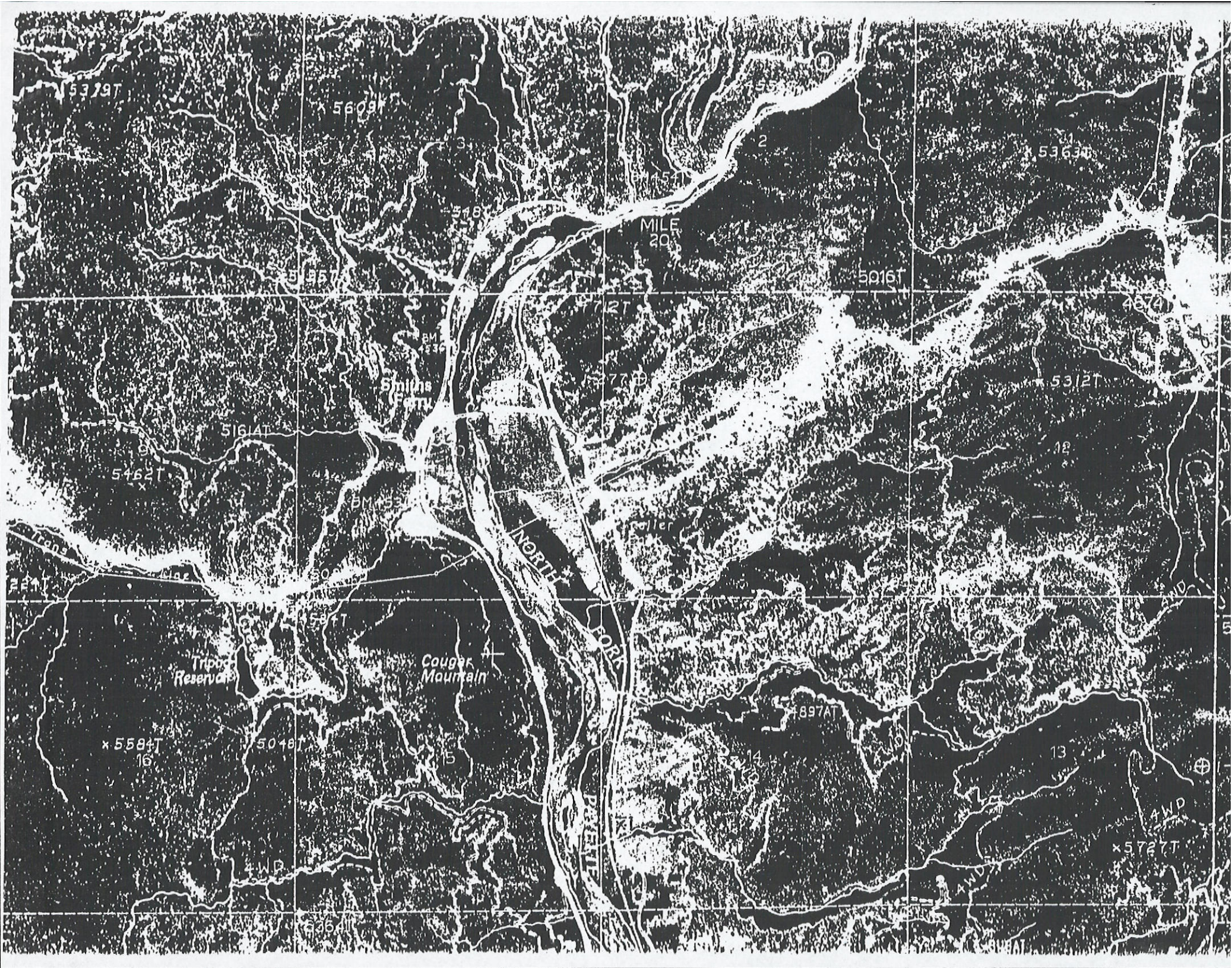




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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: A65-17124
Date Received: 9/23/1988
Receipt No: W000972
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: GERALD E WARD
Address: 9738 HWY 55
CASCADE ID

208-382-4464

83611

AND/OR

Name: JANET H WARD
Address: 9738 HWY 55
CASCADE ID

208-382-4464

83611

2. Date of Priority: OCT 19, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	03E	10	SE	NW		3	VALLEY

5. Description of diverting works:

150' DRILLED WELL W/8" CASING W/SUBMERSED PUMP W/PIPELINE TO P.O.U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.040		

7. Total Quantity Appropriated is:

0.040 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

C/COUGAR MOUNTAIN LODGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	03E	10	SE	NW	3	COMMER	

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:

A65-02872

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED
NOV 14 1997
WATER RESOURCES
WESTERN REGION

