

T06N R02W
S06

Idaho Department of Water Resources

Claims: 65-02985X

Prepared by:

RON HOWERTON

Date: 26 AUG 00

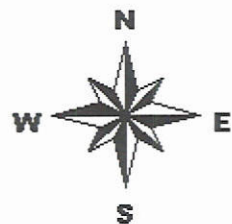
 Place of use

 POD

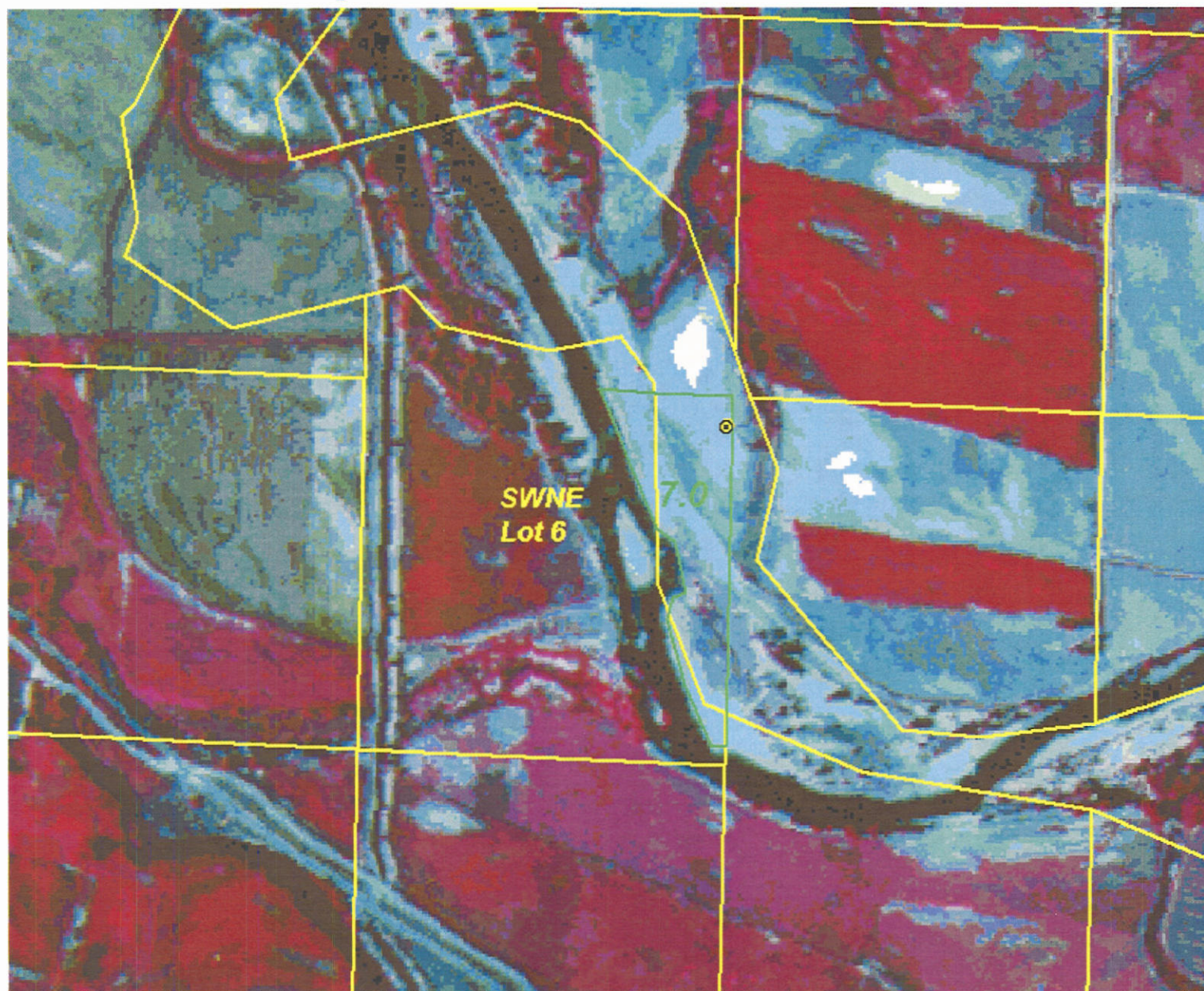
 SECTION

 1/4 1/4

7 Acres



1987 NAPP



**T06N R02W
S06**

