER
APPLICATION FOR TRANSFER
To Change the Point of Diversion:

*This transfer
never submitted
for processing
per review of our
records & those
at S.O. in Vault 2
KW
1-29-96*

Name of applicant Loren K. Hollenbeak and Dian
Post Office address 221 Preston, Lewiston, Idaho

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 65-2943C Decreed to Oshorn Ranch, Inc.
In the Matter of the General Determination of the Right to
in case of the use of Surface and Groundwater of the Payette River
Drainage
dated in January 21, 1986 3d District Court county of Gem
(Name of court)
Case No. 3667
b. License No. 65-2943C issued by the Idaho Department of Water Resources (civil)
c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired Oshorn Ranch, Inc.
record holder of the right, sold 300 AFA to Frank R. Thomas and Diane
Thomas, husband and wife, who, in turn, sold 220 AFA of said 300 AFA
to Loren K. Hollenbeak and Diana Hollenbeak, husband and wife. (Please
3. Source of water Jug Creek tributary to Louie Creek see Exhibits
"A"-" ".)

4. Date of priority December 31, 1949

5. Water is used for the following purposes:

amount 406.90 AFA for irrigation purposes from 4/15 to 10/15
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day -- both dates inclusive)

6. Total amount of water under right: a. N/A cubic feet per second
&/or
b. 406.90 acre feet per annum

7. Location of original point of diversion is Lot 3 of Section 5
Township 17N Range 4E B.M. in Valley County
Additional points of diversion, if any N/A

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SE 1/4				SW 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
18N	3E	36									34	34	22	24					114
18N	3E	35													32			38	70

Total number of acres to be irrigated 184

9. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

MICROFILMED
OCT 18 1996

1. Amount of water: a. N/A cubic feet per second
b. 88 acre feet per annum
2. Point of diversion Lot 3 77 74 Section 5 Township 17N
Range 4E, B.M., Valley County
Additional points _____

3. Place of use: E1/2SE1/4 of Section 35, SW1/4 of Section 36, and Alta Vista Subdivision or Estates, as platted, all in Township 18N, Range 3E B.M., Valley County, Idaho

[illegible]

Total number of acres to be irrigated _____

1. General Information

- a. Amount of water to be diverted N/A c.f.s. &/or 88* acre feet
- b. Description of diverting works 1/8 mile east of the section corner of Section 13, Twp. 17N., Range 3E., B.M., Valley County, Idaho.
- c. Describe the reasons for the proposed changes *Applicant has sold all 220 AFA of their water rights described above in Part A. This application relates to the sale of 40% (88 AFA) of said 220 AFA to Elma Kantola, Nadene (Kantola) McGovern and James E. Kantola.

2. Change in point of diversion N/A

Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____

3. Change in place of use

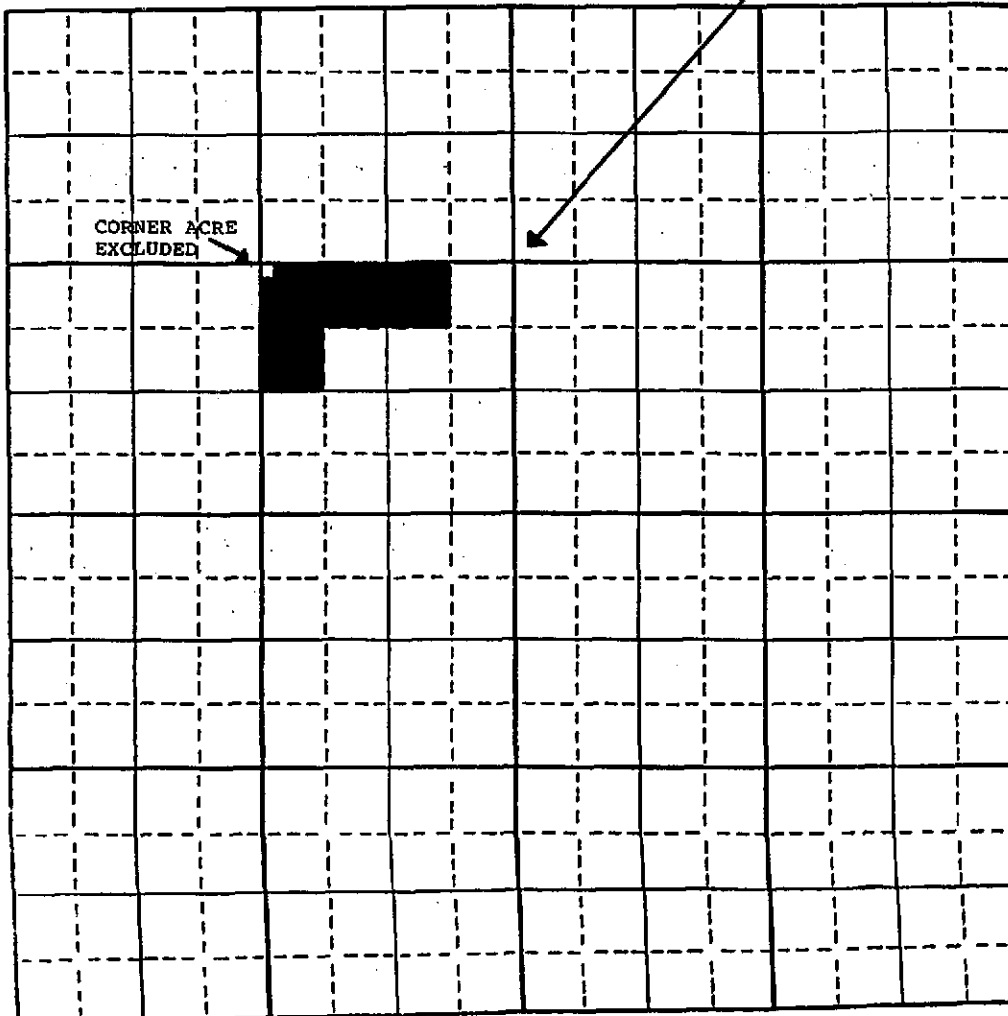
- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes XX No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer There will be no effect on the lands since there will be adequate water after the transfer.

MICROFILMED
OCT 18 1996

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
17N	3E	13		40			40	39	40										159

Total number of acres to be irrigated 159

4. Describe any other water rights used for the same purpose as described above. Boulder
Irrigation Company rights: 135 Louie Lake shares and 135 ditch
shares, this represents about 35 acre-feet of water if the reservoir
is full.
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the
land involved by section, township and range number. Section 13, Twp. 17N, Range 3E
BM



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

MICROFILMED
OCT 18 1996

D. REMARKS

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Diana Rollenbeak _____

Loren K. _____
(Signature of Applicant)

Subscribed and sworn to before me this _____ day of Hollenbeak _____, 19 _____

(Notary Public)

My commission expires _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
and said application is hereby _____, subject to the following limitations and conditions:

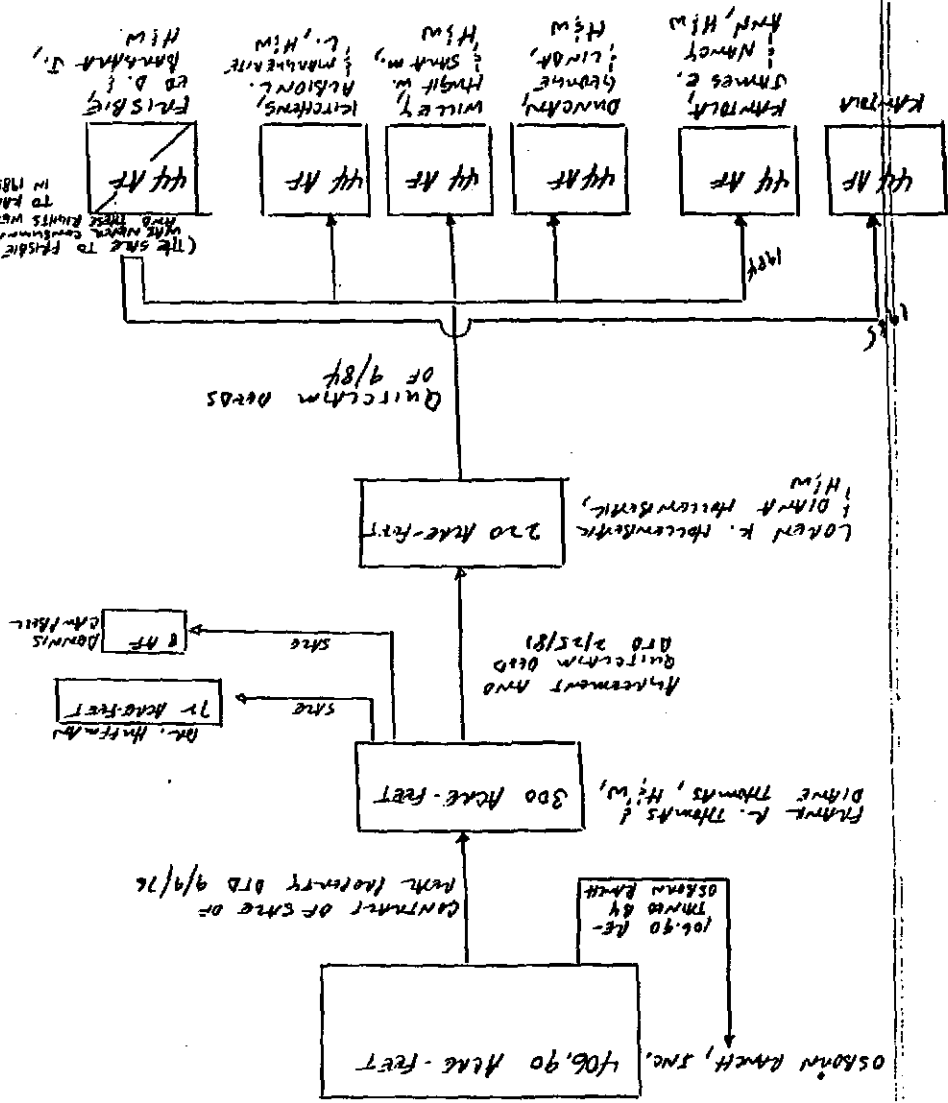
Witness my hand this _____ day of _____

MICROFILMED
OCT 18 1996

FOR DEPARTMENT USE ONLY

Received by _____	Date _____	Protest filed by _____
Prelim. check by _____	Fee _____	_____
Receipted by _____	Date _____	_____
Published in _____	Copies of protest forwarded by _____	
Pub. dates _____	Hearing held by _____	Date _____
Watermaster recommendation requested on _____	Recommended for _____	approval _____
_____ rec'd. _____	by _____	denial _____