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP NOV 13 1997

Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

1. Water Right Number(s) 65-02872
Adjudication Claim Number(s) A65-02872, A65-17124
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) ROBERT E &/or MARY R ZACH
HC 71 BOX 30, SMITHS FERRY ID 83611
4. New Owner/Claimant(s) Gerald E &/or Janet H. Ward
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address 9738 Hwy 55
City, State and ZIP Code Cascade Idaho 83611
New Telephone Number (208) 382-4464
5. Date you acquired the property Mar 1994
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated 1 Number and type of stock —
Irr: 0.02
Diversion rate in CFS Com: 0.04 Number of homes — Other uses COMMERCIAL USE @ COUGAR MTN. L
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Gerald E. Ward Date 11-13-97
Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

WARRANTY DEED

FOR VALUE RECEIVED ROBERT E. ZACH and MARY R. ZACH, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto GERALD WARD and JANET WARD, husband and wife, the Grantees, whose current address is 9738 Highway 55, Cascade, Idaho, the following described premises located in Valley County, State of Idaho, to-wit:

All as more particularly set forth on Exhibit "A" to this Warranty Deed, which Exhibit "A" is incorporated herein as if set forth in full.

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title, and interest in and to the property, as well in law as in equity, of the Grantors.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever, and the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances except as to all matters of record and of title and Grantors further covenant and agree that they will warrant and defend the same from all lawful claims whatsoever except as set forth above.

DATED this 3rd day of March, 1994.

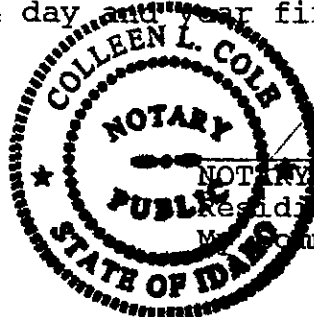

ROBERT E. ZACH


MARY R. ZACH

STATE OF IDAHO)
) ss.
County of Valley)

On this 3rd day of March, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT E. ZACH and MARY R. ZACH, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

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



Colleen L. Cole
NOTARY PUBLIC for Idaho

Residing at Laurel

My Commission Expires 6-6-99

Commission Expires: 6-6-99

STATE OF IDAHO)
) ss.
County of Valley)

I HEREBY CERTIFY that this instrument was filed for record at the request of
at minutes past o'clock m., this
day of , 1994, in my office, and duly recorded
in Book of Deeds at page .

Ex-Officio Recorder

by _____ Deputy

Fees \$

Mail to:

LEGAL DESCRIPTION

North Parcel

A tract of land located in Lot 2, Section 10, T. 11 N., R. 3 E., B.M., Valley County, Idaho; and more particularly described as follows:

Commencing at the N1/4 corner of said Section 10; thence S. 89° 31' 30" E. 97.97 feet, formerly East 100 feet, to an iron pipe, the Real Point of Beginning; thence S. 89° 31' 30" E. 346.76 feet, formerly East 366 feet, to the West bank of the North Fork of the Payette River; thence Southwesterly along said West bank of river the following courses: S. 27° 33' 31" W. 533.89 feet, formerly S. 15° 30' W. 503 feet; thence S. 17° 50' 04" W. 421.62 feet, formerly S. 12° 30' W. 360 feet; thence S. 5° 27' 52" W. 432.88 feet, formerly S. 15° 30' W. 300 feet and S. 21° 00' W. 205 feet to the South line of Lot 2 of said Section 10; thence N. 89° 27' 00" W. 37.81 feet to a found iron pipe from whence the East 1/4 corner said Section 10 bears S. 63° 14' 33" E. 2946.86 feet; thence N. 89° 27' 00" W. 3.97 feet to a point on the East right of way boundary of State Highway No. 55, formerly West on the quarter quarter line 42.7 feet to the East boundary line of the state Highway right of way; thence along said right of way 244.59 feet along a curve to the left with a central angle of 7° 09' 03", a radius of 1959.86 feet, and a chord bearing N. 1° 44' 07" E. 244.44 feet to a brass cap monument marked 50' R.O.W. P.T. 16 + 78.8, formerly N. 5° 00' W. 127 feet; thence N. 1° 52' 00" W. 522.50 feet to a brass cap monument marked 50' R.O.W. P.C. 22 + 01.8, formerly N. 1° 45' W. 596 feet; thence 501.80 feet along a curve to the right with a central angle of 26° 12' 15", a radius of 1097.19 feet, and a chord bearing N. 11° 14' 07" E. 497.44 feet to a brass cap monument marked 50' R.O.W. P.T. 27 + 26.1, formerly N. 4° 30' E. 251 feet and N. 7° 00' E. 301 feet; thence N. 25° 04' 32" E. 59.18 feet to the Real Point of Beginning, formerly N. 10° 00' E. 47 feet more or less.