Idaho Department of Water Resources

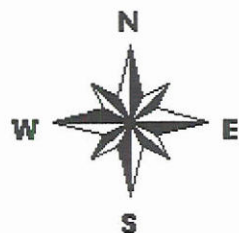
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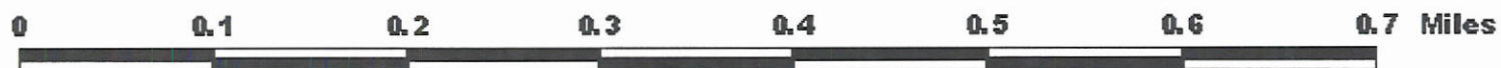
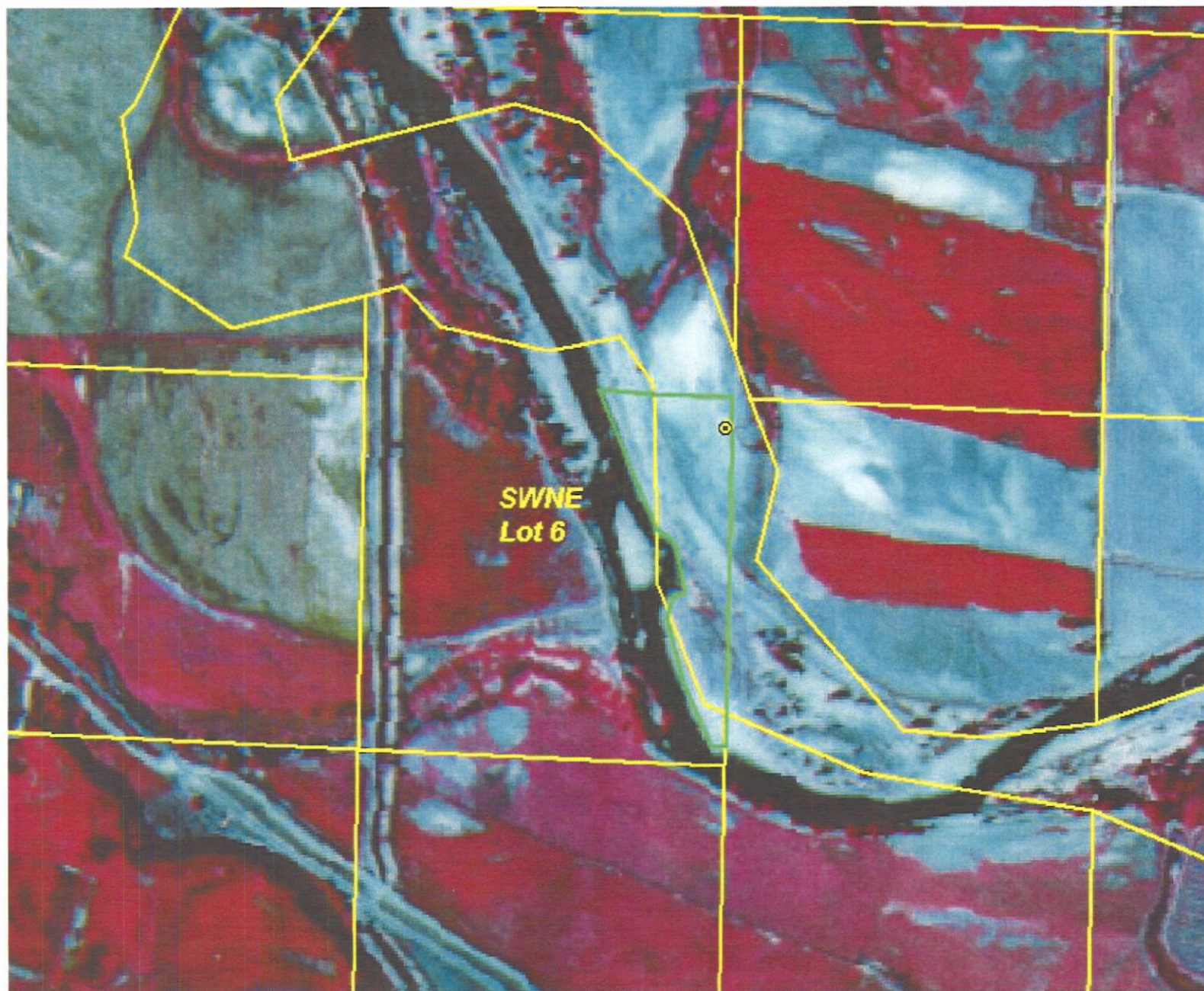
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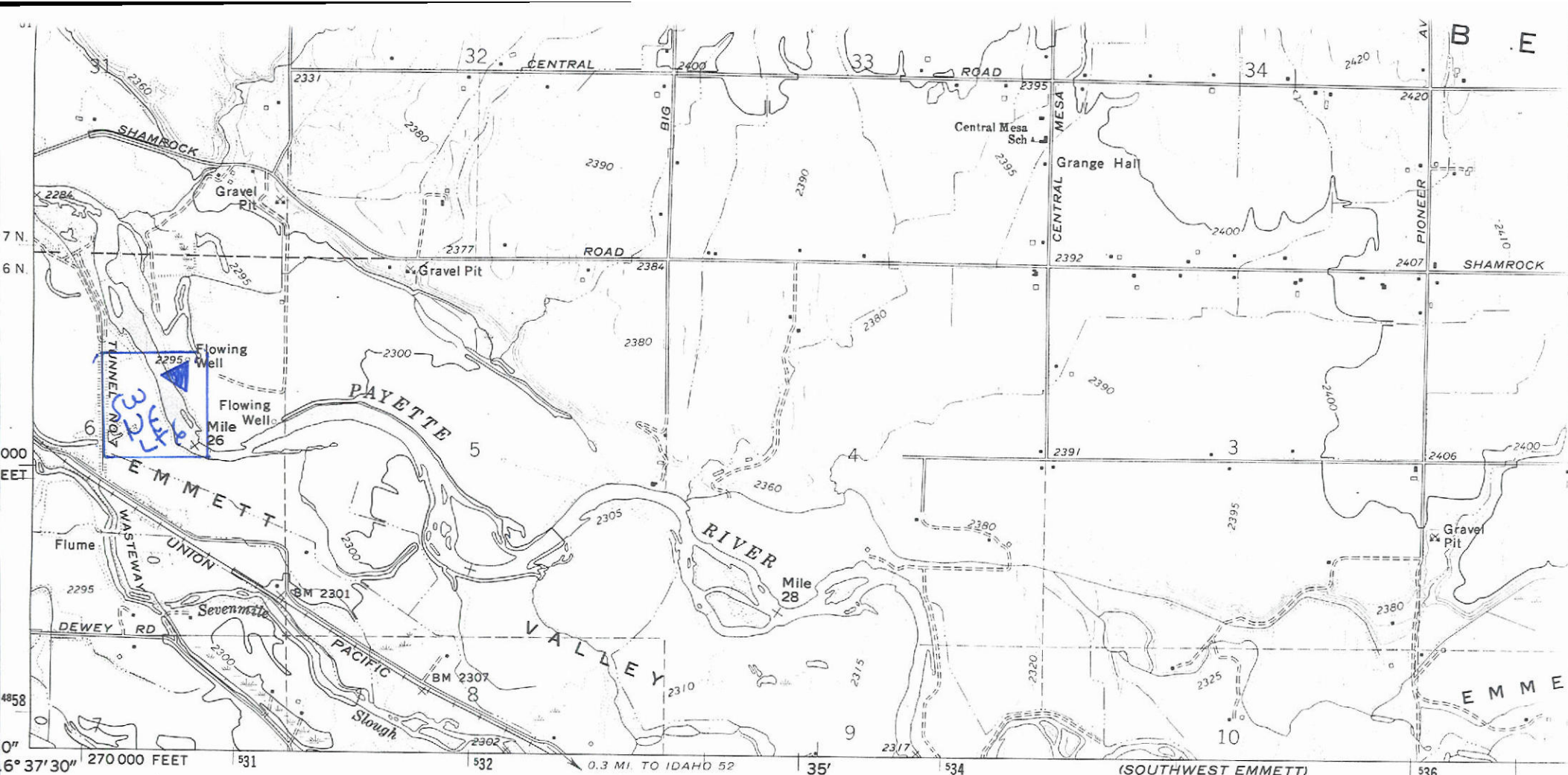
 **SECTION**