Division of Water Right
65-243C: Jug Creek Stone



MICROFILMED
JUL 18 1995



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

WESTERN REGION

OWNER (S): 65-02943P

CLAIM NUMBERS: Brittlingham

AGENT: Sue Bock DATE _____

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 (77) () () () ()

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

X B65-DBPOU.DBF UPDATED BY sue

L B65-DBPOD.DBF UPDATED BY sue

NOTES:

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.

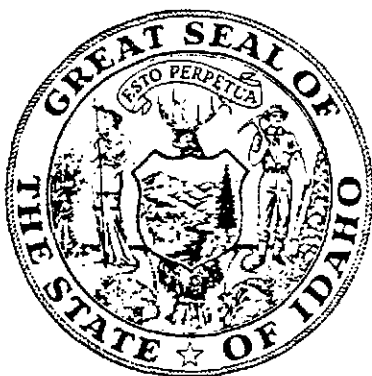
I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that
duplicate originals of Articles of Incorporation for the incorporation of _____

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

AJ0749NP
No. R65-02943P

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

DATE: 11/05/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	T SCHENCK REMSEN	12/31/1949	IRRIGATION STORAGE	01-01 12-31		2.50 AFA
C	JEANNE BRITTINGHAM		IRRIGATION FROM STORAGE	04-15 10-15		2.50 AFA
	PO BOX 450					
	MC CALL ID 83638					
	(208) 634-3238			TOTAL DIVERSION:		2.50 AFA

Water Source: JUG CREEK

Tributary to: LOUIE CREEK

Stage: DECREED

Point(s) of Diversion: T17N R04E S05 Lot03(NENW)

VALLEY County

Place of use Legal Description for: IRRIGATION FROM STORAGE

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
17N	03E	13	:			20														:
																			TOTAL ACRES	20.0

POU County: VALLEY

Other Rights: 65-02308

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.

Remarks: GEN WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 65-02934C, 65-02943A, 65-02943B,
65-02943J, 65-02943K, 65-02943R, 65-02943L, 65-02943X, 65-02967A,
65-02967B, 65-02967E, 65-02943Q.

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

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

AJ0749NP
No. R65-02943P

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

DATE: 11/05/99
PAGE: 2

=====

Comments: Date: 05/28/1999 User-ID: SBOCK Subject: COPIED FROM REMARKS
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION
OF CLAIM NO. A65-02943D, FEE PAID UNDER RECEIPT NO. W001363.
KW 2/5/1996
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION
OF CLAIM NO. A65-02943M. KW 2/5/1996

Date: 05/28/1999 User-ID: SBOCK Subject: DIVERSION RATE
SEE MEMO IN FILE DATED 07/19/99

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: 11/05/1999 User-ID: SBOCK Subject: OWNERSHIP CHANGE
PER CLAIMANT INFO.

Audit: 11/05/99 SBOCK

RECEIVED

NOV 01 1999

WATER RESOURCES
WESTERN REGION

Dear Sue -

Thanks so very much
for your great diligence in
unraveling the "Secret
of Alta Vista."

Jeanne Brittingham
+
Schreck Peterson

P.S. Enclosed are BritAmandaed
releasing Tucker Family Trust.

September 29, 1999

NOTICE OF ERROR
REPLY

RECEIVED

NOV 01 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: 65-02943P

JEANNE BRITTINGHAM
PO BOX 450
MC CALL ID 83638

Daytime Telephone Number:

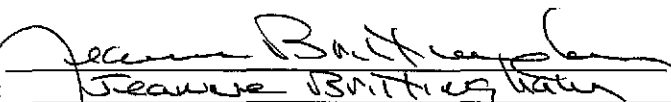
Evening Telephone Number:

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

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

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

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

DATE: 10/27/99 SIGNATURE: 
Please print your name: Jeanne Brittingham

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

September 29, 1999

NOTICE OF ERROR
REPLY

RECEIVED
NOV 01 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: 65-02943P

T SCHENCK REMSEN
PO BOX 450
MC CALL ID 83638

Daytime Telephone Number:

Evening Telephone Number:

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

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

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

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

DATE: 10/27/99 SIGNATURE: T. S. Remsen
Please print your name: T. S. REMSEN

AJ0749NP
No. R65-02943P

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

DATE: 09/21/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	T SCHENCK REMSEN	12/31/1949	IRRIGATION STORAGE	01-01 12-31		2.50 AFA
C	JEANNE BRITTINGHAM		IRRIGATION FROM STORAGE	04-15 10-15		2.50 AFA
C	TUCKER FAMILY TRUST					
	PO BOX 450			TOTAL DIVERSION:		2.50 AFA
	MC CALL ID 83638					
	(208) 634-3238					

Water Source: JUG CREEK

Tributary to: LOUIE CREEK

Stage: DECREED

Point(s) of Diversion:

T17N R04E S05 Lot03(NENW)

VALLEY County

Place of use Legal Description for: IRRIGATION FROM STORAGE

				NE				NW				SW				SE			
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	
17N	03E	13	:		20	:					:				:				
																TOTAL ACRES	20.0		
																	20.0		

POU County: VALLEY

Other Rights: 65-02308

Remarks: GEN WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE:65-02934C, 65-02943A, 65-02943B,
65-02943J, 65-02943K, 65-02943R, 65-02943L, 65-02943X, 65-02967A,
65-02967B, 65-02967E, 65-02943Q.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

Comments: Date: 05/28/1999 User-ID: SBOCK Subject: COPIED FROM REMARKS
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION
OF CLAIM NO. A65-02943D, FEE PAID UNDER RECEIPT NO. W001363.
KW 2/5/1996

AJ0749NP
No. R65-02943P

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

DATE: 09/21/99
PAGE: 2

=====

Comments: Date: 05/28/1999 User-ID: SBOCK Subject: COPIED FROM REMARKS
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION
OF CLAIM NO. A65-02943M. KW 2/5/1996

Date: 05/28/1999 User-ID: SBOCK Subject: DIVERSION RATE
SEE MEMO IN FILE DATED 07/19/99

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

Audit: 09/21/99 SBOCK

DATE: 03/05/99
PAGE: 42

EXP FOL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:33:10
07/19/99

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A65-02943P

LAST: MCGOVERN
ADDRESS: 8142 REDLANDS #106
CITY: PLAYA DEL RAY
PHONE NUMBER: 213-305-8478

FIRST: NADENE
STATE: CA ZIP: 90293

OWNER CODE: 0

LAST: OSBORN RANCH INC
ADDRESS: BOX 209
CITY: NEW MEADOWS
PHONE NUMBER: 208-000-0000

FIRST:
STATE: ID ZIP: 83654

OWNER CODE: 0

LAST: KANTOLA
ADDRESS: 721 HAZEL
CITY: EMMETT
PHONE NUMBER: 208-365-5234

FIRST: JAMES E
STATE: ID ZIP: 83617

OWNER CODE: 0

LAST: KANTOLA
ADDRESS: RT 1 BOX 79
CITY: MCCALL
PHONE NUMBER: 208-000-0000

FIRST: ELMA
STATE: ID ZIP: 83638

OWNER CODE: 0

LAST: TOLLEMACHE
ADDRESS: 1114 SAN YSIDRO DR
CITY: BEVERLY HILLS
PHONE NUMBER: 310-275-9639

FIRST: J NICHOLAS
STATE: CA ZIP: 90210

OWNER CODE: 0

LAST: TOLLEMACHE
ADDRESS: 1114 SAN YSIDRO DR
CITY: BEVERLY HILLS
PHONE NUMBER: 310-275-9639

FIRST: DIETLINDE
STATE: CA ZIP: 90210

OWNER CODE: 0

LAST: BRITTINGHAM
ADDRESS: PO BOX 450
CITY: MC CALL
PHONE NUMBER: 208-634-3238

FIRST: JEANNE
STATE: ID ZIP: 83638

OWNER CODE: C

LAST: SCHENCK REMSEN
ADDRESS: PO BOX 450
CITY: MC CALL

FIRST: T.
STATE: ID ZIP: 83638

PHONE NUMBER: 208-634-3238

OWNER CODE: C

LAST: TUCKER FAMILY TRUST
ADDRESS: PO BOX 450
CITY: MC CALL
PHONE NUMBER: 208-634-3238

FIRST:
STATE: ID ZIP: 83638

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: GEN WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.
SEE ATTACHMENTS.