LEGAL DESCRIPTION

South Parcel

A tract of land located in Lot 3, Section 10, T. 11 N. R. 3 E., B.M., Valley County, Idaho; and more particularly described as follows:

Commencing at an iron pipe, the Real Point of Beginning, from which the N1/4 corner of said Section 10 bears N. 00° 27' 27" E. 1308.95 feet and the E1/4 corner of said Section 10 bears S. 63° 14' 33" E. 2946.86 feet, formerly which iron pipe is located S. 89° 57' E. 2643.9 feet and N. 0° 12' E. 1310.6 feet from the 1/4 Section corner common to Sections 9 and 10 of Township and Range as above; thence N. 89° 27' 00" W. 3.97 feet, formerly 4.3 feet, to a point on the East right of way boundary of State Highway No. 55; thence Southwesterly along said East right of way boundary 852.84 feet along a curve to the right with a central angle of 24° 55' 57", a radius of 1959.86 and a chord bearing S. 17° 45' 51" W. 846.12 feet, formerly 888.0 feet with a radius of 1960 feet; thence S. 30° 14' W. 41.15 feet, formerly 52.0 feet, to the North boundary of a County road; thence along said North boundary of a County road N. 83° 14' 48" E., 335.62 feet, formerly N. 80° 11' E. 317.1 feet, to the West bank of the North Fork of the Payette River; thence Northerly along said West bank of river N. 3° 12' 55" W. 613.93 feet; thence N. 6° 35' 36" E. 189.75 feet, formerly Northerly along right bank of said river 805 feet, more or less, and more particularly N. 2° 31' W. 614.0 feet; thence N. 11° 33' E. 189.0 feet to an intersection with North line of said Lot 3, a meander corner stone; thence N. 89° 27' 00" W. 37.81 feet, formerly following the North boundary of said Lot 3, N. 89° 27' W. 42.8 feet, to the Real Point of Beginning.

