

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.

Time: _____

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 G.L.O. 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.

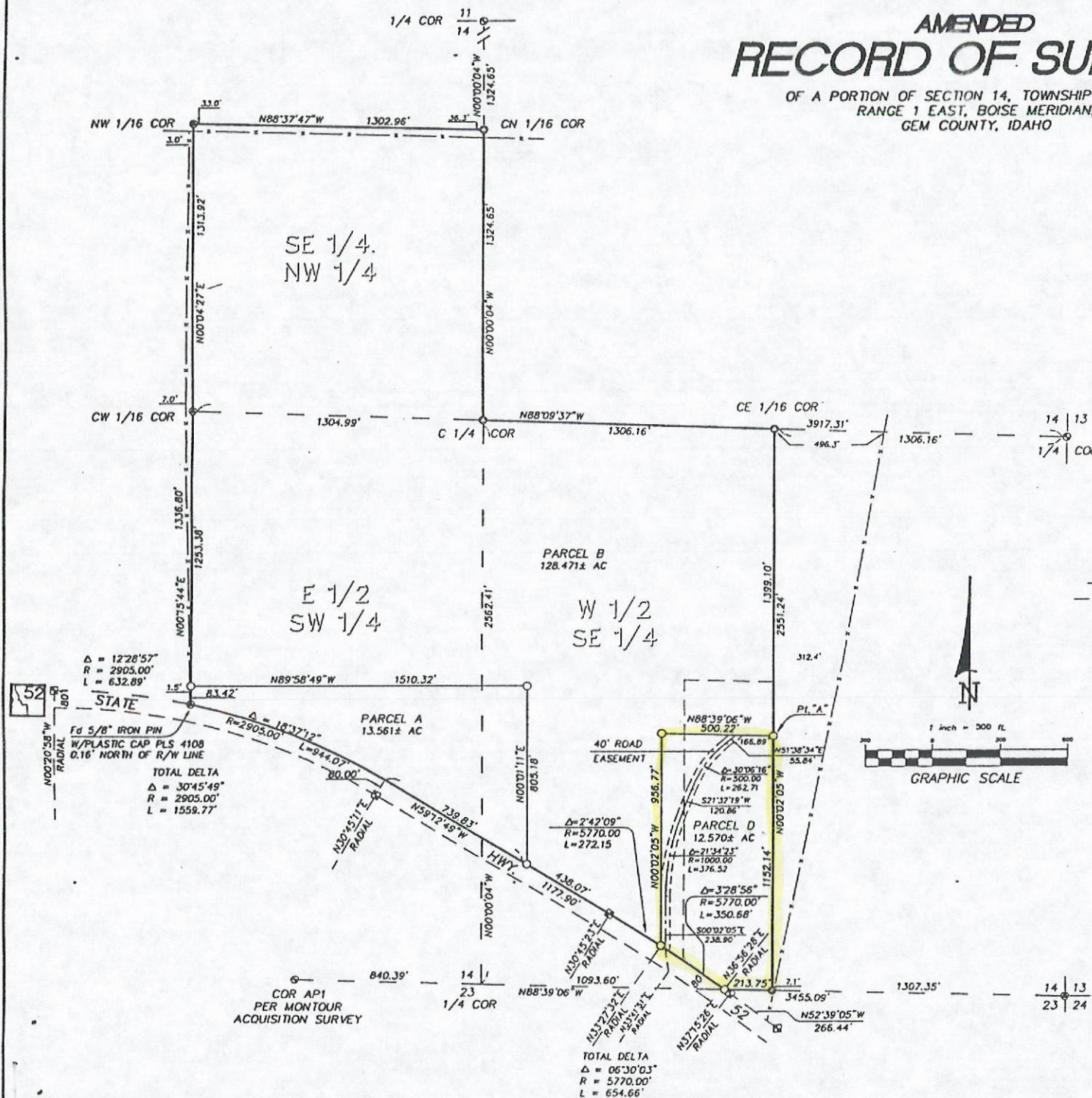
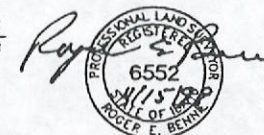
PROFESSIONAL LAND SURVEYORS

P.O. Box 974

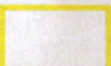
703 No. WASHINGTON AVE.