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION
OF CLAIM NO. A65-02943D, FEE PAID UNDER RECEIPT NO. W001363.
KW 2/5/1996

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION
OF CLAIM NO. A65-02943M. KW 2/5/1996

FIELD EXAMINATION INFORMATION

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: # A65-02943P PRIORITY DATE: 12-31-1949 STAGE: D

B. WR RECORD: # 65-02943A PRIORITY DATE: 12-31-1949 STAGE: D
65-02943B PRIORITY DATE: 12-31-1949 STAGE: D
65-02943C PRIORITY DATE: 12-31-1949 STAGE: D
65-02943D PRIORITY DATE: - - STAGE:
65-02943X PRIORITY DATE: 12-31-1949 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:

12.31.1949
REVIEWED BY DB

DATE 7/19/99

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
A65-02943P	17N 04E	5		NE	NW	3		VALLEY		

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A65-02943L	R65-02934C
A65-02943N	R65-02943A
	R65-02943B
	R65-02943J
	R65-02943K
	R65-02943X
	R65-02967A
	R65-02967B
	R65-02967E

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
65-02943A	17N 04E	5				3		VALLEY		
65-02943A	18N 04E	19		SE	SW			VALLEY		
65-02943B	17N 04E	5				3		VALLEY		
65-02943C	17N 04E	5				3		VALLEY		
65-02943X	17N 04E	5				3		VALLEY		

OTHER WR RECORDS WITH SAME WR POD

65-02316
65-02934
65-02943A
65-02943B
65-02943C
65-02943X
65-02967
65-04047

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX R PREFIX

R65-02316
R65-02943A
R65-02967A
R65-02967B
R65-02967E
R65-04047

***** 16 A PREFIX CLAIMS IN SAME 40 ACRE TRA

SOURCE: JUG CREEK

JUG CREEK
JUG CREEK
JUG CREEK

TRIB: LOUIE CREEK

LOUIE CREEK
LOUIE CREEK
LOUIE CREEK

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

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
17N	04E	5		NE	NW	3		VALLEY		

SOURCE: Jug Creek TRIB: Louis Creek

REVIEWED BY: SB DATE: 2/19/99

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

A. ROOT WATER RIGHT NUMBERS:	A65-02943A
	A65-02943E
	A65-02943X
	A65-02943B
	A65-02943J
	A65-02943K
	R65-02943K
	R65-02943N
	R65-02943P
	R65-02943A
	R65-02943B
	R65-02943J
	R65-02943X
	A65-02943L
	A65-02943N
	A65-02943P

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
17N	03E	13	NW	NE		BRITTINGHAM, JEANNE	A65-02943P / 20.0	- /			39.0
			NW	NE		BOULDER IRRIGATION CO	A65-02308 / 25.0	65-02308 / 25.0			
			NW	NE		TOLLEMACHE, J NICHOLAS	A65-02943N / 20.0	- /			

ADDITIONAL POU FOUND

TOTAL ACRES	A65-02943P	20.00	39.00
-------------	------------	-------	-------

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

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A65-02943P	JUG CREEK	BRITTINGHAM, JEANNE			11.10	0.55
A65-02308	BOULDER CREEK	BOULDER IRRIGATION CO	24.000	0.019		
A65-02943N	JUG CREEK	TOLLEMACHE, J NICHOLAS			33.20	0.55

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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

Y(☒) N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 65-02308

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:

See 7/19/99 memo in file for explanation

RECOMMENDATIONS:

TOTAL ACRES: 20 N/A ()

REVIEWED BY: 28

DATE: 7/19/99

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-02943P IRRIGATION FROM STORAGE	FROM 04-15 TO 10-15		11.10 AF/A
TOTAL DIVERSION RATE/VOLUME			11.10 AF/A

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
----------------	---------------------------	------------------------	------------------------

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(☒)

NOTES: See memo

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 = 11.10 AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 40.0 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:

[illegible]

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
					11.10		40.0	
TOTAL FOR THIS RIGHT								

NON-IRRIGATION USES CLAIMED:

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

REVIEWED BY: _____ DATE: _____

FLAG: _____

STANDARD CONDITIONS (CODE):

EXPROL

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: 65-02943

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
A65-02943D	A65-02943A		R65-02943A		65-02943A	
A65-02943M	A65-02943B		R65-02943B		65-02943B	
-	A65-02943E		R65-02943J		65-02943C	
-	A65-02943J		R65-02943K		65-02943X	
-	A65-02943K		R65-02943X		-	
-	A65-02943L		-		-	
-	A65-02943N		-		-	
-	A65-02943P		-		-	
-	A65-02943X		-		-	

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 EXAMINER
Y	Y() N()

NOTES:

OK See memo

=====

AUTHENTICATION:

SIGNATURE: 

DATE: 7/19/99

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>7/12/99</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

10:33:10
07/19/99

PAGE: 18
QUICKLOOK INFORMATION

18
CLAIM NUMBER: A65-02943P

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y			2	Deed Deeds	SB 7-19-99		
POINT OF DIV	Y			2				
SOURCE	Y			2				
PLACE OF USE	Y			2				
DIV. AMOUNT CFS/VOLUME	Y			2				
CONSUMPTIVE USE	-			2				
PURPOSES OF USE	Y			2				
PERIOD OF USE	Y			2				
BASIS OF CLAIM				2				
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

INTEROFFICE MEMORANDUM

TO: FILE
FROM: SUE BOCK
SUBJECT: SUMMARY OF 65-02943C SPLIT
DATE: 07/19/99

On July 2, 1999, Dave Tuthill, Don Shaff, Susan Hamlin, Jan Shurte, and myself had a meeting to discuss this split and associated rights. For reference, we referred to a summary conclusion prepared by Eldon Roush 2/23/1989.

Sept 9, 1976, Osborn Ranch Inc. sells property listed in R850 and 300 af of the total 406.85 af storage water to Frank and Diane Thomas. During the meeting we determined the 300 af sold was entirely from this right, even though other rights covered this same property. This is storage water and it can be moved around much easier than direct flow.

Osborn retains 106.5 af of storage.

Sept 10, 1976, Frank and Diane Thomas complete development of the Alta Vista Subdivision in the NE1/4SW1/4, NW1/4SW1/4, and SE1/4SW1/4 of Sec 36, T18N, R03E, and maintain ownership of lots until sold.

The Thomas' purchased a total of 240 acres, 184 of which were decreed with irrigation. Of the 300 af of water they purchased from Osborn 184 acres of irrigation were covered - $300\text{af} / 184\text{ acres} = 1.63\text{af/acre}$.

May 10, 1977, Frank and Diane Thomas convey the E1/2SE1/4 of Sec 35, T18N, R03E to Phyllis Huffman. Huffman receives about 72 acres, 70 of which were decreed for irrigation. There is no language in the warranty deed retaining the water rights. $70\text{ acres} \times 1.63\text{ af/acre} = 114.1\text{ af}$ belonging to Huffman. Huffman has filed on other claims, but there is no validity to her filings as this was the only right the Thomas' could convey.

Leaving the Thomas' with 185.9 af.

Nov 9, 1977, Frank and Diane Thomas convey the SW1/4 SW1/4 of Sec 36, T18N, R03E to David and Colleen LeClair. Of the 40 acres, 22 were decreed with irrigation and there is no language in the warranty deed retaining the water rights. 22 acres x 1.63 af = 35.86 af.

Leaving Thomas with 185.9 - 35.86 = 150.04.

Prior to Feb 25, 1981, Thomas has sold all but 10 of the 34 lots in the Alta Vista Subdivision.

At this point all water other than the 10 lots in Thomas' possession should have stayed with the lands. From the 120 acres in the Alta Vista Subdivision, 92 acres were decreed with irrigation, or 76.6% of the land was irrigated.

The 10 remaining lots are as follows:

Lot 3, 2.45 acres; Lot 7, 1.89 acres; Lot 16, 2.86 acres; Lot 24, 4.9 acres; Lot 25 4.71 acres; Lot 26, 5.04 acres; Lot 27, 5.03 acres; Lot 28, 3.6 acres; Lot 29, 6.8 acres; Lot 34, 2.45 acres. **Total 10 lots 39.75 acres ~40 acres.** 40 acres x 76.6% = 30.6 irrigated acres still retained by Thomas. 30.6 acres x 1.63 af = 49.9 af of water left in Thomas' name.

Water retained by Alta Vista 92 irrigated acres - 30.6 (Thomas) = 61.4 acres
61.4 acres x 1.63 af = 100.1

Feb 25, 1981, Diane Thomas Richards, AKA Diane Thomas and the Estate of Frank R. Thomas, Deceased, quitclaim deeds 220 af storage water of license #R850 to Loren K and Diana Hollenbeak. Diane Thomas Richards retains 80 af of license #R850.

Sept 21, 1984, Hollenbeak in turn quit claimed 44 acre feet each to Kantola, Frisbie, Duncan, Willey, and Kitchens, (Kantola later assumed Frisbie's 44 af).

Kantola has filed on 88 af on this claim.

Frisbie is out of the picture.