206796

MOUNTAIN TITLE & ESCROW

REQUESTED BY

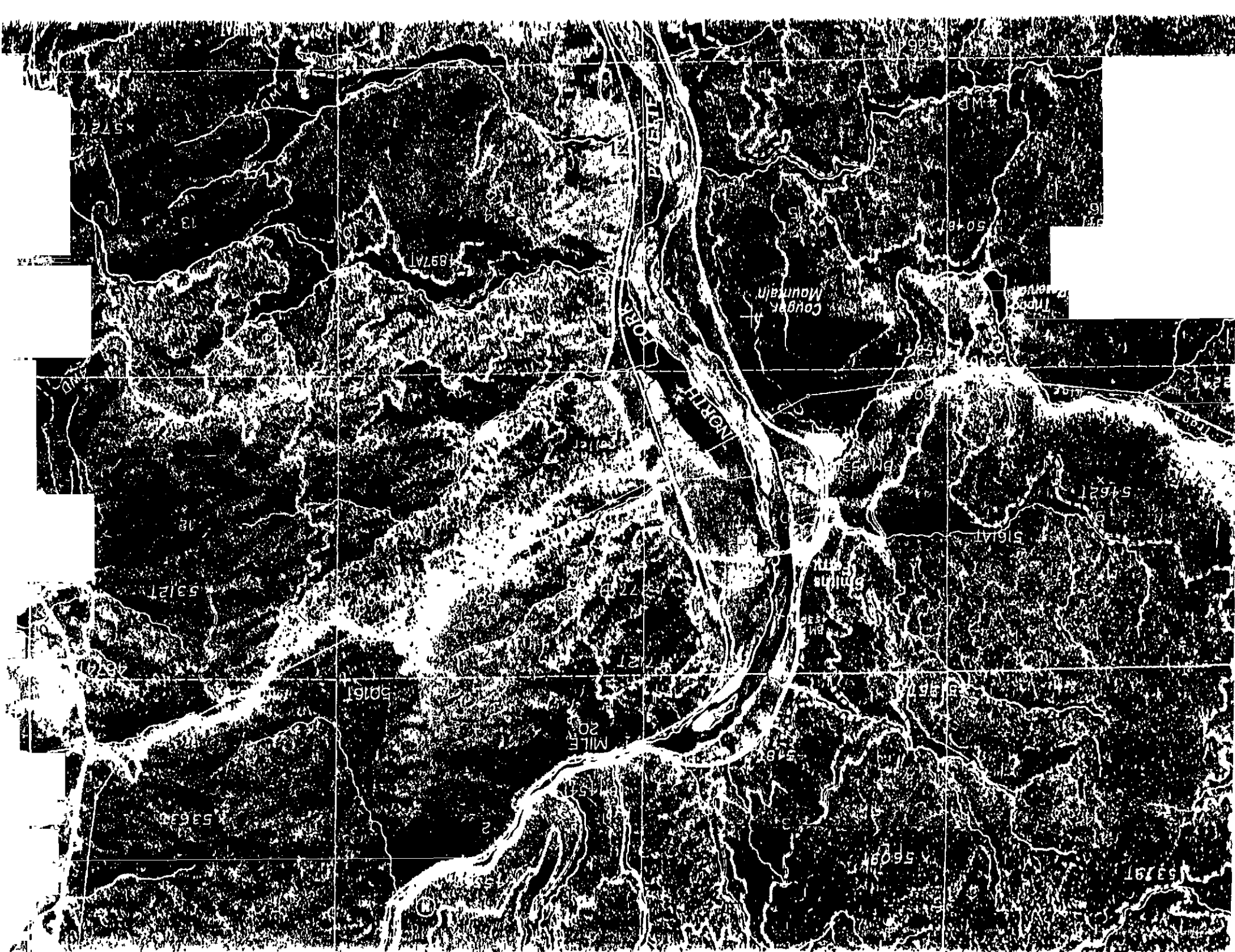
DATE

TYPE: Deed #10

VALLEY

BY: *Mountain Title & Escrow*

FEE: \$2.00



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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A65-17124
Date Received: 9/23/1988
Receipt No: W000972
Received By: E-JK

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT E. ZACH 208-382-4854
Address: HC 71 P.O. BOX 30
SMITHS FERRY, ID 83611

AND/OR
Name: MARY R. ZACH 208-382-4854
Address: HC 71 P.O. BOX 30
SMITHS FERRY, ID 83611

2. Date of Priority: OCT 19, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	03E	10	SE	NW		3	VALLEY

5. Description of diverting works:

150' DRILLED WELL W/8" CASING W/SUBMERSED PUMP W/PIPELINE TO P.O.U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.040		

7. Total Quantity Appropriated is:

0.040 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

C/COUGAR MOUNTAIN LODGE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11N	03E	10	SE NW	3	COMMER	

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:
A65-02872

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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 Y 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): X *Robert E. Jean* Date: X 9-23-88

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 23rd day
of Sept 19 88 *Eldon J. Foush*
Notary Public

Seal

Residing at Boise
My Commission Expires 09/08/1997

AJ0749NP
No. R65-17124

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

DATE: 09/23/99
PAGE: 1

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=====
OWNER      PRIORITY  USE PERIOD  DIVERSION  DIVERSION
CODE       DATE       FROM TO     RATE      VOLUME
-----
C GERALD E WARD      10/19/1977  COMMERCIAL  01-01 12-31  0.040 CFS
C JANET H WARD
  9738 HWY 55
  CASCADE ID 83611
  (208) 382-4464
                                TOTAL DIVERSION:  0.040 CFS
=====
```

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T11N R03E S10 Lot03(SENW)

VALLEY County

Place of use Legal Description for: COMMERCIAL

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      NE
    NENE NWNE SWNE SENE : NENW NWNW SWNW SENW : NESW NWSW SWSW SESW : NESE NWSE SWSE SESE :
T  R  S  : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac :
---  ---  : ----- : ----- : ----- : ----- : ----- : ----- :
11N 03E 10 :          : 03-C :          :          :          :          :          :

```

POU County: VALLEY

Other Rights: A65-02872

Conditions of Approval:

- N06 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 2,500
- GALLONS PER DAY.
- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

AUGUST 3, 1999

RE: Notice of Claim to a Water Right No. 65-17124

GERALD E WARD
9738 HWY 55
CASCADE ID 83611

Dear Claimant:

We are currently in the process of reviewing the above referenced claim which was filed during the Snake River Basin Adjudication (SRBA) claims filing. However, due to the problem explained below we may not be able to recommend this claim to the SRBA Court in Twin Falls for decree. A copy of this claim is enclosed for your review.

Your claim was filed with a priority date (date of first use of the water) dating back into the Payette River Basin Adjudication. This adjudication was a previous court case which decreed all water rights existing prior to October 18, 1977, for sources located within the Payette River drainage area. In searching our records, we could not find an existing water right previously decreed in the Payette River Basin Adjudication for the right you have claimed. Unless you can show that the owner of the water right at the time of the earlier court case was not joined as a party in that case, this claim will likely be disallowed.

Since all landowners within the Payette River drainage basin were joined into this court case from February of 1970 through April of 1977, it may be best to file an application for permit at this time. An application for permit has been required to be filed for all new uses developed from a groundwater source after March 25, 1963. An application for permit form with instructions is enclosed for your use in this matter.

If you have any questions concerning this letter, please feel free to contact this office by phone. If you plan on coming into the office to discuss your filing, please contact the office first to make an appointment to guarantee someone will be available to assist you.

Sincerely,

DEPT. OF WATER RESOURCES
WESTERN REGIONAL OFFICE

Enclosures