 **1/4 1/4**



1987 NAPP





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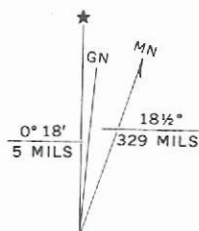
Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs taken 1969. Field checked 1971

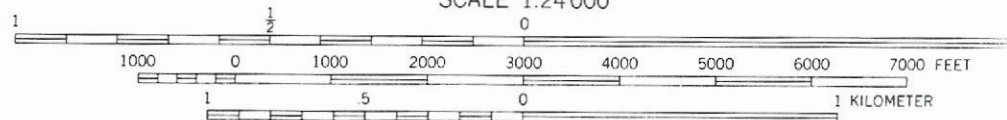
Projection and 10,000-foot grid ticks: Idaho coordinate system, west zone (transverse Mercator)
1000-meter Universal Transverse Mercator grid ticks, zone 11, shown in blue. 1927 North American datum

Red tint indicates areas in which only landmark buildings are shown

Fine red dashed lines indicate selected fence lines



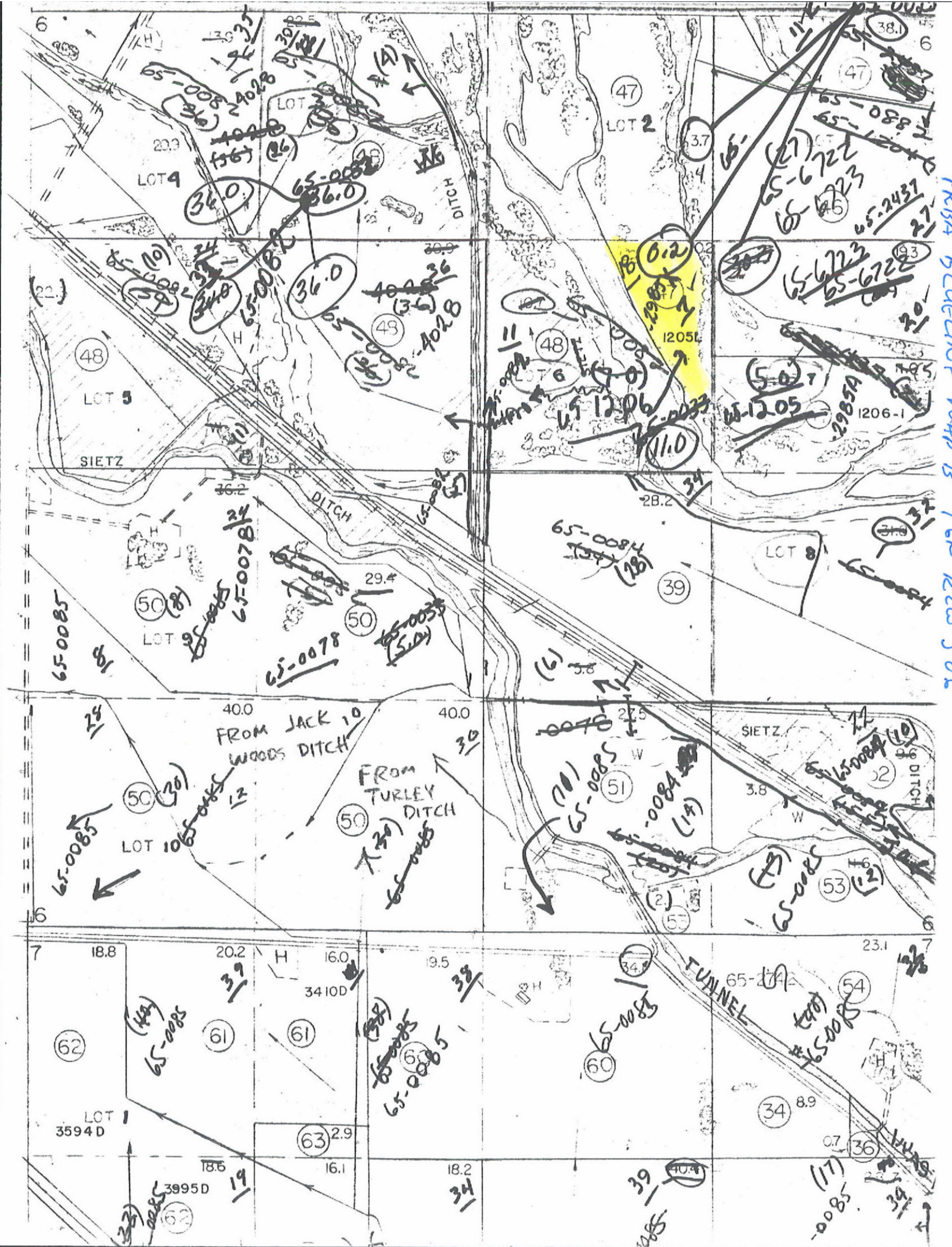
UTM GRID AND 1971 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET



CONTOUR INTERVAL 20 FEET
DOTTED LINES REPRESENT 5-FOOT CONTOURS
DATUM IS MEAN SEA LEVEL

W6
1971
TOPO T6N R2W

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR WASHINGTON, D. C. 202
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



810 000
FEET

AK65-02985X

T6N, R2W, S. 6; SW, NE



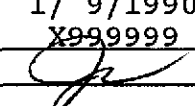
MICROFILMED

SEP 21 1992

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A65-02985X
Date Received: 1/ 9/1990
Receipt No: X999999
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KATHRYN MOFFIS 208-365-1684
Address: 6051 W IDAHO BLVD
EMMETT ID 83617

AND/OR

Name: TERRELL MOFFIS 208-365-1684
Address: 6051 W IDAHO BLVD
EMMETT ID 83617

2. Date of Priority: NOV 6, 1951

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
ARTESIAN, APPROX. 250' DEEP,