Duncan did not file on this claim, which Dave T. indicated would call for second-round notice.

Willey did not file on this claim, which Dave T. indicated would call for second-round notice.

Kitchens did file on this claim (65-02943H) and later withdrew claim.

Subsequently Duncan, Willey, and Kitchens filed an application for permit, 65-13058, to cover their lands.

49.9 af should be divided as follows:

Kantola 20 af

Duncan should receive second round notice for 10 af

Willey should receive second round notice for 10 af.

Kitchens withdrew their claim.

Biechner was the only party to file claims in the Alta Vista Subdivision. His claims included 65-02934A, 65-02943E, 65-02967C, and 65-03001. The Thomas' did not own any portion of rights 65-02934A or 65-02967C; therefore, Biechner should not have filed on these claims. 65-02943E and 65-03001, were appurtenant to the land, but according the Ivan Phelps the water master for Basin 65, the water has not been used on the land since Alta Vista was developed. The ditches are in ill repair and can not deliver water. A local realtor also confirmed lack of surface water rights.

Kantola/McGovern's 65-02943L had 20 af which was split in half when they sold to Tollemache (65-02943M).

Tollemache then split to Brittingham leaving Tollemache (65-02943N) with 7.5 af., and Brittingham with 2.5 af.

Idaho Dept of Water Resources

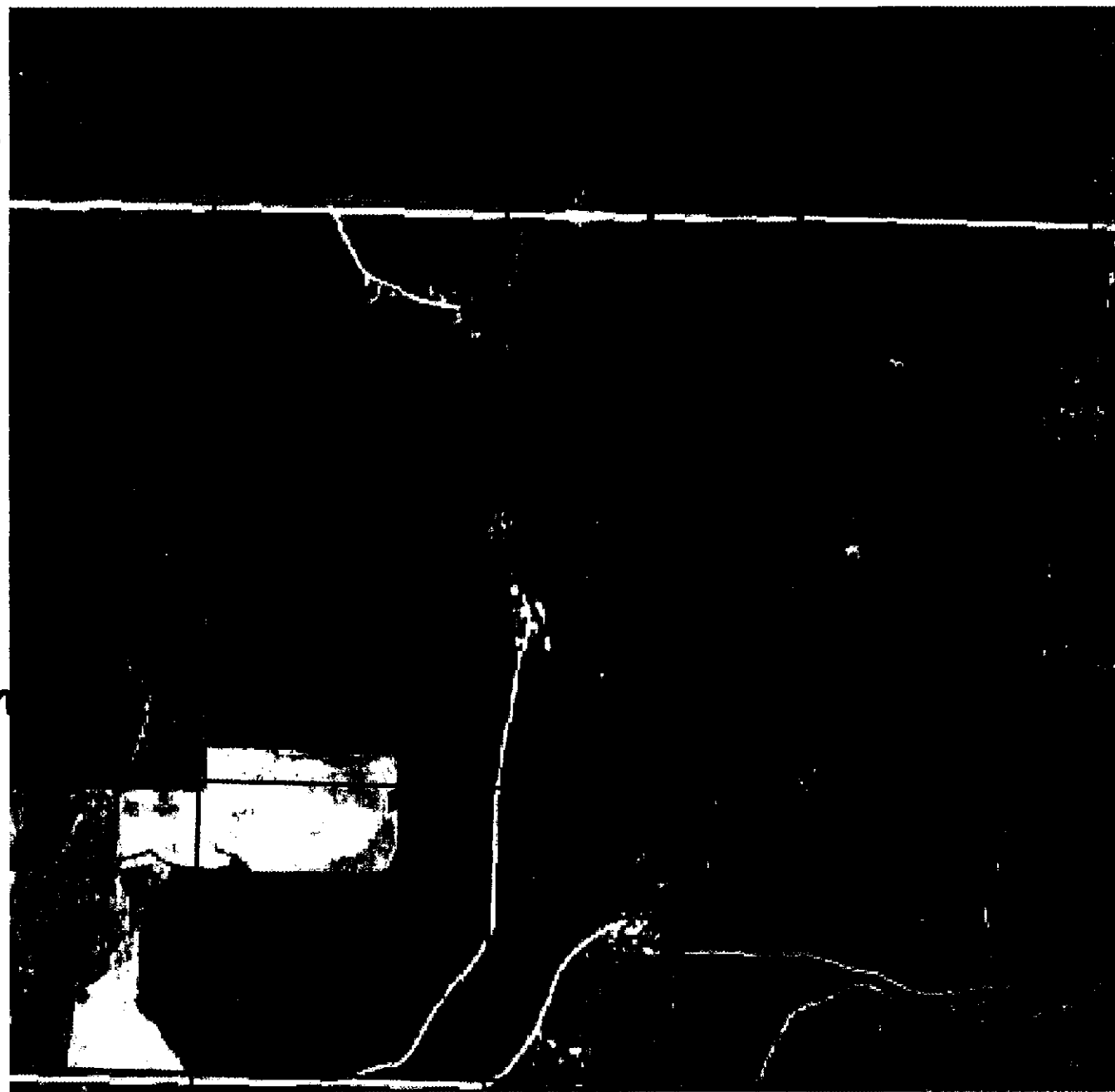
Claim No(s): 65-02943P

Claimant(s) Brittingham/
Remsen

T17N, R03E, S 13

Prepared by: Sue Bock

Date: 07/19/1999

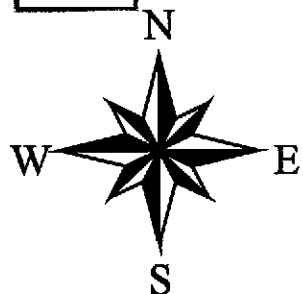


 Place of Use

 Point of Diversion

 Section lines

 1/4 1/4 lines



0 0.25 0.5 0.75 Miles

A horizontal scale bar with four segments, corresponding to the distances 0, 0.25, 0.5, and 0.75 miles.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 7, 1996

RE: Original Notice of Claim to a Water Right No. A65-02943D
Renumbered to Notice of Claim to a Water Right No. A65-02943P

Jeanne Brittingham or
T. Schenck Remsen or
Tucker Family Trust
P.O. Box 450
McCall, ID 83638

Dear Claimants:

We have received and processed a Change of Ownership for a portion of the original claim to a water right number as referenced above which was in the name of Tollemache. This change of ownership required a split of the original claim resulting in renumbering this claim by adding alpha-suffixes to represent each split. The new notice of claim to a water right number for your portion is referenced above and a copy is enclosed.

Please be advised that the claim submitted under No. A65-02943D may be recommended for disallowal in the Snake River Basin Adjudication (SRBA). The lands that this right were decreed to are located in Sections 35 and 36, Twp. 18N, Rge. 3E. Claim No. A65-02943D was submitted for lands in Section 13, Twp. 17N, Rge. 3E. Normally a transfer of the water right would accommodate a change in the place of use of the water but we have no record of such a transfer ever being submitted. We also have information in our file that this right may not have been utilized at the decreed place of use, which is now known as Alta Vista Subdivision, since it was subdivided in 1976. If a water right goes for five (5) continuous years of non-use it may be subject to forfeiture. Since we have received change of ownership forms on portions of the lands claimed under A65-02943D we are required to process them even though there may not be any water use recommended to these lands, from Jug Creek, in our final report to the SRBA Judge.

In regard to the water you are to receive from Boulder Irrigation District, please be advised that the irrigation district is required to claim the lands they serve. We do not keep records of the changes in owners of irrigation district shares. You should advise the irrigation district of the shares you have purchased from Tollemache's so they can update their records.

MICROFILMED
JAN 14 1996

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

Sincerely,

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

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosure

MICROFILMED
OCT 18 1996

465-08257

RECEIVED

Jeanne Brittingham, Box 450 McCall ID 83638, 208/634-3238

SEP 01 1995

WATER RESOURCES
WESTERN REGION

August 24, 1994

IDWR

I am attaching a New Proper Owner Notice of Change of Water Right Ownership.

I am also attaching a copy of the survey completed for the sale of:

Parcel D of the Tollemache property to Jeanne Brittingham, et al.

Please note the the Tollemache property has been split into four parcels. I have bought Parcel D. One-half of the water is granted to Parcel D.

Sincerely,


Jeanne Brittingham

MICROFILMED

OCT 18 1996

April 16, 1991

APR 22 1991

Department of Water Resources
Western Regional Office

Ms. Linda Werner
Water Resource Dept
2735 Airport Way
Boise, ID 83705

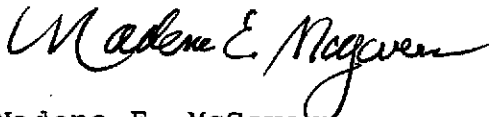
Dear Ms. Werner:

Per my telephone conversation with my brother, Jim Kantola, I am withdrawing my request for a filing fee as described in IDWR 2/23/89 memo to 65-02943-C by Eldon Roush.

No one apparently realized that this fee would stand for the adjudication fee that you require to be filed.

My brother and I both appreciate all the work that you are doing to resolve this matter. If you need any further information from me, do not hesitate to contact me at the address and phone number below.

