

ENE

12

Parcel 2

NESW

31

65-10950

SWSW

19

SESW

SWSE

Parcel 3

11

15

NWNW

1

11

NENW

5

65-10951

Retained by
dowel

13



NWSW

E

SWSW

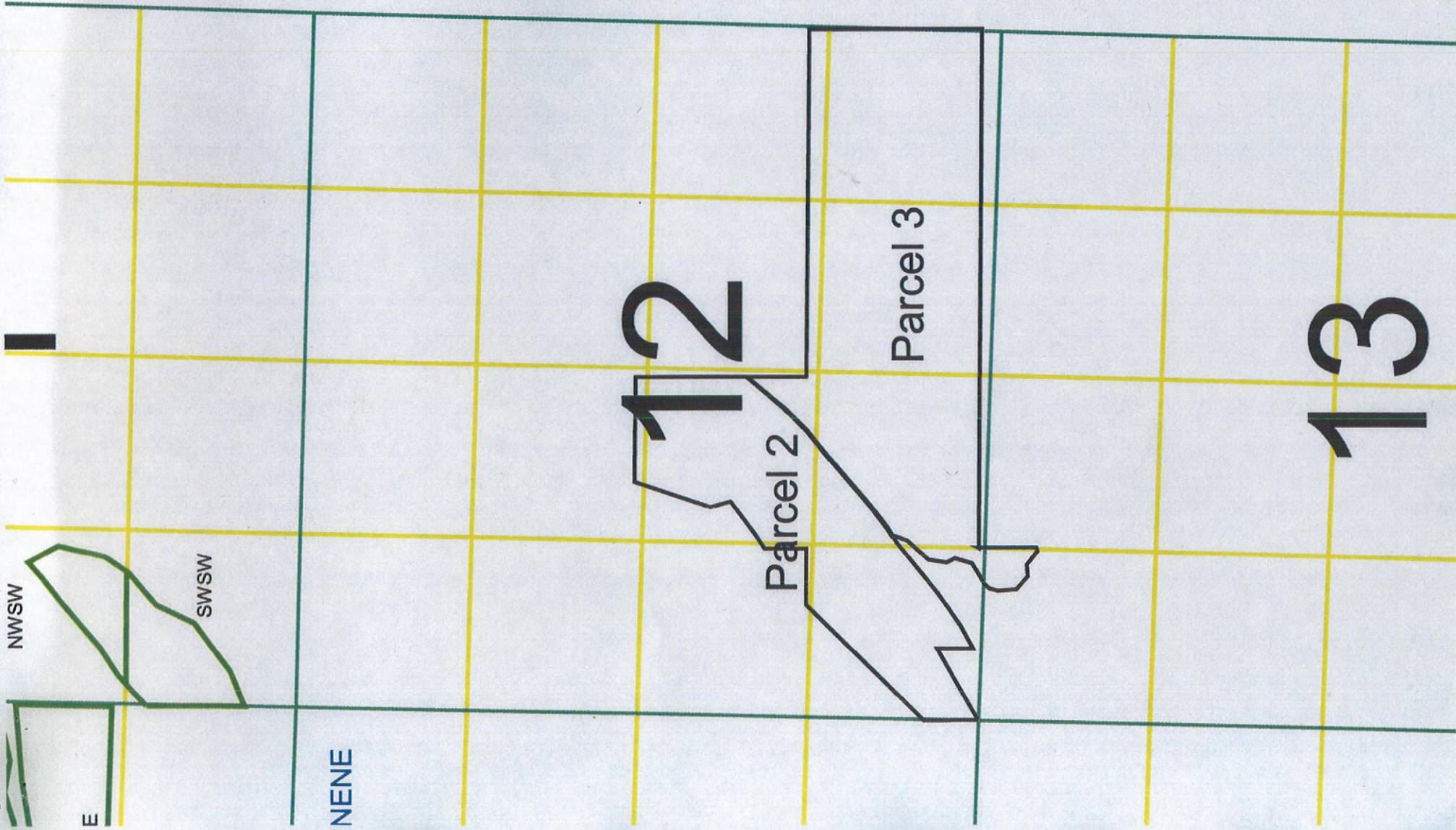
NENE

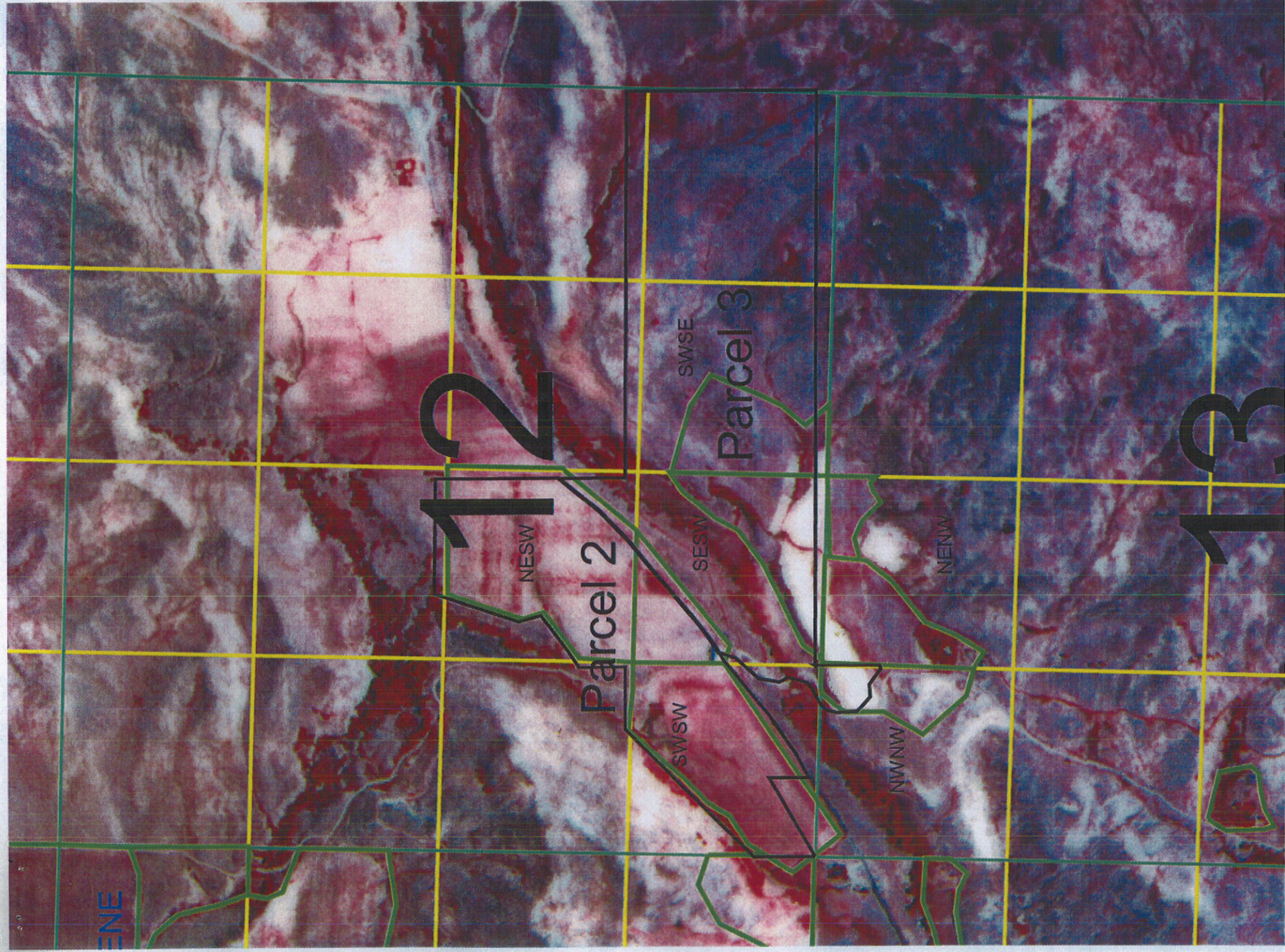
12

Parcel 2

Parcel 3

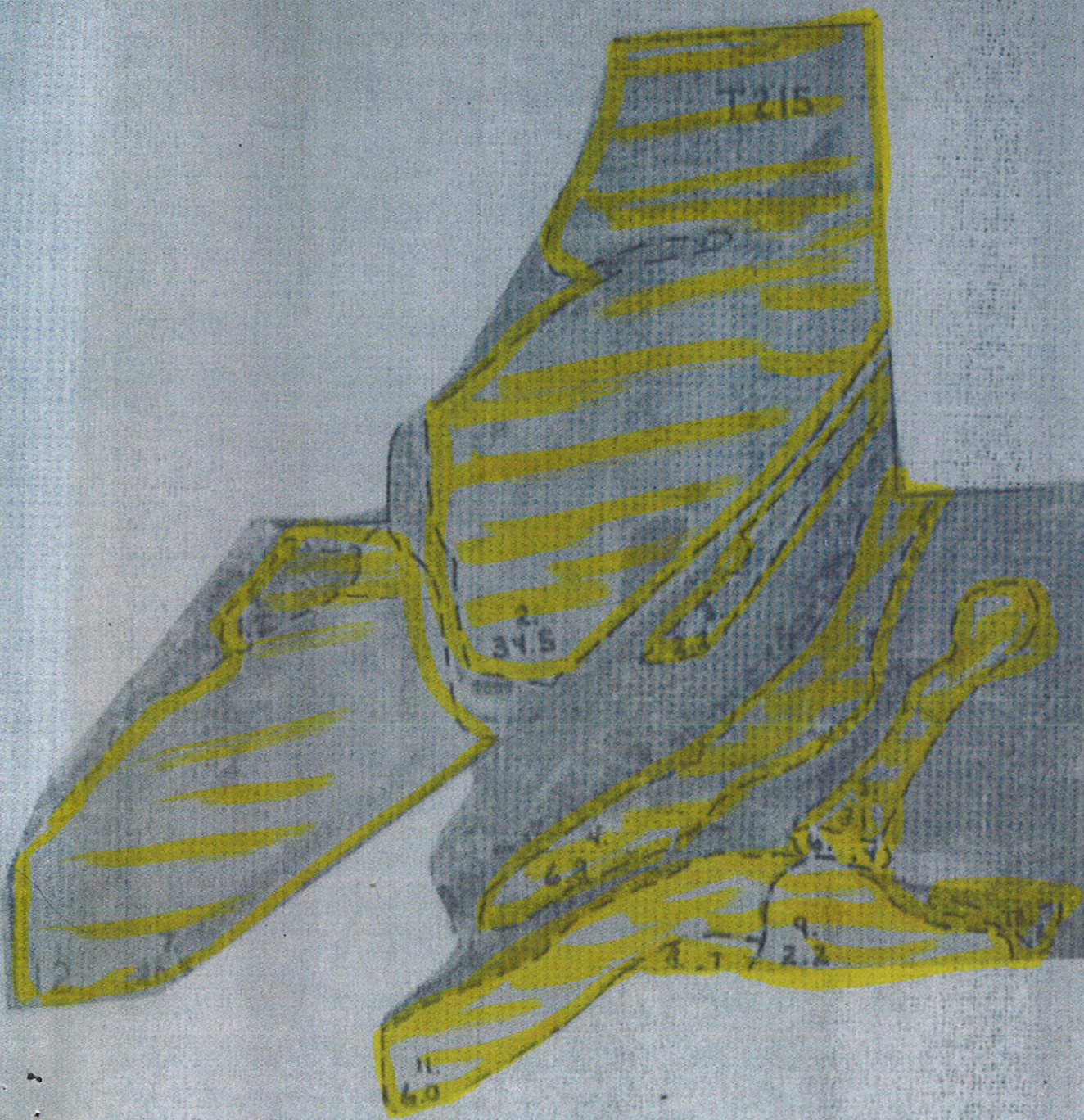
13





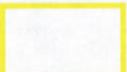
- Aerial photo of
Our Property.

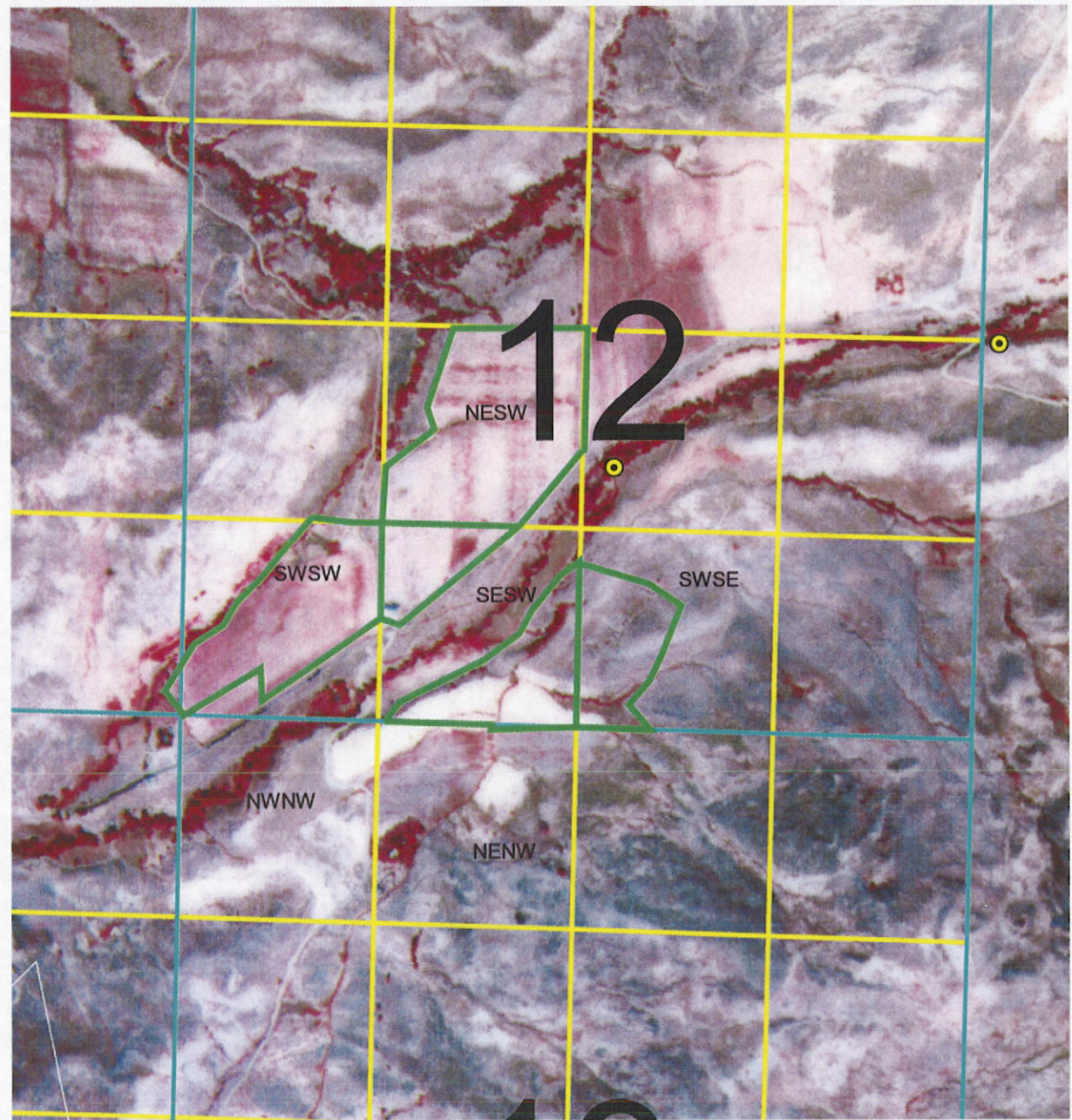
- Water Right 65-10951 &
65-10950 used in the listed
Fields.



Idaho Dept. of Water Resources

Claim No(s): 65-22328
65-22330
T7N, R2E, S 12
Prepared by: Sue Bock
Date: 2/01/2001

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



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 SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-22328

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *mm*
2004 APR 14 PM 3 28

NAME AND ADDRESS: AMY HEFFNER
RANDY HEFFNER
14 HILL CREEK RD
HORSESHOE BEND, ID 83629

SOURCE: PORTER CREEK TRIBUTARY: PAYETTE RIVER

QUANTITY: 1.49 CFS

PRIORITY DATE: 06/01/1908

POINT OF DIVERSION: T07N R02E S12 NWSE Within Boise County
R03E S07 SWNW

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 11-01 1.49 CFS

PLACE OF USE: Irrigation Within Boise County
T07N R02E S12 NESW 31.0
R03E S07 SWSW 17.0
SESW 6.0
54.0 Acres Total

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 or entity
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.

RECOMMENDATION

APR 14 2004

C. M. Q.
SPECIAL MASTER

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

Amended Director's Report No. 65-22328

02/17/2004

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

RIGHT NUMBER: 65-22328

NAME AND ADDRESS: RANDY HEFFNER
14 HILL CREEK RD
HORSESHOE BEND ID 83629

AMY HEFFNER
14 HILL CREEK RD
HORSESHOE BEND ID 83629

SOURCE: PORTER CREEK

TRIBUTARY: PAYETTE RIVER

QUANTITY: ~~1.52~~ 1.490 CFS

PRIORITY DATE: 06/01/1908

POINT OF DIVERSION:

T07N R02E S12 NWSE Within BOISE County
T07N R03E S7 SWNW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	~~1.52~~ 1.490 CFS

PLACE OF USE: IRRIGATION Within BOISE County

T07N R02E S12	NESW	31.0	T07N R02E S12	SWSW	17.0
T07N R02E S12	SESW	6.0			

54 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.

