

AMENDED RECORD OF SURVEY

OF A PORTION OF SECTION 14, TOWNSHIP 7 NORTH,
RANGE 1 EAST, BOISE MERIDIAN,
GEM COUNTY, IDAHO

Instr. No.: _____

STATE OF IDAHO } ss.
COUNTY OF GEM }

Recorded at the request of
Tri County Surveying, Inc.

Date: _____

Instr. No.: _____

Recorded as a Survey

Susan K. Howard, Clerk
Ex-officio Recorder

Deputy

Fee: \$5.00

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE EAST
LINE OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF
SECTION 14, TOWNSHIP 7 NORTH, RANGE 1 EAST, BOISE
MERIDIAN, i.e. N 00°02'05" W

LEGEND:

- ⊙ FOUND GLO BRASS CAP MONUMENT
- ⊠ FOUND STATE HIGHWAY R/W BRASS CAPPED MONUMENT
- ⊙ FOUND 5/8" IRON PIN
- ⊙ SET 5/8" IRON PIN W/PLASTIC CAP PLS 6552
- ⊙ SET 1/2" IRON PIN W/PLASTIC CAP PLS 6552
- x-x-x- BARBED WIRE FENCE
- - - - - OLD PROPERTY LINE SHOWN ON R of S No. 207277

NOTE:

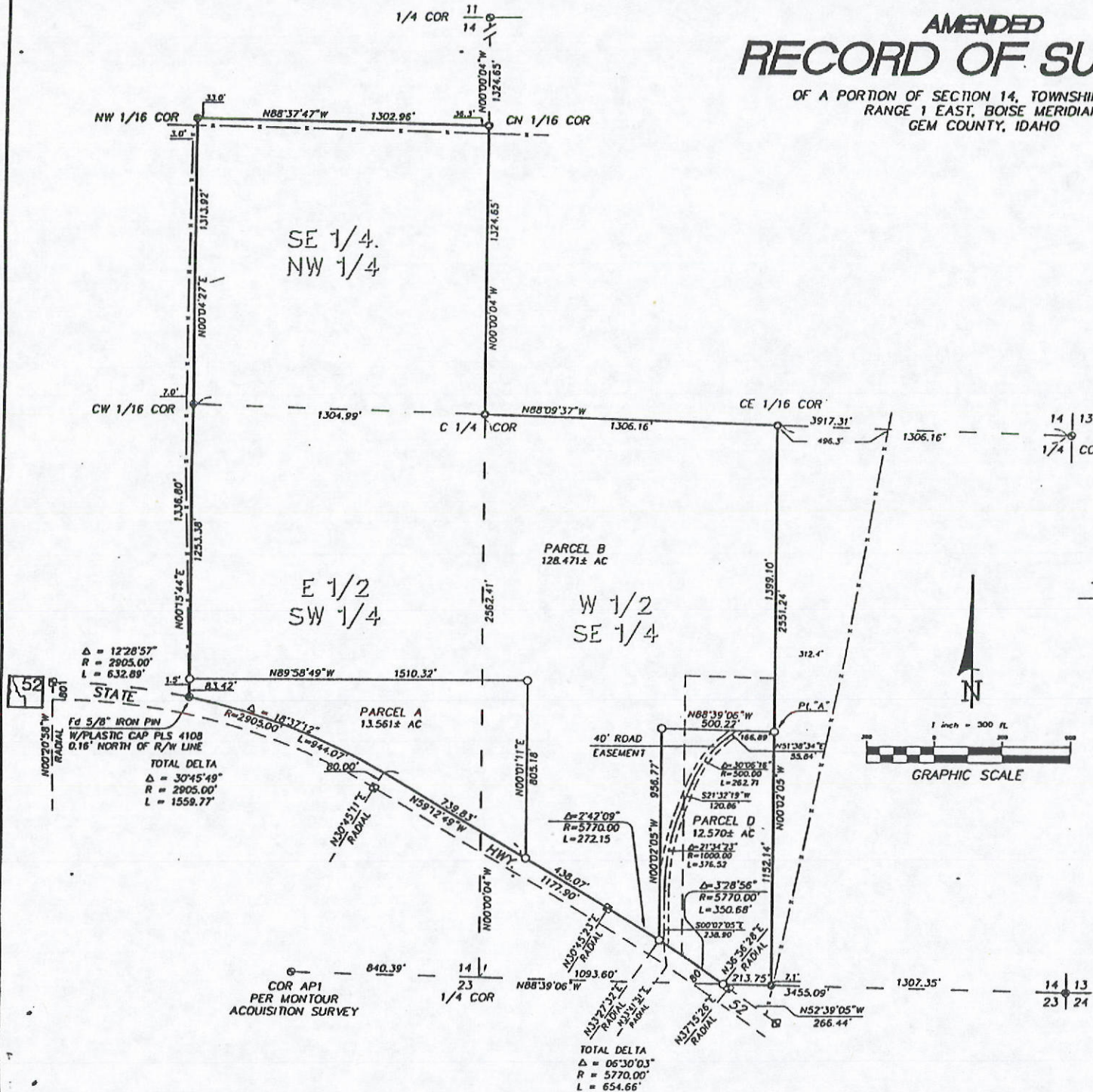
TRI COUNTY SURVEYING, INC. ASSUMES NO LIABILITY FOR PRESENT OR
FUTURE COMPLIANCE OR NONCOMPLIANCE WITH COUNTY PLANNING AND
ZONING ORDINANCE RESTRICTIONS AS THEY PERTAIN TO BUILDING PERMITS
AND THE ISSUANCE THEREOF.

