

# Idaho Department of Water Resources

Claim Number: 65-03128

Legal: T08N, R02W, S5 & 8

Reviewed By:



Point of Diversion



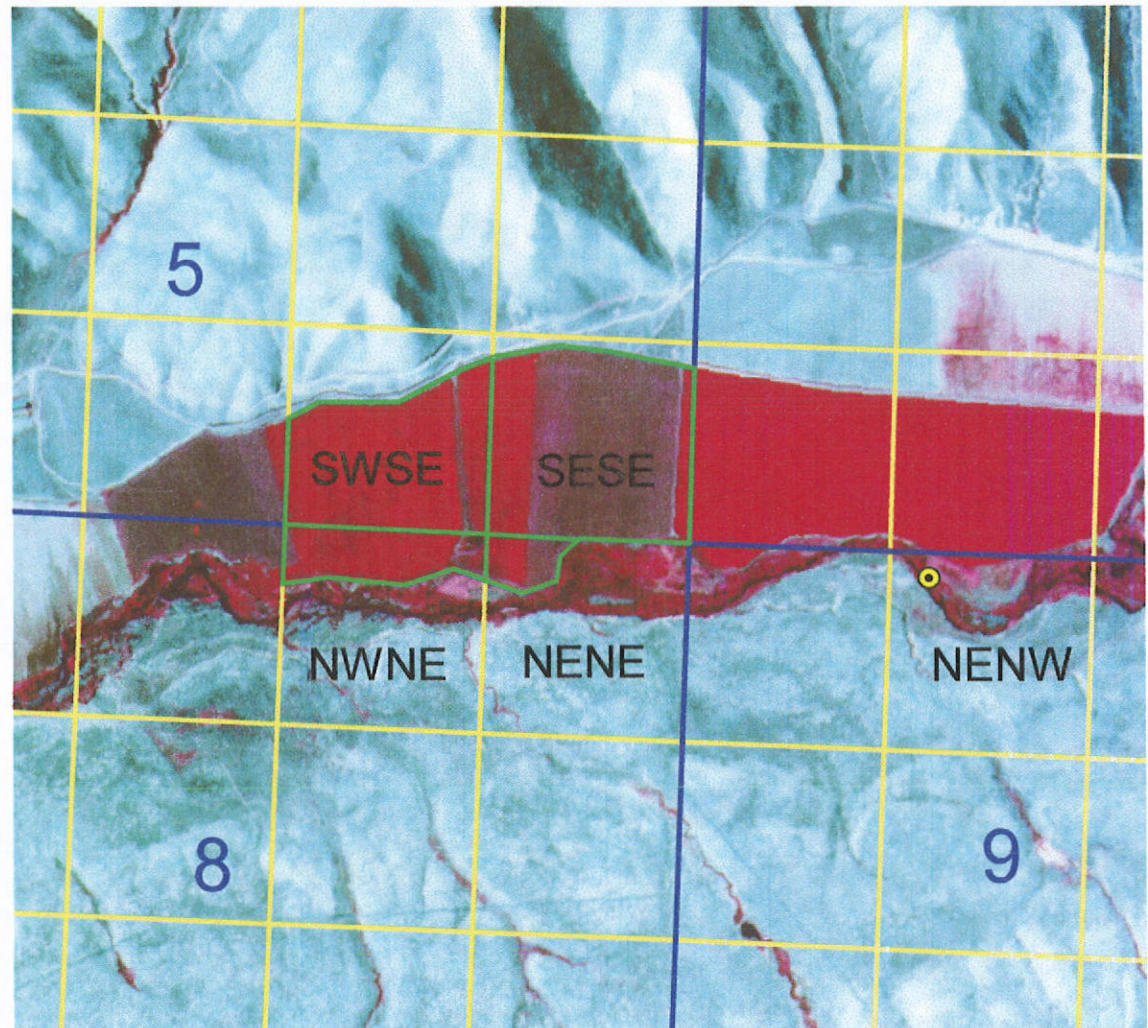
Place of Use



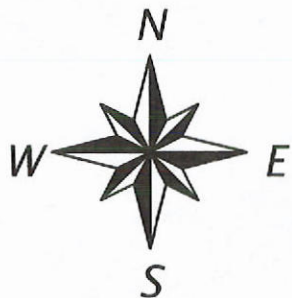
Section Lines



Quarter Quarter Lines

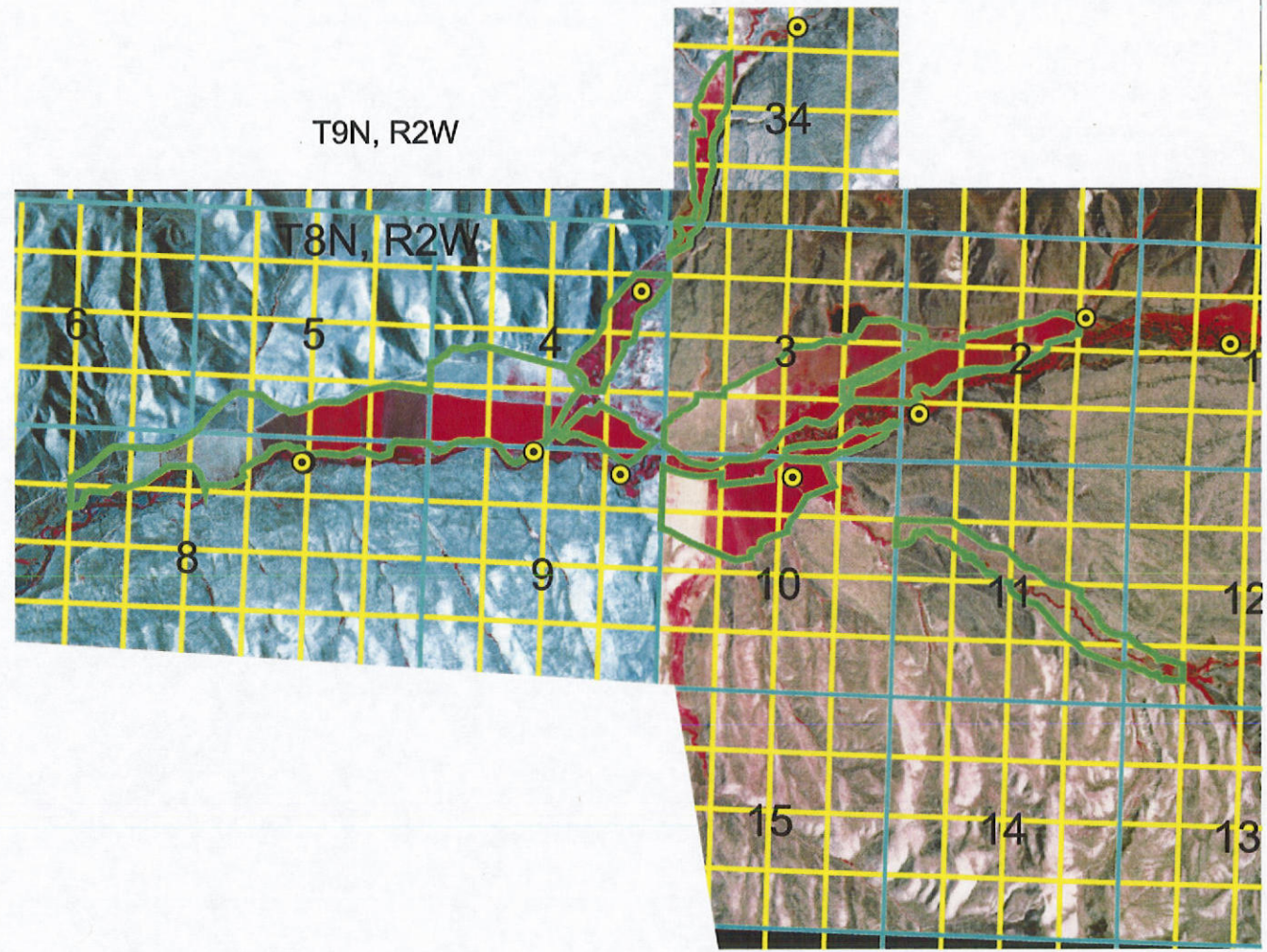


1987 Napp Photo



# Idaho Dept. of Water Resources

Claim No(s): 65-02204,  
65-02500, 65-02501, 65-02601,  
65-03125, 65-03126, 65-03127,  
65-03128, 65-03247, 65-03248,  
65-07136, 65-07603, 65-07789,  
65-09076, 65-10533, 65-10534,  
65-10535, 65-10536  
T08N, R02W, S 2,-12  
T09N, R02W, S 34  
Prepared by: Sue Bock  
Date: 1/12/2001



 Place of Use

 Point of Diversion

 Section lines

 1/4 1/4 lines



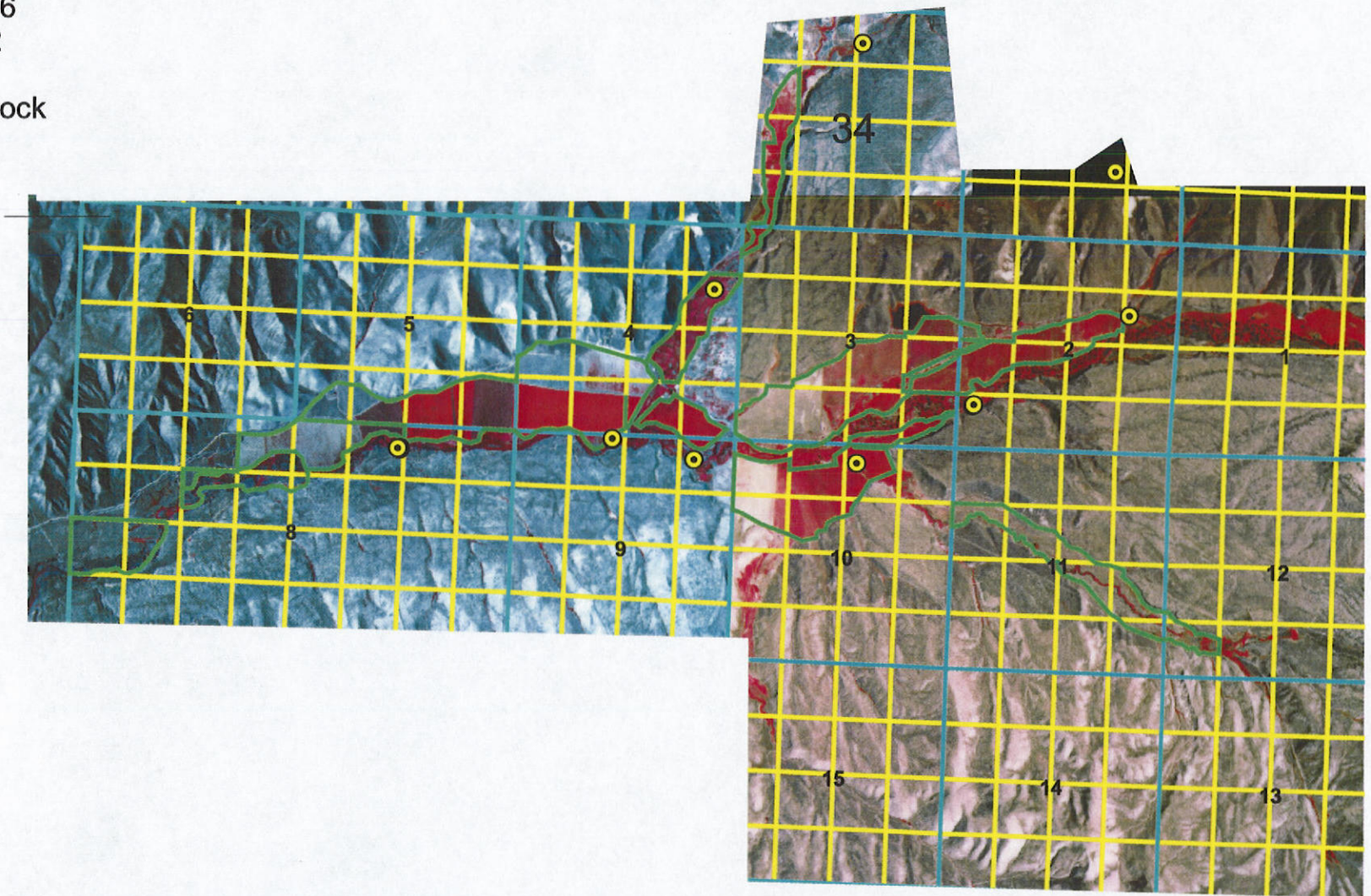
0 0.4 0.8 Miles



1987 NAPP Photo

# Idaho Department of Water Resources

Claim No(s): 65-2204,  
65-2500, 65-2501, 65-2601  
65-3125, 65-3126, 65-3127,  
65-3128, 65-3247, 65-3248,  
65-7136, 65-7603, 65-7789,  
65-9076, 65-10533, 65-10534,  
65-10535, 65-10536  
T8N, R02W S 2-12  
T9N, R02W S 34  
Prepared by Sue Bock  
4/22/02