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 § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity 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.

EXPLANATORY MATERIAL: Decreed

AMENDED DIRECTOR'S REPORT

Subcase No. 65-22328

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources

Karl J. Dreher, Director

David R. Tuthill, Jr., Adjudication Bureau Chief

February 18, 2004

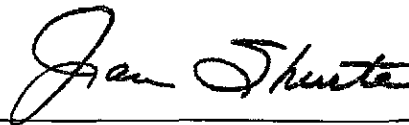
DESCRIPTIVE SUMMARY

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources (IDWR).

DISCUSSION

Pursuant to additional investigation and review of the Warranty Deed executed between George W. Dovel and Randy Heffner, on or about October 9, 1998, which is on file with IDWR, the Director submits for filing with the Court, an Amended Director's Report for the aforementioned subcase (see attached print-out).

Respectfully submitted this 23 day of February, 2004.

A handwritten signature in black ink, appearing to read "Jan Shurte", is written over a horizontal line.

JAN SHURTE
Water Rights Supervisor
Western Regional Office

CERTIFICATE OF SERVICE

I certify that on Feb. 23, 2004, I served the original and/or copies of this form, including all attachments, to the following persons by delivering the original and/or copies, as follows:

1. Original to:

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

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

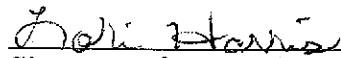
U.S. Dept. of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

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

George Dovel
434 Pioneer Road
Horseshoe Bend, ID 83629

Randy & Amy Heffner
14 Hill Creek Road
Horseshoe Bend, ID 83629

Boise County Courthouse
415 Main St.
Idaho City, ID 83631


Signature of person delivering form



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

February 17, 2004

George Dovel
434 Pioneer Rd
Horseshoe Bend, ID 83629

Randy & Amy Heffner
14 Hill Creek Rd
Horseshoe Bend, ID 83629

RE: Right No's. 65-22327 & 65-22328

Dear Mr. Dovel, Mr. Heffner & Ms. Heffner:

Recently it was brought to my attention that the above referenced water rights had been incorrectly split per an ownership change in 1998. These water rights were then incorrectly recommended to the Snake River Basin Adjudication (SRBA) Court for decree in September, 2001.