Sincerely,



Nadene E. McGovern
8142 Redlands # 106
Playa del Rey, CA 90293
(213) 305-8478

MICROFILMED
OCT 18 1996

TO: A65-02943D
FROM: LINDA WERNER
APRIL 17, 1991

ON APRIL 16 I MET WITH MARYANN KANTOLA REGARDING THE JUG CREEK RESERVOIR CLAIMS. THEIR PARTICULAR CLAIM IS A65-02943D. FIRST OF ALL THE REASON SHE CAME IN WAS TO UNDERSTAND WHAT WAS HAPPENING BECAUSE HER SISTER-IN-LAW, NADENE MCGOVERN, REQUESTED A WITHDRAWAL OF THEIR JUG CR. CLAIM. I HAD CALLED MCGOVERN TO SEE IF SHE REALLY WANTED TO WITHDRAW GIVEN THE CIRCUMSTANCES WITH THESE FILINGS. ULTIMATELY, SHE DECIDED SHE DID NOT WANT TO WITHDRAW THE ADJ. CLAIM, THOUGHT SHE WAS ASKING FOR A WITHDRAWAL AND REFUND OF A PERMIT APP. THAT WAS FILED BY THE KK WATER ASSOC. THEY ARE NOT WITHDRAWING THE PERMIT APP EITHER (65-13058).

WHILE M. KANTOLA WAS HERE WE DISCUSSED THE DIFFERENCE BETWEEN THE PERMIT APP. AND THE ADJ. CLAIM. ESSENTIALLY, THE PERMIT APP. WAS FILED IN CASE THEIR ADJ. CLAIM GETS DISALLOWED IN THE SRBA. ELTON GOT INVOLVED IN TAKING THESE CLAIMS AND DISCOVERED AT THAT TIME THAT WATER RIGHTS ON PROPERTY IN SECTION 35 AND SECTION 36 (ALTA VISTA SUB. & PHYLLIS HUFFMAN PROPERTY) WERE SOLD WITH THE PROPERTY WHEN IT WAS SOLD AS INDIVIDUAL LOTS. THE SELLERS WERE FRANK AND DIANE THOMAS.

THEN FRANK AND DIANE THOMAS SOLD OFF 220 ACRE-FEET OF WATER TO 5 ENTITIES OF WHICH THE KANTOLAS WERE ONE. THE OTHER FOUR WERE THE FRISBIES, DUNCANS, WILLEYS AND KITCHENS AND EACH OF THESE FAMILIES WERE TO RECEIVE 44 ACRE-FEET OF STORAGE WATER OF JUG CREEK RESERVOIR. THIS IS WHERE THE PROBLEM LIES BECAUSE THERE IS NO EVIDENCE TO INDICATE THAT THE THOMASES ACTUALLY RETAINED THESE RIGHTS WHEN THEY SOLD THE LAND ABOVE. THE LAND OWNED BY THESE 5 ENTITIES IS IN SECTION 13 OF T17N, R 3E. THE LANDS REFERRED TO ABOVE AS THE SUBDIVISION AND HUFFMAN PROPERTY ARE IN T18N, R3E.

THERE IS ALSO THE POSSIBILITY OF ABANDONMENT ON THE NORTHERN LANDS. THIS QUESTION MUST BE ANSWERED.

HOWEVER, BECAUSE IT IS TOO EARLY IN THE ADJ. TO MAKE A RECOMMENDATION ON THIS PARTICULAR CASE I THINK IT WOULD BE PRESUMPTIOUS FOR ANY OF THE PEOPLE INVOLVED TO WITHDRAW THEIR CLAIMS. IN MOST CASES NO MONEY WAS PAID BECAUSE THEIR CLAIMS WERE PREVIOUSLY FILED IN THE PRBA. THAT IS ANOTHER THING TO CHECK OUT. HOW WILL THE PRBA DECREE AFFECT THE SRBA CLAIMS?

MICROFILMED
OCT 18 1996

CONVERSATION MEMORANDUM

DATE 4-15-91FILE AGS-29430NAME OF PARTY Jim KantolaEMPLOYEE Linda WarnerRE: Claim withdrawn & refund

After talking w/ Madame McHarron (see memo attached) I contacted Jim Kantola.

He is in favor of holding on to this claim until such time as Valley co. makes a decision. I indicated that at that time we could do a thorough review of all claims. He said he would call his brother (Madame McHarron) & talk to her about this. He will get back to me & let me know how to proceed.

NEW ADDRESS:

2771 Cherry Ln.Emmett 836174-16-91

MaryAnn Kantola came in today (wife of James) to discuss above. McHarron was confused about claim vs benefit & wanted the refund due on the benefit. She is sending me a written request asking not to withdraw the claim.

MICROFILMED

OCT 18 1996

CONVERSATION MEMORANDUM

DATE 4-15-91FILE AG 5-294313

NAME OF PARTY

EMPLOYEE

Nadine McHarrisonAmber Werner

RE:

Jug Creek

She requested a refund of money spent on above claim which she is withdrawing.

I called her to see if she wouldn't want to wait on withdrawal until Valley co. review come up & I can look at whole situation to see if withdrawal is necessary. She said she spent thousands of dollars on this, knows what she wants to do & is taking advice of our agent who suggested they do this in the first place. I said I would process her withdrawal but could not guarantee a refund. Also told her that any money refunded would be sent to Jim Kantola, payee - (her brother). She wanted the refund sent to her, but agreed that since this was our policy it would have to do.

MICROFILMED
OCT 18 1996

From: DWR03::FRAZEE
To: DWR80::HARRIS
CC: FRAZEE
Subj: A65-02943D

20-NOV-1990 07:55:56.08

HI, LORI. DAVE SHAW WAS SENT A REFUND REQUEST FROM THE CLAIMANT ON THE ABOVE CLAIM, AND SHE REFERRED TO A MEMO IN THE FILE AT YOUR OFFICE BY ELDON ROUSH DATED 2/23/89.

JOHN CARLSON WILL WANT TO SEE THAT, I KNOW, SO I THOUGHT I'D GET A COPY OF IT B4 I PASS ON THE REFUND REQUEST TO HIM. WOULD YOU PLEASE SEND ME A COPY OR FAX IT TO ME IF THAT'S EASIER, PLEASE? CLAIMANT'S NAME IS NADENE E. MCGOVERN; FEES (\$209) PAID BY JIM KANTOLA.

THANK YOU.

From: DWR03::FRAZEE 26-DEC-1990 14:20:59.32
To: DWR80::HARRIS
CC: FRAZEE
Subj: A65-02943D/NADENE E. MCGOVERN

HI LORI...HOPE YOUR XMAS WAS LOVELY. I'LL SURE BE GLAD WHEN THIS COLD FRONT LEAVES BOISE!

I'M JUST FOLLOWING UP ON MY E-MAIL TO YOU OF 11/20/90. HAVE YOU HAD ANY LUCK FINDING THE MEMO I ASKED ABOUT SENT TO NADENE BY ELDON ROUSH ON 2/23/89? (OR HAD ANY TIME TO LOOK, I GUESS I SHOULD SAY)?

PLS LET ME KNOW STATUS SO I CAN LET JOHN CARLSON KNOW. THANKS MUCH.

...SAL

From: DWR03::FRAZEE 26-DEC-1990 14:54:42.25
To: DWR80::HARRIS
CC: FRAZEE
Subj: A65-02943D/NADENE MCGOVERN (AGAIN)

JUST NOW, WHILE SEARCHING FOR CORRES/CLAIMS IN THE "STAX" AS WE CALL THEM, I FOUND 3 CLAIMS BY NADENE MCGOVERN, ONE OF WHICH IS THE ONE NOTED ABOVE.

THE BAD NEWS IS THAT THE MEMO SHE SAID WAS WRITTEN BY ELDON ROUSH IS NOT ATTACHED.

THEREFORE, I'M HOPING IT MAY BE IN THE FILE AT YOUR OFFICE...

DON'T KNOW IF THIS INFO HELPS YOU OR NOT, BUT FELT YOU SHOULD KNOW.

...SAL

12-26-90 Fax'd 11-6-90 ltr to Dave Shaw from claimant to Lori Harris.

MICROFILMED
OCT 18 1996

2/19
1/10

? 1990

Nadene McGovern
8142 Redlands, #106
Playa Del Rey, CA 90293

RE: Snake River Basin Adjudication (SRBA)
Valley County - Notice of Claim #A65-02943D
Receipt #W001363, \$209.00

Dear Ms. McGovern:

Due to the fact you have withdrawn your claim, the refund process has been initiated with the State Auditor's Office. You should receive your check in the near future.

Sincerely,

John D. Carlson
Adjudication Supervisor

JDC:sf:ref

3.

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November 6, 1990

RECEIVED
NOV 16 1990

Department of Water Resources

Mr. Dave Shaw
IDWR Adjudication Bureau
1301 N. Orchard
Boise, ID 83706

Dear Mr. Shaw:

I am asking for a refund of a filing fee under the following conditions:

There is an apparent forfeiture of 220 sq. ft. storage as described in IDWR 2/23/89 memo to 65-02943C by Eldon Roush (reviewed by D. Tuthill and J. Shurte).

This documents the need for replacing forfeited right(s) with a new right (now permit 65-13058). The memo is on file at the Western Regional Office.

I apologize for my lateness in requesting this refund, but would appreciate your attention to this matter.