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.140		

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

8. Total consumptive use is 24.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use
06N	02W	6	SW	NE		IRR

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OCT 18 1996

10. Place of Use: Continued

Section Acres 7.0

Total Acres 7.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:
A65-01204, A65-02985A (NOT OVERLAP)

14. Remarks:
OWNERSHIP CHANGED 8-28-96. JS

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO
Decree Plaintiff

A & C CORP., ET AL.
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

MICROFILMED
OCT 18 1996

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 _____

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OCT 18 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

4/23/01

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RE: Notice of Error to Water Right Nos.: 65-1204, 65-2985A & 65-2985X

KATHRYN MOFFIS &/OR
TERRELL MOFFIS
6051 W IDAHO BLVD
EMMETT ID 83617

Dear Kathryn & Terrell,

Your claims were recommended and based upon the prior Payette Basin Adjudication. This adjudication was a previous court case, which decreed all water rights existing prior to October 18, 1977.

We cannot recommend an enlargement of the quantity of a previously decreed right. These rights were recommended in the Snake River Basin Adjudication with the same quantity as decreed in the Payette Basin Adjudication.

If you want additional water now, the process is to file an application for permit.

An application for permit form with instructions is enclosed for your use in this matter.

Sincerely,

A handwritten signature in cursive script that reads 'Ron Howerton'. The signature is written in dark ink and is positioned above the printed name.

Ron Howerton
Senior Water Right Agent
Western Region 334-2190
Adjudication Bureau

Enclosures

03/08/2001

NOTICE OF ERROR
REPLY

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

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

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

Water right number: 65-2985X

KATHRYN MOFFIS

6051 W IDAHO BLVD

EMMETT ID 83617

Telephone Number: (208)365-1684

TERRELL MOFFIS

6051 W IDAHO BLVD

EMMETT ID 83617

Telephone Number: (208)365-1684

RECEIVED

APR 20 2001

WATER RESOURCES
WESTERN REGION

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

QUANTITY

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

INCREASE TO 0.28 CFS

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

COARSE RIVER BOTTOM SOILS NEED MORE WATER

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

DATE: 4-13-01

SIGNATURE: Kathryn Moffis

Please print your name: KATHRYN MOFFIS

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

12/20/2000

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

RIGHT NUMBER: 65-2985X

NAME AND ADDRESS: KATHRYN MOFFIS
TERRELL MOFFIS
6051 W IDAHO BLVD
EMMETT, ID 83617

SOURCE: GROUND WATER

QUANTITY: 0.14 CFS

PRIORITY DATE: 11/06/1951

POINT OF DIVERSION: T06N R02W S6 LOT 6 SWNE Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3-15 11-15	0.14 CFS

PLACE OF USE:

IRRIGATION Within GEM County
T06N R02W S6 LOT 6 SWNE 7

7 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

AJ0749NP
No. A65-02985X

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

DATE: 09/02/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KATHRYN MOFFIS	11/06/1951	IRRIGATION	03-15 11-15	0.140 CFS	
C	TERRELL MOFFIS				0.140 CFS	
	6051 W IDAHO BLVD					
	EMMETT ID 83617					
	(208) 365-1684					
				TOTAL DIVERSION:		
				~~CONSUMPTIVE USE:~~		

~~24.50~~ AFA

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T06N R02W S06

SWNE 46

GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
06N	02W	6	:					07													7.0
																				TOTAL ACRES	7.0

POU County: GEM

Other Rights: A65-01204, A65-02985A (NOT OVERLAP)

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A65-02360

Remarks: GEN OWNERSHIP CHANGED 8-28-96. JS

DELETE

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

C 18

Rel

WR5809NP
No. 65-02985X

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/25/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DUANE M. WHEATLEY	11/06/1951	IRRIGATION	03/15 11/15	0.140 CFS	
C	GLADYS M. WHEATLEY					
	ROUTE 2, BOX 80T			TOTAL DIVERSION:	0.140 CFS	
	EMMETT ID 83617					

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T06N R02W S06

SWNE

GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
06N	02W	6	:				07	:												:	7.0
																				TOTAL ACRES	7.0

Pou County: GEM

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
65-02360

Dates:	App. Received:	Priority Date:	11/06/1951
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

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

T06N R02W
S06

Idaho Department of Water Resources

Claims: 65-02985X

Prepared by:

RON HOWERTON

Date: 26 AUG 00

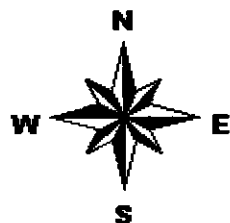
 Place of use

● POD

 SECTION

 1/4 1/4

7 Acres



1987 NAPP



0 0.1 0.2 0.3 0.4 0.5 0.6 0.7 Miles



**T06N R02W
S06**

Idaho Department of Water Resources

Claims: 65-02985X

Prepared by:

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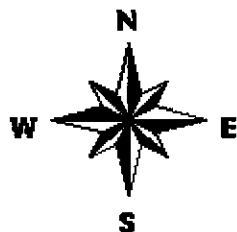
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 **Place of use**