The rights, in the Warranty Deed dated 10-15-1998, specifically stated that under the split of the original Right No. 65-10950, Randy and Amy Heffner were to receive 54 acres and 1.49 cfs. George Dovel was to receive 3 acres and .12 cfs. This was signed and dated 10-15-1998. During our initial review the original right was split according to a pro-rating of acres and cfs of the original right with Heffner's 54 acres receiving 1.52 cfs and Dovel's 3 acres receiving .09 cfs. However, the Warranty Deed is the legal document that should have been followed in this case.

Enclosed are copies of the Amended Recommendations now being resubmitted to the SRBA Court. Please note the only change has been a reduction of .03 cfs from 65-22328 (Heffner) to 1.49 cfs and an increase of .03 cfs on 65-22327 (Dovel) to .12 cfs. No other changes have been made. Also enclosed is a copy of the Warranty Deed signed in 1998 showing this agreement.

If you have any questions concerning these changes, please feel free to contact me as soon as possible.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jan Shurte". The signature is written in dark ink and is positioned above the printed name and title.

JAN SHURTE
Water Rights Supervisor
Adjudication Section
Western Regional Office
(208) 334-2190

Enclosures

Cc: SRBA Court

Shurte, Jan

From: Hamlin Nygard, Susan
Sent: Thursday, February 19, 2004 12:18 PM
To: Harvey, Becky; Shurte, Jan; Bromley, Chris
Subject: RE: Dovel's & Heffner's Amended Recommendations & letter

This needs to be an amended recommendations because Heffner is losing something in the revised recommendation. Cushman can do what he wants with these recommendations as far as notice, however I think there should be an objection period, even if it is limited to the claimants only. I would suggest using the regularly routine for filing the amended director's report and let the court sort out notice.

-----Original Message-----

From: Harvey, Becky
Sent: Wednesday, February 18, 2004 11:14 AM
To: Shurte, Jan; Bromley, Chris
Cc: Hamlin Nygard, Susan
Subject: RE: Dovel's & Heffner's Amended Recommendations & letter

Jan, if these are being treated as amended director's reports, we will need the Amended Director's Report(s) cover sheets. If it is a stipulated agreement, then we need the SF 5 cover pages. I will prepare whatever is necessary. My suggestion to the court is that a special notation be made on the Docket Sheet notice as to why an objection period is not being set. Becky

-----Original Message-----

From: Shurte, Jan
Sent: Wednesday, February 18, 2004 11:07 AM
To: Harvey, Becky; Bromley, Chris
Cc: Hamlin Nygard, Susan; Shurte, Jan; Tuthill, Dave
Subject: Dovel's & Heffner's Amended Recommendations & letter

Hi,

Attached are the two amended recommendations for George Dovel - 65-22327 and Heffner's - 65-22328. These were both splits of the original PRBA Right No. 65-10950.

I thought I would send the attached letter with a copy of each amended recommendation to both parties and the SRBA Court. I was also going to make a copy of the deed where it shows the split and send that as an enclosure.

Special Master Cushman indicated that there would be no objection period since the total amount of the original right was not changed. Steve Lester indicates that when the recommendation is amended, he can then change that remaining portion of George Dovel's transfer for 65-22327 without readvertising and it can go forward with the transfer for DR&J - 65-3103 to settle that objection. Neither transfer was protested during advertising.

Are there any other special documents that go with these amended recommendations to the court or will the letter do it? Is an SF5 cover sheet required on something like this? Plus, feel free to change my letter if you like. Let me know.

Thanks,
Jan

<< File: Dovel-Heffner split letter.doc >> << File: 65-22327-Dovel.doc >> << File: 65-22328 - Heffner.doc >>

Shurte, Jan

From: Bromley, Chris
Sent: Wednesday, February 18, 2004 1:13 PM
To: Shurte, Jan; Harvey, Becky
Subject: RE: Dovel's & Heffner's Amended Recommendations & letter

The content of the letter looks good to me. I agree that sending the letter and a copy of the deed is a good idea. I also agree with Becky that there should be a notation in the docket sheet as to what's going on with the rights.

Chris

-----Original Message-----

From: Shurte, Jan
Sent: Wednesday, February 18, 2004 11:07 AM
To: Harvey, Becky; Bromley, Chris
Cc: Hamlin Nygard, Susan; Shurte, Jan; Tuthill, Dave
Subject: Dovel's & Heffner's Amended Recommendations & letter

Hi,

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I thought I would send the attached letter with a copy of each amended recommendation to both parties and the SRBA Court. I was also going to make a copy of the deed where it shows the split and send that as an enclosure.

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Are there any other special documents that go with these amended recommendations to the court or will the letter do it? Is an SF5 cover sheet required on something like this? Plus, feel free to change my letter if you like. Let me know.

Thanks,
Jan

<< File: Dovel-Heffner split letter.doc >> << File: 65-22327-Dovel.doc >> << File: 65-22328 - Heffner.doc >>

Shurte, Jan

From: Harvey, Becky
Sent: Wednesday, February 18, 2004 11:14 AM
To: Shurte, Jan; Bromley, Chris
Cc: Hamlin Nygard, Susan
Subject: RE: Dovel's & Heffner's Amended Recommendations & letter

Jan, if these are being treated as amended director's reports, we will need the Amended Director's Report(s) cover sheets. If it is a stipulated agreement, then we need the SF 5 cover pages. I will prepare whatever is necessary. My suggestion to the court is that a special notation be made on the Docket Sheet notice as to why an objection period is not being set. Becky

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Cc: Hamlin Nygard, Susan; Shurte, Jan; Tuthill, Dave
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Are there any other special documents that go with these amended recommendations to the court or will the letter do it? Is an SF5 cover sheet required on something like this? Plus, feel free to change my letter if you like. Let me know.

Thanks,
Jan

<< File: Dovel-Heffner split letter.doc >> << File: 65-22327-Dovel.doc >> << File: 65-22328 - Heffner.doc >>

Separate Streams Objections

RECEIVED

RECEIVED

JAN 24 2002

JAN 17 2002

WATER RESOURCES
WESTERN REGION

Department of Water Resources

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 65-22328

(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: Randy and Amy Heffner

Address: 14 Hill Creek Road

Horseshoe Bend, Idaho 83629

Daytime Phone: (208) 793-2898 or (831) 689-9518

Name & Address of Attorney, if any:

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

Name: Randy and Amy Heffner

Address: 14 Hill Creek Road

Horseshoe Bend, Idaho 83629

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: January 1, 1884
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 above.

E. REASONS SUPPORTING OBJECTION(S): This water right was

adjudicated in 1917 with the 1/1/1884 date above.
The Payette River Basin Adjudication of 1986 mistakenly set the
date to 6/1/1908.

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 11/16/2002, ~~1999~~, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: Ruby & Amy Hefner
Address: 14 Hill Creek Road
Horseshoe Bend, Idaho 83629

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO 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

F:

VERIFICATION (Must be Completed)

State of

CA (Soer. 4)

County of

SANTA CRUZ)ss.

RANDY R. Heffner & Amy Heffner, 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.

Randy R. Heffner & Amy Heffner
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

1/16/02

Kenneth M. Francis

Notary Public for CALIFORNIA

Residing at: SANTA CRUZ COUNTY

My Commission Expires: APR 21, 2004



08/31/2001

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

RIGHT NUMBER: 65-22328

NAME AND ADDRESS: RANDY HEFFNER
14 HILL CREEK RD
HORSESHOE BEND ID 83629

AMY HEFFNER
14 HILL CREEK RD
HORSESHOE BEND ID 83629

SOURCE: PORTER CREEK

TRIBUTARY: PAYETTE RIVER

QUANTITY: 1.520 CFS

PRIORITY DATE: 06/01/1908

POINT OF
DIVERSION:

T07N R02E S12 NWSE Within BOISE County
T07N R03E S7 SWNW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	1.520 CFS

PLACE OF USE: IRRIGATION Within BOISE County

T07N R02E S12	NESW	31.0	T07N R02E S12	SWSW	17.0
T07N R02E S12	SESW	6.0			

54 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

Separate Teams Objection

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 65-22328

(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 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: Randy Heffner & Amy Heffner

Address: 14 Hill Creek Rd.
Horseshoe Bend, ID 83629

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):

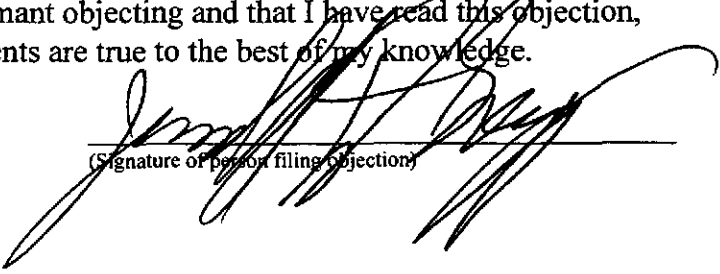
The Bureau of Reclamation objects to the separate stream provision of the Director's Report for Basin 65, Part III. These streams should be administered as part of the Payette River System in order to adequately protect water rights in the Payette River subbasin.