- POD
- Place of use
- Section Lines
- 1/4 1/4 lines

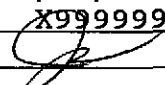
3000 0 3000 6000 Feet



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: A65-03128  
Date Received: 4/ 3/1990  
Receipt No: X999999  
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: HARRY L BETTIS 208-365-2512  
Address: 10775 SUCKER CREEK RD  
PAYETTE ID 83661

2. Date of Priority: MAY 1, 1890

3. Source: BIG WILLOW CREEK Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 08N      | 02W   | 9       |        | NE     | NW  |     | PAYETTE |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.600 |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 08N      | 02W   | 5       | SW     | SE  |     | IRR | 24.0  |
|          |       |         | SE     | SE  |     | IRR | 33.0  |

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AUG 03 1994

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 57.0  |
|          |       | 8       | NE         | NE  | IRR           | 6.0   |
|          |       |         | NW         | NE  | IRR           | 9.0   |
|          |       |         |            |     | Section Acres | 15.0  |
|          |       |         |            |     | Total Acres   | 72.0  |

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2204, 65-2500 & 65-2501  
SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

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  
AUG 03 1994

**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**  
**AUG 03 1994**

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

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

CIVIL CASE NUMBER: 39576

IDENT. NUMBER: 65-03128

DATE RECEIVED: 1-3-90

RECEIPT NO: X9888889

RECEIVED BY: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. NAME: HARRY L. BETTIS  
ADDRESS: STAR ROUTE  
PAYETTE, ID

83661

2. DATE OF PRIORITY: MAY 01, 1890

3. SOURCE: BIG WILLOW CREEK TRIB. TO:

4. POINT OF DIVERSION:

| TOWNSHIP | RANGE | SECTION | 1/4 OF | 1/4 OF | 1/4 | LOT | COUNTY  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 08N      | 02W   | 9       | NE     |        | NW  |     | PAYETTE |

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

| PURPOSE    | FROM  | TO    | C.F.S. | (OR) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.600  |      |        |

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

A.F.A.

8. TOTAL CONSUMPTIVE USE IS ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

10. PLACE OF USE:

| TOWNSHIP | RANGE | SECTION | 1/4 OF | 1/4 | LOT | USE | ACRES |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 08N      | 02W   | 5       | SW     | SE  |     | IRR | 24.0  |
|          |       |         | SE     | SE  |     | IRR | 33.0  |

SECTION ACRES 57.0

10. PLACE OF USE: CONTINUED

| TOWNSHIP      | RANGE | SECTION | 1/4 OF | 1/4 | LOT | USE | ACRES |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 08N           | 02W   | 8       | NE     | NE  |     | IRR | 6.0   |
|               |       |         | NW     | NE  |     | IRR | 9.0   |
| SECTION ACRES |       |         |        |     |     |     | 15.0  |
| TOTAL ACRES   |       |         |        |     |     |     | 72.0  |

11. PLACE OF USE IN COUNTIES: PAYETTE, PAYETTE

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

13. OTHER WATER RIGHTS USED:

14. REMARKS:

THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2204, 65-2500 & 65-2501  
SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

15. BASIS OF CLAIM: DECREEED

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): *Harry Butler* DATE: 4-3-90  
\_\_\_\_\_  
DATE: \_\_\_\_\_

FOR ORGANIZATIONS:

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

\_\_\_\_\_  
SIGNATURE OF AUTHORIZED AGENT

\_\_\_\_\_  
TITLE AND ORGANIZATION

\_\_\_\_\_  
DATE

STATE OF IDAHO )  
COUNTY OF ADA ) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 3rd DAY

OF April 19 90

*Jan Shurte*  
NOTARY PUBLIC

SEAL

JAN SHURTE  
RESIDING AT RESIDING AT MERIDIAN, IDAHO  
MY COMMISSION EXPIRES SEPT. 14, 1994

65-03128

PAGE

3

DATE: 01/23/90

281

MICROFILMED

AUG 03 1994

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

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED                     

2004 JUN 22 AM 11 22

In Re SRBA )  
                  ) PARTIAL DECREE PURSUANT TO  
                  ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
                  ) Water Right 65-03128

NAME AND ADDRESS: JG SCHWARZ  
KRISTIN SCHWARZ  
6000 BIG WILLOW RD  
PAYETTE, ID 83661

SOURCE: BIG WILLOW CREEK TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.60 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 0.02 CFS AND TO A TOTAL  
COMBINED ANNUAL DIVERSION VOLUME OF 3.5 AF PER ACRE AT THE FIELD  
HEADGATE. COMBINED RIGHT NOS.: 65-02204, 65-03247, 65-03248,  
65-02500, 65-02501, 65-03125, 65-03126, 65-03127, 65-07789,  
65-09076, 65-10533, 65-10534, 65-10535, 65-10536, 65-02601,  
65-07603, 65-07136.

PRIORITY DATE: 05/01/1890

POINT OF DIVERSION: T08N R02W S09 NENW Within Payette County

PURPOSE AND  
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
Irrigation 03-15 TO 11-15 0.60 CFS

PLACE OF USE: Irrigation Within Payette County

|                   |           |                  |
|-------------------|-----------|------------------|
| T08N R02W S02     | SWNE 17.0 | SWNW 4.0         |
|                   | SENE 10.0 | NESW 14.0        |
|                   | NWSW 28.0 | NWSE 3.0         |
| S03               | SENE 12.0 | LOT 4 (NWNW) 4.0 |
|                   | NESW 15.0 | SWSW 32.0        |
|                   | SESW 36.0 | NESE 33.0        |
|                   | NWSE 37.0 | SWSE 24.0        |
|                   | SESE 8.0  |                  |
| S04               | SWNE 2.0  | SENE 24.0        |
|                   | NESW 22.0 | NWSW 23.0        |
|                   | SWSW 38.0 | SESW 38.0        |
|                   | NESE 7.0  | NWSE 23.0        |
|                   | SWSE 21.0 | SESE 15.0        |
| S05               | SWSW 18.0 | SESW 21.0        |
|                   | SWSE 27.0 | SESE 36.0        |
| S07               | NENE 19.0 | SWNE 5.0         |
| S08               | NENE 4.0  | NWNE 10.0        |
|                   | NENW 11.0 | NWNW 31.0        |
| S09               | NENE 3.0  | NENW 4.0         |
|                   | NWNW 1.0  |                  |
| S10               | NWNE 24.0 | SWNE 2.0         |
|                   | NENW 25.0 | NWNW 30.0        |
|                   | SWNW 19.0 | SENE 24.0        |
| T09N R02W S14     | SWNW 12.0 | NWSW 14.0        |
|                   | SWSW 10.0 |                  |
| 840.0 Acres Total |           |                  |

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 929 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02204, 65-03247,  
65-03248, 65-02500, 65-02501, 65-03125, 65-03126, 65-03127,  
65-07789, 65-09076, 65-10533, 65-10534, 65-10535, 65-10536,

PLACE OF USE (continued)

65-02601, 65-07603, 65-07136.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 72 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

BASIN 65 GENERAL PROVISIONS NO. 3, THE SEPARATE STREAMS  
GENERAL PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER  
AFTER OCTOBER 18, 1977.

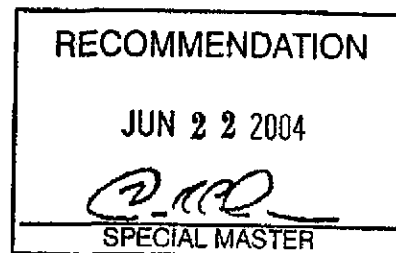
THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A  
SEPARATE SOURCE PURSUANT TO BASIN 65 GENERAL PROVISION NO. 3.  
IF THE HOLDER OF THIS RIGHT SEEKS TO CHANGE THE RIGHT PURSUANT TO  
IDAHO CODE SECTION 42-222 OR SUCCESSOR STATUTE, NOTHING IN THIS  
GENERAL PROVISION SHALL PRECLUDE ANY OTHER PERSON FROM  
DEMONSTRATING THAT SUCH CHANGE IN USE WOULD CAUSE INJURY TO  
ITS WATER RIGHT OR FROM RECEIVING ANY RELIEF PROVIDED BY LAW IN  
THE EVENT OF INJURY.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance  
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a  
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final  
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication



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

In Re SRBA )

A. Subcase 65-3128  
(Insert water right number)

Case No. 39576 )

**STANDARD FORM 1  
OBJECTION**

Please fill in the following information:

**B. NAME AND ADDRESS OF PERSON OBJECTING**

Name: United States of America acting through the Department of Interior,  
Bureau of Reclamation, Regional Director PN Code-3100  
Address: 1150 N. Curtis Rd. Suite 100  
Boise, Idaho 83706-1234  
Daytime Phone: (208) 678-0461 (Dala Walton)

Name & Address of Attorney, if any:  
David W. Gehlert (303 312-7352)  
Trial Attorney, General Litigation Section  
Environment and Natural Resource Division  
U.S. Department of Justice  
999 18th Street, Suite N 945  
Denver, CO 80202

**C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT**

Name: Kristin Schwarz & JG Schwarz  
Address: 6000 Big Willow Rd.  
Payette, ID 83661

**D.** I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

- ☒ **General Provision Basin 65 Irrigation & Other Part III (3) Separate Streams**
1. ☐ **Name and Address**  
Should be:
2. ☐ **Source**  
Should be:
3. ☐ **Quantity**  
Should be:
4. ☐ **Priority Date**  
Should be:
5. ☐ **Point(s) of Diversion**  
Should be:
6. ☐ **Instream Flow Description**  
Should be:
7. ☐ **Purpose(s) of Use**  
Should be:
8. ☐ **Period of Year**  
Should be:
9. ☐ **Place of Use**  
Should be:
11. **I object because:**
- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described.

**E. REASONS SUPPORTING EACH OBJECTION(S):**

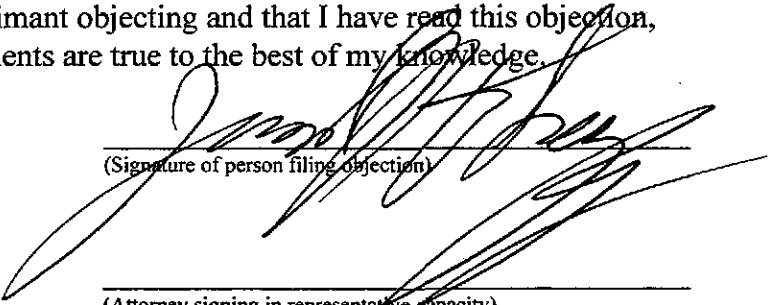
The Bureau of Reclamation objects to the separate stream provision of the Director's Report for Basin 65, Part III. These streams should be administered as part of the Payette River System in order to adequately protect water rights in the Payette River subbasin.