SURVEY FOR:

ANNIE NEWELL
10770 No. HIGHWAY 52
HORSESHOE BEND, ID 83629
PHONE: (208) 584-3523

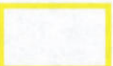
TRI COUNTY SURVEYING, INC.

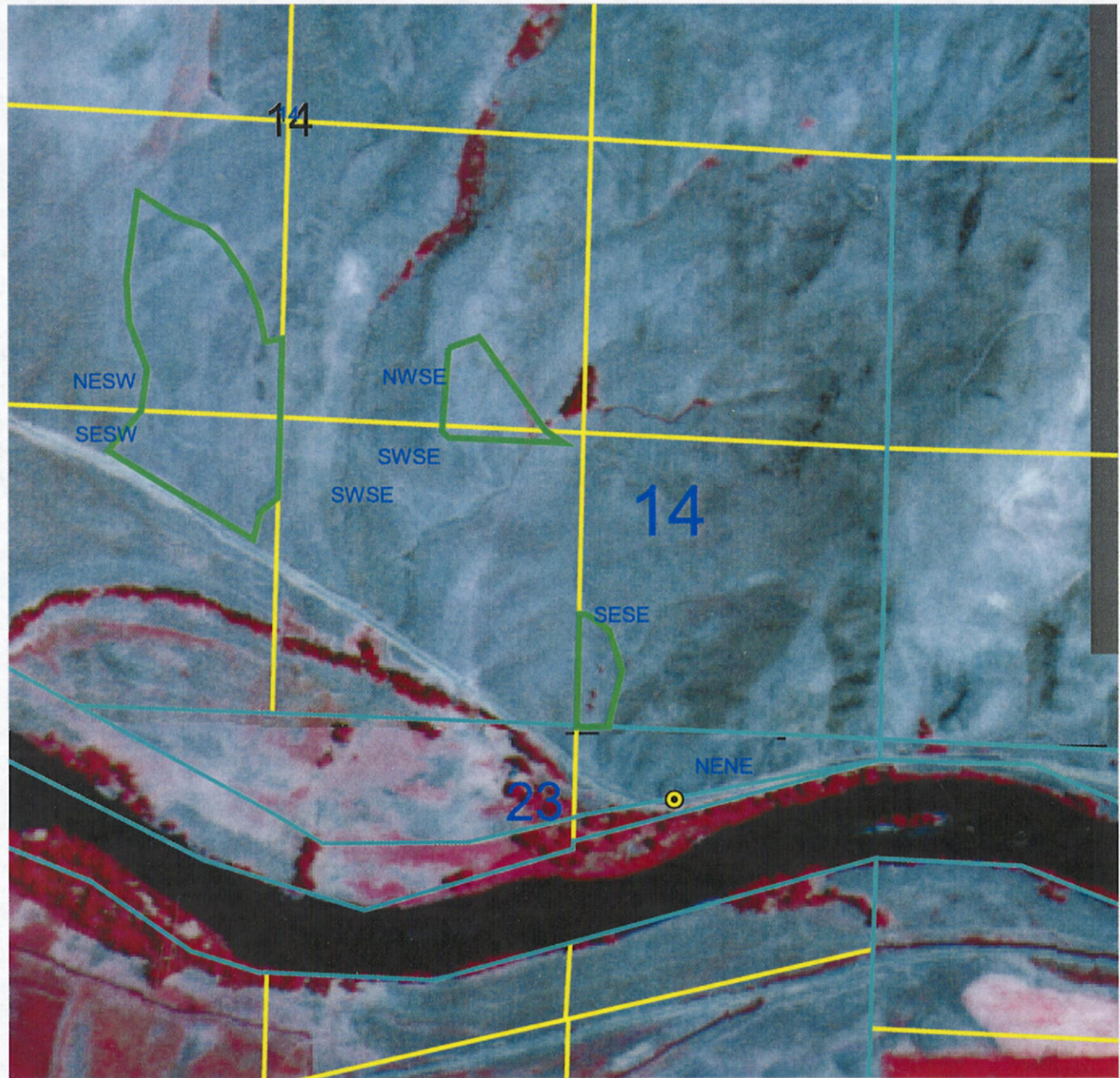
PROFESSIONAL LAND SURVEYORS
P.O. Box 974
703 No. WASHINGTON AVE.
Emmett, Idaho 83617
Phone: (208) 365-7470