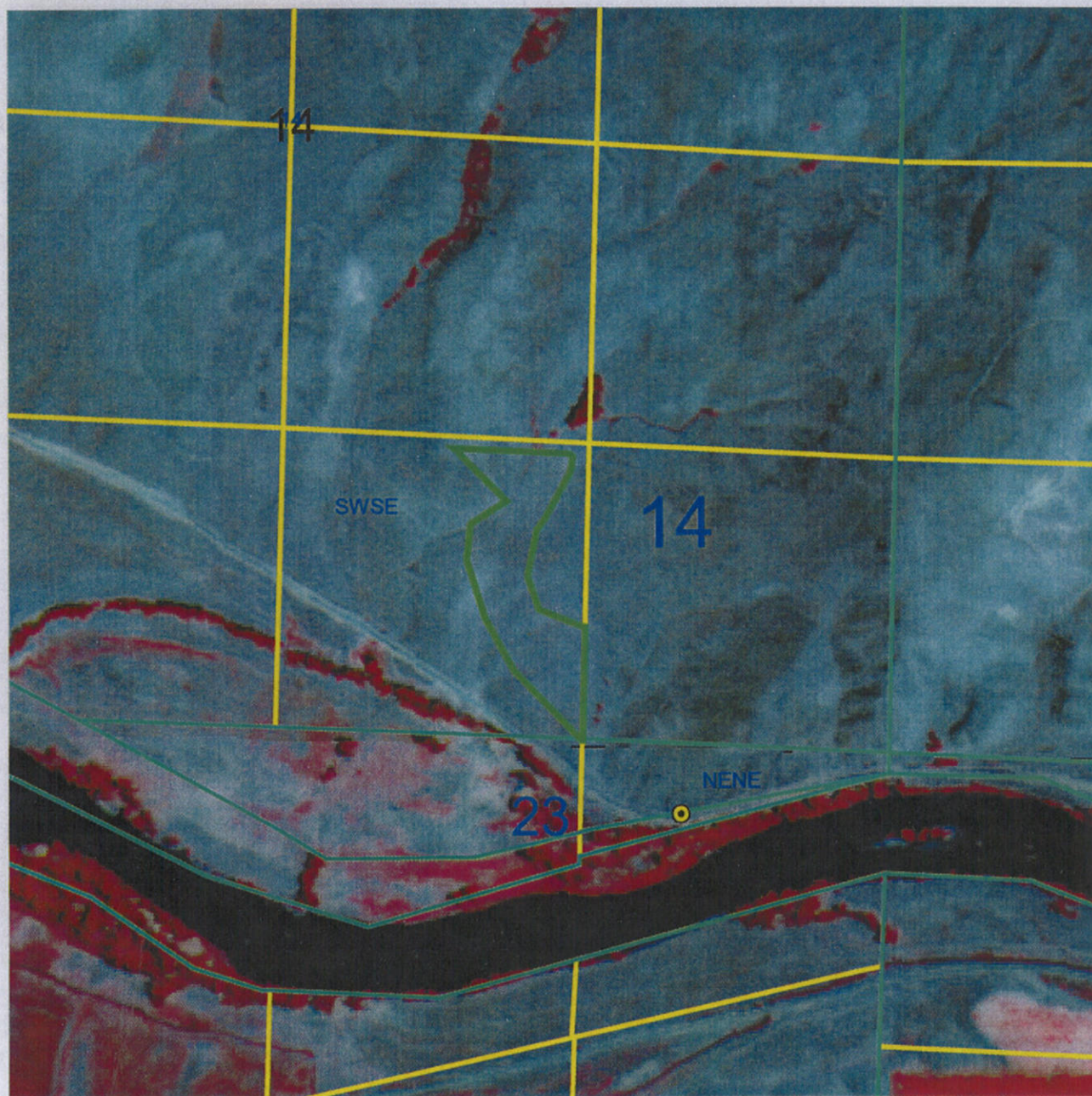
Emmett, Idaho 83617

Phone: (208) 365-7470

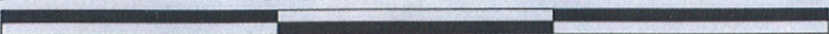


Claim No(s): 65-22282
T07N, R01E, Sec 14
Created by: Sue Bock
Date: 10/17/2000

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



0 1000 2000 3000 Feet



1987 NAPP Photo



2000'

1987

14 13

27 24

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 65-22282
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)

GREG LINDSEY
10800 N HWY 52
HORSESHOE BEND ID USA 83629

Phone: (208) 941-1436

LORI LINDSEY
10800 N HWY 52
BOISE ID USA 83629

Phone: (208) 941-1436

2. Date of Priority: 02/16/1955

3. Source: PAYETTE RIVER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
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	0.23	

7. Total Quantity Appropriated is:
0.23 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	SW SE		IRRIGATION	8
					Section Acres	8
					Total Acres	8

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 in ownership for a portion of 65-00225. DB 10/13/2000.
Address change by DB 5/2/2001

15. Basis of Claim: Decreed

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 02 2001

WATER RESOURCES
WESTERN REGION

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number(s):

65-22263

65-22282

[] Claimant Name(s):

Lindsay

[] Old Mailing Address:

[x] New Mailing Address:

10800 N. Highway 52

HORSESHOE BEND, IDAHO

83629

[x] Telephone Number:

(208) 941-1436

[x] Signature of Claimant(s):

Date:

5/2/01

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 65-22282
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): GREG LINDSEY
PO BOX 4393
BOISE ID USA 83711-4393

Phone: (208)584-3588

LORI LINDSEY
PO BOX 4393
BOISE ID USA 83711-4393

Phone: (208)584-3588

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	0.23	

7. Total Quantity Appropriated is:
0.23 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	SW SE		IRRIGATION	8
					Section Acres	8
					Total Acres	8

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 in ownership for a portion of 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)

Fori 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 _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

65-50225

Change both "A" + "R" records

New # 65-22281
Newell

21 aced

0.61 CFS

New # 65-22282
Lindsey

Sec 14 SWE 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
address is 3883 AIRWAY DRIVE, SANTA ROSA, CA 95403

, and whose

("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 HEARING 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.

Time: _____

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 G.L.O. 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.