**F. VERIFICATION (Must be Completed)**

State of Idaho )  
 ) ss.  
County of Ada )

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

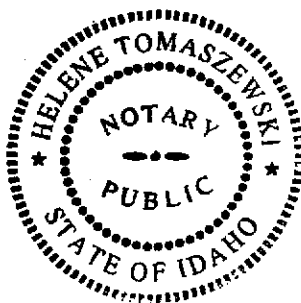
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

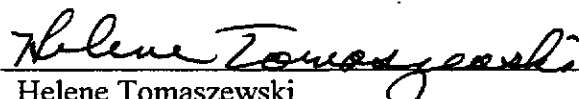
  
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 9, 2002



  
Helene Tomaszewski  
Notary Public for: Idaho  
Residing at: Meridian  
My Commission Expires: 01-16-2002

## INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

### G. CERTIFICATE OF MAILING

I certify that on January 17, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

Name: Kristin Schwarz & JG Schwarz

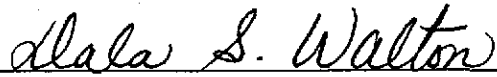
Address: 6000 Big Willow Rd.  
Payette, ID 83661

3. Copies to:

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 44449  
Boise, Idaho 83711-4449

IDWR Document Depository  
P.O. Box 83720  
Boise, Idaho 83720-0098

United States Department of Justice  
Environment and Natural Resource Division  
General Litigation Section  
550 West Fort Street, MSC 033  
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf

RECEIVED

JAN 24 2002

WATER RESOURCES  
WESTERN REGION

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

In Re SRBA

Case No. 39576

A. Subcase 65-03128

(Insert water right number)

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of  
Land Management, Idaho State Office

Address: 1387 South Vinnell Way  
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section  
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Kristin Schwarz

Address: 6000 Big Willow Rd; Payette, ID. 83661

Name: J. G. Schwarz

Address: 6000 Big Willow Rd; Payette ID 83661

Name:

Address:;

Name:

Address:;

**D.** I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: \_\_\_\_\_

2. ☐ **Source**

Should be: \_\_\_\_\_

3. ☐ **Quantity**

Should be: \_\_\_\_\_

4. ☐ **Priority Date**

Should be: \_\_\_\_\_

5. ☐ **Point(s) of Diversion**

Should be: \_\_\_\_\_

6. ☐ **Instream Flow Description**

Should be: \_\_\_\_\_

7. ☐ **Purpose(s) of Use**

Should be: \_\_\_\_\_

8. ☐ **Period of Year**

Should be: \_\_\_\_\_

9. ☒ **Place of Use**

Should be: See attached

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

**E. REASONS SUPPORTING OBJECTION(S):**

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

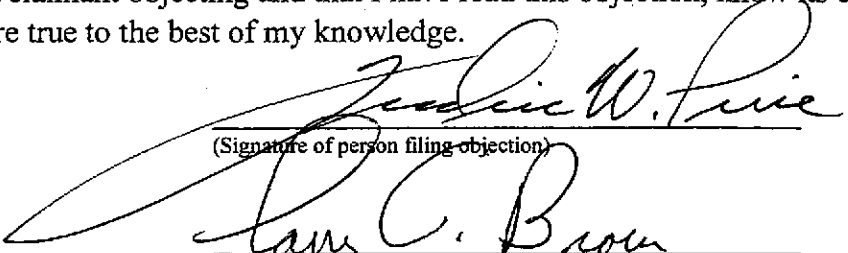
F.

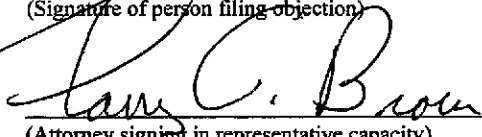
**VERIFICATION (Must be Completed)**

State of Idaho )  
                  ) ss.  
County of Ada)

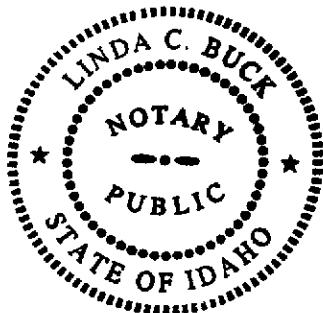
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

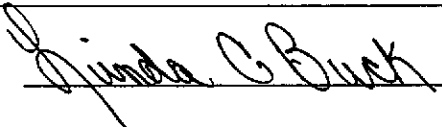
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

  
(Signature of person filing objection)

  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 01-16-2002



  
Linda C. Buck

Notary Public for Idaho

Residing at: Mountain Home

My Commission Expires: 12-21-2005

## INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

### G. CERTIFICATE OF MAILING

I certify that on January 18, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

Name: Kristin Schwarz  
Address: 6000 Big Willow Rd; Payette, ID. 83661

Name: J. G. Schwarz  
Address: 6000 Big Willow Rd; Payette ID 83661

Name:  
Address: ;

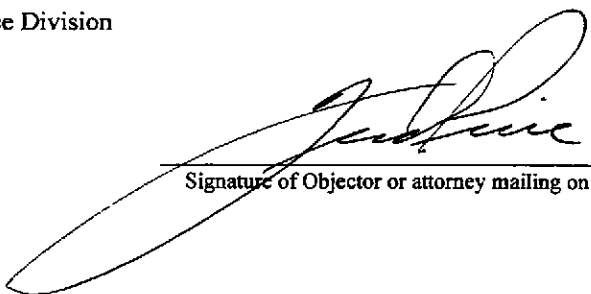
Name:  
Address: ;

3. Copies to:

IDWR Document Depository  
P.O. Box 83720  
Boise, ID 83720-0098

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 44449  
Boise, ID 83711-4449

United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724



Signature of Objector or attorney mailing on Objector's behalf

08/31/2001

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

RIGHT NUMBER: 65-3128

NAME AND ADDRESS: KRISTIN SCHWARZ  
6000 BIG WILLOW RD  
PAYETTE ID 83661

JG SCHWARZ  
6000 BIG WILLOW RD  
PAYETTE ID 83661

SOURCE: BIG WILLOW CREEK

TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.600 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 0.02 CFS AND TO A TOTAL COMBINED ANNUAL  
DIVERSION VOLUME OF 3.5 AF PER ACRE AT THE FIELD HEADGATE. COMBINED  
RIGHT NOS.: 65-02204, 65-03247, 65-03248, 65-02500, 65-02501, 65-03125,  
65-03126, 65-03127, 65-07789, 65-09076, 65-10533, 65-10534, 65-10535,  
65-10536, 65-02601, 65-07603, 65-07136.

PRIORITY DATE: 05/01/1890

POINT OF  
DIVERSION:

T08N R02W S9 NENW Within PAYETTE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 3/15 11/15           | 0.600 CFS       |

08/31/2001

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

| PLACE OF USE:            |             | <u>IRRIGATION Within PAYETTE County</u> |                     |      |      |
|--------------------------|-------------|-----------------------------------------|---------------------|------|------|
| T08N R02W S10            | NWNE        | 24.0                                    | T08N R02W S10       | SWNE | 2.0  |
| T08N R02W S10            | NENW        | 25.0                                    | T08N R02W S10       | NWNW | 30.0 |
| T08N R02W S10            | SWNW        | 19.0                                    | T08N R02W S10       | SENE | 24.0 |
| T08N R02W S02            | SWNE        | 17.0                                    | T08N R02W S02       | SWNW | 4.0  |
| T08N R02W S02            | SENE        | 10.0                                    | T08N R02W S02       | NESW | 14.0 |
| T08N R02W S02            | NWSW        | 28.0                                    | T08N R02W S02       | NWSE | 3.0  |
| T08N R02W S03            | SENE        | 12.0                                    | T08N R02W S03 Lot 4 | NWNW | 4.0  |
| T08N R02W S03            | NESW        | 15.0                                    | T08N R02W S03       | SWSW | 32.0 |
| T08N R02W S03            | SESW        | 36.0                                    | T08N R02W S03       | NESE | 33.0 |
| T08N R02W S03            | NWSE        | 37.0                                    | T08N R02W S03       | SWSE | 24.0 |
| T08N R02W S03            | SESE        | 8.0                                     | T08N R02W S04       | SWNE | 2.0  |
| T08N R02W S04            | SENE        | 24.0                                    | T08N R02W S04       | NESW | 22.0 |
| T08N R02W S04            | NWSW        | 23.0                                    | T08N R02W S04       | SWSW | 38.0 |
| T08N R02W S04            | SESW        | 38.0                                    | T08N R02W S04       | NESE | 7.0  |
| T08N R02W S04            | NWSE        | 23.0                                    | T08N R02W S04       | SWSE | 21.0 |
| T08N R02W S04            | SESE        | 15.0                                    | T08N R02W S05       | SWSW | 18.0 |
| T08N R02W S05            | SESW        | 21.0                                    | T08N R02W S05       | SWSE | 27.0 |
| T08N R02W S05            | SESE        | 36.0                                    | T08N R02W S07       | NENE | 19.0 |
| <u>T08N R02W S07 Run</u> | <u>NWNE</u> | <u>19.0</u>                             | T08N R02W S07       | SWNE | 5.0  |
| T08N R02W S08            | NENE        | 4.0                                     | T08N R02W S08       | NWNE | 10.0 |
| T08N R02W S08            | NENW        | 11.0                                    | T08N R02W S08       | NWNW | 31.0 |
| T08N R02W S09            | NENE        | 3.0                                     | T08N R02W S09       | NENW | 4.0  |
| T08N R02W S09            | NWNW        | 1.0                                     | T09N R02W S34       | SWNW | 12.0 |
| T09N R02W S34            | NWSW        | 14.0                                    | T09N R02W S34       | SWSW | 10.0 |

859 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 948 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02204, 65-03247, 65-03248, 65-02500, 65-02501, 65-03125, 65-03126, 65-03127, 65-07789, 65-09076, 65-10533, 65-10534, 65-10535, 65-10536, 65-02601, 65-07603, 65-07136. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 72 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

05/22/2002

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

RIGHT NUMBER: 65-3128

NAME AND ADDRESS: KRISTIN SCHWARZ  
6000 BIG WILLOW RD  
PAYETTE ID 83661

J G SCHWARZ  
6000 BIG WILLOW RD  
PAYETTE ID 83661

SOURCE: BIG WILLOW CREEK

TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.60 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 0.02 CFS AND TO A TOTAL COMBINED ANNUAL  
DIVERSION VOLUME OF 3.5 AF PER ACRE AT THE FIELD HEADGATE. COMBINED  
RIGHT NOS.: 65-02204, 65-03247, 65-03248, 65-02500, 65-02501, 65-03125,  
65-03126, 65-03127, 65-07789, 65-09076, 65-10533, 65-10534, 65-10535,  
65-10536, 65-02601, 65-07603, 65-07136.

PRIORITY DATE: 05/01/1890

POINT OF DIVERSION:

T08N R02W S9 NENW Within PAYETTE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 3/15 11/15           | 0.600 CFS       |

PLACE OF USE: IRRIGATION Within PAYETTE County

|               |      |      |                     |      |      |
|---------------|------|------|---------------------|------|------|
| T08N R02W S02 | SWNE | 17.0 | T08N R02W S02       | SWNW | 4.0  |
| T08N R02W S02 | SENE | 10.0 | T08N R02W S02       | NESW | 14.0 |
| T08N R02W S02 | NWSW | 28.0 | T08N R02W S02       | NWSE | 3.0  |
| T08N R02W S03 | SENE | 12.0 | T08N R02W S03 Lot 4 | NNWN | 4.0  |
| T08N R02W S03 | NESW | 15.0 | T08N R02W S03       | SWSW | 32.0 |
| T08N R02W S03 | SESW | 36.0 | T08N R02W S03       | NESE | 33.0 |
| T08N R02W S03 | NWSE | 37.0 | T08N R02W S03       | SWSE | 24.0 |
| T08N R02W S03 | SESE | 8.0  | T08N R02W S04       | SWNE | 2.0  |
| T08N R02W S04 | SENE | 24.0 | T08N R02W S04       | NESW | 22.0 |
| T08N R02W S04 | NWSW | 23.0 | T08N R02W S04       | SWSW | 38.0 |
| T08N R02W S04 | SESW | 38.0 | T08N R02W S04       | NESE | 7.0  |
| T08N R02W S04 | NWSE | 23.0 | T08N R02W S04       | SWSE | 21.0 |
| T08N R02W S04 | SESE | 15.0 | T08N R02W S05       | SWSW | 18.0 |
| T08N R02W S05 | SESW | 21.0 | T08N R02W S05       | SWSE | 27.0 |
| T08N R02W S05 | SESE | 36.0 | T08N R02W S07       | NENE | 19.0 |
| T08N R02W S07 | SWNE | 5.0  | T08N R02W S08       | NENE | 4.0  |
| T08N R02W S08 | NWNE | 10.0 | T08N R02W S08       | NENW | 11.0 |
| T08N R02W S08 | NNWN | 31.0 | T08N R02W S09       | NENE | 3.0  |
| T08N R02W S09 | NENW | 4.0  | T08N R02W S09       | NNWN | 1.0  |
| T08N R02W S10 | NWNE | 24.0 | T08N R02W S10       | SWNE | 2.0  |
| T08N R02W S10 | NENW | 25.0 | T08N R02W S10       | NNWN | 30.0 |
| T08N R02W S10 | SWNW | 19.0 | T08N R02W S10       | SENE | 24.0 |
| T09N R02W S34 | SWNW | 12.0 | T09N R02W S34       | NWSW | 14.0 |
| T09N R02W S34 | SWSW | 10.0 |                     |      |      |

840 ACRES TOTAL

05/22/2002

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

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USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 929 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02204, 65-03247, 65-03248, 65-02500, 65-02501, 65-03125, 65-03126, 65-03127, 65-07789, 65-09076, 65-10533, 65-10534, 65-10535, 65-10536, 65-02601, 65-07603, 65-07136.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 72 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: Decreed

**Memo to file: 65-2204, 65-3247, 65-3248, 65-2500, 65-2501, 65-3125, 65-3126, 65-3127, 65-3128, 65-7789, 65-9076, 65-10533, 65-10534, 65-10535, 65-10536, 65-2601, 65-7603, 65-7136**

May 22, 2002

Sue Bock

Follow up to memo in files dated 1/11/01

The B.O.R. objected to all of these rights because of the 19 acres in T08N R02W S07 NWNE being on federal public land. After meeting with the claimants, I have removed the 19 acre track from all claims and reduced the permissible place of use to 840 acres. When all rights are combined, they are limited to 929, see earlier memo.