Idaho Dept. of Water Resources

Claim No(s): 65-22281
T07N, R01E, Sec 14
Created by: Sue Bock
Date: 10/17/2000

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



0 1000 2000 3000 Feet



1987 NAPP Photo

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 65-22281
Date Received: 1/17/90
Receipt No: X999999
Received By:

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

1. Name of Claimant(s): ANNA MARIE NEWELL
BOX 96
SWEET ID USA 83670

Phone: (208)793-2762

2. Date of Priority: 02/16/1955

3. Source: PAYETTE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
07N	01E	23	1	GEM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.61	

7. Total Quantity Appropriated is:
0.61 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	01E	14	NE SW		IRRIGATION	13
			SE SW		IRRIGATION	5
			NW SE		IRRIGATION	2
			SE SE		IRRIGATION	1
Section Acres						21
Total Acres						21

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

This right is the result of a change of ownership for a portion of right no. 65-00225. DB 10/13/2000.

15. Basis of Claim: Decreed

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

RECEIVED**JUL 06 2000****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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	<u>65-02508</u>				
	<u>65-00225</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) No well
4. New Owner/Claimant(s) GREG AND LORI LINDSEY
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address PO BOX 4393
- City, State and ZIP Code BOISE, ID 83711-4393
- New Telephone Number (208) 584-3588
5. Date you acquired the property MARCH 7th 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
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

Spri Ann Lindsey

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 _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

65-50225

Change both "A" + "R" records

New # 65-22281
Newell

21 acres

0.61 CFS

New # 65-22282
Lindsey

Sec 14 Suse Acres

0.23 CFS

WHEN RECORDED MAIL TO:
NORTH AMERICAN MORTGAGE COMPANY
P.O. BOX 808031
PETALUMA, CA 94975-8031
FINAL REVIEW AU 052

3013
Q55

[Space Above This Line For Recording Data]

DEED OF TRUST

5742408-816

THIS DEED OF TRUST ("Security Instrument") is made on
GREG LINDSEY AND, LORI LINDSEY, HUSBAND AND WIFE

MARCH 07, 2000

. The grantor is

("Borrower"). The trustee is PIONEER TITLE COMPANY

("Trustee"). The beneficiary is NORTH AMERICAN MORTGAGE COMPANY

which is organized and existing under the laws of DELAWARE

, and whose

address is 3883 AIRWAY DRIVE, SANTA ROSA, CA 95403

("Lender"). Borrower owes Lender the principal sum of

SIXTY FOUR THOUSAND EIGHT HUNDRED AND 00/100

Dollars (U.S. \$ 64,800.00). This debt is evidenced by Borrower's note dated the same date as this Security Instrument ("Note"), which provides for monthly payments, with the full debt, if not paid earlier, due and payable on APRIL 01, 2030 . This Security Instrument secures to Lender: (a) the repayment of the debt evidenced by the Note, with interest, and all renewals, extensions and modifications of the Note; (b) the payment of all other sums, with interest, advanced under paragraph 7 to protect the security of this Security Instrument; and (c) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in BOISE County, Idaho:

THE LEGAL DESCRIPTION IS ATTACHED HERETO AS A SEPARATE
EXHIBIT AND IS MADE A PART HEREOF.

SEE RIDER(S) HERETO ATTACHED AND EXPRESSLY MADE A PART HEREOF.

which has the address of 10800 NORTH HIGHWAY 52, HORSESHOE BEND
Idaho 83629-5024 [Zip Code] ("Property Address");

[Street, City],



COPY

VIRGINIA LINDSEY
66300105681210001

ATTACHMENT A
Property Description

TITLE VESTING: GREG S LINDSEY & LORI LINDSEY, HUSBAND AND WIFE AND VIRGINIA F. LINSEY, A SINGLE PERSON.