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)

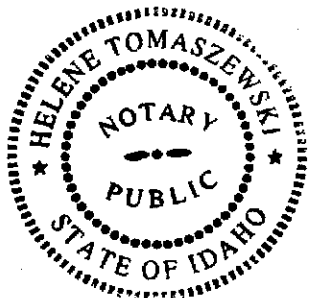
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

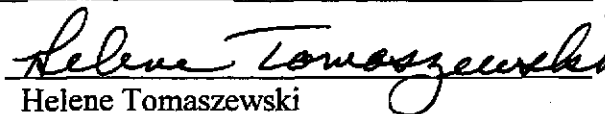

(Signature of person filing objection)

(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: Randy Heffner & Amy Heffner

Address: 14 Hill Creek Rd.
Horseshoe Bend, ID 83629

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

02/06/2001

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

RIGHT NUMBER: 65-22328

NAME AND ADDRESS: RANDY HEFFNER
14 HILL CREEK RD
HORSESHOE BEND ID 83629

AMY HEFFNER
14 HILL CREEK RD
HORSESHOE BEND ID 83629

SOURCE: PORTER CREEK

TRIBUTARY: PAYETTE RIVER

QUANTITY: 1.52 CFS

PRIORITY DATE: 06/01/1908

POINT OF DIVERSION:

T07N R02E S12 NWSE Within BOISE County

T07N R03E S7 SWNW Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

1.520 CFS

PLACE OF USE:

IRRIGATION Within BOISE County

T07N R02E S12	NESW	31.0	T07N R02E S12	SWSW	17.0
T07N R02E S12	SESW	6.0			

54 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

WZU

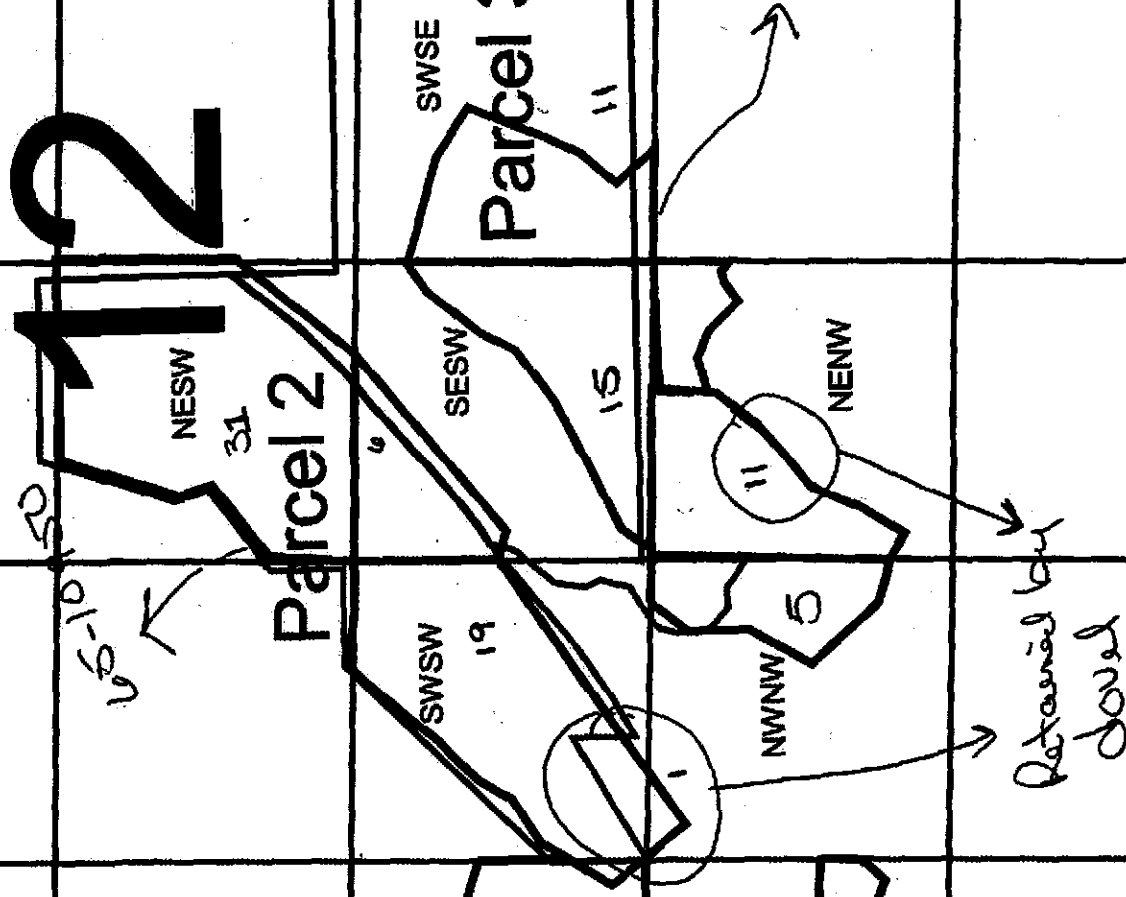
12
SW

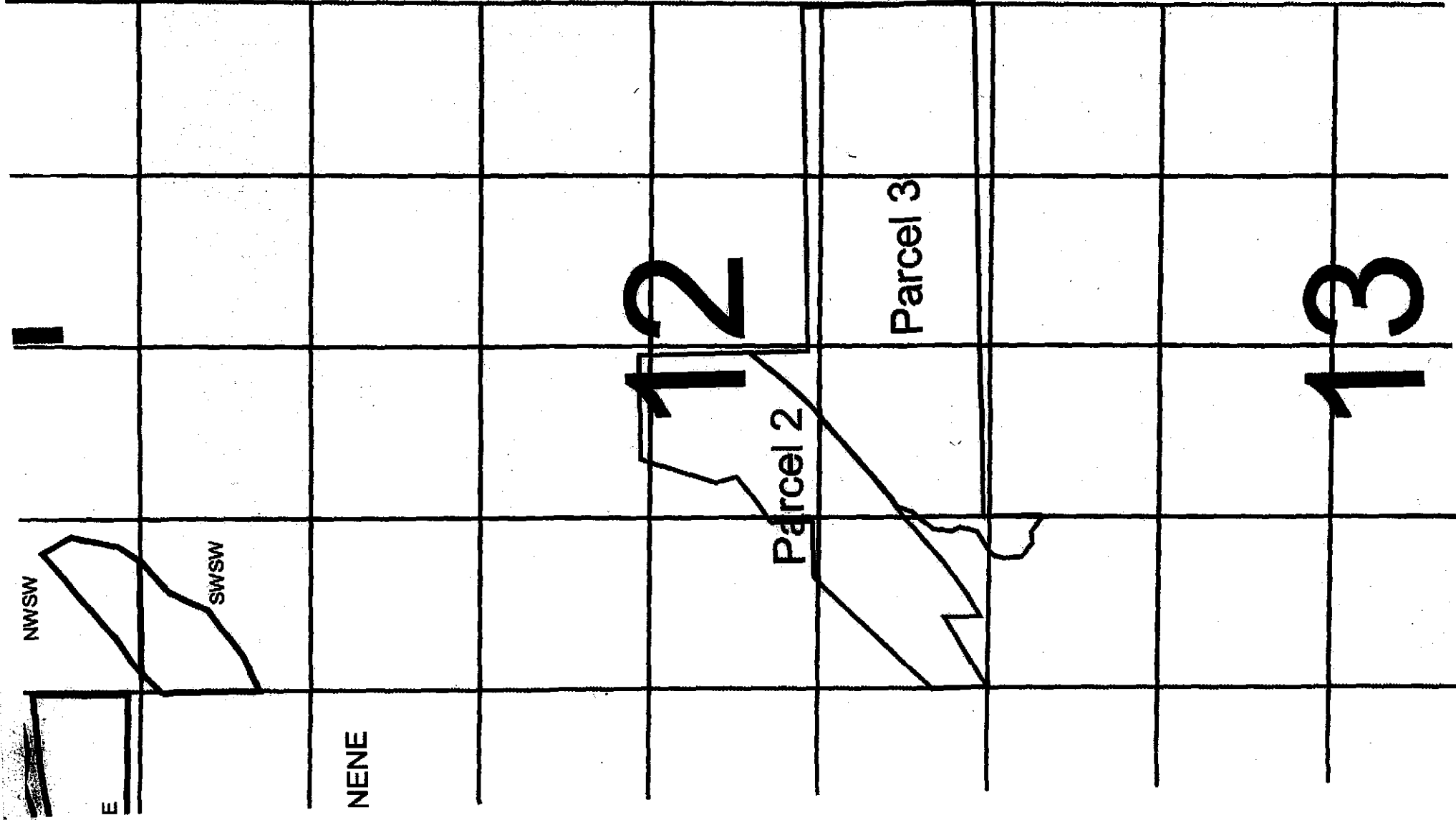
Parcel 2

Parcel 3

9-10951

3







434 Pioneer Road
Horseshoe Bend, ID 83629
Phone or fax (208)793-2768

October 9, 1998

Penny Combs
Escrow Officer
Pioneer Title Company of Ada County
8151 W. Rifleman
Boise, ID 83704
ATTN: Debra L. Hess

DELIVERED BY FACSIMILE to (208) 373-3610

Re: Prorating taxes on Dovel to Heffner Sale

Dear Ms. Hess:

It took some time but I located the 1998 assessed values and current 1997 taxes owed and prepared the enclosed chart titled, "Prorating 1998 Taxes."

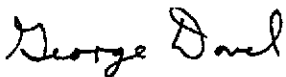
The column titled, "1998 Tax To Be Split" totals \$1,077.58 for both parcels to be sold to Mr. and Mrs. Heffner. That is the amount of 1998 tax you must prorate effective on the Heffners' possession date.

I'm also enclosing four pages containing the 1997 tax owed, including late charges and interest, and the 1998 tax assessment as well as the record of survey for Dovel and Sellin for reference.

If you have any questions please call me. Otherwise, my wife and I will see you about 3 P.M. today.

Thank you.