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

RIGHT NUMBER: 65-3128

NAME AND ADDRESS: JG SCHWARZ  
KRISTIN SCHWARZ  
6000 BIG WILLOW RD  
PAYETTE, ID 83661

SOURCE: BIG WILLOW CREEK      TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.6 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.02 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3.5 AF PER ACRE AT THE FIELD HEADGATE. COMBINED RIGHT NOS.: 65-02204, 65-03247, 65-03248, 65-02500, 65-02501, 65-03125, 65-03126, 65-03127, 65-07789, 65-09076, 65-10533, 65-10534, 65-10535, 65-10536, 65-02601, 65-07603, 65-07136.

PRIORITY DATE: 05/01/1890

POINT OF DIVERSION: T08N R02W S9      NENW      Within PAYETTE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 3-15 11-15           | 0.60 CFS        |

PLACE OF USE:

IRRIGATION Within PAYETTE County

|               |      |    |               |      |    |
|---------------|------|----|---------------|------|----|
| T08N R02W S10 | NWNE | 24 | T08N R02W S10 | SWNE | 2  |
| T08N R02W S10 | NENW | 25 | T08N R02W S10 | NWNW | 30 |
| T08N R02W S10 | SWNW | 19 | T08N R02W S10 | SENW | 24 |
| T08N R02W S2  | SWNE | 17 | T08N R02W S2  | SWNW | 4  |
| T08N R02W S2  | SENE | 10 | T08N R02W S2  | NESW | 14 |
| T08N R02W S2  | NWSW | 28 | T08N R02W S2  | NWSE | 3  |
| T08N R02W S3  | SENE | 12 | T08N R02W S3  | NWNW | 4  |
| T08N R02W S3  | NESW | 15 | T08N R02W S3  | SWSW | 32 |
| T08N R02W S3  | SESW | 36 | T08N R02W S3  | NESE | 33 |
| T08N R02W S3  | NWSE | 37 | T08N R02W S3  | SWSE | 24 |
| T08N R02W S3  | SESE | 8  | T08N R02W S4  | SWNE | 2  |
| T08N R02W S4  | SENE | 24 | T08N R02W S4  | NESW | 22 |
| T08N R02W S4  | NWSW | 23 | T08N R02W S4  | SWSW | 38 |
| T08N R02W S4  | SESW | 38 | T08N R02W S4  | NESE | 7  |
| T08N R02W S4  | NWSE | 23 | T08N R02W S4  | SWSE | 21 |

|               |      |    |               |      |    |
|---------------|------|----|---------------|------|----|
| T08N R02W S4  | SESE | 15 | T08N R02W S5  | SWSW | 18 |
| T08N R02W S5  | SESW | 21 | T08N R02W S5  | SWSE | 27 |
| T08N R02W S5  | SESE | 36 | T08N R02W S7  | NENE | 19 |
| T08N R02W S7  | NWNE | 19 | T08N R02W S7  | SWNE | 5  |
| T08N R02W S8  | NENE | 4  | T08N R02W S8  | NWNE | 10 |
| T08N R02W S8  | NENW | 11 | T08N R02W S8  | NWNW | 31 |
| T08N R02W S9  | NENE | 3  | T08N R02W S9  | NENW | 4  |
| T08N R02W S9  | NWNW | 1  | T09N R02W S34 | SWNW | 12 |
| T09N R02W S34 | NWSW | 14 | T09N R02W S34 | SWSW | 10 |

859 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 948 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02204, 65-03247, 65-03248, 65-02500, 65-02501, 65-03125, 65-03126, 65-03127, 65-07789, 65-09076, 65-10533, 65-10534, 65-10535, 65-10536, 65-02601, 65-07603, 65-07136.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 72 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

**RECEIVED****AUG 23 2001****WATER RESOURCES  
WESTERN REGION**

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

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

| Water<br>Right No(s).    | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|--------------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| <u>See attached list</u> |                              |       |                       |                              |       |
| _____                    | _____                        | _____ | _____                 | _____                        | _____ |
| _____                    | _____                        | _____ | _____                 | _____                        | _____ |
| _____                    | _____                        | _____ | _____                 | _____                        | _____ |
| _____                    | _____                        | _____ | _____                 | _____                        | _____ |

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

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

**OR**

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

3. Name and Address of Former Owner/Claimant(s) Bett's Family Partnership  
10775 Sucker Creek Rd.; Payette, ID
4. New Owner/Claimant(s) J.G. & Kristin Schwarz  
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 6000 Big Willow Rd.
- City, State and ZIP Code Payette, ID 83661
- New Telephone Number 208-278-3898
5. Date you acquired the property 10-2000

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

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

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

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

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

**For Office Use Only**

|                       |            |                     |
|-----------------------|------------|---------------------|
| Received by _____     | Date _____ | Fee _____           |
| Receipted by _____    | Date _____ | Receipt No. _____   |
| Processed by _____ AJ | Date _____ | WR _____ Date _____ |

ATTACHMENT TO NOTICE OF CHANGE OF WATER RIGHT  
OWNERSHIP-----BETTIS TO J.G. & KRISTIN SCHWARZ

RECEIVED

AUG 23 2001

WATER RESOURCES  
WESTERN REGION

IRRIGATION RIGHTS

|          |          |           |
|----------|----------|-----------|
| A65-2204 | A65-3128 | A65-10533 |
| -2500    | -3247    | -10534    |
| -2501    | -3248    | -10535    |
| -2601    | -4486B   | -10536    |
| -3124A   | -4487    | -9076     |
| -3125    | -4982    | -7789     |
| -3126    | -4983    | -7603     |
| -3127    | -7136    |           |

DOMESTIC & STOCK RIGHTS

|          |          |          |
|----------|----------|----------|
| A65-1217 | A65-3457 | A65-3458 |
| -3459    | -3491    | -3492    |
| -6708    | -6709    | -6710    |
| -6711    | -6712    | -4489    |
| -4490    | -6459    |          |

293806

## RECORDING INFORMATION:

Until a change is requested, all tax statements shall be sent to:

JKJ, LLC  
6075 Big Willow Road  
Payette ID 83661

After recording return to:  
Alliance Title & Escrow Corp.  
34 South Main  
Payette ID 83661

Prepared by: Yturri Rose LLP, PO Box S, Ontario OR 97914

STATE OF IDAHO } ss  
County of Payette

I hereby certify that this instrument was filed for record at the request of

ALLIANCE TITLE & ESCROW CORP.

Time 4:50 PM

Date May 22, 2001

Instrument # 293806-Deeds

LAURA L. STIGILE

Ex officio Recorder

By Kathryn Sturges  
Deputy

Fee 9/200

## WARRANTY DEED

GRANTORS, SHIRLEY SCOTT BARKER, a married woman dealing with her sole and separate property, joined in by her husband, DARRELL BARKER, as to any community property interest therein, 6000 Big Willow Road, Payette, Idaho 83661, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto JKJ, LLC, an Idaho Limited Liability Company, 6075 Big Willow Road, Payette, Idaho 83661, as GRANTEE, and to Grantee's heirs and assigns forever, all of the following described real property located in the County of Payette, Idaho:

See Exhibit A attached hereto and  
by this reference incorporated herein

TOGETHER with all improvements, easements, hereditaments and appurtenances thereto, and subject to such rights, easements, covenants, restrictions and zoning regulations as appear of record or based upon the premises.

Subject to:

See Exhibit B attached hereto and by this reference incorporated herein.

Grantors, for themselves, their heirs and assigns do hereby covenant, warrant and shall defend the quiet and peaceable possession of said Premises by the Grantee, its heirs and assigns forever against the lawful claims of all persons.

In construing this Deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

293806

IN WITNESS WHEREOF, Grantors have hereunto subscribed their name to this instrument this 22<sup>nd</sup> day of May, 2001.

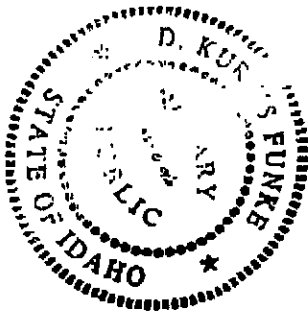
Shirley Scott Barker  
Shirley Scott Barker

Darrell Barker  
Darrell Barker

State of Idaho            )  
                                  ) ss  
County of Payette        )

On this 22<sup>nd</sup> day of MAY, 2001, before me the undersigned, a Notary Public for Idaho, personally appeared SHIRLEY SCOTT BARKER and DARRELL BARKER, 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.



D. Kur's Funkhouser  
Notary Public for Idaho  
Residing at: PAYETTE  
My commission expires: 01/21/05

293806

Exhibit A  
(Legal Description)

*No water rights*

**PARCEL I:**

A portion of the NW1/4NW1/4 of Sec. 24, Twp. 8 N., R. 4 W., B.M., Payette County, Idaho, described as follows:

Commencing at the Northeast corner of the NW1/4NW1/4 of said Sec.;

thence South along the West boundary of the E1/2NW1/4, 2200 feet to the True Point of Beginning;

thence East parallel to the South boundary of the NW1/4 of said Sec., 800 feet;

thence South parallel to the West boundary of the SE1/4NW1/4 and NE1/4SW1/4, 600 feet;

thence West parallel to the North boundary of the NE1/4SW1/4, 800 feet;

thence North along the West boundary of the NE1/4SW1/4 and SE1/4NW1/4, 600 feet to the True Point of Beginning.

293806

**Exhibit B  
(Exceptions)**

1. Any rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, rights of way and easements established or of record.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
3. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof.
4. Taxes or special assessments which are not shown as existing liens by the public 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 records.
5. An easement for the purpose shown below and rights incidental thereto as set forth in a document.  
Purpose: Telephone lines and equipment.  
Recorded: May 11, 1904.  
Book: A, Page: 89 of Official Records.  
Affects: Sec. 24, Twp. 8 N., R. 4 W., B.M.
6. An easement for the purpose shown below and rights incidental thereto as set forth in a document.  
Granted to: American Telephone and Telegraph Company of Wyoming.  
Purpose: Construct, operate and maintain a communication system.  
Recorded: September 12, 1941 & May 26, 1941.  
Instrument / File No. 50343, 50642, & 50645 of Official Records.  
Affects: Secs. 13 & 24, Twp. 8 N., R. 4 W., B.M.
7. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.  
Recorded: March 2, 1943.  
Official Records: 53979.
8. Easements, reservations, notes and/or dedications as shown on the official plat.
9. An easement for the purpose shown below and rights incidental thereto as set forth in a document.  
Granted to: Idaho Power Company, a corporation.  
Purpose: Utilities.  
Recorded: November 24, 1928.  
Instrument / File No. 23052.  
Book: 1, Page: 373 of Official Records.
10. An easement for the purpose shown below and rights incidental thereto as set forth in a document.  
Granted to: Idaho Power Company, a corporation.  
Purpose: Utilities.  
Recorded: June 21, 1974.  
Instrument / File No. 155060 of Official Records.

293805

## RECORDING INFORMATION:

Until a change is requested, all tax  
statements shall be sent to:

JKI, LLC  
6075 Big Willow Road  
Payette ID 83661

After recording return to:  
Alliance Title & Escrow Corp.  
34 South Main  
Payette ID 83661

Prepared by: Yturri Rose LLP, PO Box S, Ontario OR 97914

STATE OF IDAHO } SS  
County of Payette

I hereby certify that this Instrument  
was filed for record at the request of

ALLIANCE TITLE & ESCROW CORP.