LEGAL DESCRIPTION: THAT PORTION OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 7 NORTH, RANGE 1 EAST, BOISE MERIDIAN, GEM COUNTY, IDAHO DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 7 NORTH, RANGE 1 EAST, BOISE MERIDIAN, GEM COUNTY, IDAHO MARKED BY A SET 5/8" IRON PIN WITH PLASTIC CAP PLS 6552; THENCE NORTH 88 DEGREES 39' 06" WEST, 213.75 FEET ALONG THE SOUTH LINE OF SAID WEST HALF OF THE SOUTHEAST QUARTER TO A POINT ON THE NORTHERLY RIGHT OF WAY OF STATE HIGHWAY 52, MARKED POINT BEING ON THE ARC OF A NON-TANGENT 5770.00 FOOT RADIUS CURVE TO THE LEFT, A RADIAL BEARING TO SAID POINT BEARS NORTH 36 DEGREES 56' 28" EAST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03 DEGREES 28' 56" A DISTANCE OF 350.68 FEET TO A SET 1/2" IRON PIN WITH PLASTIC CAP PLS 6552; THENCE NORTH 00 DEGREES 02' 05" WEST, 956.77 FEET TO A SET 1/2" IRON PIN WITH PLASTIC CAP PLS 6552; THENCE SOUTH 88 DEGREES 39' 06" EAST, 500.22 FEET TO A POINT ON THE EAST LINE OF SAID WEST HALF OF THE SOUTHEAST QUARTER MARKED BY A SET 1/2" IRON PIN WITH PLASTIC CAP PLS 6552 AND REFERRED TO HEREINAFTER AS POINT "A"; THENCE SOUTH 00 DEGREES 02' 05" EAST, 1152.14 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING.

RESERVING UNTO THE GRANTORS THEIR HEIRS AND ASSIGNS A 40.00 FOOT INGRESS AND EGRESS EASEMENT LYING 20.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE; COMMENCING AT POINT "A" DESCRIBED ABOVE; THENCE NORTH 88 DEGREES 39' 06" WEST, 166.89 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 51 DEGREES 38' 34" WEST, 55.84 FEET TO THE BEGINNING OF A TANGENT 500.00 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 30 DEGREES 06' 16" A DISTANCE OF 262.71 FEET; THENCE SOUTH 21 DEGREES 32' 19" WEST, 120.86 FEET TO THE BEGINNING OF A TANGENT 1000.00 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 21 DEGREES 34' 23" A DISTANCE OF 376.52 FEET; THENCE TANGENT TO SAID CURVE SOUTH 00 DEGREES 02' 05" EAST, 238.90 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF STATE HIGHWAY 52 AND THE TERMINUS OF THIS EASEMENT.

BY A SET 1/2" IRON

AMENDED RECORD OF SURVEY

OF A PORTION OF SECTION 14, TOWNSHIP 7 NORTH,
RANGE 1 EAST, BOISE MERIDIAN,
GEM COUNTY, IDAHO

Instr. No.: _____

STATE OF IDAHO } ss.
COUNTY OF GEM }

Recorded at the request of
Tri County Surveying, Inc.

Date: _____

Instr. No.: _____

Recorded as a Survey

Susan K. Howard, Clerk
Ex-officio Recorder

Deputy

Fee: \$5.00

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE EAST
LINE OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF
SECTION 14, TOWNSHIP 7 NORTH, RANGE 1 EAST, BOISE
MERIDIAN, I.e. N 00°02'05" W

LEGEND:

- ⊙ FOUND GLO BRASS CAP MONUMENT
- ⊠ FOUND STATE HIGHWAY R/W BRASS CAPPED MONUMENT
- ⊙ FOUND 5/8" IRON PIN
- ⊙ SET 5/8" IRON PIN W/PLASTIC CAP PLS 6552
- ⊙ SET 1/2" IRON PIN W/PLASTIC CAP PLS 6552
- x-x-x- BARBED WIRE FENCE
- - - - - OLD PROPERTY LINE SHOWN ON R. of S. No. 207277

NOTE:

TRI COUNTY SURVEYING, INC. ASSUMES NO LIABILITY FOR PRESENT OR
FUTURE COMPLIANCE OR NONCOMPLIANCE WITH COUNTY PLANNING AND
ZONING ORDINANCE RESTRICTIONS AS THEY PERTAIN TO BUILDING PERMITS
AND THE ISSUANCE THEREOF.

SURVEY FOR:

ANNIE NEWELL
10770 No. HIGHWAY 52
HORSESHOE BEND, ID 83629
PHONE: (208) 584-3523

TRI COUNTY SURVEYING, INC.