 **POD**

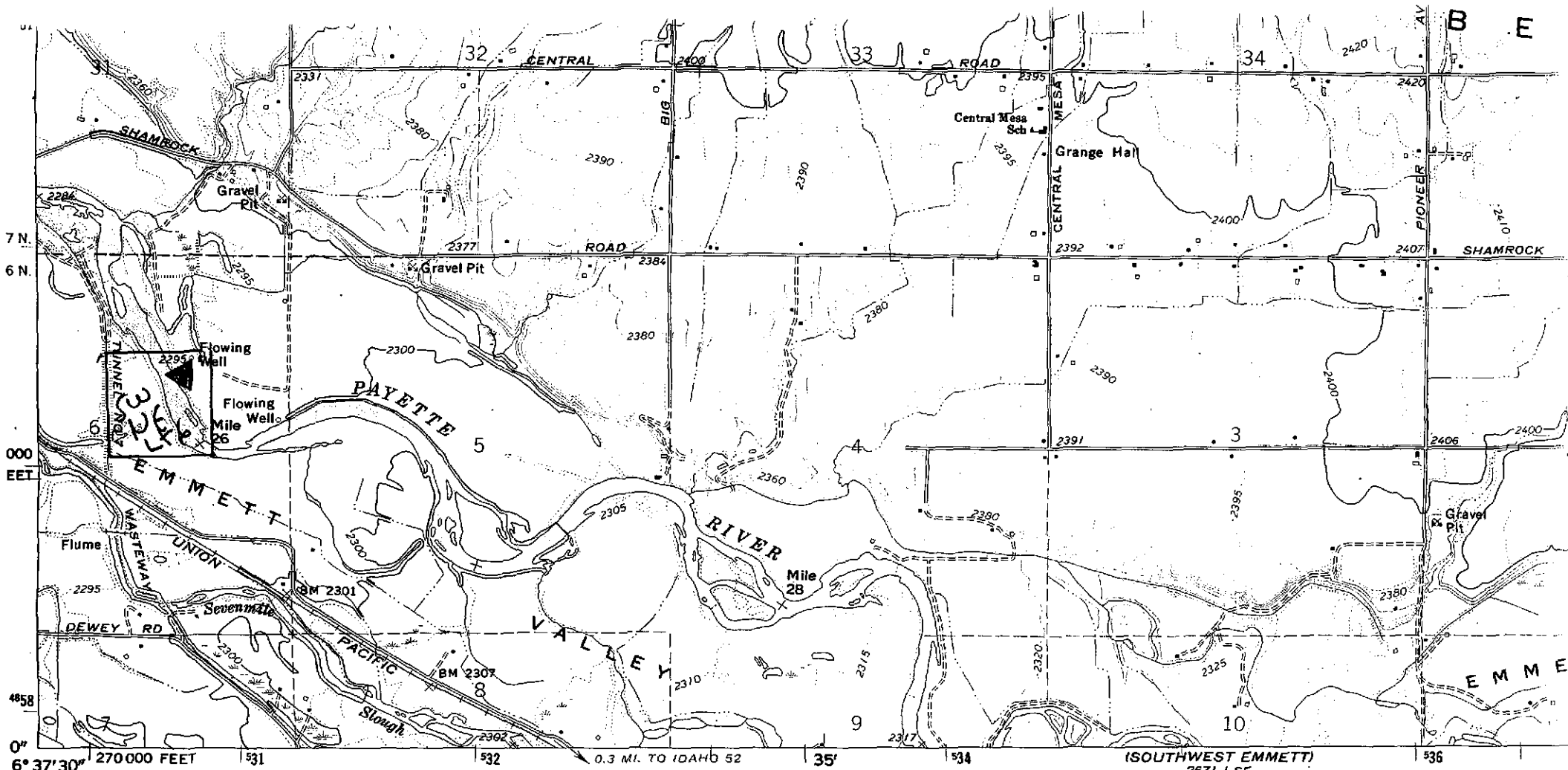
 **SECTION**

 **1/4 1/4**



1987 NAPP





Mapped, edited, and published by the Geological Survey

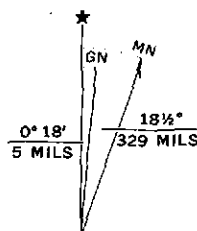
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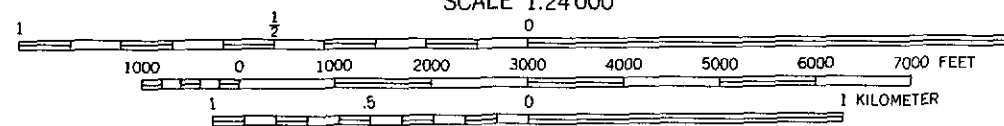
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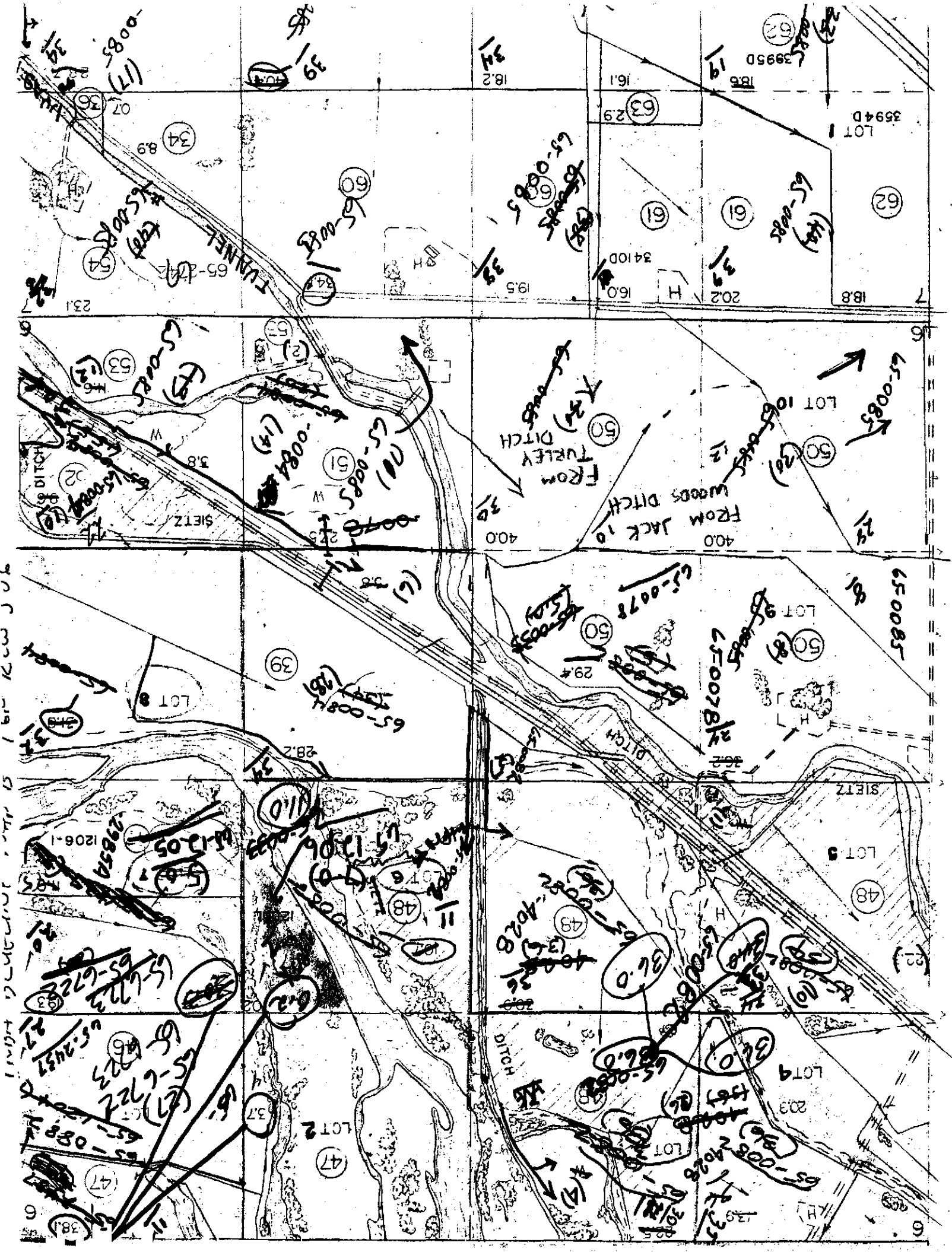
UTM GRID AND 1971 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET



CONTOUR INTERVAL 20 FEET
DOTTED LINES REPRESENT 5-FOOT CONTOURS
DATUM IS MEAN SEA LEVEL

W6
1971
TOPO T6N R2W

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR WASHINGTON, D. C. 202
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



RECEIVED
MAP NO.

**NOTICE OF CLAIM
TO A
WATER RIGHT**

IDENT. NO. 2985X
65-88137
~~65-1206~~

MAP NO. 1
AUG 26 1970

Department of Water Administration

Rt. 2, Box 80-T, Emmett, Idaho 83617

Rt. 2, Box 80-T, Emmett, Idaho 83617 (Mailing Address) claims a right to the diversion and beneficial use of the surface or groundwater, of or tributary to the Payette River; 11-6-1951

The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) June 15, 1967

(2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) ground water

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: (Both Dates Inclusive)

Use Irrigation 0.14 Period of Use From April 1 To Dec 31
(Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both Dates Inclusive)

Use _____ Period of Use From _____ To _____
(Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both Dates Inclusive)

Use _____ Period of Use From _____ To _____
(Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)

(4) Quantity of water claimed: 0.14 Cubic Feet Per Second, or Acre Feet Per Annum
and/or Gals. Per Minute. NW NE

(5) A) Point of Diversion: Give location of point where water is diverted from its source. SW 1/4 Sec. 6, Twp. 6N, Rge. 2W, B.M.; additional points:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.)
Give sizes and capacities; be as specific as possible. well, artesian

(6) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Total No. of acres 7.6

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

(7) Effluent, sewage waste, or return water from this use is discharged into _____

(8) If you are claiming water as a member of an organization, list name of organization _____

(9) Remarks Map 6N 2W B Sec 6, #47

(10) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case.

☒ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No.:

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

Individual

August 26, 1970
(Date)

Wesley M. Phelps
(Signature of Claimant)

Organization

State of Illinois

Organization
East

County of DeWitt
On this 25th day of August, in the year 1970, before me,
a notary public, personally appeared DUANE M. WHEATLEY
known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they)
corporation, partnership or _____) executed the same.

Notary Public residing at _____

My commission expires May 26, 1974

1/26/78 ✓ DRT 5/26/78

ADJUDICATION DIVISION

REPORT OF EXAMINERS

Claim No. 65 1206

1. Name of Applicant. Diana M. Wheatley
2. Priority. 6-15-1962
3. Source of Water. Groundwater
4. Determine Purpose and Quantity of Water Found Used:

(Quantity) (Dom., Irr., Stk. water, etc.) (Mo.-Day) (Mo.-Day)
0.14 Use Irrigation Period of Use From 1/1 To 10/31
 Use Period of Use From To
 Use Period of Use From To

5. Location of Point of Diversion: _____ of Section _____
Twp. 6N, Reg. 2W, County of Gen

6. Describe Diversion Works: artesian well and ditches

7. Describe Location of Use:

TWP.	RGE.	SEC.	NE 1/4			NW 1/4			SE 1/4			SW 1/4			TOTAL
			NE	NW	SW	NE	NW	SW	NE	NW	SW	NE	NW	SW	
<u>6N</u>	<u>2W</u>	<u>6</u>			<u>7.0</u>										<u>7.0</u>

TWP. _____ RGE. _____ COUNTY _____ SCALE: 1" = 1 MILE

8. Purpose Other Than Irrigation:
9. Remarks: artesian well located in field

This examination was made on the 14 day of June, 1972.

(Signed) M. D. B. B. B.
 Examiner.

State of Idaho License and Certificate of Water Right

Water License No. G-22456

Amount 1.04 second feet

Water District No.

Priority November 6, 1951

THIS IS TO CERTIFY that D. H. CRANK

of Lettin, Idaho

made application for a permit to appropriate the

public waters of the State of Idaho, dated November 6,

19 51; that Permit No. G-22456

was issued under said application; that Certificate of Completion of works, with a carrying capacity of

1.04 second feet, was issued thereunder on May 5

19 51, showing that said works

were completed on the 20th day of November

19 53; and that on the 20th

day of November

D. H. CRANK

of Emmett

State of Idaho

made proof to the satisfaction of the

State Reclamation Engineer

of Idaho, of the right to use the waters of

underground (subterranean flow)

for the purpose of irrigation and domestic

use, under Use Permit No. G-22456

of the Department of Reclamation

and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,

and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

9 of Licenses at page 5257, on the 5th day of May

19 54

The right hereby confirmed dates from November 6

19 51

The Point of Diversion located in the SE 1/4, Section 31, Twp. 7 N., Rge. 2 W.B.M. and

in the SE 1/4, NE 1/4, Sec. 6, Twp. 6 N., R. 2 W.B.M. Gen. Co. County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes

aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall

be not more than 38 cubic feet per second, from the well

1, and

and from the well in the SE 1/4

Twp	Range	Sec	Forty-acre Tract	No. Acres Described in Permit	Actually Irrigated
6 N.	2 W	6	NE 1/4 NE 1/4	12	13
			SE 1/4 NE 1/4	30	8
7 N.	2 W	31	SE 1/4 SE 1/4	10	35
Number of Acres Actually Irrigated -				-	56