Time 4:49 PM  
Date May 22, 2001  
Instrument # 293805-Deed

LAURA L. STIGILE

Public Recorder

By Kathryn O. Hurrell  
Deputy  
Fee 12.00

## WARRANTY DEED

GRANTORS, DARRELL BARKER and SHIRLEY SCOTT BARKER, Trustees of The Barker Family Living Trust, 6000 Big Willow Road, Payette, Idaho 83661, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto JKI, LLC, an Idaho Limited Liability Company, 6075 Big Willow Road, Payette, Idaho, 83661, as GRANTEE, and to Grantee's heirs and assigns forever, all of the following described real property located in the County of Payette, Idaho:

See Exhibit A attached hereto and  
by this reference incorporated herein

TOGETHER with all improvements, easements, hereditaments and appurtenances thereto, and subject to such rights, easements, covenants, restrictions and zoning regulations as appear of record or based upon the premises.

Subject to:

See Exhibit B attached hereto and by this reference incorporated herein.

Grantors, for themselves, their heirs and assigns do hereby covenant, warrant and shall defend the quiet and peaceable possession of said Premises by the Grantee, its heirs and assigns forever against the lawful claims of all persons.

In construing this Deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

293805

IN WITNESS WHEREOF, Grantors have hereunto subscribed their name to this instrument this  
22<sup>nd</sup> day of May, 2001.

Darrell Barker  
 Darrell Barker, Trustee of the Barker Family  
 Living Trust

Shirley Scott Barker  
 Shirley Scott Barker, Trustee of the Barker Family  
 Trust

State of Idaho )  
 ) ss  
 County of Payette )

On this 22 day of May, 2001, before me the undersigned, a Notary Public for Idaho, personally appeared DARRELL BARKER and SHIRLEY SCOTT BARKER, as Trustees of The Barker Family Living Trust, 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.



D. Kurtis Funke  
 Notary Public for Idaho  
 Residing at: Payette  
 My commission expires: 01/21/05

293805

Exhibit A  
(Legal Description)

Land in Twp. 8 N., R. 4 W., B.M., Payette County, Idaho:  
In Sec. 24: NW1/4NE1/4; NE1/4NW1/4; SW1/4NE1/4 West of the County Road;  
NW1/4SE1/4 West of the County Road;  
SE1/4NW1/4; NE1/4SW1/4 West of the County Road;  
EXCEPTING THEREFROM the following described parcel of land:  
Commencing at the Northeast corner of the NW1/4NW1/4 of said Sec.;  
thence South along the West boundary of the E1/2NW1/4, 2200 feet to the True Point of  
Beginning;  
thence East parallel to the South boundary of the NW1/4 of said Sec., 800 feet;  
thence South parallel to the West boundary of the SE1/4NW1/4 and NE1/4SW1/4, 600 feet;  
thence West parallel to the North boundary of the NE1/4SW1/4, 800 feet;  
thence North along the West boundary of the NE1/4SW1/4 and SE1/4NW1/4, 600 feet to the  
True Point of Beginning.

Land in Twp. 8 N., R. 4 W., B.M., Payette County, Idaho:  
In Sec. 13: SE1/4SW1/4; SW1/4SE1/4; NE1/4SE1/4; NW1/4SE1/4;  
EXCEPTING THEREFROM the following portion of the NW1/4SE1/4 of said Sec. 13:  
Beginning at the East quarter corner of Sec. 13, Twp. 8 N., R. 4 W., B.M.;  
thence N. 89°34' W. along the midsection line of said Sec., 1,764 feet, more or less, to a  
fence, and the True Point of Beginning;  
thence S. 50°7.5' W. along said fence 1,107.5 feet to a point on the West boundary of the  
NW1/4SE1/4;  
thence North along the West boundary of the NW1/4SE1/4, 710 feet, more or less, to the  
North boundary of the NW1/4SE1/4;  
thence S. 89°34' E. along the North boundary of the NW1/4SE1/4, 850 feet to the True Point  
of Beginning;

293805

**Exhibit B  
(Exceptions)**

1. Any rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, rights of way and easements established or of record.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
3. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof.
4. Taxes or special assessments which are not shown as existing liens by the public 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 records.
5. An easement for the purpose shown below and rights incidental thereto as set forth in a document.  
Purpose: Telephone lines and equipment.  
Recorded: May 11, 1904.  
Book: A, Page: 89 of Official Records.  
Affects: Sec. 24, Twp. 8 N., R. 4 W., B.M.
6. An easement for the purpose shown below and rights incidental thereto as set forth in a document.  
Granted to: American Telephone and Telegraph Company of Wyoming.  
Purpose: Construct, operate and maintain a communication system.  
Recorded: September 12, 1941 & May 26, 1941.  
Instrument / File No. 50343, 50642, & 50645 of Official Records.  
Affects: Secs. 13 & 24, Twp. 8 N., R. 4 W., B.M.
7. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.  
Recorded: March 2, 1943.  
Official Records: 53979.
8. Easements, reservations, notes and/or dedications as shown on the official plat.
9. An easement for the purpose shown below and rights incidental thereto as set forth in a document.  
Granted to: Idaho Power Company, a corporation.  
Purpose: Utilities.  
Recorded: November 24, 1928.  
Instrument / File No. 23052.  
Book: 1, Page: 373 of Official Records.
10. An easement for the purpose shown below and rights incidental thereto as set forth in a document.  
Granted to: Idaho Power Company, a corporation.  
Purpose: Utilities.  
Recorded: June 21, 1974.  
Instrument / File No. 155060 of Official Records.

290023

Filed for Record at the Request of:

Space for Recorder's Use

J. G. and Kristin Schwarz  
6075 Big Willow Road  
Payette, Idaho 83661

Payette

State of Idaho, County of Payette

I certify that this instrument was filed for record at the request of

Time 10:36 a.m. Date Oct 5, 2000 Instrument # 290023Laura L. Stigila, Ex-Officio Recorder by [Signature] Deputy Fee \$9.00

ALLIANCE TITLE &amp; ESCROW CORP

AFTER RECORDING MAIL TO:

Melanie G. Rubocki  
Holland & Hart LLP  
Suite 1400, 101 S. Capitol Blvd.  
Boise, Idaho 83702

**QUITCLAIM DEED**

For good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, The Bettis Family Limited Partnership, an Idaho limited partnership ("Grantor"), hereby conveys, releases, remises and forever quitclaims unto J. G. and Kristin Schwarz, a married couple who resides at 6075 Big Willow Road, Payette, Idaho 83661, all of Grantor's right, title and interest in and to that certain parcel of real property located in Payette County, Idaho, and more particularly described in Exhibit A attached hereto, together with its appurtenances.

IN WITNESS WHEREOF, Grantor has executed this instrument the 4<sup>th</sup> day of October, 2000.

THE BETTIS FAMILY LIMITED  
PARTNERSHIP,  
an Idaho limited partnership

[Signature]  
Harry L. Bettis, General Partner

(Notary acknowledgement follows)

No water rights

**QUITCLAIM DEED**

Payette.doc

4/1/2000 7:11

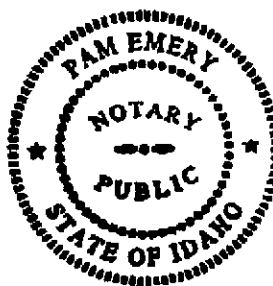
290023

STATE OF IDAHO       )  
                                  )ss.  
COUNTY OF Payette )

On this 4<sup>th</sup> day of October, 2000 before me, a notary public in and for said state, personally appeared HARRY L. BETTIS, as general partner of The Bettis Family Limited Partnership, known or identified to me to be the person who executed the instrument, and acknowledged to me that he executed the same.

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

Pam Emery  
Notary Public  
Residing at: Payette, Id.  
My Commission Expires: 11-16-05



**290023**

**Exhibit A**

**Legal Description**

**North one half of the Northwest Quarter of Section 33,  
Township 8 North, Range 3 West, Boise Meridian,  
Payette County, Idaho**

2715413\_1.DOC

241365

DEC. 31 1992

A-100' 600' x

300' x 700' x

400' x 800' x

2000' x  
110

100' x 112

200' x 100' x

500' x 200' x

900' x 118

1100' x 111

300' x 118

3400' x 190

3600' x 191

BARGAIN AND SALE DEED

THIS INDENTURE, made the 30<sup>th</sup> day of December, 1992, between HARRY L. BETTIS, a single man, "Grantor," and THE BETTIS FAMILY LIMITED PARTNERSHIP, an Idaho limited partnership, whose current address is Star Route, Payette, Idaho 83661, "Grantee."

## WITNESSETH:

That Grantor, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by Grantee, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Grantee, and to its heirs and assigns, forever, all of those certain pieces or parcels of land situate, lying and being located in the County of Payette, State of Idaho, particularly described as follows, to-wit:

See Exhibit A attached hereto and made a part hereof by this reference.

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest in the property, possession, claim and demand whatsoever, as well in law as in equity, of the Grantor, of, in or to the said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances, unto the said Grantee and to its heirs and assigns forever.

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal the day and year first above written.

Harry L. Bettis  
HARRY L. BETTIS

*Barker  
parcels.*

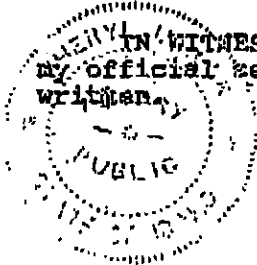
241365

DEC 31 1992

STATE OF Idaho )  
County of Payette ) ss.

On this 30th day of December, 1992, before me,  
Sheryl Miller, a notary public for said State,  
personally appeared HARRY L. BETTIS, known or identified to me to  
be the person who executed the instrument, and acknowledged to me  
that he executed the same.

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



Sheryl Miller  
Notary Public  
Residing at: Payette  
My Commission Expires: 3-1-94

23647

241365

OFF 3 - 1002  
11. 11. 1002EXHIBIT ABarker and Sons, Inc. Ranch

Land in Twp. 8 N., R. 2 W., B.M., Payette County, Idaho:

In Sec. 30: Government Lots 3 and 4 and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
In Sec. 31: Government Lot 1;

Land in Twp. 8 N., R. 3 W., B.M., Payette County, Idaho:

In Sec. 1: S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
In Sec. 2: S $\frac{1}{2}$ SE $\frac{1}{4}$  and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
In Sec. 3: S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
In Sec. 10: NE $\frac{1}{4}$ ; E $\frac{1}{2}$ NW $\frac{1}{4}$  and N $\frac{1}{2}$ SE $\frac{1}{4}$ ; S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
In Sec. 11: All of Section;  
In Sec. 12: W $\frac{1}{2}$ W $\frac{1}{2}$ ; NE $\frac{1}{4}$ NW $\frac{1}{4}$  and NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
In Sec. 13: NW $\frac{1}{4}$ NW $\frac{1}{4}$  and W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
In Sec. 14: All of Section;  
In Sec. 15: NE $\frac{1}{4}$ ;  
In Sec. 20: W $\frac{1}{2}$ ; SE $\frac{1}{4}$  and S $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
In Sec. 21: S $\frac{1}{2}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
In Sec. 22: SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
In Sec. 23: E $\frac{1}{2}$ SW $\frac{1}{4}$ ; SE $\frac{1}{4}$ ; NW $\frac{1}{4}$  and NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
In Sec. 24: NW $\frac{1}{4}$ NW $\frac{1}{4}$  and S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
In Sec. 25: N $\frac{1}{2}$ NW $\frac{1}{4}$ ; SE $\frac{1}{4}$ NW $\frac{1}{4}$ ; W $\frac{1}{2}$ SW $\frac{1}{4}$ ; SE $\frac{1}{4}$ SW $\frac{1}{4}$ ; SE $\frac{1}{4}$  and S $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
In Sec. 26: E $\frac{1}{2}$ ; E $\frac{1}{2}$ NW $\frac{1}{4}$  and NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
In Sec. 27: S $\frac{1}{2}$ NW $\frac{1}{4}$ ; SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
In Sec. 28: W $\frac{1}{2}$ ; SE $\frac{1}{4}$ ; S $\frac{1}{2}$ NE $\frac{1}{4}$  and NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
In Sec. 29: N $\frac{1}{2}$  and SE $\frac{1}{4}$ ;  
In Sec. 30: NE $\frac{1}{4}$ ; NE $\frac{1}{4}$ NW $\frac{1}{4}$  and Government Lot 1;  
In Sec. 31: E $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
In Sec. 32: N $\frac{1}{2}$ ;  
In Sec. 19: E $\frac{1}{2}$ ; E $\frac{1}{2}$ W $\frac{1}{2}$ ; Government Lots 2, 3 and 4; and Government Lot 1 lying South of the County Road right of way EXCEPTING THEREFROM that portion that lies within Lots 1 and 2:  
Commencing at the Southeast corner of said Lot 1;  
thence S. 89°44'10" E., along the South boundary of said Lot 1 a distance of 56.10 feet to the TRUE POINT OF BEGINNING;  
thence S. 0°15'11" E., 242.77 feet;  
thence N. 89°44'10" W., parallel with the South boundary of Lot 1 a distance of 864.98 feet;  
thence N. 0°06'57" W., 662.46 feet, more or less, to a point on the Southerly right of way line of the County Road as it now exists;  
thence along said Southerly right of way the following four courses:  
N. 68°15'30" E. 79.60 feet;

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thence on a curve to the right a distance of 221.86 feet, whose radius is 555.25 feet, with a central angle of 22°53'37" and a long chord that bears N. 79°42'19" E., 220.39 feet;  
 thence S. 88°50'53" E., 322.21 feet;  
 thence on a curve to the left 273.46 feet, which radius is 359.23 feet, with a central angle of 43°36'58" and a long chord that bears N. 69°20'38" E., 266.90 feet;  
 thence leaving said right of way S. 0°15'11" E., 580.73 feet, more or less, to the TRUE POINT OF BEGINNING.