Sincerely,



Nadene E. McGovern
8142 Redlands # 106
Playa del Rey, CA 90293
(213) 305-8478

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OCT 18 1996

REQUEST FOR WITHDRAWAL OF CLAIM

Name of Claimant: NADENE MCGOVERN
(Please Print)
Mailing Address: 8142 RENDLANDS #106 PLAYA DEL RAY, CA.
Amount: \$ 209⁰⁰ Receipt No.: W001363 90293
County of Water Right: VALLEY
Claim No(s): A65-029430

I wish to withdraw the Notice(s) of Claim to a Water Right which number(s) appear above and for which I previously paid a filing fee to the Idaho Department of Water Resources. I do X /do not request a refund of the filing fee. If a refund is requested I have attached an explanation of the justification for granting a refund.

X Nadene E. McGovern
(Signature of Claimant)

X 11/6/90
(Date)

(Signature of Claimant)

(Date)

(Signature of Claimant)

(Date)

Return to:

Idaho Department of Water Resources
Adjudication Section
Statehouse Mail
Boise, Idaho 83720

For IDWR Use

	<u>Initials</u>	<u>Date</u>
Approval Region	_____	_____
Approval State Office	_____	_____
Data Entry	_____	_____
Claim File	_____	_____

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11-20-90

REFUND REQUEST

Hold Until _____ To Fiscal _____

TO: Debbie Allen

THRU: Don Shaff

FROM: John Carlson

RE: Payor

Address

Jim Kantola
c/o Nadene Mc Govern
8142 Redlands, #106
Plaza Del Rey, CA 90293

Initials/Date

Approved

Approved

Claimant if NOT Payor Nadene Mc Govern

Receipt # W001363 Attached ☒

Amount \$ 209.00

W/R #(s) A65-02943D

Refund Generated By claimant

Not Refunded as of 11-20-90

Reason for Refund withdrawal - explanation attached (from claimant)

Date of Last Correspondence 11-16-90 from claimant; add'l @ western.

Data Base Modified? Y/N NA By _____ Date _____

Logged 11-20-90

Claim Location western attached.

Extension Filed? Y/N NA

Copy Attached? Y/N NA

Late Fees Paid? Y/N NA

On Receipt # _____

REMARKS:

see FAX memo from Eldon Roush 2-23-89 attached.
Claim # A65-02943D first received with fee of \$209.00
(Receipt # W001363) on 11/10/88. Change of Ownership form
received 10/31/89 - Elma Kantola removed from claim. Request
for Withdrawal & letter received from McGovern on 11/16/90.
Letter refers to memo by Roush which describes apparent for-
feiture of right & explains that new permit would replace
forfeited right. Only evidence of new permit found was
Receipt # W003052

65-13058

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09/20/90

Idaho Department Of Water Resources
Detail Receipt Summary Screen

Date: 11/20/90
Time: 07:42:34

Rec/No - W001363 AR/No -
From: - KANTOLA, JIM

Receipt Type - CK Doc/No - 353
Remarks -

MOST CURRENT RECEIPT

Receipt Date: 11/10/1988

Type Of Payment
ADJUDICATION FEE

Program	Acct	Class	Fee
410162	9337	6490	209.00

Total Due - 209.00

WR/No	WR Fee	WR/No	WR Fee	WR/No	WR Fee
A6502943D	209.00				

(ENTER=CONTINUE)

(GOLD7=SELECTION SCREEN)

(GOLD8=CANCEL)

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OCT 18 1996

WHITE, AHRENS, PETERSON & PERRY, P. A.

ATTORNEYS AT LAW
104 9TH AVENUE SOUTH
P. O. BOX 247

NAMPA, IDAHO 83653-0247
(208) 466-9272 • (208) 888-1482
FAX (208) 466-4405

EDWARD D. AHRENS
PHILIP A. BROWN
WILLIAM A. MORROW
BRUCE M. PERRY
PHILIP A. PETERSON
STEPHEN L. PRUSS
TERRENCE R. WHITE

BOISE OFFICE
988 LONGMONT AVENUE
SUITE 200
BOISE, IDAHO 83706
(208) 342-3030
FAX (208) 342-3212

PLEASE REPLY TO NAMPA OFFICE

October 30, 1989

RECEIVED
OCT 31 1989

Carter Fritschle
Senior Water Rights Agent
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

Department of Water Resources

Re: Snake River Basin Adjudication SRBA
Claim #A65-02943D/#A65-08256/#A65-08257
Valley County

Dear Sir:

I forwarded the documents you sent to me on September 14, 1989, to Nadene McGovern. She completed those documents and returned them to me. I am forwarding them on to you.

In the event you have any questions regarding these forms, please contact Mrs. McGovern directly at 8142 Redlands, #106, Playa Del Rey, California 90293.

Thank you for your assistance in this matter.

Very truly yours,

WHITE, AHRENS, PETERSON & PERRY, P.A.

Jan Boicourt

Jan Boicourt

03/wjb

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OCT 18 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 14, 1989

White, Ahrens, Peterson
& Perry
P. O. Box 247
Nampa, Idaho 83653

Attn: Jan

Re: Snake River Basin Adjudication SRBA
Claim #A65-02943D/#A65-08256/#A65-08257
Valley County

Dear Jan:

Enclosed are the Change in Ownership forms you requested and a copy of claim #A65-02943D. Also enclosed are claims #A65-08256 and #A65-08257, which may pertain to your client.

After completing the forms please return the documents to this office at my attention. Do not hesitate to contact this office if you have any questions or concerns.

Sincerely,


Carter Fritschle
Senior Water Rights Agent

CF:mcc:state

Enclosures:

Claims #A65-02943D/#A65-08256/#A65-08257
Change in Ownership Forms (3)

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OCT 18 1995



CECIL D. ANDRUS
Governor

State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

R. KEITH HIGGINSON
Director

03/02/1989

JAMES E. KANTOLA
1023 CAMELOT
NAMPA, ID. 83651

DEAR MR. KANTOLA:

ON NOVEMBER 10 1988, NOTICE OF CLAIM # A65-02943D WAS PROCESSED BY THIS OFFICE. THIS CLAIM WAS BASED ON WATER RIGHT 65-02943C.

PLEASE REVIEW THE ENCLOSED FINDINGS OF RECORD-SUMMARY CONCLUSION FOR DECREE 65-02943C.

IT WOULD BE ADVISABLE FOR YOU TO SUBMIT AN APPLICATION FOR PERMIT TO RETAIN A WATER RIGHT FOR THE 88 ACRE FEET CLAIMED IN THE SNAKE RIVER BASIN ADJUDICATION.

PLEASE CONTACT THIS AGENT IF YOU HAVE ANY QUESTIONS AND/OR WISH TO MAKE AN APPOINTMENT TO FILE A APPLICATION FOR PERMIT.

SINCERELY:

ELDON L. ROUSH
SENIOR WATER RESOURCE AGENT
ADJUDICATION SECTION

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DECREE 65-02943C

FINDINGS OF RECORD—SUMMARY CONCLUSION

Prepared By Eldon L. Roush
Senior Water Resources Agent
Western Region
02/23/1989

- 02/11/1950-----APPLICATION FOR PERMIT #R850 FOR IRRIGATION FROM STORAGE
APPROVED. JOHN SHAW, APPLICANT.
SEE EXHIBIT "A".
- 08/29/1950-----APPLICATION FOR AMENDMENT TO PERMIT #R850 APPROVED.
JOHN SHAW, APPLICANT.
SEE EXHIBIT "B".
- 02/11/1958-----ASSIGNMENT OF PERMIT #R850 BY JOHN SHAW TO WARREN OSBORN,
VERN HEIKKILA, WILLIAM WILLARD, AND ROY SHAW AS FOLLOWS:
WARREN OSBORN---E1/2SE1/4 SECTION 35 AND SW1/4 SECTION 36,
TWP. 18N., RGE 3E.
AMOUNT OF STORAGE WATER PRO-RATED: 406.85
ACRE FEET.
ROY SHAW-----NW1/4NE1/4, NE1/4NW1/4 SECTION 25, TWP 18N.
RGE. 3E
AMOUNT OF STORAGE WATER PRO-RATED: 125
ACRE FEET.
VERN HEIKKILA--N1/2NE1/4 SECTION 35 AND SE1/4NW1/4 SECTION
36, TWP 18N., RGE 3E.
AMOUNT OF STORAGE WATER PRO-RATED: 125
ACRE FEET.
WM. WILLARD----S1/2NE1/4 SECTION 35, TWP 18N.,RGE 3E.
AMOUNT OF STORAGE WATER PRO-RATED: 125
ACRE FEET.
SEE EXHIBIT "C".
- 02/12/1958-----LICENSE #R850 ISSUED TO WARREN OSBORN AS ASSIGNEE OF
406.85 AC-FT/A PORTION OF PERMIT #R850 THAT JOHN SHAW
MADE APPLICATION FOR ON 12/31/1949.
SEE EXHIBIT "D".
- 02/17/1970-----WARREN OSBORN ASSIGNS HIS RIGHT, TITLE, AND INTEREST IN
R850 TO OSBORN RANCH INC..
SEE EXHIBIT "E".
- 09/09/1976-----OSBORN RANCH INC. SELLS PROPERTY LISTED IN R850 AND 3000
ACRE FEET OF THE TOTAL 406.85 ACRE FEET STORAGE WATER
TO FRANK AND DIANE THOMAS.
OSBORN RANCH INC. RETAINS 106.85 ACRE FEET OF STORAGE

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Findings
R 1

WATER.

SEE EXHIBIT "F".