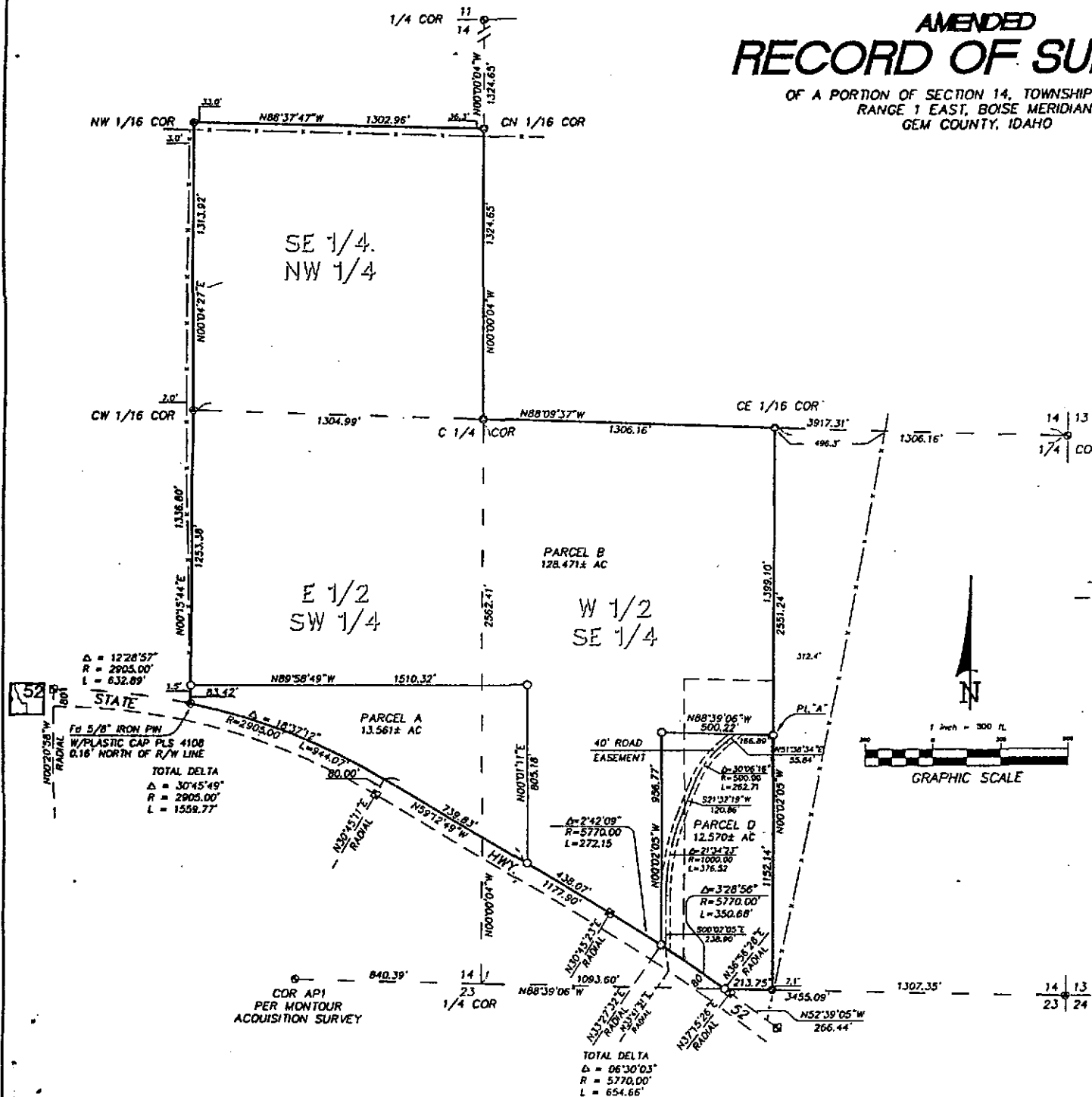
PROFESSIONAL LAND SURVEYORS

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 5 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

RIGHT NUMBER: 65-22282

NAME AND ADDRESS: GREG LINDSEY
10800 N HWY 52
HORSESHOE BEND ID 83629

LORI LINDSEY
10800 N HWY 52
BOISE ID 83629

SOURCE: PAYETTE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.23 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

0.230 CFS

PLACE OF USE:

IRRIGATION Within GEM County

T07N R01E S14 SWSE 8.0

8 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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 13, 2001

Lori and Greg Lindsey
PO Box 4393
Boise, ID 83711-4393

Re: Office visits to Water Resources

Mr. and Mrs. Lindsey:

I understand that you came into the office the other day with questions on your water rights. I have worked on your rights for the Snake River Basin Adjudication, 65-22282 and 65-22263, and also have met with you, Lori, on two different occasions.

If you have questions regarding your water rights, I would ask that you address them to me. Please call to schedule an appointment and we can go over any questions you may have. This will save time from meeting with various office staff and having to explain the situation time and time again.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sue Bock', is written over a horizontal line.