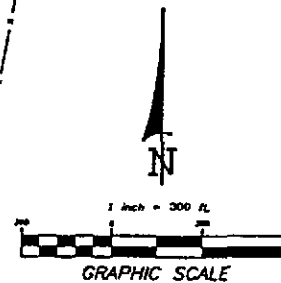
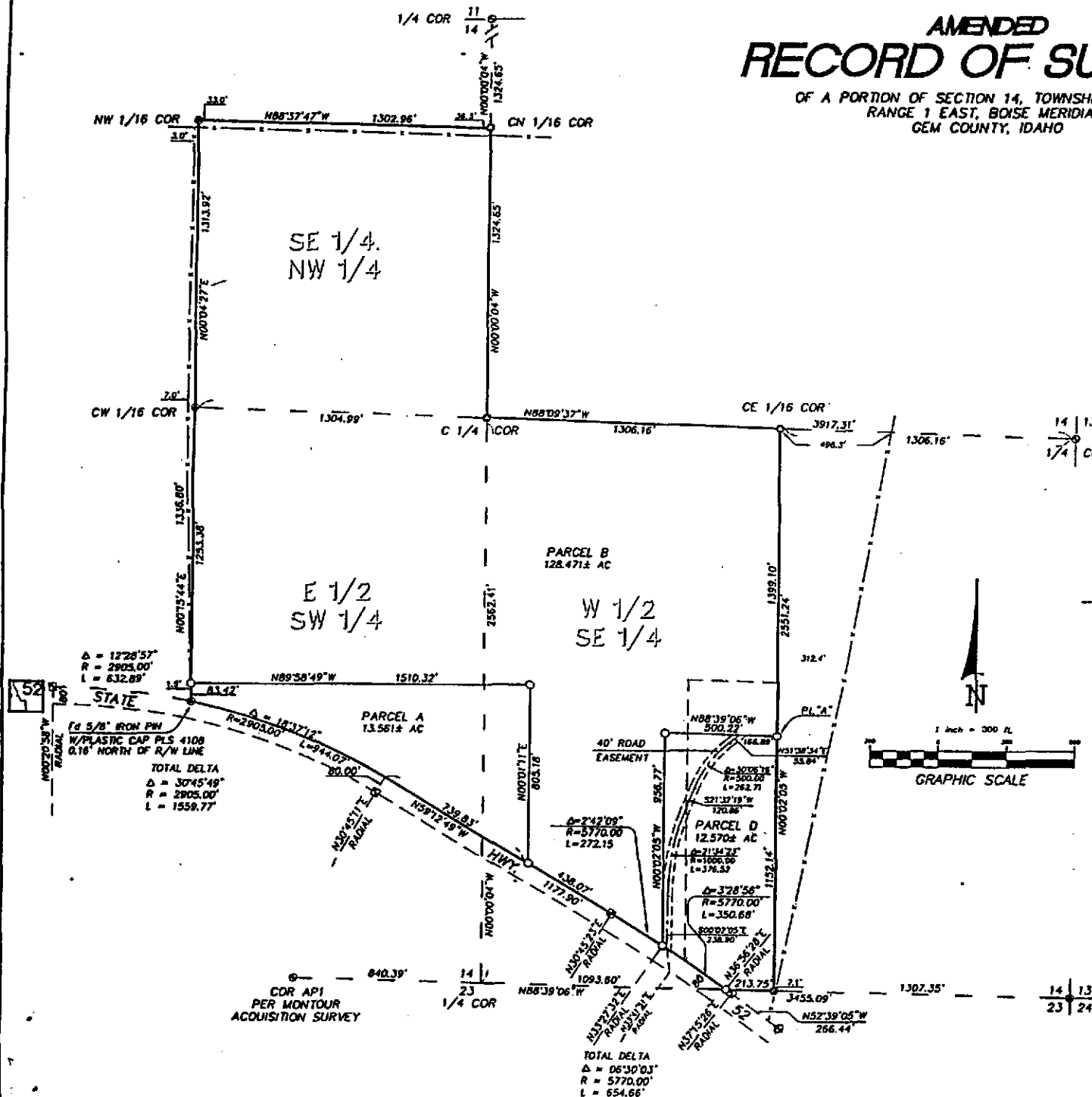
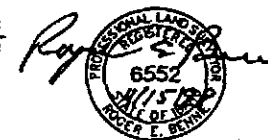
PROFESSIONAL LAND SURVEYORS

P.O. Box 974

703 No. WASHINGTON AVE.

Emmett, Idaho 83617

Phone: (208) 365-7470



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: A65-00225
Date Received: 1/17/1990
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ANNA MARIE NEWELL 208-793-2762
Address: BOX 96
SWEET, ID 83670

2. Date of Priority: FEB 16, 1955

3. Source: PAYETTE RIVER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07N	01E	23		1	GEM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.840		

7. Total Quantity Appropriated is:
0.840 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
07N	01E	14	NE SW		IRR	13.0
			SE SW		IRR	5.0
			NW SE		IRR	2.0
			SW SE		IRR	8.0
			SE SE		IRR	1.0

A65-00225

Page 1

Date: 12/04/90

~~MICROFILMED~~
SEP 15 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	29.0
					Total Acres	29.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: DECREED



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user:

This letter is to inform you that you may be eligible to file a stockwater claim with the Idaho Department of Water Resources (IDWR) in connection with the Snake River Basin Adjudication (SRBA). IDWR is sending this letter to water users in Basin 65 who might have relied upon the non-irrigation season stockwater provision in the Payette Adjudication. This provision states:

"When stockwater is not a specifically mentioned use for a right that includes irrigation, a reasonable flow is implied and included for the watering of livestock during the non-irrigation season."