09/10/1976-----FRANK AND DIANE THOMAS COMPLETES DEVELOPMENT OF THE ALTA VISTA SUBDIVISION IN THE NE1/4SW1/4, NW1/4SW1/4, AND SE1/4SW1/4 OF SECTION 36, TWP 18N., RGE 3E. AND MAINTAINS OWNERSHIP OF LOTS UNTIL SOLD.

SEE EXHIBIT "G".

05/10/1977-----FRANK AND DIANE THOMAS CONVEYS E1/2SE1/4 OF SECTION 35, TWP 18N., RGE 3E TO PHYLLIS HUFFMAN.

SEE EXHIBIT "H".

02/25/1981-----DIANE THOMAS RICHARDS, AKA DIANE THOMAS AND THE ESTATE OF FRANK R. THOMAS, DECEASED, QUITCLAIM DEEDS 220 ACRE FEET STORAGE WATER OF LICENSE #R850 TO LOREN K. AND DIANA HOLLENBEAK.

DIANE THOMAS RICHARDS, AKA DIANE THOMAS, RETAINS 80 ACRE FEET OF LICENSE #R850.

SEE EXHIBIT "I".

09/21/1984-----LOREN K. AND DIANA HOLLENBEAK QUITCLAIM DEEDS 220 ACRE FEET STORAGE WATER TO THE FOLLOWING AS PRO-RATED:

JAMES E. AND NANCY ANN KANTOLA----- 44 ACRE FEET

ED D. AND BARBARA J. FRISBIE----- 44 ACRE FEET

44 ACRE FEET ASSUMED BY KANTOLA'S.

GEORGE AND LINDA DUNCAN----- 44 ACRE FEET

HUGH W. AND SARA M. WILLEY----- 44 ACRE FEET

ALBION L. AND MARGUERITE L. KITCHENS----- 44 ACRE FEET

SEE EXHIBIT "J".

12/02/1985-----OSBORN RANCH INC. TRANSFERS INTEREST IN 106.9 ACRE FEET OF STORAGE WATER TO JOHN AND TERESA CAREY.

SEE EXHIBIT "K".

*CONFIRMED BY THIS AGENT BY TELEPHONE CONVERSATION WITH WARREN OSBORN 12/01/1988.

01/21/1986-----WATER RIGHT LICENSE #R850 FOR ASSIGNEE WARREN OSBORN ISSUED WATER RIGHT # 65-02943C IN PAYETTE RIVER BASIN DECREE.

SEE EXHIBIT "L".

SUMMARY CONCLUSION

ON 09/09/1976, OSBORN RANCH INC. SELLS PROPERTY LISTED IN LICENSE # R850, TOGETHER WITH 300 ACRE FEET OF STORAGE WATER, TO FRANK AND DIANE THOMAS.

ON OR ABOUT 09/10/1976, FRANK AND DIANE THOMAS COMPLETES DEVELOPMENT OF ALTA VISTA SUBDIVISION AND BEGINS SALE OF INDIVIDUAL LOTS WITHIN THE SUBDIVISION. NO RECORDS ARE FOUND INDICATING THAT WATER RIGHTS WERE RETAINED BY THE THOMASES' FOR LANDS WITHIN THE ALTA VISTA SUBDIVISION (PORTION OF THE SW1/4 OF SECTION 36, TWP 18N.,

ON 05/10/1977, FRANK AND DIANE THOMAS CONVEYS E1/2SE1/4 OF SECTION 35, TWP 18N., RGE 3E. TO PHYLLIS HUFFMAN. NO RECORDS ARE FOUND TO INDICATE THAT FRANK AND DIANE THOMAS RETAINED WATER RIGHTS APPUREN-

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ANT TO THIS PROPERTY.

ON 02/25/1981, THE ESTATE OF FRANK THOMAS QUITCLAIM DEEDS 220 ACRE FEET OF STORAGE WATER OF LICENSE #R850 AND RETAINS 80 ACRE FEET.

SINCE IT APPEARS THAT FRANK AND DIANE THOMAS DID NOT RETAIN STORAGE WATER RIGHTS FOR LANDS SOLD, CONVEYED, OR QUITCLAIM DEEDED ON OR ABOUT 09/10/1976 (ALTA VISTA SUBDIVISION) AND ON 05/10/1977 (PHYLLIS HUFFMAN), IT IS PROBABLE THAT THE WATER RIGHT OF LICENSE #R850 REMAINED APPURTENANT TO PROPERTIES LISTED IN THE LICENSE AND COULD NOT BE TRANSFERRED, SOLD, CONVEYED OR QUITCLAIM DEEDED BY OTHER THAN THE PROPERTY OWNERS OF ALTA VISTA SUBDIVISION AND PROPERTY OWNER PHYLISS HUFFMAN. THEREFORE, THE QUITCLAIM DEED DATED 02/25/1981 BETWEEN THE THOMASES' AND HOLLENBEAKS' AND SUBSEQUENTLY THE QUITCLAIM DEED DATED 09/21/1984 BETWEEN THE HOLLENBEAKS' AND THE PURCHASERS ARE QUESTIONABLE IN RESPECT TO LEGALITY.

FURTHERMORE, A QUESTION ARISES AS TO FORFEITURE OF LICENSE #R850 FOR NON-USE IN LANDS WITHIN THE ALTA VISTA SUBDIVISION. IT APPEARS THAT IRRIGATION OF THESE LANDS WITH STORAGE WATER FROM LICENSE #R850 HAS NOT OCCURED SINCE THE COMPLETION OF THE SUBDIVISION ON OR ABOUT 09/10/1976.

POSSIBLE CONTACTS WITH PROPERTY WITHIN ALTA VISTA SUBDIVISION FOR VERIFICATION:

HALORAB BLANTAIN RT. 1 BOX 61- A-1 MCCALL, ID 83638 (208) 325-8218	LOT 32
JOHN F. OR CHERIE A. TRITZ BOX 1135 MCCALL, ID 83638 (208) 634-5152	LOT 13
MARJORIE J. FRANKS BOX 636 MCCALL, ID 83638 (208) 634-8726	LOT 19
JERRY OR PATRICIA HARRIS RT. 1 BOX A-10 MCCALL, ID 83638 (208) 634-7549	LOT 17
DALE E. POINTS P.O. BOX 662 LAKE FORK, ID 83635 (208) 634-5964	LOT 14
JUDY M. OR KIM KIRKLAND RT. 1 BOX A-8 MCCALL, ID 83638 (208) 634-5964	LOT 20

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REVIEWED 02/23/1989 BY:

DAVE TUTHILL, WESTERN REGION MANAGER

JAN SHURTE, WESTERN REGION ADJUDICATION SUPERVISOR

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OCT 18 1996

1 DITCH, WATER, W

2 AGREEMENT FOR SALE AND CONVEYANCE OF

3 WATER, WATER RIGHTS, STORAGE RIGHTS AND DITCH RIGHTS

4
5 THIS AGREEMENT FOR SALE AND CONVEYANCE OF WATER, WATER
6 RIGHTS, STORAGE RIGHTS AND DITCH RIGHTS IS MADE AND ENTERED
7 INTO AS OF THIS 25TH DAY OF FEBRUARY, 1981, BY AND BETWEEN
8 DIANE THOMAS RICHARDS, AKA DIANE THOMAS AND THE ESTATE OF
9 FRANK R. THOMAS, DECEASED, BY DIANE THOMAS RICHARDS, AKA DIANE
10 THOMAS AS PERSONAL REPRESENTATIVE FOR THE SAID ESTATE OF FRANK
11 R. THOMAS, HEREINAFTER REFERRED TO AS "VENDOR", AND LOREN K.
12 HOLLENBEAK AND DIANA HOLLENBEAK, HUSBAND AND WIFE, HEREINAFTER
13 REFERRED TO AS "PURCHASER";

14 W I T N E S S E T H:

15 THAT THE VENDOR, FOR AND IN CONSIDERATION OF THE
16 COVENANTS, AGREEMENTS AND PAYMENTS MADE ON THE PART OF
17 PURCHASER, WHICH ARE HEREIN CONTAINED, AGREE TO SELL AND
18 CONVEY UNTO SAID PURCHASER, AND THAT SAID PURCHASER AGREES TO
19 BUY FROM VENDOR, THE FOLLOWING IRRIGATION DITCH: WATER, WATER
20 RIGHTS, STORAGE RIGHTS AND DITCH RIGHTS, TO-WIT:

21 ALL VENDOR'S INTEREST IN THE SHAW-HEIKKELA
22 DITCH, LOCATED IN VALLEY COUNTY, IDAHO,
23 TOGETHER WITH 220 ACRE FEET OF WATER FROM
24 JUG CREEK RESERVOIR TOGETHER WITH ALL
25 DECREEED WATER AND DITCH RIGHTS PERTAINING TO
26 THE LAND BEING PURCHASED BY THE VENDOR HEREIN
BY VIRTUE OF A CONTRACT OF SALE OF REAL
PROPERTY FROM OSBORN RANCH, INC., AN IDAHO
CORPORATION, AND THAT WATER FROM JUG CREEK
RESERVOIR CONSISTS OF A PORTION OF IDAHO STATE
PERMIT NO. 65-2943(R-850 OLD NO.), DATED DECEMBER
31ST, 1949, AND SUCH OTHER DECREEED WATER RIGHTS
BEING CONVEYED PURSUANT TO THE CONTRACT OF SALE
ABOVE REFERENCED OR OWNED BY VENDOR, AND
WHICH IS APPURTENANT TO THE LAND DESCRIBED IN
SAID CONTRACT.