Sue Bock
Sr. Water Resource Agent
Western Region

"R" record

10/16/2000

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 65-22282

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GREG LINDSEY
Current Owner	LORI LINDSEY PO BOX 4393 BOISE, ID 83711-4393 (208)584-3588
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
Original Owner	ANNA MARIE NEWELL BOX 96 SWEET, ID 83670 (208)793-2762

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

Source: PAYETTE 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	0.23 CFS		
Total Diversion			0.23 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		SWSE	8									

Total Acres: 8

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 16, 2000

GREG LINDSEY
LORI LINDSEY
PO BOX 4393
BOISE ID 83711-4393

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

Renumbered Notice of Claim to a Water Right No. 65-22282

Dear Claimants:

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim by adding alpha suffixes to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time. You will be notified of any future action taken on this claim. Also enclosed is a copy of the original claim for your reference.

Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

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

Denise Buffington
Office Specialist I
Adjudication Section
Western Region

DB:db

Enclosure

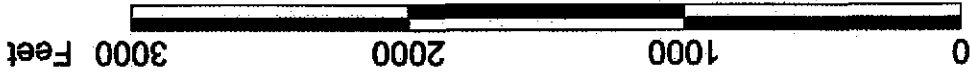
Claim No(s): 65-22282
T07N, R01E, Sec 14
Created by: Sue Bock
Date: 10/17/2000

☐ Place of Use

☒ Point of Diversion

☐ Section lines

☐ 1/4 1/4 lines





Lori

Lindsey

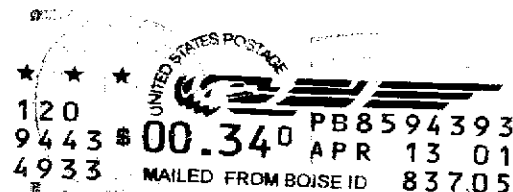
941-1436

1:20 Wen

22243
22282

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED



RECEIVED

APR 23 2001

WATER RESOURCES
WESTERN REGION

MR AND MRS LINDSEY
PO BOX 4393
BOISE, ID 83

LINDSEY 837112007 1A00 05 04/19/01
RETURN TO SENDER
LINDSEY
10800 N HIGHWAY 52
HORSESHOE BEND ID 83629-5024
RETURN TO SENDER

83705 5082 06





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 13, 2001

Lori and Greg Lindsey
PO Box 4393
Boise, ID 83711-4393

Re: Office visits to Water Resources

Mr. and Mrs. Lindsey:

I understand that you came into the office the other day with questions on your water rights. I have worked on your rights for the Snake River Basin Adjudication, 65-22282 and 65-22263, and also have met with you, Lori, on two different occasions.

If you have questions regarding your water rights, I would ask that you address them to me. Please call to schedule an appointment and we can go over any questions you may have. This will save time from meeting with various office staff and having to explain the situation time and time again.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sue Bock', written in a cursive style.

Sue Bock
Sr. Water Resource Agent
Western Region

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

GREG LINDSEY

65-22282

LORI LINDSEY
PO BOX 4393
BOISE, ID 83711-4393

65-22282

Sue

RECEIVED

MAY 11 2001

WATER RESOURCES
WESTERN REGION

LINDSEY 837112016 1A00 06 05/09/01
RETURN TO SENDER
LINDSEY
10800 N HIGHWAY 52
HORSESHOE BEND ID 83629-5024
RETURN TO SENDER

65-22282 1





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.

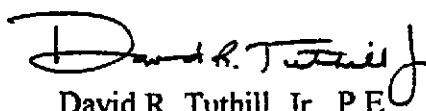
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without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

April 13th 2001

~~HH~~: Sue Bock

Department of Water Resources
Western Region 2735 Airport Way
Boise, Idaho 83705-5082

Dear Ms. Sue Bock,

We are writing in response, to the water right papers you had sent us. According to the information gathered between March 17th and July 30th 2000, the amount of acreage irrigated on my property is ten acres of irrigation rights to the river. There were two parties who owned this parcel I had purchased, by the names of Annie or Anna Marie Newell, and Mike or Michael McDonough. I have enclosed copies with my letter.