In another basin, the Idaho Supreme Court struck down general provisions that contained similar language. The non-irrigation season stockwater language quoted above was not included in the General Provisions for Basin 65 because of the Idaho Supreme Court's ruling.

IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without a separate stockwater claim might desire to file a new stockwater claim with IDWR.

To be eligible for a new non-irrigation season stockwater claim:

1. You must have actually and historically watered livestock during the non-irrigation season without a separate stockwater right.
2. You must have filed a surface water irrigation claim in both the Payette Adjudication and the SRBA.
3. You must not have filed a stockwater claim with the surface water irrigation claim.

If you meet these three requirements, you may file a Notice of Claim form for stockwater with IDWR. **To have a timely filing you must file this claim with IDWR by May 25, 2001.** IDWR will waive filing fees for these stockwater claims if filed before this deadline. Failure to file your claim in a timely manner may prevent you from claiming it in the future. Notice of Claim forms are available on IDWR's website at www.idwr.state.id.us/info/water/srba/forms.htm or from any IDWR office. Claimants can call IDWR, Western Region at (208) 334-2190 to make an appointment if they need assistance filling out a Notice of Claim form.

Sincerely,

David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

04/22/2002

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

RIGHT NUMBER: 65-22281

NAME AND ADDRESS: ANNA MARIE NEWELL
10770 N HWY 52
HORSESHOE BEND ID 83629

SOURCE: PAYETTE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: ~~0.61 CFS~~ 0.58 CFS

PRIORITY DATE: 02/16/1955

POINT OF DIVERSION:

T07N R01E S23 Lot 1 Within GEM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

0.58 CFS ~~0.610 CFS~~

PLACE OF USE: IRRIGATION Within GEM County

T07N R01E S14	NESW	13.0	T07N R01E S14	SESW	5.0
T07N R01E S14	NWSE	2.0	~~T07N R01E S14~~	~~SESE~~	~~1.0~~

20 ~~24~~ ACRES TOTAL

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

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

EXPLANATORY MATERIAL: Decreed

08/31/2001

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

RIGHT NUMBER: 65-22281

NAME AND ADDRESS: ANNA MARIE NEWELL
10770 N HWY 52
HORSESHOE BEND ID 83629- UNAUTHORIZED POU on BLM
- REMOVE 1 acre POU on BLM

SOURCE: PAYETTE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.610 CFS $\div$ 21 acres = 0.029 cfs/acre duty

PRIORITY DATE: 02/16/1955

POINT OF
DIVERSION:

T07N R01E S23 Lot 1 Within GEM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 11/01	0.610 CFS

PLACE OF USE: IRRIGATION Within GEM County

T07N R01E S14	NESW	13.0	T07N R01E S14	SESW	5.0
T07N R01E S14	NWSE	2.0	T07N R01E S14	SESE 6.0	1.0

BLM

21 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

0.610 total cfs
- 0.029 cfs for 1 acre
0.581 potential new total cfs ?

Fax

January 28, 2002

TO: Sue Bock, IDWR-Western
Jan Shurte, IDWR-Western
Garrick Baxter, IDWR-SO, Attorney
Larry Brown, DOJ-ENRD, Rm 3533
Gloria Baimbridge, CACI-Boise

FROM: Fred Price, BLM-ISO
phone: 373-3831
fax: 373-3839

RE: Need Help Crafting SRBA SF-5
B65 I/O pt 3, 65-22281, Newell

I spoke with Anna Marie Newell and she wishes to settle BLM's objection by removing the place of use described in T07N R01E S14 SESE 1.0 ac.

She understands that there may be a proportionate reduction in quantity. I asked her whether she had anywhere that she could transfer the 1 acre worth of water and she said that she did not have anywhere to put it. It appears this water right has a 0.029 cfs/ac duty.

Sometimes IDWR has been able to find some flexibility in the portion of the shapefile that describes private land, such that a reevaluation of the shape file would result in a reduced loss in total acres or total quantity due to a deletion of acres. I'd appreciate it if you could take a look at the shapefile. :)

The parties to this subcase are ready to sign onto an SF-5. Could you please identify the technical changes that may result? I'm willing to assist by making the SF-5 form if that would be of help to you.

Thanks Sue!