Land in Twp. 8 N., R. 4 W., B.M., Payette County, Idaho:

In Sec. 24: The SE $\frac{1}{4}$ NE $\frac{1}{4}$ ; the NW $\frac{1}{4}$ NE $\frac{1}{4}$  lying Southeasterly of the County Road right of way; the SW $\frac{1}{4}$ NE $\frac{1}{4}$  lying Southeasterly of the County Road right of way; the S $\frac{1}{4}$ SE $\frac{1}{4}$ ; the NE $\frac{1}{4}$ SE $\frac{1}{4}$ ; the NE $\frac{1}{4}$ SW $\frac{1}{4}$  lying Southeasterly of the County Road right of way; and the NW $\frac{1}{4}$ SE $\frac{1}{4}$  lying Southeasterly of the County Road right of way;  
 EXCEPTING THEREFROM the following described parcel of land lying in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  and in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Commencing at the Northwest corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 thence S. 89°38'09" E., along the North boundary of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ , 565.60 feet, more or less to the East side of the County Road right of way, as it now exists, said point being the TRUE POINT OF BEGINNING;  
 thence N. 20°15'44" E., along said East side of said County Road right of way 78.52 feet;  
 thence S. 21°10'34" E., 259.25 feet;  
 thence S. 31°41'29" E., 204.65 feet;  
 thence S. 54°31'33" W., 52.76 feet;  
 thence S. 67°03'22" W., 242.42 feet;  
 thence N. 31°01'20" W. 175.30 feet to a point on the East side of said County Road right of way;  
 thence N. 25°17'32" E., along said right of way, 119.12 feet;  
 thence N. 20°15'44" E., along said right of way, 223.22 feet to the True Point of Beginning.

In Sec. 25: N $\frac{1}{4}$ NE $\frac{1}{4}$ ; and the following portion of the N $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Beginning at the Northeast corner of said N $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 thence South following the East side line of said N $\frac{1}{4}$ NW $\frac{1}{4}$  to the Southeast corner thereof;

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thence West following the South side line of said N $\frac{1}{2}$ NW $\frac{1}{4}$  to the point where the same is intersected by the center line of Big Willow Creek;  
 thence in a Northerly and Easterly direction following said center line to the point where the same intersects the North side line of said N $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
 thence East following said North side line to the Point of Beginning.

Land in Twp. 9 N., R. 3 W., B.M., Payette County:

In Sec. 25: SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

TOGETHER with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereto.

Naylor Ranch

That property located in Twp. 8 N., R. 2 W.B.M., Payette County, Idaho, described as follows:

Lot 1, 2, S $\frac{1}{2}$  NE $\frac{1}{4}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$  SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
 Section 2;  
 S $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , Section 3;  
 Lots 1, 2, 3 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ , Section 4;  
 Lots 1, 2, 3, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ , Section 5;  
 Lots 3, 4, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , Section 7;  
 NE $\frac{1}{4}$ , W $\frac{1}{2}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 8;  
 N $\frac{1}{2}$ N $\frac{1}{2}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 9;  
 NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 10;  
 NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 11;  
 Lots 1, 2, 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , Section 17

Including all water and ditch rights appurtenant thereto or used in connection therewith, if any. Subject to easements, rights-of-way, exceptions and reservations, if any.

Jack Miller Ranch

In Twp. 8 N., R. 2 W., B.M., Payette County, Idaho:

In Sec. 2: SW $\frac{1}{4}$ NW $\frac{1}{4}$  and Govt. Lot 4;  
 In Sec. 3: Lots 1, 2, 3, 4 and NW $\frac{1}{4}$ SW $\frac{1}{4}$  and S $\frac{1}{2}$ NW $\frac{1}{4}$ .

In Twp. 9 N., R. 2 W., B.M., Payette County, Idaho:

INSTRU. NO. 213390  
PAGES 1 OF 9

290024

290098

Sec 12 SWSW  
Sec 13 all  
Sec 24 N2

Payette County Property

Filed for Record at the Request of:

Space for Recorder's Use

J. G. and Kristin Schwarz  
6075 Big Willow Road  
Emmett, Idaho 83661  
Payette

State of Idaho, County of Payette

I certify that this instrument was filed for record at the request of

Time 10:38 AM Date Oct 5, 2000 Instrument # 290024

Laura L. Stigile, Ex-Officio Recorder by Judy B. Hamble Deputy Fee \$27.00

ALLIANCE TITLE & ESCROW CORP.

AFTER RECORDING MAIL TO:

Melanie G. Rubocki  
Holland & Hart LLP  
Suite 1400, 101 S. Capitol Blvd  
Boise, Idaho 83702  
405-000-798

State of Idaho, County of Payette

I certify that this instrument was filed for record at the request of

Time 4:58 PM Date Oct 10, 2000 Instrument # 290099

Laura L. Stigile, Ex-Officio Recorder by Judy B. Hamble Deputy Fee \$57.00

ALLIANCE TITLE & ESCROW CORP.

## WARRANTY DEED

FOR VALUE RECEIVED, The Bettis Family Limited Partnership, an Idaho limited partnership (the "Grantor"), does hereby grant, bargain, sell and convey unto J. G. and Kristin Schwarz, husband and wife, whose address is 6075 Big Willow Road, Payette / Emmett, Idaho 83661 (the "Grantees"), those parcels of real property located in Gem and Payette Counties and more particularly described on Exhibit A attached hereto.

TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees that the owner in fee simple of said premises, that said premises are free from all encumbrances except those described on Exhibit B attached hereto and that it will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, Grantor has executed this instrument the 4<sup>th</sup> day of October, 2000.

*Bettis*  
to  
*Schwarz*

(Notary acknowledgement follows)

THE BETTIS FAMILY LIMITED  
PARTNERSHIP,  
an Idaho limited partnership

*Harry L. Bettis*  
Harry L. Bettis, General Partner

Instrument # 213390

EMMETT, GEM, IDAHO

2000-10-05 12:50:00 No. of Pages: 9

Recorded for: ALLIANCE TITLE & ESCROW

SUSAN K. HOWARD

Fee: 27.00

Ex-Officio Recorder Deputy Judy B. Hamble

Index to: DEED

290099

290024

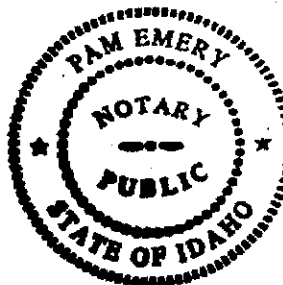
|                            |
|----------------------------|
| INSTR. NO. <u>213390</u>   |
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STATE OF IDAHO       )  
                                  )ss.  
COUNTY OF Payette )

On this 4<sup>th</sup> day of October, 2000 before me, a notary public in and for said state, personally appeared HARRY L. BETTIS, as general partner of The Bettis Family Limited Partnership, known or identified to me to be the person who executed the instrument, and acknowledged to me that he executed the same.

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

Pam Emery  
Notary Public  
Residing at: Payette, Id.  
My Commission Expires: 11-16-05



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EXHIBIT A

Legal Description

|             |        |
|-------------|--------|
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|             |        |
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EXHIBIT B

(See attached Schedule B - Section 2 from Title Commitment of Alliance Title

Order Nos. 4060000385 and 405000798)

BOISE:2715621\_1.DOC

*Nothing that impacts water rights!*

290099

290024

INSTRU. NO. 213390

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Land in Township 8 North, Range 2 West, Boise Meridian, Payette County, Idaho, more particularly described as follows:

- Section 2: Lots 1, 2, & 4, S1/2N1/2, N1/2S1/2, SW1/4SW1/4, SE1/4SE1/4.
- Section 3: All.
- Section 4: All.
- Section 5: Lots 1, 2, & 3, S1/2N1/2, S1/2.
- Section 7: Lots 3 & 4, NE1/4NE1/4; S1/2N1/2; E1/2SW1/4, SE1/4.
- Section 8: All.
- Section 9: All.
- Section 10: W1/2, NE1/4, N1/2SE1/4. 3458
- Section 11: NE1/4NE1/4, N1/2SW1/4, SE1/4SW1/4, S1/2SE1/4, all that part of the S1/2NW1/4, N1/2SE1/4 and SW1/4NE1/4 which lies South and West of the 3459 following described line:  
Beginning at a point on the West section line on the West side of the SW1/4NW1/4 of Section 11, which is 1241 feet North of the West quarter corner of said Section 11; thence North 71°38' East 216 feet; thence North 68°52' East 50 feet to the North side line of said SW1/4NW1/4 of said Section 11; thence East following said North side line 978 feet; thence South 71°22' East 150 feet to the quarter-quarter section line in the East side of said SW1/4NW1/4 of said Section 11; thence South 57°37' East 785 feet; thence South 69°21' East 289 feet; thence South 81°59' East to the quarter section line at a point 710 feet North of the center of said Section 11; thence South 44°43' East 492 feet; thence South 58°23' East 697 feet to the North side line of the NW1/4SE1/4 of said Section 11; thence South 79°10' East 998 feet to a point in the NE1/4SE1/4 of said Section 11; thence South 58°15' East 490 feet; thence South 65°00' East 330 feet to a point on the East section line of said Section 11 which is 740 feet North of the Southeast corner of the NE1/4SE1/4 of said Section 11.
- Section 14: E1/2E1/2.
- Section 15: E1/2NW1/4, NW1/4NW1/4.
- Section 17: Lots 1 - 4, S1/2NW1/4, SE1/4NE1/4, S1/2.
- Section 18: Lots 1, 3, 4, & 7, S1/2NE1/4, SE1/4. ✓ 1217
- Section 19: Lots 1 - 4, S1/2SE1/4, SE1/4SW1/4.
- Section 20: E1/2, SW1/4.
- Section 21: W1/2W1/2.
- Section 30: N1/2NE1/4, NE1/4NW1/4, Lots 1, (3 & 4, SE1/4SW1/4.) ✓
- Section 31: Lot 1. ✓

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INSTRU. NO. 213322  
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Land in Township 8 North, Range 3 West, Boise Meridian, Payette County, Idaho, more particularly described as follows:

Section 1: S1/2S1/2.

Section 2: SW1/4SW1/4, S1/2SE1/4.

Section 3: S1/2SE1/4.

Section 4: In Government Lot 3 and that portion of Government Lot 2, of the SW1/4NE1/4 of the SE1/4NW1/4 and of the SW1/4 lying West of the center line of the county road, said center line being described as follows: Beginning at a point 211 feet East of the North quarter corner of said Section 4; thence South 28°30' West 240 feet; thence South 8°40' West 831 feet, more or less, to its intersection with the West side line of said SW1/4NE1/4, at a point which is 200 feet South of the Northeast corner of the SE1/4NW1/4; thence South 28°30' West 2644 feet; thence South 14°30' West 886 feet; thence South 29° West 570 feet to a point on the South side line of said SW1/4SW1/4, which is 800 feet East of the Southwest corner of said Section 4.

Section 5: Lots 2, 3, & 4, S1/2NW1/4, S1/2.

Section 6: Lots 1 - 6, SE1/4NW1/4; S1/2NE1/4, SE1/4, E1/2SW1/4.

Section 7: E1/2.

Section 8: W1/2, W1/2E1/2, E1/2NE1/4, NE1/4SE1/4.

Section 9: S1/2SE1/4, SE1/4SW1/4 and that portion of the NW1/4NW1/4 lying West of the center line of the county road, said center line being described as follows: Beginning at a point on the North side line of said NW1/4NW1/4 which is 800 feet East of the Northwest corner of said Section 9; thence South 29° West 236 feet; thence South 21°45' West 886 feet; thence South 32°15' West 343 feet, more or less, to the South side line of said NW1/4NW1/4.