Also we were concerned about the well we applied for, we are not familiar with the numbers that are listed and wanted to go over them with you.

On Wednesday the 11th, we came by your office to speak with someone concerning this, but no one was able to get a solution to help. Gary Spackman, Jan, and Ron all agreed I must speak with you and that it would not be a concern about the time limit of having it in before the 13th of April. I did try to reach you before the thirteenth and left a message with a Secretary there. Another attempt I left a message with your voice mail. We understand you are very busy although we feel this is important to us to have the correct water rights, we paid for.

Another concern we have is, when we applied for water rights near the beginning of last year we were told we would have to have this advertised. We also were asked, if there were any other neighbors, which this particular water runs through. Out of pure honesty, dignity and respect for your rules, we answered yes. We supplied your office with the name and address of the neighbor. In this you had easy contact. Your office had told us you needed to contact her, and print it in the newspaper, before it would go through. Also that she would have to have a water right on it and she indeed did not. That this is the rule's you must follow. We waited patiently, and the neighbor then disputed our right. She was also allowed to come in and apply for a right and it goes through without contacting us in which the water right was already filed. Nor did she have to wait.

We were humiliated and upset, in the meeting with Mr. Spackman. When we were called to a meeting to speak about our water rights and why we needed this particular water right along with the other right. Mrs. Newell says I already have one for that particular one, and Mr. Spackman looked shocked at it, for it was indeed from your office. This was very upsetting to us, after all we had been through and time we had waited for this water right. Mrs. Newell to come in with a water right given by your office, when we had already applied eight months before her date. It was humiliating, because your office had researched if there ever was a water right and there indeed was none. For us to sit and be told she was issued it before our priority date was humiliating and embarrassing.

I later went to your office, and was helped by many people. We received the information that she applied for the right, and your office dated it back to 1874. I was so sad your office did not ask her to show pictures and drawings like we had to supply. So I am giving to you, pictures of the property, year of 1987, and the year 2000. So you can understand she has only built her house in the last four years. She has never had a domestic nor any other right for this, for the last I checked you couldn't have domestic water or build a house on B.L.M.

The stock pond on the map and water she was using is now a part of the gravel pit. This is what she planned to do with her right. I want to use the water that comes across my land and she has stopped it up. This was not the rule's your office had discussed with us.

We are writing to dispute her water rights, claims, licenses, damming projects or any other terminology used. All of the above travels to, through, and or is affiliated with our property. We feel, the reason she wanted to be able to control the water on this right we have applied, was so she can continue with a plan to gravel this area. In reference and evidence, as to what she is doing in this time that you have not allowed me to use the right. That we applied for at the beginning of last year when she was not, graveling.

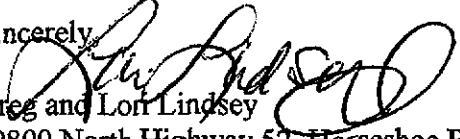
She has graveled up her stock pond and stream channels as well, on a portion of her property. You can verify this from the aerial map I have enclosed. Please investigate this matter and allow the water to flow the natural route to our property. We are hoping that you will warrant the right to use the water that flows through our land as we did before her application. The public expects you to apply the same guidelines, and rules your office had for us to the rest of the public as well.

This is extremely important to our property, and us.

Thank you for your time and direct attention in this matter. Please find all information enclosed to verify these water rights.

The sooner your attention to this matter would be greatly appreciated. Before any other, further graveling of the stream channels.