Sincerely,



George Dovel

Encls

**Prorating 1998 Taxes
Transfer from Dovel to Heffner**

Survey Parcel No. 2

<u>Tax Parcel Number</u>	<u>Assessed Acres</u>	<u>Surveyed Acres</u>	<u>Assessed Value</u>	<u>1997 Taxes Due</u>	<u>Sold To Heffner</u>	<u>Dovel Retains</u>	<u>Heffner Value</u>	<u>1998 Tax To Be Split</u>	<u>Tax Pd Solely By Dovel</u>
124836	60.63	60.65	34,961	843.04	60.65 a	None	34,961	843.04	None
133200	<u>1.422</u>	<u>1.41</u>	<u>678</u>	<u>16.28</u>	<u>1.41 a</u>	<u>None</u>	<u>678</u>	<u>16.28</u>	<u>None</u>
Totals	62.052	62.06	35,639	859.32	62.06	None	35,639	859.32	None

Survey Parcel No. 3

132400	11.00	10.80	5,247	126.49	2.40 a*	8.40 a	1,240.20	29.90	96.59
129100	<u>122.602</u>	<u>118.54</u>	<u>39,966</u>	<u>1,126.89</u>	<u>113.18 a</u>	<u>5.36</u>	<u>6,680.40**</u>	<u>188.36</u>	<u>938.53</u>
Totals	133.602	129.34	45,213	1,253.38	115.58 a	13.76 a	7,920.60	218.26	1,035.12

* The "comma-shaped" or "Q-shaped" parcel in the NE1/4 of the NW1/4 of the NW1/4 of S13 is estimated to be 2.40 acres in size and is part of the 36.76 acres surveyed plus the 78.82 acres surveyed which total the 115.58 acres in Parcel No. 3 (see enclosed Record of Survey).

** The value of the 117.242 assessed acres (113.18 surveyed acres) was calculated by using \$4,256 for 121.602 dry grazing acres and subtracting the 4.36 acres of dry grazing (plus 1.0 acre rural homesite) which are retained by Dovel. That \$4,103.40 was added to the rural improvements on agriculture (the hay shed and granaries) total of \$2,577 for a total to Heffner of \$6,680.40. Dovel's assessed value was 4.36 acres dry grazing - \$152.60, rural homesite - \$8,200, rural residence \$39,287 minus 19,644 homestead = 19,643, machinery & equip - \$4,888 and furniture and fixtures - \$402 for a total of \$33,285.60.

BOISE COUNTY ASSESSOR
P.O. BOX BC
IDAHO CITY, ID. 83631

IMPORTANT NOTICE-PLEASE READ

PRESORTED
FIRST-CLASS MAIL
U S POSTAGE PAID
IDAHO CITY, ID. 83631
PERMIT NO. 2

	CATEGORY DESCRIPTION	TAX CODE	LOTS/ACRES	MARKET VALUE
1	IRRIGTD AG	22-00	57.060 AC	23,395
5	DRY GRAZING		3.578 AC	111
32	RURAL IMP ON AG			11,455
			60.638	34,961*

1998

TAXPAYER'S
VALUATION

ASSESSMENT NOTICE
TAXES ARE BASED ON THE VALUATION
LISTED ON THIS STATEMENT

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE
JUNE 19, 1998

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS
PARCEL NUMBER

RP 07N02E124836 A Mail To:

T7N R2E SEC 12
PART TAX 351 THAT LIES IN
E1/2SW & SWSW, LESS TAX 417

DOVEL GEORGE (1/2 INT)
& WALLACE CORP (1/2 INT)

RT 1 BOX 61

HORSESHOE BEND ID 83629

PARCEL NO: RP07N02E124836A

* T A X R E M I N D E R *

BOISE COUNTY TAX COLLECTOR
P.O. BOX BC, ID. CITY, ID 83631
PHONE: 392-4441

YEAR	BILL#	TAX	LATE CH	INTEREST	COST	TOTAL
97 1ST	6477	195.45	3.91	11.21		210.57
97 2ND	6477	195.45				195.45
96	6404	364.26	7.28	65.48		437.02

DATE PRINTED: 5/15/98
RP07N02E124835A

=====

TOTAL DUE:	843.04	VALID THROUGH:	6/20/98
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=====

YOUR CANCELLED CHECK IS YOUR RECEIPT

DOVEL GEORGE (1/2 INT)
& WALLACE CORP (1/2 INT)
RT 1 BOX 61
HORSESHOE BEND ID 83629

T7N R2E SEC 12
PART TAX 351 THAT LIES IN
E1/2SW & SWSW, LESS TAX 417

BOISE COUNTY ASSESSOR
P.O. BOX BC
IDAHO CITY, ID. 83631

IMPORTANT NOTICE-PLEASE READ

PRESORTED
FIRST-CLASS MAIL
U S POSTAGE PAID
IDAHO CITY, ID. 83631
PERMIT NO. 2

CATEGORY DESCRIPTION	TAX CODE	LOTS/ACRES	MARKET VALUE
1 IRRGTD AG	22-00	1.422 AC	678
		1.422	678*

1998

TAXPAYER'S
VALUATION

ASSESSMENT NOTICE
TAXES ARE BASED ON THE VALUATION
LISTED ON THIS STATEMENT

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE
JUNE 19, 1998

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS
PARCEL NUMBER

RP 07N02E133200 A Mail To:

T7N R2E SEC 13
PART TAX 351 THAT LIES IN NWNW
INST. #135533

DOVEL GEORGE (1/2 INT)

& WALLACE CORP (1/2 INT)
RT 1, BOX 61
HORSESHOE BEND ID 83629

PARCEL NO: RP07N02E133200A

* TAX R E M I N D E R *

YEAR	BILL#	TAX	LATE CH	INTEREST	COST	TOTAL
97 1ST	6490	3.78	.08	.22		4.08
97 2ND	6490	3.78				3.78
96	6416	7.02	.14	1.26		8.42

BOISE COUNTY TAX COLLECTOR
P. O. BOX BC, ID. CITY, ID 83631
PHONE: 392-4441

DATE PRINTED: 5/15/98

=====

TOTAL DUE:	16.28	VALID THROUGH:	6/20/98
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YOUR CANCELLED CHECK IS YOUR RECEIPT

DOVEL GEORGE (1/2 INT)
& WALLACE CORP (1/2 INT)
RT 1 BOX 61
HORSESHOE BEND ID 83629

T7N R2E SEC 13
PART TAX 351 THAT LIES IN NWNW
INST. #135533

BOISE COUNTY ASSESSOR
P.O. BOX BC
IDAHO CITY, ID. 83631

IMPORTANT NOTICE-PLEASE READ

PRESORTED
FIRST-CLASS MAIL
U S POSTAGE PAID
IDAHO CITY, ID. 83631
PERMIT NO. 2

	CATEGORY DESCRIPTION	TAX CODE	LOTS/ACRES	MARKET VALUE
5	DRY GRAZING	22-00	121.602 AC	4,256
10	RURAL HOMESITE		1.000 AC	8,200
31	RURAL RES BLDG			39,287
32	RURAL IMP ON AG			2,577
58	MACH & EQUIP			4,888
59	FURN & FIXT			402
	LESS HOMEOWNER EXEMPTION			19,644
		122.602		39,966*

1998
TAXPAYER'S
VALUATION
ASSESSMENT NOTICE
TAXES ARE BASED ON THE VALUATION
LISTED ON THIS STATEMENT
IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE
JUNE 19, 1998

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS
PARCEL NUMBER

434 PIONEER RD
RP 07N02E129100 A Mail To:

T7N R2E SEC 12
E1/2SW, SWSW, S1/2SE
LESS TAX 9, 351

DOVEL GEORGE (1/2 INT)
& WALLACE CORP (1/2INT)

RT. 1 BOX 61
139 PORTER CREEK RD
HORSESHOE BEND ID 83629

PARCEL NO: RP07N02E129100A

* TAX REMINDER *

BOISE COUNTY TAX COLLECTOR
P.O. BOX BC, ID. CITY, ID 83631
PHONE: 392-4441

YEAR	BILL#	TAX	LATE CH	INTEREST	COST	TOTAL
97 1ST	6482	261.00	5.22	14.97		281.19
97 2ND	6482	261.00				261.00
96	6409	487.36	9.74	87.60		584.70

DATE PRINTED: 5/15/98

=====

TOTAL DUE:	1126.89	VALID THROUGH:	6/20/98
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YOUR CANCELLED CHECK IS YOUR RECEIPT

DOVEL GEORGE (1/2 INT)
& WALLACE CORP (1/2INT)
RT 1 BOX 61
139 PORTER CREEK RD
HORSESHOE BEND ID 83629

T7N R2E SEC 12
E1/2SW, SWSW, S1/2SE
LESS TAX 9, 351

A Portion of Land in the SW 1/4 & South Half of the SE 1/4 of Section 12
and a Portion of Land in the NW 1/4 of Section 13,
T.7N., R.2E., B.M.,
Blaine County, Idaho
1938

I hereby certify that I am a registered land surveyor, licensed by the State of Idaho, and that this map has been prepared from an actual survey, made on the ground under my supervision. This map is in accordance with Title 52, Chapter 11, Idaho code, and to the best of my knowledge and belief, contains no title for a bona fide claim or interest in land for agricultural purposes.



Instrument No. _____
 Date: _____ Oil: _____
 Book: _____ Page: _____
 Records of Rich County, Idaho.
 At the County of _____

Keywords

① GRASS CLIP
 + TWO 1/2" PM
 ② TWO 1/2" PM
 + TWO 1/2" PM
 ③ TWO 1/2" PM
 _____ PROPERTY LINE

 ----- EASTING FENCE
 _____ SECTION LINE
 ----- EASEMENT

CURVE DATA						
CURVE NO.	ROAD NO.	STA	LENGTH	PAVEMENT	CRIMD	CRACKING SCORES
C1	37-00	21+70.71	1.0129	04.33	03.90	1+107.20-20 W
C1	37-00	20+30.04	991.30	14.33	13.10	W 48+10.00-53 W
C1	37-00	12+01.71	70.61	04.33	03.97	1+107.20-20 W
C4	08-00	23+73.14	67.04	13.04	14.60	0+1+42.01 W
C4	39-00	01+35.01	104.19	04.00	03.30	W 00+74.33 W
C6	11-00	02+44.00	120.70	14.75	10.64	0+0+00-03 W
C7	10-00	03+37.00	84.30	13.00	09.00	1+107.00-15 W

DiCk No 07 021 - 17 - 2 0 3
07 021 - 13 - 4 - 4 - 4

MEG, 42 Enghaven & Svanborg
107 N 27th St.
Vancouver, B.C. V6P 1A1, Canada

A Portion of Land in the SW 1/4 & South Half of the SE 1/4 of Section 12
and a Portion of Land in the NW 1/4 of Section 13,
T.7N., R.2E., S.8M.,
Balse County, Idaho
1938

I hereby certify that I am a registered land surveyor, created by the State of Ohio, and that this map has been prepared from an actual survey, made on the ground under my supervision. This map is in accordance with State 32, Chapter 19, Ohio Code, and is the best of my knowledge and ability. Although a spill for a bona fide service of a landowner, this land has agricultural purpose.