X Section 10: E1/2NW1/4, S1/2SW1/4, E1/2. 6459

Section 11: ALL

Section 12: W1/2W1/2, NE1/4NW1/4, E1/2SW1/4, NW1/4NE1/4, SE1/4.

Section 13: NE1/4NW1/4, S1/2NW1/4, NE1/4SW1/4, N1/2NE1/4, SE1/4NE1/4, SE1/4.

Section 14: ALL.

Section 15: ALL.

Section 16: ALL.

Section 17: ALL.

Section 18: E1/2, E1/2SW1/4, Lot 4.

Section 19: ALL. 4487, 4482, 4483, 4490

Section 20: ALL.

Section 21: ALL.

Section 22: ALL.

Section 23: W1/2, SE1/4, NE1/4NE1/4.

Section 24: NW1/4NW1/4, S1/2SW1/4, E1/2.

Section 25: N1/2NW1/4, SE1/4NW1/4, W1/2SW1/4, SE1/4SW1/4, E1/2.

Section 26: ALL.

Section 27: ALL.

Section 28: W1/2, W1/2E1/2, SE1/4NE1/4, E1/2SE1/4. 4489, 2

Section 29: N1/2, SE1/4.

Section 30: NE1/4, NE1/4NW1/4, Lot 1.

Section 31: E1/2NE1/4.

Section 32: N1/2.

~~Section 33: N1/2NW1/4.~~

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Land in Township 8 North, Range 4 West, Boise Meridian, Payette County, Idaho, more particularly described as follows:

Section 1: Lots 1 & 2, S1/2NE1/4, N1/2SE1/4.

Section 13: SE1/4SE1/4.

Section 24: E1/2NE1/4, S1/2SE1/4, NE1/4SE1/4; the NW1/4NE1/4, NE1/4SW1/4 and NW1/4SE1/4 lying Southeasterly of the county road right of way; EXCEPTING THEREFROM the following described parcel of land lying in the NW1/4SE1/4 and in the SW1/4NE1/4;

Commencing at the Northwest corner of the NW1/4SE1/4; thence South 89°38'09" East, along the North boundary of said NW1/4SE1/4, 565.60 feet, more or less, to the East side of the county road right of way, as it now exists, said point being the True Point of Beginning; thence North 20°15'44" East, along said East side of said county road right of way 78.52 feet; thence South 21°10'34" East, 259.25 feet; thence South 31°41'29" East, 204.65 feet; thence South 54°31'33" West, 52.76 feet; thence South 67°03'22" West, 242.42 feet; thence North 31°01'20" West, 175.30 feet to a point on the East side of said county road right of way; thence North 25°17'32" East, along said right of way, 119.12 feet; thence North 20°15'44" East, along said right of way, 223.22 feet to the True Point of Beginning.

Section 25: N1/2NE1/4, and the following portion of the N1/2NW1/4;

Beginning at the Northeast corner of said N1/2NW1/4; thence South following the East side line of said N1/2NW1/4 to the Southeast corner thereof; thence West following the South side line of said N1/2NW1/4 to the point where the same is intersected by the center line of Big Willow Creek; thence in a Northerly and Easterly direction following said center line to the point where the same intersects the North side line of said N1/2NW1/4; thence East following said North side line to the Point of Beginning.

Land in Township 9 North, Range 2 West, Boise Meridian, Payette County, Idaho, more particularly described as follows:

Section 33: S1/2, S1/2N1/2.

Section 34: SE1/4SE1/4, E1/2NW1/4, SW1/4, NW1/4SE1/4.

Section 35: SW1/4.

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**Land in Township 9 North, Range 3 West, Boise Meridian, Payette County, Idaho, more particularly described as follows:**

**Section 21:** S1/2SE1/4.

**Section 25:** SE1/4SE1/4.

**Section 28:** S1/2NW1/4, SW1/4, E1/2.

**Section 29:** E1/2, E1/2W1/2, S1/2SW1/4SW1/4, NW1/4SW1/4SW1/4.

**Section 32:** W1/2, NE1/4NE1/4, S1/2NE1/4, N1/2SE1/4, SW1/4SE1/4.

**Section 33:** W1/2, W1/2NE1/4 and that portion of the E1/2NE1/4 lying West of the center line of the county road, said center line being described as follows:  
Beginning at a point 57.5 feet West of the Northeast corner of said Section 33; thence South 22°15' West 615 feet; thence South 14°45' West 1608 feet; thence South 38°30' West 640 feet, more or less, to a point on the South side line of said E1/2NE1/4, which is 1120 feet West of the East quarter corner of said Section 33;

ALSO, all that portion of the W1/2SE1/4 lying West of the center line of the county road, said center line being described as follows:

Beginning at a point 200 feet South of the Northeast corner of said W1/2SE1/4; thence South 28°30' West 2770 feet, more or less, to the South quarter corner of said Section 33.

~~PLATE 1~~

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Arb 0001

That property located in Township 8 North, Range 2 West, B.M., Gem County, Idaho, described as follows:

Section 13: The NW  $\frac{1}{4}$ ; the W  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ ; the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , and the S  $\frac{1}{4}$

Section 24: The N  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ ; the N  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ ; the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ .

That part of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  and of the S  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 12, Township 8 North, Range 2 West, B.M., which lies South and West of the following described line:

BEGINNING at a point on the West line of said Section 12, which is 740 feet North of the Southwest corner of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said Section 12; thence

South 51°44' East 85 feet; thence

South 63°06' East 1450 feet, to a point in the Southwest part of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 12; thence

South 32°22' East 492 feet; thence

South 4°54' East 337 feet; thence

South 65°17' East 388 feet; thence

South 36°17' East 417 feet to the South line of said Section 12, which is 2413 feet East of the Southwest corner of said Section 12.

INSTRU. NO. 213590  
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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](http://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](http://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

01/12/2001

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

RIGHT NUMBER: 65-3128

NAME AND ADDRESS: HARRY L BETTIS  
10775 SUCKER CREEK RD  
PAYETTE, ID 83661

SOURCE: BIG WILLOW CREEK

TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.6 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.02 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3.5 AF PER ACRE AT THE FIELD HEADGATE. COMBINED RIGHT NOS.: 65-02204, 65-03247, 65-03248, 65-02500, 65-02501, 65-03125, 65-03126, 65-03127, 65-07789, 65-09076, 65-10533, 65-10534, 65-10535, 65-10536, 65-02601, 65-07603, 65-07136.

PRIORITY DATE: 05/01/1890

POINT OF DIVERSION: T08N R02W S9 NENW Within PAYETTE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 3-15 11-15           | 0.60 CFS        |

PLACE OF USE:

IRRIGATION Within PAYETTE County

|               |      |    |               |      |    |
|---------------|------|----|---------------|------|----|
| T08N R02W S10 | NWNE | 24 | T08N R02W S10 | SWNE | 2  |
| T08N R02W S10 | NENW | 25 | T08N R02W S10 | NWNW | 30 |
| T08N R02W S10 | SWNW | 19 | T08N R02W S10 | SENE | 24 |
| T08N R02W S2  | SWNE | 17 | T08N R02W S2  | SWNW | 4  |
| T08N R02W S2  | SENE | 10 | T08N R02W S2  | NESW | 14 |
| T08N R02W S2  | NWSW | 28 | T08N R02W S2  | NWSE | 3  |
| T08N R02W S3  | SENE | 12 | T08N R02W S3  | NWNW | 4  |
| T08N R02W S3  | NESW | 15 | T08N R02W S3  | SWSW | 32 |
| T08N R02W S3  | SESW | 36 | T08N R02W S3  | NESE | 33 |
| T08N R02W S3  | NWSE | 37 | T08N R02W S3  | SWSE | 24 |
| T08N R02W S3  | SESE | 8  | T08N R02W S4  | SWNE | 2  |
| T08N R02W S4  | SENE | 24 | T08N R02W S4  | NESW | 22 |
| T08N R02W S4  | NWSW | 23 | T08N R02W S4  | SWSW | 38 |
| T08N R02W S4  | SESW | 38 | T08N R02W S4  | NESE | 7  |
| T08N R02W S4  | NWSE | 23 | T08N R02W S4  | SWSE | 21 |
| T08N R02W S4  | SESE | 15 | T08N R02W S5  | SWSW | 18 |
| T08N R02W S5  | SESW | 21 | T08N R02W S5  | SWSE | 27 |
| T08N R02W S5  | SESE | 36 | T08N R02W S7  | NENE | 19 |
| T08N R02W S7  | NWNE | 19 | T08N R02W S7  | SWNE | 5  |
| T08N R02W S8  | NENE | 4  | T08N R02W S8  | NWNE | 10 |
| T08N R02W S8  | NENW | 11 | T08N R02W S8  | NWNW | 31 |
| T08N R02W S9  | NENE | 3  | T08N R02W S9  | NENW | 4  |
| T08N R02W S9  | NWNW | 1  | T09N R02W S34 | SWNW | 12 |
| T09N R02W S34 | NWSW | 14 | T09N R02W S34 | SWSW | 10 |

859 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 948 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02204, 65-03247, 65-03248, 65-02500, 65-02501, 65-03125, 65-03126, 65-03127, 65-07789, 65-09076, 65-10533, 65-10534, 65-10535, 65-10536, 65-02601, 65-07603, 65-07136.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 72 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

**Memo to file: 65-02204, 65-03247 -65-03248, 65-02500, 65-02501, 65-03125, 65-03126, 65-03127, 65-03128, 65-07789, 65-09076, 65-10533, 65-10534, 65-10535, 65-10536, 65-02601, 65-07603, 65-07136:**

**January 11, 2001**

**Sue Bock**

Rights 65-07136 and 65-07603 were licensed on January 5, 2001. All of the above mentioned rights were combined into a permissible place of use (ppu) agreed upon by the claimant and allocations staff. The ppu is a total of 859 acres. The ppu was included in both licenses with the condition limiting the rights to 22.61 cfs and 3006.5 afa at field headgate, when all rights were combined.

Right 65-02601 was included in the ppu; however, only the acres in Sec 10 are within the ppu. Acres occurring in Sec 11 & 12 can not be irrigated with the combined water. Total acres for Sec 11 & 12 are 89. Therefore I have included language in all of the above mentioned rights limiting them to a total of 948 acres when combined and .02 cfs and 3.5 afa per acre at field headgate.

See maps and memos in 65-07136.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

00:13:58  
06/02/00  
166

PAGE: 16  
PROFILE REPORT

CLAIM NUMBER: A65-03128

| OWNER<br>CODE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | NAME & ADDRESS | PRIORITY<br>DATE      | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |             |      |     |   |   |  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |     |     |   |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |     |     |   |   |    |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |             |      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----------------------|------------|-----------------------|-------------------|---------------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------------|------|-----|---|---|--|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|-----|-----|---|---|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|-----|-----|---|---|----|--|----|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|-------------|------|
| C                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | HARRY L BETTIS | 05/01/1890            | IRRIGATION | 03-15 11-15           | 0.600 CFS         | 0.600 CFS           |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |             |      |     |   |   |  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |     |     |   |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |     |     |   |   |    |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |             |      |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                |                       |            |                       | TOTAL DIVERSION:  | 0.600 CFS           |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |             |      |     |   |   |  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |     |     |   |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |     |     |   |   |    |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |             |      |
| Water Source: BIG WILLOW CREEK                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                | Tributary to: PAYETTE |            | Stage: DECREED        |                   |                     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |             |      |     |   |   |  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |     |     |   |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |     |     |   |   |    |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |             |      |
| Point(s) of Diversion: T08N R02W S09                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                | NEW                   |            | PAYETTE County        |                   |                     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |             |      |     |   |   |  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |     |     |   |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |     |     |   |   |    |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |             |      |
| Place of use Legal Description for: IRRIGATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                |                       |            |                       |                   |                     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |             |      |     |   |   |  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |     |     |   |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |     |     |   |   |    |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |             |      |
| <table border="1"> <thead> <tr> <th colspan="4">NE</th> <th colspan="4">NW</th> <th colspan="4">SW</th> <th colspan="4">SE</th> <th></th> </tr> <tr> <th>T</th> <th>R</th> <th>S</th> <th></th> <th>Lt</th> <th>Ac</th> <th>Lt</th> <th>Ac</th> <th>Lt</th> <th>Ac</th> <th>Lt</th> <th>Ac</th> <th>Lt</th> <th>Ac</th> <th>Lt</th> <th>Ac</th> <th>Lt</th> <th>Ac</th> <th>Lt</th> <th>Ac</th> <th>Lt</th> <th>Ac</th> <th>Lt</th> <th>Ac</th> <th>SUM</th> </tr> </thead> <tbody> <tr> <td>08N</td> <td>02W</td> <td>5</td> <td>:</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>08N</td> <td>02W</td> <td>8</td> <td>:</td> <td>06</td> <td></td> <td>09</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="22"></td> <td>TOTAL ACRES</td> <td>72.0</td> </tr> </tbody> </table> |                |                       |            |                       |                   |                     | 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 | SUM | 08N | 02W | 5 | : |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | 08N | 02W | 8 | : | 06 |  | 09 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | TOTAL ACRES | 72.0 |
| 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   | SUM |   |   |  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |     |     |   |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |     |     |   |   |    |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |             |      |
| 08N                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 02W            | 5                     | :          |                       |                   |                     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |             |      |     |   |   |  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |     |     |   |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |     |     |   |   |    |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |             |      |
| 08N                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 02W            | 8                     | :          | 06                    |                   | 09                  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |             |      |     |   |   |  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |     |     |   |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |     |     |   |   |    |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |             |      |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                |                       |            |                       |                   |                     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL ACRES | 72.0 |     |   |   |  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |     |     |   |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |     |     |   |   |    |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |             |      |