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

5th day of May

19 54

MARK H. KULP

State Reclamation Engineer

(SEAL) MR. WHEATLEY, CURRENT OWNER OF THIS PROPERTY,

STATED THAT SOME 13 ACRES ARE NOW IRRIGATED FROM THESE

WELLS (BOTH P.D.'S & PLACE OF USE ARE IN SE 1/4, S. 6)

THE REMAINDER OF THE RT IS ASSUMED TO BE

ABANDONED OR FORFEITED

65-2985

65-327

65-287

DATE 5/23/58

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

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

*claim changed -
copy to new
owner on
8-28-96
in office*

1. Water Right Number(s) A65-01204, A65-02985A & A65-02985X
Adjudication Claim Number(s) SAME AS ABOVE
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) DUANE OR GLADYS WHEATLEY
6035 W IDAHO BLVD., EMMETT, ID
4. New Owner/Claimant(s) KATHALYN & OR TERRELL MOFFIS
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address 6051 W. IDAHO BLVD., EMMETT, ID 83617
City, State and ZIP Code _____
New Telephone Number (208) 365-1684
5. Date you acquired the property 3-1994
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Kathryn Moffis

MICROFILMED
Date **OCT 18 1996**
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

QUITCLAIM DEED

FOR VALUE RECEIVED:

MARK E. BROWN, a divorced man,
do(es) hereby convey, release, remise and forever quitclaim unto
KATHRYN GLEE BROWN, a divorced woman
whose address is: 6051 W. IDAHO BLVD. EMMETT, IDAHO 83617

the following described real property, to-wit:

See attached Exhibit "A" for legal description.

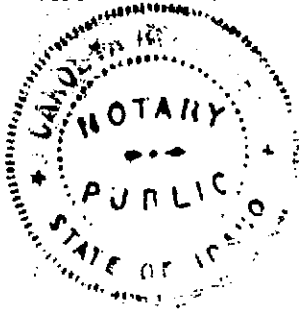
together with their appurtenances.

DATED this 22 day of November, 1995.

Mark E. Brown
MARK E. BROWN

STATE OF IDAHO)
County of Gem:)
Ganyon)

On this 22 day of November, 1995, before me, a Notary Public in and for said State, personally appeared MARK E. BROWN known to me to be the person(s) whose name(s) are/is subscribed to hereinabove and acknowledged to me that he executed the same.



Carolyn R. Farber
Notary Public for Idaho
Residing at: Emmett, Idaho
My Commission Expires: 1-14-2000

MICROFILMED
OCT 18 1996

WARRANTY DEED

EXHIBIT A

For Value Received

EVERRETT D. HILL and BONNIE J. HILL, husband and wife

ST. 180429
PAGES 2 of 2

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

MARK BROWN and KATHRYN BROWN, husband and wife

the grantees, whose current address is 6051 West Idaho Blvd., Emmett, Idaho 83617

the following described premises, in

Gem

County Idaho, to-wit:

This parcel is a portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, Township 7 North, Range 2 West, B.M., Gem County, Idaho, more particularly described as follows:

BEGINNING at the Northeast corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$; thence South 0°25'25" West along the Easterly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 734.40 feet; thence North 66°59'35" West (formerly North 67°25' West) a distance of 269.00 feet; thence North 60°06'35" West (formerly North 60°32' West) a distance of 155.00 feet; thence North 67°32'35" West (formerly North 67°58' West) a distance of 12.78 feet to a line which lies 60.00 feet Easterly from the Westerly boundary of a public road established in 1933; thence North 38°48'15" East along said line a distance of 166.93 feet; thence North 1°02'05" East continuing on said line a distance of 423.11 feet to the Northerly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$; thence South 88°48'03" East along said Northerly boundary a distance of 287.04 feet to the POINT OF BEGINNING.

EXCEPT any portion lying within the County Road.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free of all incumbrances except: 1991 taxes; Easement to American Telephone and Telegraph Co. Power Line Easement recorded 1-26-46; right of way for County Road; Road, ditch and canals; rights of way; water rights or claims or title to water

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

dated: August 26, 1991

Everett D. Hill
EVERRETT D. HILL

Bonnie J. Hill
BONNIE J. HILL

MICROFILMED
OCT 18 1996

File No.: 3-17791

Whitely Purchase

Legal Description

INSTRU. NO. 187478
PAGES 2 of 2

TRACT I

Government Lot 1 and the SE 1/4 of the SE 1/4 of Section 31, Township 7 North, Range 2 West, B.M., Gem County, Idaho,

EXCEPTING that portion thereof lying North of the County Road as it existed on October 23, 1941.

Government Lots 1, 2 and 7 of Section 6, Township 6 North, Range 2 West, B.M., Gem County, Idaho,

EXCEPT the following described tract, recorded in Book 2 of Deeds, at Page 74, records of Gem County, Idaho:

"Five acres, more or less, off the West end of Lot 2 of the NE fractional quarter of Section 6, in Township 6 North, Range 2 West, B.M., Gem County, Idaho. The above described tract or parcel of land is an island cut off of the above described lot by the Payette River since Mr. Thomas Elliot has become in possession of said Lot 6 as described in said Deed."

AND FURTHER EXCEPTING the following described tract, recorded in Book 3 of Deeds, Page 428, records of Gem County, Idaho,

Beginning at a point 9.09 chains South from the NE corner of Lot 1 of Section 6, Township 6 North, Range 2 West, B.M., Gem County, Idaho; thence South on Section line 22.77 chains; thence North 88°30' West 18.5 chains; thence North 5° West 27.2 chains; thence South 76°58' East 21.32 chains, to REAL POINT OF BEGINNING.

AND EXCEPT the East 25 feet of Lot 1, Section 6, Township 6 North, Range 2 West, B.M., for road purposes.