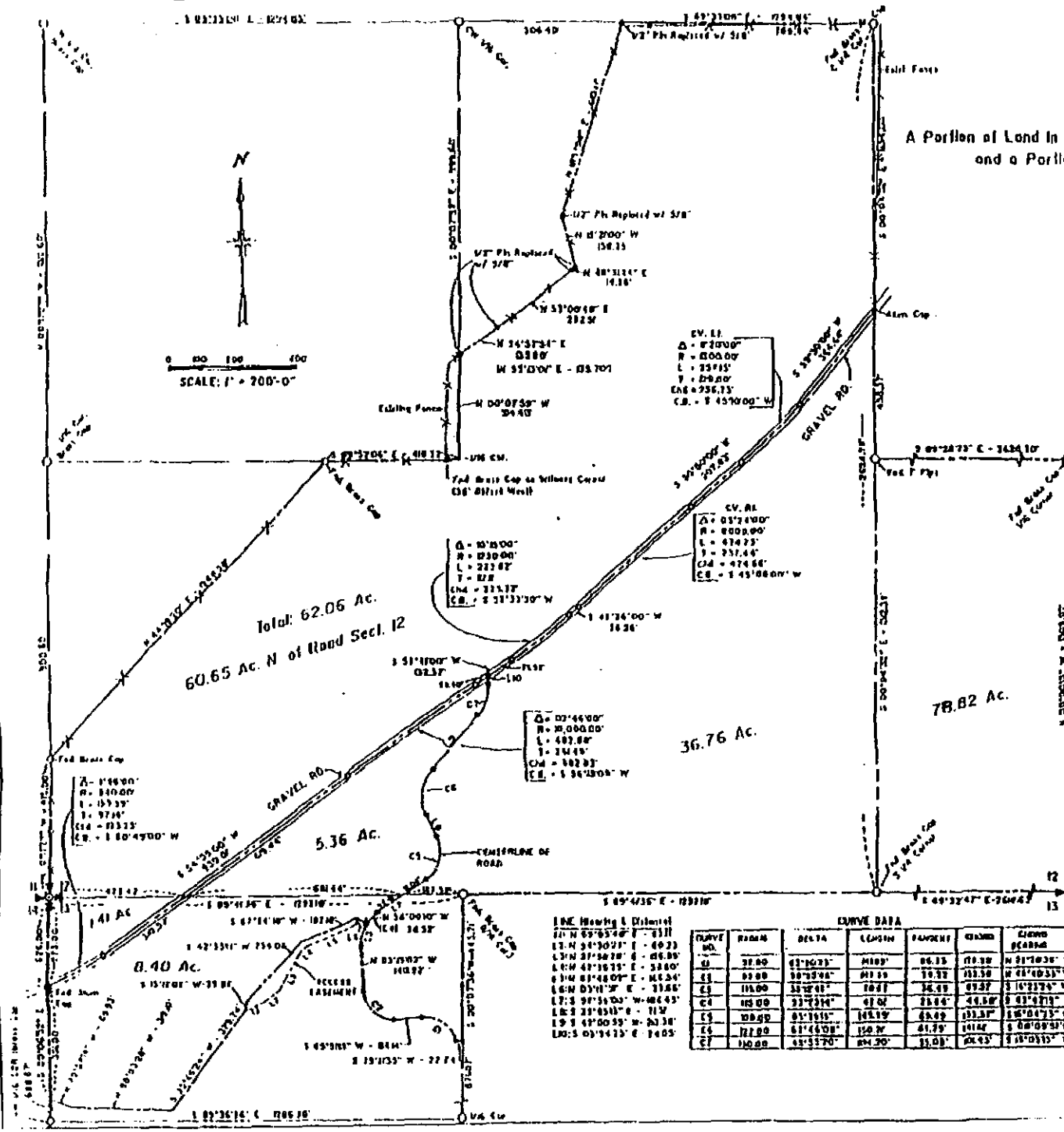
Instrument No. _____ Date: _____
Book: _____ Page: _____
Record of Deeds County, Idaho.
At the request of _____

Forced to

O BRASS CLIP
 . TWO 1/2" PH
 O TWO 3/8" PH
 . TWO 1/4" PH
 O TWO 3/16" PH
 ----- PROPERTY LINE
 X-----X EXISTING FENCE
 ----- SECTION LINE
 ----- EASEMENTS

DISC# NO 01 021 - 12 - 213
02 021 - 13 - 4 - 4

MFC, Inc Employees & Supervisors
 SUP H 271A SL
 Sales from 01/01/01 to 01/01/02





Idaho Dept. of Water Resources

Claim No(s): 65-22328

65-22330

T7N, R2E, S 12

Prepared by: Sue Bock

Date: 2/01/2001



Place of Use



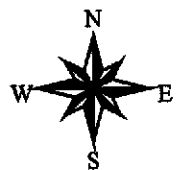
Point of Diversion



Section lines



1/4 1/4 lines



1987 NAPP Photo

ORIGINAL CLAIM
SPLIT INTO 65-22327 (DOVEL)
- 65-22328 (HEFFNER)

COPY

10/02/2000

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

RIGHT NUMBER: 65-10950

NAME AND ADDRESS: GEORGE DOVEL
434 PIONEER RD
HORSESHOE BEND, ID 83629
ELISABETH V WALLACE
RT 1 BOX 61
HORSESHOE BEND, ID 83629

SOURCE: PORTER CREEK TRIBUTARY: Payette River

QUANTITY: 1.61 CFS

PRIORITY DATE: 06/01/1908

POINT OF DIVERSION: T07N R02E S12 NWSE Within BOISE County
T07N R03E S7 SWNW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 11-01	1.61 CFS

PLACE OF USE:

<u>IRRIGATION Within BOISE County</u>					
T07N R02E S12	NESW	31	T07N R02E S12	SWSW	19
T07N R02E S12	SESW	6	T07N R02E S13	NWNW	1
57 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

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

RECEIVED

DEC 18 2000

WATER RESOURCES
WESTERN REGION

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 No(s).: 65-10950
 Adjudication Claim No(s).: _____

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** showing the location of the place of use of the water right(s) or claim(s).
 (These are usually attached to your deed or on file with the county.)
OR
 - C. If your water right or adjudication claim is 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 George Dovel

4. New Owner/Claimant(s) Randy Amy Heffner
 Name Connector (Check one): ☒ and ☐ or ☐ and/or
 New Mailing Address 14 Hill Creek Road
 City, State and ZIP Code Horseshoe Bend, Idaho 83629
 New Telephone Number (208) 793-2898

5. Date you acquired the property October 15, 1998

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. 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.

Number of acres you irrigate with this water right 57 Number and type of stock
Cattle
 Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) Randy Heffner
 or Claimant(s) Amy Heffner
 Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

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

65-10950



David

3 acres

~~0.08 cfs~~

0.09 cfs

1 acre NWNW Sec 13

2 acres SWSW - Sec 13

3

57 acres
1.61 cfs
0.028 cfs



Heffner

54 acres

~~1.53~~

1.52

Sec 12 NESW 31

12 SWSW 6

12 SWSW 17

54

65-22327

65-22328

ORIGINAL

BILL OF SALE

THE PARTIES hereto are **George Dovel**, a married man dealing with his sole and separate property (herein called seller) and whose wife is Patricia Ann Dovel, and **Randy Heffner** and **Amy Heffner**, husband and wife, (herein called buyer).

FOR VALUE RECEIVED, the seller hereby sells, assigns and transfers unto the buyer that personal property (herein called personal property) described as follows: hay shed, 2 granaries, all of the main line, all laterals, all valves, all valve openers, and all fittings bearing the brand names Wade Rain, Redi-Rain, Rain For Rent, Pierce and Wyss; and the cattle squeeze chute located on those lands situated in Boise County, Idaho, and described in Exhibit A attached hereto and by this reference incorporated herein.

SUBJECT to the following: all taxes and assessments levied or assessed thereon prorated for the period on and after the date of October 15, 1998; the acceptance of the personal property by the buyer "as is" in the present condition thereof.

TO HAVE AND TO HOLD the personal property unto the buyer and the buyer's successors and assigns forever and the seller covenants to and with the buyer as follows: that the seller is the lawful owner of the personal property; that the personal property is free and clear of all encumbrances; except those described above to which this bill of sale is expressly made subject; that the seller has a good right to sell the personal property; and that the seller will warrant and defend the title to and right to possession of the personal property against all lawful claims and demands whatsoever. Singular terms used herein shall be read as if written in the plural when the context so requires or permits.

DATED: October 15, 1998

George Dovel
George Dovel, Seller

Patricia Ann Dovel
Patricia Ann Dovel, wife of the Seller

STATE OF IDAHO, County of ^{Ada}~~Canyon~~) ss

On this date, before me, the undersigned notary public for such state, personally appeared **George Dovel** and **Patricia Ann Dovel**, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

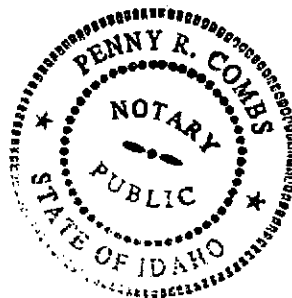
WITNESS my hand and seal on

10/15/98

Penny R. Combs

Notary Public.