POU County: PAYETTE

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2204, 65-2500 & 65-2501  
SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

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

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

WR5809NP  
No. 65-03128

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 06/02/00  
PAGE: 10

| OWNER<br>CODE    | NAME & ADDRESS                                    | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|---------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | HARRY L. BETTIS<br>STAR ROUTE<br>PAYETTE ID 83661 | 05/01/1890       | IRRIGATION | 03/15 11/15           | 0.600 CFS         |                     |
| TOTAL DIVERSION: |                                                   |                  |            |                       | 0.600 CFS         |                     |

Water Source: BIG WILLOW CREEK

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T08N R02W S09

NENW

PAYETTE County

Place of use Legal Description for: IRRIGATION

|             |     |   |   | NE   |      |      |      | NW |      |      |      | SW   |   |      |      | SE   |      |   |      |      |      |      |      |      |
|-------------|-----|---|---|------|------|------|------|----|------|------|------|------|---|------|------|------|------|---|------|------|------|------|------|------|
| T           | R   | S | : | NENE | NWNE | SWNE | SENE | :  | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE | :    | SUM  |
|             |     |   |   | Lt   | Ac   | Lt   | Ac   |    | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |      |      |
| 08N         | 02W | 5 | : |      |      |      |      | :  |      |      |      |      | : |      |      |      |      | : |      |      |      |      | :    | 57.0 |
| 08N         | 02W | 8 | : | 06   |      | 09   |      | :  |      |      |      |      | : |      |      |      |      | : |      |      |      |      | :    | 15.0 |
| TOTAL ACRES |     |   |   |      |      |      |      |    |      |      |      |      |   |      |      |      |      |   |      |      |      |      | 72.0 |      |

Pou County: PAYETTE

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2204, 65-2500 & 65-2501  
SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

Dates: App. Received: Priority Date: 05/01/1890  
Proof Due Date: Proof Made Date:  
Exam Made Date: Exam Sent to S.O.:  
Licensed Date:

Misc: Water District Number: 65 Field Exam Fee:

# Idaho Department of Water Resources

*Claim Number: 65-03128*

*Legal: T08N, R02W, S5 & 8*

*Reviewed By:*



*Point of Diversion*



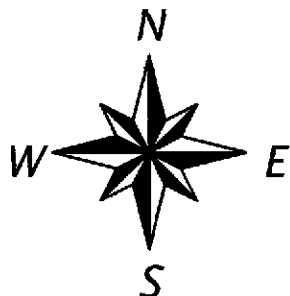
*Place of Use*



*Section Lines*



*Quarter Quarter Lines*



1987 Napp Photo



# Idaho Dept. of Water Resources

Claim No(s): 65-02204,  
65-02500, 65-02501, 65-02601,  
65-03125, 65-03126, 65-03127,  
65-03128, 65-03247, 65-03248,  
65-07136, 65-07603, 65-07789,  
65-09076, 65-10533, 65-10534,  
65-10535, 65-10536

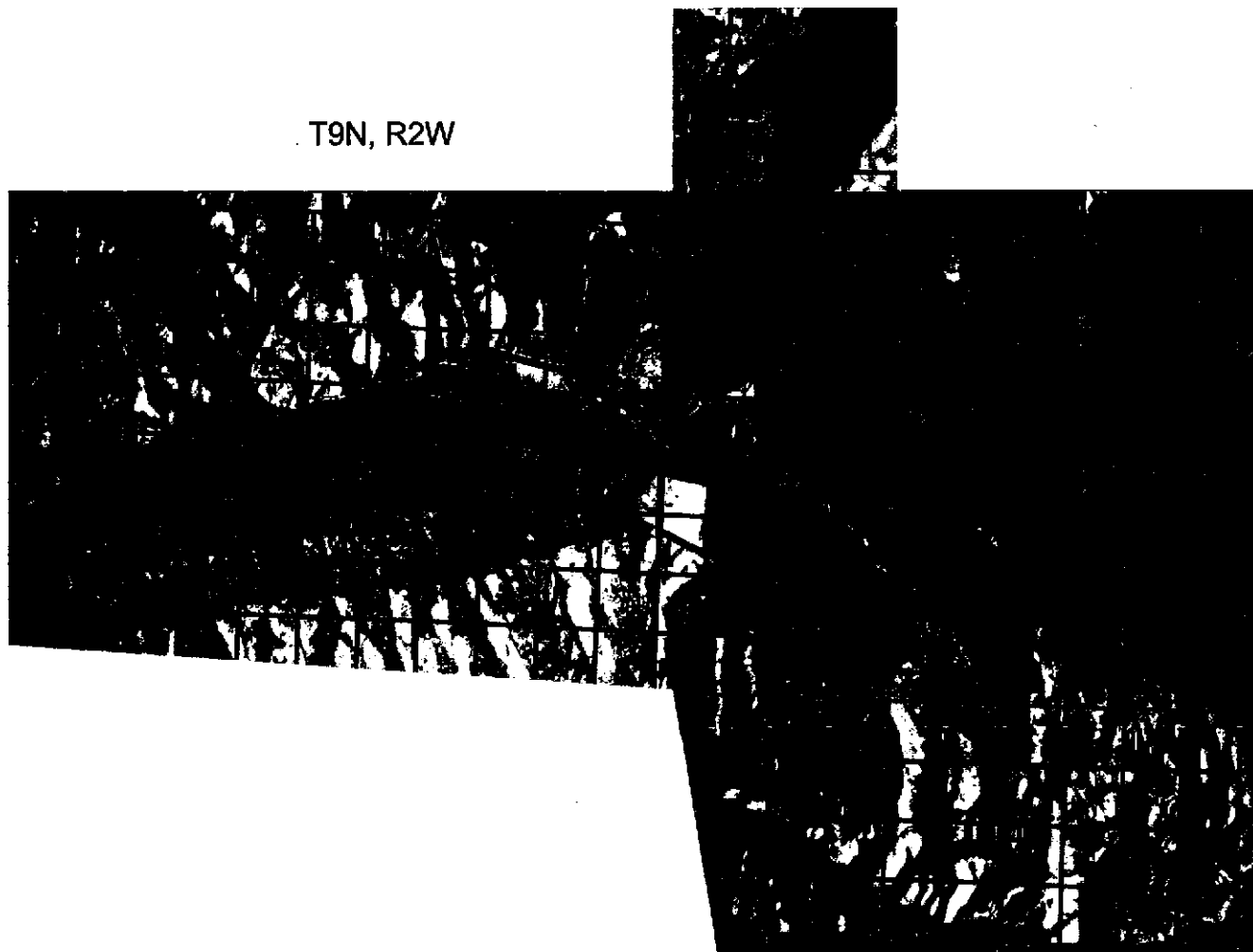
T08N, R02W, S 2, -12

T09N, R02W, S 34

Prepared by: Sue Bock

Date: 1/12/2001

T9N, R2W



 Place of Use

 Point of Diversion

 Section lines

 1/4 1/4 lines



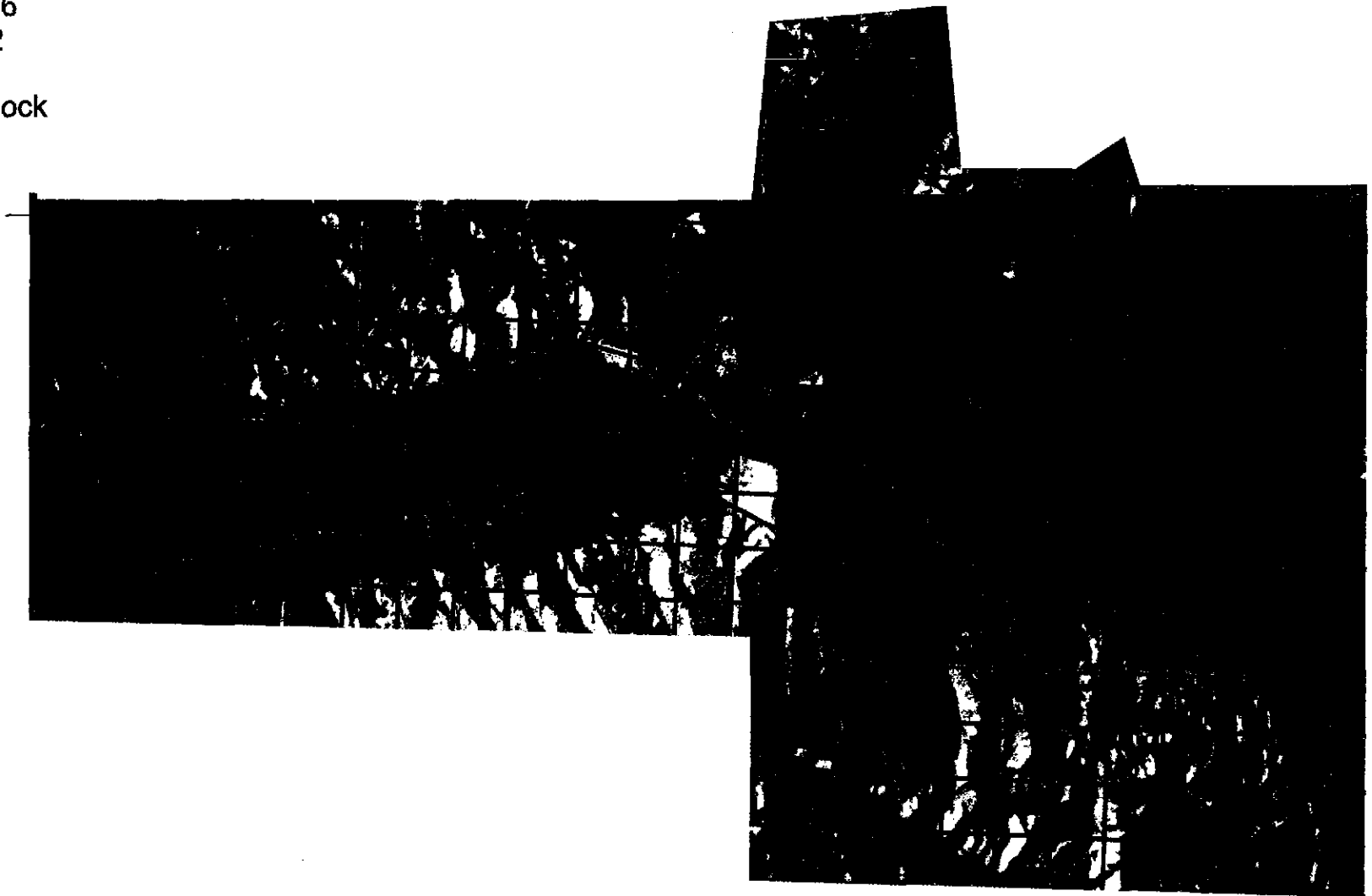
0 0.4 0.8 Miles



1987 NAPP Photo

# Idaho Department of Water Resources

Claim No(s): 65-2204,  
65-2500, 65-2501, 65-2601  
65-3125, 65-3126, 65-3127,  
65-3128, 65-3247, 65-3248,  
65-7136, 65-7603, 65-7789,  
65-9076, 65-10533, 65-10534,  
65-10535, 65-10536  
T8N, R02W S 2-12  
T9N, R02W S 34  
Prepared by Sue Bock  
4/22/02



- POD
- Place of use
- Section Lines
- 1/4 1/4 lines

3000 0 3000 6000 Feet