Sincerely,


Greg and Lori Lindsey

10800 North Highway 52, Horseshoe Bend, Gem County Idaho 83629

#A65-00225 SWSE 08

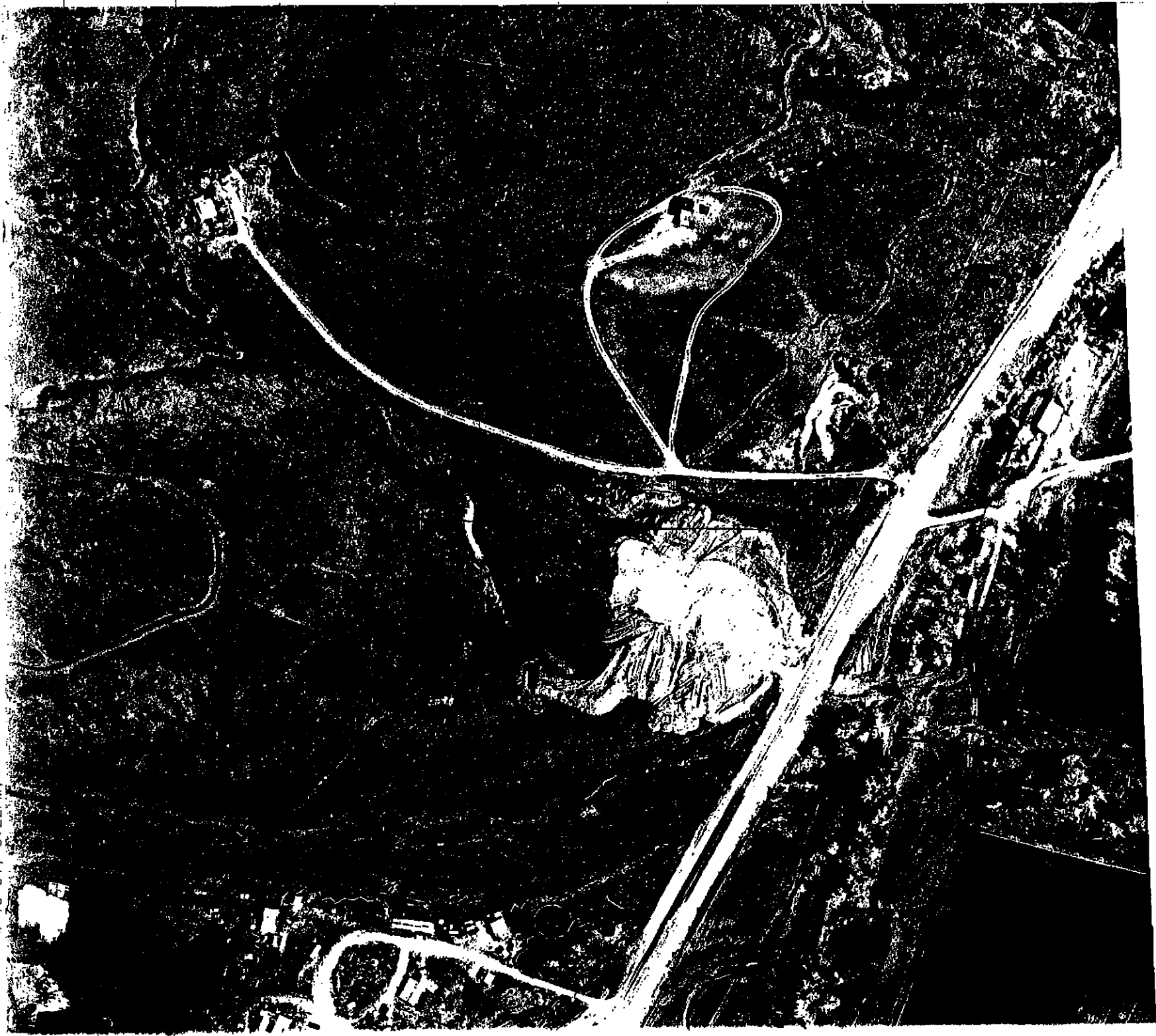
#A65-02508 SWSE 02

10 ACRES

4-19-01; 3:22PM;

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1987

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4-19-01: 3:23PM

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MEMORANDUM

DATE: 4/2/2001

FROM: Lori Graves ⁶

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.