IT IS UNDERSTOOD AND AGREED BY THE PARTIES HERETO THAT
THE VENDOR CAN MAKE NO GUARANTY, WARRANTY OR REPRESENTATION,
EXPRESS OR IMPLIED AGAINST CLAIMS OF ANY OTHER PARTY ASSERTING
AN INTEREST IN SAID DITCH. PURCHASER IS AWARE THAT OWNERS OF
THE LOTS WITHIN THE ALTA VISTA SUBDIVISION, AS SHOWN ON THE
OFFICIAL PLAT THEREOF ON FILE IN THE RECORDER'S OFFICE OF
VALLEY COUNTY, IDAHO, AND OTHERS, MAY ASSERT A CLAIM OR

EXHIBIT B

QUITCLAIM DEED

PAGE 1

Q U I T C L A I M D E E D

FOR VALUE RECEIVED, DIANE THOMAS RICHARDS, AKA DIANE THOMAS AND THE ESTATE OF FRANK R. THOMAS, DECEASED, BY DIANE THOMAS RICHARDS, AKA DIANE THOMAS AS PERSONAL REPRESENTATIVE FOR THE ESTATE OF FRANK R. THOMAS, THE GRANTORS, DO HEREBY CONVEY, RELEASE, REMISE AND FOREVER QUITCLAIM UNTO LOREN K. HOLLENBEAK AND DIANA HOLLENBEAK, THE GRANTEEES, WHOSE MAILING ADDRESS IS P.O. BOX 676, LAKEFORK, IDAHO 83635, ALL THEIR INTEREST IN THE FOLLOWING IRRIGATION DITCH, WATER, WATER RIGHTS, STORAGE RIGHTS AND DITCH RIGHTS, IN VALLEY COUNTY, IDAHO, TO-WIT:

ALL GRANTORS' INTEREST IN THE SHAW-HEIKKELA DITCH, LOCATED IN VALLEY COUNTY, IDAHO, TOGETHER WITH 220 ACRE FEET OF WATER FROM JUG CREEK RESERVOIR TOGETHER WITH ALL DECREEED WATER AND DITCH RIGHTS PERTAINING TO THE LAND BEING PURCHASED BY THE GRANTOR HEREIN BY VIRTUE OF A CONTRACT OF SALE OF REAL PROPERTY FROM OSBORN RANCH, INC., AN IDAHO CORPORATION, AND THAT WATER FROM JUG CREEK RESERVOIR CONSISTS OF A PORTION OF IDAHO STATE PERMIT NO. 65-2943(R-850 OLD NO.), DATED DECEMBER 31ST, 1949, AND SUCH OTHER DECREEED WATER RIGHTS BEING CONVEYED PURSUANT TO THE CONTRACT OF SALE ABOVE REFERENCED OR OWNED BY GRANTOR, AND WHICH IS APPURTENANT TO THE LAND DESCRIBED IN SAID CONTRACT.

TOGETHER WITH THEIR APPURTENANCES.

DATED THIS 25TH DAY OF FEBRUARY, 1981

Diane Thomas Richards

DIANE THOMAS RICHARDS,
AKA, DIANE THOMAS.

Diane Thomas Richards
Personal Representative

ESTATE OF FRANK R. THOMAS, DECEASED
BY DIANE THOMAS RICHARDS, AKA,
DIANE THOMAS AS THE PERSONAL
REPRESENTATIVE.

STATE OF IDAHO,
COUNTY OF ADA.

)
(SS.
)

MICROFILMED
OCT 18 1996

EXHIBIT C

ORIGINAL

Q U I T C L A I M D E E D

FOR VALUE RECEIVED, LOREN K. HOLLENBEAK AND DIANA
HOLLENBEAK, HUSBAND AND WIFE, OF LEWISTON, COUNTY OF NEZ
PERCE, STATE OF IDAHO, THE GRANTORS, HEREBY GRANTS, CONVEYS,
RELEASES, REMISES AND FOREVER QUITCLAIMS UNTO JAMES E. KANTOLA
AND NANCY ANN KANTOLA, HUSBAND AND WIFE, OF NAMPA, COUNTY OF
CANYON, STATE OF IDAHO, THE GRANTEEES, ALL THEIR INTEREST IN
THE FOLLOWING WATER RIGHTS IN VALLEY COUNTY, IDAHO, TO-WIT:

44 ACRE FEET OF WATER FROM JUG CREEK RESERVIOR.

DATED THIS 21th DAY OF SEPTEMBER, 1984.

Hollenbeak

Loren K. Hollenbeak
LOREN K. HOLLENBEAK



KANTOLA

DIANA HOLLENBEAK

Diana Hollenbeak

STATE OF IDAHO,

(SS.)

COUNTY OF

ON THIS 27th DAY OF SEPTEMBER, 1984, BEFORE ME, THE
UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY
APPEARED LOREN K. HOLLENBEAK AND DIANA HOLLENBEAK, KNOWN TO ME
TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN
INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE
SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND
AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE
WRITTEN.

Robert J. Hays
NOTARY PUBLIC FOR IDAHO
RESIDING AT: *Lewiston*

MICROFILMED
OCT 18 1996

EXHIBIT D COPY

1 QUITCLAIM DEED

2
3 FOR VALUE RECEIVED, LOREN K. HOLLENBEAK AND DIANA
4 HOLLENBEAK, HUSBAND AND WIFE, OF LEWISTON, COUNTY OF NEZ
5 PERCE, STATE OF IDAHO, THE GRANTORS, HEREBY GRANTS, CONVEYS,
6 RELEASES, REMISES AND FOREVER QUITCLAIMS UNTO ~~GEORGE DUNCAN~~
7 ~~AND LINDA DUNCAN~~ HUSBAND AND WIFE, OF MC CALL, COUNTY OF
8 VALLEY, STATE OF IDAHO, THE GRANTEEES, ALL THEIR INTEREST IN
9 THE FOLLOWING WATER RIGHTS IN VALLEY COUNTY, IDAHO, TO-WIT:

10 ~~44~~ ACRE-FEET OF WATER FROM JUG CREEK RESERVIOR.

11 DATED THIS DAY OF SEPTEMBER, 1984.

12 LOREN K. HOLLENBEAK

13 DIANA HOLLENBEAK

14 STATE OF IDAHO,)
15 (SS.
16 COUNTY OF)

17 ON THIS DAY OF SEPTEMBER, 1984, BEFORE ME, THE
18 UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY
19 APPEARED LOREN K. HOLLENBEAK AND DIANA HOLLENBEAK, KNOWN TO ME
20 TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN
21 INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE
22 SAME.

23 IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND
24 AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE
25 WRITTEN.

26 NOTARY PUBLIC FOR IDAHO
RESIDING AT:

EXHIBIT F

MICROFILMED
OCT 18 1996

UDELL and ELAM
ATTORNEYS AND COUNSELORS AT LAW
300 LENORA STREET
P.O. BOX 1300A MC CALL, IDAHO 83638
PHONE (208) 634-2108 or (208) 634-2100

UDELL and ELAM

ATTORNEYS AND COUNSELORS AT LAW
300 LENORA STREET
P.O. BOX 1300A McCall, IDAHO 83638
PHONE (208) 634-2108 or (208) 634-2100

QUITCLAIM DEED

FOR VALUE RECEIVED, LOREN K. HOLLENBEAK AND DIANA
HOLLENBEAK, HUSBAND AND WIFE, OF LEWISTON, COUNTY OF NEZ
PERCE, STATE OF IDAHO, THE GRANTORS, HEREBY GRANTS, CONVEYS,
RELEASES, REMISES AND FOREVER QUITCLAIMS UNTO HUGH W. WILLEY
AND SARA M. WILLEY, HUSBAND AND WIFE, OF MC CALL, COUNTY OF
VALLEY, STATE OF IDAHO, THE GRANTEEES, ALL THEIR INTEREST IN
THE FOLLOWING WATER RIGHTS IN VALLEY COUNTY, IDAHO, TO-WIT:

44 ACRE FEET OF WATER FROM JUG CREEK RESERVIOR.

DATED THIS DAY OF SEPTEMBER, 1984.

LOREN K. HOLLENBEAK

DIANA HOLLENBEAK

STATE OF IDAHO,)
(SS.
COUNTY OF)

ON THIS DAY OF SEPTEMBER, 1984, BEFORE ME, THE
UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY
APPEARED LOREN K. HOLLENBEAK AND DIANA HOLLENBEAK, KNOWN TO ME
TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN
INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE
SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND
AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE
WRITTEN.

NOTARY PUBLIC FOR IDAHO
RESIDING AT:

MICROFILMED
OCT 18 1996

UDELL and ELAM

ATTORNEYS AND COUNSELORS AT LAW
300 LENORA STREET
P.O. BOX 1300A McCALL, IDAHO 83638
PHONE (208) 634-2108 or (208) 634-2100

QUITCLAIM DEED

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KITCHENS AND MARGUERITE L. KITCHENS, HUSBAND AND WIFE, OF
BOISE, COUNTY OF ADA, STATE OF IDAHO, THE GRANTEES, ALL THEIR
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AND BARBARA J. FRISBIE, HUSBAND AND WIFE, OF MERIDIAN, COUNTY
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QUITCLAIM DEED

{Kantda's}

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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