Anna Marie Newell
584-3523 home
653-2323 work

Anna said that Gail gets her mail, so gave me her numbers also in case there are questions and Anna was not available:

Gail McDonna
584-3422 home
584-3378 work

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 65-22281

(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: Anna Marie Newell

Address: 10770 N Hwy 52; Horseshoe Bend ID 83629

Name:

Address: ;

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)

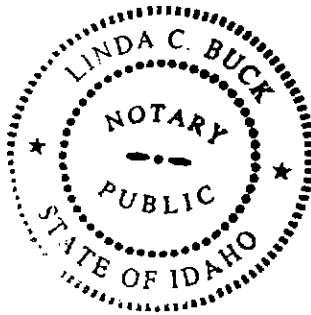
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Larry C. Brown
(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 Jan. 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: Anna Marie Newell

Address: 10770 N Hwy 52; Horseshoe Bend ID 83629

Name:

Address: ;

Name:

Address: ;

Name:

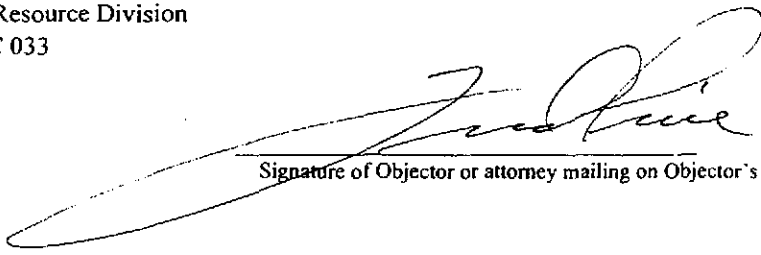
Address: ;

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

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

1689

MEMORANDUM

DATE: 4/2/2001

FROM: Lori Graves *LG*

TO: File 65-13971

RE: Newell/Lindsey Rights

Lindsey

On 7/25/2000 Greg and Lori Lindsey filed application 65-13971 for a spring in the SWSWSE S14 for irrigation of 13 acres in the SWSE S14. They then amended the location of the spring to the SWNESE on 8/7/00.

Newell

On 11/14/2000 Anna Marie Newell filed SRBA claim 65-22308 listing a 1/1/1930 priority on a spring in the SWSE S14 for stockwater use in the SWSE S14. Mrs. Newell stated in remarks that the P/U and P/D are owned by BLM. The claim has been recommended for decree as filed. SRBA staff stated that BLM will most likely file an objection on the claim, however, as discussed in the below, the SWSE is actually private land.

On 12/15/2000 Anna Marie Newell filed application 65-22313 for a spring in the SWNESE S14 for domestic use in the SWSE S14. A permit has been issued.

BLM

Water right 65-13312 was licensed to BLM for a spring in the SWSESE S14 for stock and wildlife use in the SESE S14. Licensed remarks state that the spring is locally known as "Newell Spring".

BLM filed SRBA claim 65-13312 listing a 1/1/1874 priority date on a spring in the NESE and SESE S14 for stock and wildlife use in the NESE and SESE S14. According to Bob Mallis with BLM, the claim was withdrawn because of the post 1987 license no. 65-13312. However, BLM is probably going to reinstate the claim to gain a 1934 priority date, which represents the commencement of the Federal Grazing Act.

Mary Clark with BLM confirmed that Anna Marie Newell does have grazing rights on BLM land in the E1/2SE S14. The SWSE is private land, where Newell and Lindsey own property.

Bob and Mary explained that having a BLM grazing permit allowed stock, owned by the permit holder, access to the natural food and water sources located within the boundaries of the grazing permit. It did not give the permit holder permission to develop or divert water from BLM land to private land without a special right-of-way authorized by BLM. According Bob, neither Newell nor Lindseys have right-of-ways to any water sources on BLM land in S14.

Bob stated that the Lindseys have expressed ownership interest in the NESE tract, but that the tract is part of a large BLM land exchange deal currently in the works. Its destiny is dependent upon the elements of the exchange, if the deal is finalized.

Conclusion

Obviously, the exact location of the spring in question has been difficult to pin-point on the previous filings described above. BLM does not own any property in the W1/2 SE. All parties involved agree that the spring is located on BLM land, which places the spring somewhere in the E1/2 SE.

Because BLM has not granted either party a right-of-way to divert water from the spring to private property for irrigation or domestic/stockwater uses, Lindseys' application no. 65-13971 should be voided and Newell's permit no. 65-22313 should be cancelled. Newell's SRBA claim should also be flagged for disallowal just in case BLM does not file an objection.

("R record")

11/02/2000

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 65-22281

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ANNA MARIE NEWELL 10770 N HWY 52 HORSESHOE BEND, ID 83629 (208)584-3523
Original Owner	GEORGE MC DONOUGH ROUTE 1 HORSESHOE BEND, ID 83629
Original Owner	MICHAEL G MC DONOUGH 10775 N HWY 52 HORSESHOE BEND, ID 83629 (208)584-3422

Priority Date: 02/16/1955
Basis: Decreed
Status:

<u>Source</u>	<u>Tributary to</u>
PAYETTE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	11/01	0.61 CFS		
Total Diversion			0.61 CFS		

Point(s) of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07N	01E	23		1	GEM

IRRIGATION Use:
Acre Limit: 21

Place(s) of use:

Place of Use	Legal Description: IRRIGATION	GEM County
--------------	-------------------------------	------------

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>
07N	01E	14		NESW	13		SESW	5	
				NWSE	2		SESE	1	

Total Acres: 21

Conditions of Approval:

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

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
dbuffing	10/16/00	Ownership	This right is the result of a change in ownership for a portion of right # 65-00225.
dbuffing	11/2/00	Address Change	The data in the name field was changed to show this right has an address change.