My Commission Expires: 05/04/00



PARCEL NO. II

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 12 AND NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 7 NORTH, RANGE 2 EAST, BOISE, MERIDIAN, BOISE COUNTY, IDAHO DESCRIBED AS FOLLOWS:

BEGINNING AT A BRASS CAP MARKING THE SECTION CORNER COMMON TO SECTIONS 11, 12, 13, AND 14, TOWNSHIP 7 NORTH, RANGE 2 EAST, BOISE MERIDIAN, BOISE COUNTY, IDAHO, SAID CORNER BEING THE REAL POINT OF BEGINNING; THENCE NORTH 00 DEGREE 11'27" WEST, 415 FEET ALONG THE WEST LINE OF SAID SECTION 12 TO A BRASS CAP; THENCE LEAVING SAID SECTION LINE NORTH 44 DEGREES 19'20" EAST, 1,248.28 FEET TO A BRASS CAP; THENCE SOUTH 89 DEGREES 52'06" EAST, 418.32 FEET TO THE SOUTHWEST 1/16 CORNER FROM WHICH A BRASS CAP WITNESS CORNER LIES NORTH 89 DEGREES 52'06" EAST, 36.00 FEET; THENCE NORTH 00 DEGREE 07'59" WEST ALONG THE CENTER WEST 1/16 LINE, 314.40 FEET TO AN IRON PIN; THENCE LEAVING SAID 1/16 LINE NORTH 54 DEGREES 57'54" EAST, 135.80 FEET (RECORD NORTH 55 DEGREES 13'01" EAST, 135.70 FEET) TO AN IRON PIN; THENCE NORTH 53 DEGREES 00'48" EAST, 292.51 FEET AN INCH IRON PIN; THENCE NORTH 48 DEGREES 31'24" EAST, 14.28 FEET TO AN IRON PIN; THENCE NORTH 15 DEGREES 21'00" WEST, 158.25 FEET TO AN IRON PIN; THENCE NORTH 18 DEGREES 11'08" EAST, 610.11 FEET TO AN IRON PIN ON THE CENTER SECTION LINE; THENCE SOUTH 89 DEGREES 33'08" EAST ALONG SAID CENTER SECTION LINE, 788.44 FEET TO A BRASS CAP MARKING THE CENTER SECTION CORNER OF SAID SECTION 12; THENCE SOUTH 00 DEGREE 04'32" EAST ALONG THE CENTER SECTION LINE OF SAID SECTION, 854.03 FEET TO AN ALUMINUM CAP ON THE CENTER LINE OF A COUNTY ROAD; THENCE ALONG THE CENTERLINE OF SAID ROAD THE FOLLOWING COURSES AND DISTANCES:

THENCE SOUTH 39 DEGREES 30'00" WEST, 364.64 FEET TO A 5/8 INCH IRON PIN, A POINT OF CURVATURE; THENCE 257.15 FEET ALONG A CURVE TO THE RIGHT, WITH A CENTRAL ANGLE OF 11 DEGREES 20'00", A RADIUS OF 1,300.00 FEET, AND A CHORD WHICH BEARS SOUTH 45 DEGREES 10'00" WEST, 256.73 FEET TO AN IRON PIN; THENCE SOUTH 50 DEGREES 50'00" WEST, 207.83 FEET TO AN IRON PIN, A POINT OF CURVATURE; THENCE 474.73 FEET ALONG A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 03 DEGREES 24'00", AND A RADIUS OF 8,000.00 FEET AND A CHORD WHICH BEARS SOUTH 49 DEGREES 08'00" WEST, 474.66 FEET TO AN IRON PIN; THENCE SOUTH 47 DEGREES 26'00" WEST, 36.26 FEET TO AN IRON PIN, A POINT OF CURVATURE; THENCE 223.62 FEET ALONG A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 10 DEGREES 15'00", A RADIUS OF 1,250.00 FEET AND A CHORD WHICH BEARS SOUTH 52 DEGREES 33'30" WEST, 223.62 FEET TO AN IRON PIN; THENCE SOUTH 57 DEGREES 41'00" WEST, 132.37 FEET TO AN IRON PIN, A POINT OF CURVATURE; THENCE

PARCEL NO. II (CONT.)

482.88 FEET ALONG A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 02 DEGREES 46'00", A RADIUS OF 10,000.00 FEET, AND A CHORD WHICH BEARS SOUTH 50 DEGREES 18'00" WEST, 482.83 FEET TO AN IRON PIN; THENCE SOUTH 54 DEGREES 55'00" WEST, 310.57 FEET TO AN IRON PIN, A POINT OF CURVATURE; THENCE

193.59 FEET ALONG A CURVE TO THE RIGHT, WITH A CENTRAL ANGLE OF 11 DEGREES 48'00", A RADIUS OF 940.00 FEET, AND A CHORD WHICH BEARS SOUTH 60 DEGREES 49'00" WEST, 193.25 FEET TO AN ALUMINUM CAP ON THE WEST LINE OF SECTION 13; THENCE

LEAVING SAID COUNTY ROAD NORTH 00 DEGREE 06'32" WEST ALONG THE WEST LINE OF SAID SECTION, 275.00 FEET TO THE REAL POINT OF BEGINNING.

PARCEL III

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF SECTION 12 AND THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 7 NORTH, RANGE 2 EAST, BOISE MERIDIAN, BOISE COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 12, MARKED BY A 2 INCH PIPE WITH A BRASS CAP; THENCE

SOUTH 89 DEGREES 41'36" EAST, 1,292.18 FEET TO A BRASS CAP MARKING THE 1/16 CORNER, SAID CORNER BEING THE REAL POINT OF BEGINNING; THENCE

SOUTH 89 DEGREES 41'36" EAST, 1,292.18 FEET TO A BRASS CAP, MARKING SOUTH QUARTER CORNER OF SECTION 12; THENCE

SOUTH 89 DEGREES 32'47" EAST, 2,618.63 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 12, MARKED BY A 2 INCH PIPE WITH A BRASS CAP; THENCE

NORTH 00 DEGREE 00'15" WEST ALONG THE EAST SECTION LINE OF SAID SECTION 1,309.02 FEET TO A BRASS CAP MARKING THE 1.16 CORNER OF SAID SECTION 12; THENCE

LEAVING SAID SECTION LINE NORTH 89 DEGREES 28'23" WEST, 2,620.30 FEET TO A 1/16 CORNER, MARKED BY A 1 INCH PIPE; THENCE

NORTH 00 DEGREES 04'32" WEST, 458.37 FEET TO A 5/8 INCH IRON BAR AND ALUMINUM CAP LOCATED IN THE CENTER OF COUNTY ROAD; THENCE

SOUTH 39 DEGREES 30'00" WEST, 364.64 FEET TO A 5/8 INCH IRON BAR AT BEGINNING OF CURVE IN CENTER OF SAID COUNTY ROAD; THENCE

257.15 FEET ON THE ARC OF SAID CURVE TO THE RIGHT, WHOSE CENTRAL ANGLE IS 11 DEGREES 20'00", WHOSE RADIUS IS 1,300.00 FEET, WHOSE LONG CHORD BEARS SOUTH 45 DEGREES 10'00" WEST, 256.73 FEET TO A 5/8 INCH IRON BAR ON THE CENTERLINE OF COUNTY ROAD, MARKING POINT OF TANGENT; THENCE

SOUTH 50 DEGREES 50'00" WEST, 207.83 FEET ALONG THE CENTER OF SAID COUNTY ROAD TO A 5/8 INCH IRON BAR MARKING POINT OF CURVE; THENCE

474.73 FEET ON THE ARC OF SAID CURVE TO THE LEFT, WHOSE CENTRAL ANGLE IS 03 DEGREES 24'00", WHOSE RADIUS IS 8,000.00 FEET, WHOSE LONG CHORD BEARS SOUTH 49 DEGREES 08'00" WEST, 474.66 FEET TO A 5/8 INCH IRON BAR ON CENTERLINE OF SAID COUNTY ROAD, MARKING POINT OF TANGENT; THENCE

SOUTH 47 DEGREES 24'20" WEST, 36.26 FEET ALONG CENTER OF SAID COUNTRY ROAD TO A 5/8 INCH IRON BAR MARKING POINT OF CURVE; THENCE

223.62 FEET ON THE ARC OF SAID CURVE TO THE RIGHT, WHOSE CENTRAL ANGLE IS 10 DEGREES 15'00", WHOSE RADIUS IS 1,250.00 FEET, WHOSE LONG CHORD BEARS SOUTH 52 DEGREES 33'30" WEST, 223.32 FEET TO A 5/8 INCH IRON BAR ON CENTERLINE OF SAID COUNTY ROAD, MARKING POINT OF TANGENT; THENCE

PARCEL NO. III (CONT.)