TRACT II

BEGINNING at the Southwest corner of the NW 1/4 of the SE 1/4 of Section 31, Township 7 North, Range 2 West, B.M., Gem County, Idaho, the REAL POINT OF BEGINNING; thence

East along the quarter quarter section line to the Southeast corner of said NW 1/4 of SE 1/4; thence

North 72°59' West 1375.84 feet to the quarter section line of said Section 31; thence due

South along said quarter quarter line to the REAL POINT OF BEGINNING.

MICROFILMED
OCT 18 1990

QUITCLAIM DEED

FOR VALUE RECEIVED:

MARK E. BROWN, a divorced man,
do(es) hereby convey, release, remise and forever quitclaim unto
KATHRYN GLEE BROWN, a divorced woman
whose address is: 6051 W. IDAHO BLVD. EMMETT, IDAHO 83617

the following described real property, to-wit:

See attached Exhibit "A" for legal description.

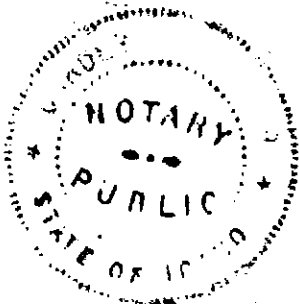
together with their appurtenances.

DATED this 22 day of November, 1995.

Mark E Brown
MARK E. BROWN

STATE OF IDAHO)
County of Gem : §
 Canyon)

On this 22 day of November, 1995, before me, a
Notary Public in and for said State, personally appeared MARK E.
BROWN known to me to be the person(s) whose name(s) are/is
subscribed to hereinabove and acknowledged to me that he executed
the same.



Carolyn R Farber
Notary Public for Idaho
Residing at: Emmett, Idaho
My Commission Expires: 1-14-2000

MICROFILMED
OCT 18 1996

Legal Description

TRACT I

Government Lot 1 and the SE 1/4 of the SE 1/4 of Section 31, Township 7 North, Range 2 West, B.M., Gem County, Idaho,

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AND EXCEPT the East 25 feet of Lot 1, Section 6, Township 6 North, Range 2 West, B.M., for road purposes.

TRACT II

BEGINNING at the Southwest corner of the NW 1/4 of the SE 1/4 of Section 31, Township 7 North, Range 2 West, B.M., Gem County, Idaho, the REAL POINT OF BEGINNING; thence

East along the quarter quarter section line to the Southeast corner of said NW 1/4 of SE 1/4; thence

North 72°59' West 1375.84 feet to the quarter section line of said Section 31; thence due

South along said quarter quarter line to the REAL POINT OF BEGINNING.

179421

Gem County, IDAHO) ss.
Recorded at request of
Security Title Co.

Time 2:46 PM

Date March 2, 1994

Instr. No. 179421

Recorded as a
Miscellaneous Record

Thelma R. Kolodziej, Clerk
Ex-officio Recorder

By: *Judy Bigham*
Deputy

Fees \$ 6.00

MEMORANDUM OF CONTRACT

NOTICE IS HEREBY GIVEN THAT: DUANE M. WHEATLEY and GLADYS E. WHEATLEY,

husband and wife, agreed to sell the following described real property and entered into an Agreement to Sell Real Estate as sellers, wherein

MARK E. BROWN and KATHRYN G. BROWN, husband and wife,
whose address is: 6051 West Idaho Boulevard, Emmett, Idaho 83617
as buyer, agreed to buy the said real property, situate in the County of GEM State of Idaho, to-wit:

Legal Description Attached as Exhibit "A"

Subject to the life estate in the residence known as 6035 Idaho Boulevard which is the current residence dwelling, plus a garage, a recreation vehicle/boat storage shed, a storage shed, a garden plot and a grape vineyard and encompasses approximately two acres. THE RESERVATION OF THE LIFE ESTATE SHALL APPLY PERSONALLY ONLY TO DUANE M. WHEATLEY AND GLADYS E. WHEATLEY.

Pursuant to the terms of said contract, title has been reserved in said seller until the buyer fully performs the covenants thereof, at which time a warranty deed from said seller to said buyer shall be delivered to said buyer, to be recorded by the buyer, his heirs, successors, agents, or assigns.

DATED this 1 day of March, 1994.

SELLERS:

Duane M. Wheatley
Duane M. Wheatley

Gladys E. Wheatley
Gladys E. Wheatley

BUYERS:

Mark E. Brown
Mark E. Brown

Kathryn G. Brown
Kathryn G. Brown

STATE OF IDAHO)
COUNTY OF GEM) (ss

On this 1 day of March, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared Duane M. Wheatley and Gladys E. Wheatley known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Lucinda M. Gilson
Notary Public
Residing in: Emmett, Idaho
Commission expires: 6-30-94

STATE OF IDAHO)
COUNTY OF GEM) (ss

On this 1 day of March, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared Mark E. Brown and Kathryn G. Brown 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 year in this certificate first above written.

Lucinda M. Gilson
Notary Public; Commission expires: 6-30-94

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A65-02985X
Date Received: 1/09/1990
Receipt No: X999999
Received By: LW

RECEIVED
JAN 9 1990

Department of Water Resources

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

1. Name: DUANE M. WHEATLEY 208-365-4043
Address: 6035 W. IDAHO BLVD.
EMMETT, ID 83617

OR

Name: GLADYS M. WHEATLEY 208-365-4043
Address: 6035 W. IDAHO BLVD.
EMMETT, ID 83617

2. Date of Priority: NOV 06, 1951

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
ARTESIAN, APPROX. 250' DEEP,

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.140		

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

8. Total consumptive use is 24.5 Acre Feet Per Annum.

9. Non-irrigation uses:

A65-02985X

Page 1

Date: 01/09/90

MICROFILMED
SEP 21 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	02W	6	SW	NE		IRR	7.0
Section Acres							7.0
Total Acres							7.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

A65-01204, A65-02985A (NOT OVERLAP)

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

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: 1

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): Deane M. Wheatley Date: Jan. 9, 1990
Date:

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 9 day
of Jan 19 90 Linda Werner
Notary Public

Seal

Residing at Linda A. Werner
My Commission Expires Residing at Boise, Idaho
My Commission Expires December 8, 1994

810 000
FEET

AG5-02985x

T6N, R2W, S. 6; SW. NE



MEC

92