<u>Element</u>	<u>Last Review Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary	10/17/00 11:49:06 AM		10/17/00 11:49:06 AM	sbock	Complete

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log Text</u>
POD	10/17/00 11:43:08 AM	sbock	Edited point location
Summary	10/17/00 11:49:04 AM	sbock	5. (YES) General remark was required. 6. (NO) Explanatory remark was not required. 7. (NO) Additional condition was not required. 8. (YES) Wanted to view the recommended right. 9. (YES) This is a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.

"R" record

10/16/2000

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 65-22281

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ANNA MARIE NEWELL BOX 96 SWEET; ID 83670 (208)793-2762
Original Owner	GEORGE MC DONOUGH ROUTE 1 HORSESHOE BEND, ID 83629
Original Owner	MICHAEL G MC DONOUGH 10775 N HWY 52 HORSESHOE BEND, ID 83629 (208)584-3422

Priority Date: 02/16/1955
Basis: Decreed
Status:

Source: PAYETTE RIVER Trib to: SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	11/01	0.61 CFS		
Total Diversion			0.61 CFS		

Point(s) of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07N	01E	23		1	GEM

Place(s) of use:

Place of Use Legal Description: IRRIGATION GEM County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07N	01E	14		NESW	13		SESW	5						
				NWSE	2		SESE	1						

Total Acres: 21

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
Dbuffing	10/16/00	Ownership	This right is the result of a change in ownership for a portion of right # 65-00225.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

October 16, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ANNA MARIE NEWELL
PO BOX 96
SWEET ID 83670

Re: Original Notice of Claim to a Water Right No. A65-00225

Renumbered to Notice of Claim to a Water Right No. 65-22281

Dear Claimant:

We have received and processed a Change of Ownership for a portion of your original Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of your original claim.

When a portion of the original water right claim has been conveyed to another and the original right has been split, then the original claim number is renumbered by adding alpha suffixes to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new claim number reflects your remaining portion of the original claim after the change of ownership. Enclosed is a copy of this new claim for your records. Please refer to your new claim number when corresponding with our office. Also enclosed is a copy of the original claim for your reference.

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

Sincerely,

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

Denise Buffington
Office Specialist I
Adjudication Section
Western Region Office

DB:db

Enclosure

Idaho Dept. of Water Resources

Claim No(s): 65-22281

T07N, R01E, Sec 14

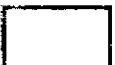
Created by: Sue Bock

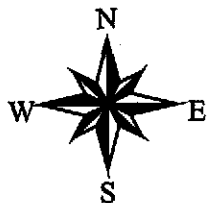
Date: 10/17/2000

 Place of Use

 Point of Diversion

 Section lines

 1/4 1/4 lines



0 1000 2000 3000 Feet



1987 NAPP Photo



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

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

CIVIL CASE NUMBER: 39576

Ident. Number 65-22281
Date Received: 1/17/90
Receipt No:
Received By:

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

1. Name of Claimant(s): ANNA MARIE NEWELL Phone: (208) 584-3523
10770 N HWY 52
HORSESHOE BEND ID USA 83629

2. Date of Priority: 02/16/1955

3. Source: PAYETTE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
07N	01E	23	1	GEM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.61	

7. Total Quantity Appropriated is:
0.61 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	01E	14	NE SW		IRRIGATION	13
			SE SW		IRRIGATION	5
			NW SE		IRRIGATION	2
			SE SE		IRRIGATION	1
Section Acres						21
Total Acres						21

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

This right is the result of a change of ownership for a portion of right no. 65-00225. DB 10/13/2000.
Address changed per claimant request. DB 11/2/2000.

15. Basis of Claim: Decreed

3B:
1
STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 31 2000

WATER RESOURCES
WESTERN REGION

CHANGE IN ADDRESS OF NOTICE OF CLAIM

☐ Water Right Number(s):

65-22281

☐ Claimant Name(s):

Anna Marie Newell

☐ Old Mailing Address:

P.O. Box 96
Sweet, Idaho 83670

☐ New Mailing Address:

10770 N. Hwy 52
Harsesbae Bend
Idaho 83629

Telephone Number:

(208) 584-3523

☐ Signature of Claimant(s):

Anna Marie Newell

Date:

10-30-00