SOUTH 57 DEGREES 41'00" WEST, 72.97 FEET ALONG CENTER OF SAID COUNTRY ROAD TO A 5/8 INCH IRON BAR IN THE CENTER OF COUNTY ROADS INTERSECTION; THENCE SOUTH 03 DEGREES 54'25" EAST, 24.05 FEET TO A 5/8 INCH IRON BAR IN THE CENTER OF COUNTRY ROAD MARKING POINT OF CURVE; THENCE 104.20 FEET ON THE ARC OF SAID CURVE TO THE RIGHT, WHOSE CENTRAL ANGLE IS 45 DEGREES 55'20", WHOSE RADIUS IS 130.00 FEET, WHOSE LONG CHORD BEARS SOUTH 19 DEGREES 03'15" WEST, 101.43 FEET TO A 5/8 INCH IRON BAR IN THE CENTER OF SAID COUNTY ROAD, MARKING POINT OF TANGENT; THENCE SOUTH 42 DEGREES 00'55" WEST, 213.36 FEET ALONG CENTER OF SAID COUNTY ROAD TO A 5/8 INCH IRON PIN MARKING POINT OF CURVE; THENCE 150.21 FEET ON THE ARC OF SAID CURVE TO THE LEFT, WHOSE CENTRAL ANGLE IS 67 DEGREES 46'08", WHOSE RADIUS IS 127.00 FEET, WHOSE LONG CHORD BEARS SOUTH 08 DEGREES 09'51" WEST, 141.61 FEET TO A 5/8 INCH IRON BAR IN CENTER OF SAID COUNTY ROAD TO A POINT OF TANGENT; THENCE SOUTH 25 DEGREES 45'13" EAST, 71.31 FEET ALONG CENTER OF SAID COUNTY ROAD TO A 5/8 INCH IRON PIN MARKING POINT OF CURVE; THENCE 145.99 FEET ON THE ARC OF SAID CURVE TO THE RIGHT, WHOSE CENTRAL ANGLE IS 83 DEGREES 39'13", WHOSE RADIUS IS 100.00 FEET, WHOSE LONG CHORD BEARS SOUTH 16 DEGREES 04'23" WEST, 133.37 FEET TO A 5/8 INCH IRON BAR IN CENTER OF SAID COUNTY ROAD MARKING A POINT OF TANGENT; THENCE SOUTH 57 DEGREES 54'00" WEST, 91.04 FEET ALONG CENTER OF SAID COUNTY ROAD TO A POINT ON SECTION LINE; THENCE SOUTH 57 DEGREES 54'00" WEST 93.41 FEET ALONG CENTER OF SAID COUNTY ROAD TO A 5/8 INCH IRON BAR TO A POINT OF CURVE IN SECTION 13; THENCE 47.01 FEET ON THE ARC OF SAID CURVE TO THE LEFT, WHOSE CENTRAL ANGLE IS 23 DEGREES 25'14", WHOSE RADIUS IS 115.00 FEET, WHOSE LONG CHORD BEARS SOUTH 43 DEGREES 42'19" WEST, 44.68 FEET TO A 5/8 INCH IRON BAR IN THE CENTER OF SAID COUNTY ROAD MARKING POINT OF CURVE; THENCE 70.67 FEET ON THE ARC OF SAME CURVE TO THE LEFT, WHOSE CENTRAL ANGLE IS 35 DEGREES 12'47", WHOSE RADIUS IS 115.00 FEET, WHOSE LONG CHORD BEARS SOUTH 14 DEGREES 23'24" WEST, 69.57 FEET TO A 5/8 INCH IRON BAR IN THE CENTER OF SAID COUNTY ROAD TO A POINT OF TANGENT; THENCE SOUTH 03 DEGREES 13'02" EAST, 140.22 FEET LONG CENTER OF SAID COUNTY ROAD TO A 5/8 INCH IRON BAR TO A POINT OF CURVE; THENCE 147.59 FEET ON THE ARC OF SAID CURVE TO THE LEFT, WHOSE CENTRAL ANGLE IS 90 DEGREES 55'46", WHOSE RADIUS IS 93.00 FEET, WHOSE LONG CHORD BEARS SOUTH 48 DEGREES 40'55" EAST, 132.58 FEET TO A 5/8 INCH IRON BAR MARKING POINT OF TANGENT; THENCE NORTH 85 DEGREES 51'13" EAST, 84.14 FEET ALONG CENTER OF SAID COUNTY ROAD TO A 5/8 INCH IRON BAR MARKING POINT OF CURVE; THENCE 141.09 FEET ON THE ARC OF SAID CURVE TO THE RIGHT, WHOSE CENTRAL ANGLE IS 83 DEGREES 20'23", WHOSE RADIUS IS 97.00 FEET, WHOSE LONG CHORD BEARS SOUTH 52 DEGREES 28'36" EAST, 128.98 FEET TO A 5/8 INCH IRON BAR MARKING POINT OF TANGENT; THENCE LEAVING COUNTY ROAD NORTH 79 DEGREES 11'35" EAST, 27.74 FEET TO A 5/8 INCH IRON PIN; THENCE NORTH 00 DEGREES 07'36" EAST, 445.72 FEET TO THE REAL POINT OF BEGINNING.

END OF LEGAL DESCRIPTION

ORIGINAL

WARRANTY DEED

THE GRANTOR is George Dovel, a married man dealing with his sole and separate property (herein called grantor) and whose wife is Patricia Ann Dovel.

THE GRANTEE is Randy Heffner and Amy Heffner, husband and wife (herein called grantee) whose current address is 749 Rustic Lane, Mountain View, CA 94040.

FOR VALUE RECEIVED, the grantor and the grantee hereby agree to the provisions of this deed and the grantor hereby grants, bargains, sells and conveys unto the grantee those lands (herein called "premises") situated in Boise County, Idaho, and described in Exhibit A which is attached hereto and by this reference incorporated herein.

TOGETHER with all rights of way, improvements, fixtures, tenements, hereditaments and appurtenances thereto belonging or used in connection therewith.

WATER RIGHTS: Together with those water rights hereafter designated to be transferred to the grantee but excluding those water rights hereafter designated to be retained by the grantor.

Decreed Water Right				Transfer to grantee		Retained by grantor	
Number	Source	cfs	Acres or use	cfs	Acres or use	cfs	Acres or use
65-10950	Porter Cr.	1.61	57	1.49	54	0.12	3
65-10950	Porter Cr.	0.03	Stock	0.03	Stock	Auto	Minimum
65-10951	Porter Cr.	0.84	42	.62	31	0.22	11
65-10951	Porter Cr.	0.03	Stock	0.03	Stock	Auto	Minimum
65-10952	Spring	0.04	Domestic	N/A		0.04	Domestic
65-10953	Porter Cr.	0.04	Domestic	N/A		0.04	Domestic
65-19641	Porter Cr.	0.04	Irrig., Dom.	N/A		0.04	Irrig., Dom.

CONDITION OF TITLE: Subject to each of the following:

(Taxes prorated by date) All taxes, both general and special, levied against the premises by any taxing unit for any purpose including but not limited to bonds and special improvements prorated for the period of time of and after the date of October 15, 1998, with the grantor to pay before delinquency all such taxes prorated for the period of time before such date and the grantee to pay before delinquency all such taxes for the period of time after such date.

(Irrigation charges prorated by irrigation season) All irrigation charges, both general and special, levied against the premises by any irrigation or drainage unit for any purpose (including but not limited to bonds, construction charges, special improvements, irrigation and drainage) for the irrigation season

(the irrigation season being the calendar year) of the year 1999 with the grantor to pay before delinquency all such irrigation charges for the irrigation season of the year 1998 and each irrigation season prior thereto and with the grantee to pay all such irrigation charges for the irrigation season of the year 1999 and each irrigation season subsequent thereto.

(Patents or state grants) All reservations in patents or state grants or in the laws authorizing the issuance thereof.

(Bonded debt of taxing units) The bonded debt of all taxing units.

(Local improvements) Any taxes for local improvements not now completed.

(Zoning requirements, etc.) All zoning requirements and restrictions imposed by any governmental unit.

(Building codes, etc.) All requirements and restrictions provided by any fire, building, plumbing, electrical and other similar codes imposed by any governmental unit.

(Restrictions, etc. of record) All restrictions, covenants, servitudes, limitations, conditions and prohibitions of record or provided by law.

(All rights of way) All rights of way under, over and across the premises regardless of how evidenced or acquired and whether the same are or are not recorded in the recorder's office of the county in which the premises are situated.

(Title commitment exceptions) Each exception set forth in the title commitment following:

Section B - Section 2:

B. General Exceptions: (2) and (5)

C. Special Exceptions: 3, 4, 5, 6, 7 and 8

The title commitment referred to above was issued by Pioneer Title Company of Ada County under order number P166899 and dated August 28, 1998.

ADJOINING LANDS: The term "adjoining lands" means that real property owned by the grantor which is situated in Boise County, Idaho, and described in **Exhibit B** which is attached hereto and by this reference incorporated herein.

RESERVATION OF EASEMENT: The grantor hereby reserves an easement ("subject easement" herein) and the use of that pipeline ("subject pipeline" herein) which are hereinafter described on the terms and conditions hereinafter set forth in this provision ("this easement provision" herein).

(Subject pipeline) The subject pipeline is that certain pipeline as now constructed used to convey water from Porter Creek to the premises and to the adjoining lands and includes the diversion works which divert water into the subject pipeline and the two branches of the subject pipeline which terminate on the adjoining lands.

(Maintenance defined, etc.) When used in this easement provision, the term "maintenance" means and includes maintenance, repair and reconstruction and the term "maintaining" means and includes maintaining, repairing and reconstructing.

(Subject easement) The grantor reserves an easement 14 feet in width which is 7 feet on each side of the center of the subject pipeline as now constructed for the purposes of maintaining the subject pipeline and for the purposes of conveying the water provided by each water right from Porter Creek used for or on the adjoining lands through the subject pipeline to the adjoining lands. If the location of the subject pipeline or any portion thereof is relocated in the future, then the location of the subject easement shall change to conform to the relocation of the subject pipeline or portion of the subject pipeline.

(Duration of subject easement) The grantor shall have and hold the subject easement forever.

(Nonexclusive use of subject easement) The grantor and the grantee shall each have the nonexclusive use of the subject easement and the subject pipeline and each shall use the subject easement and the subject pipeline so as not to unreasonably interfere with the use thereof by the other.

(Maintenance and costs of maintenance) The parties shall keep the subject pipeline in good operating condition at all times. The costs of maintaining the subject pipeline shall be paid as follows:

(1) If such maintenance is caused by the negligence of or any act or failure to act by the grantor or any agent, employee, tenant, licensee, permittee or guest of the grantor, then the grantor shall pay all of the costs of such maintenance.

(2) If such maintenance is caused by the negligence of or any act or failure to act by the grantee or any agent, employee, tenant, licensee, permittee or guest of the grantee, then the grantee shall pay all of the costs of such maintenance.

(3) If subparagraphs (1) and (2) above do not apply and if maintenance is required to keep the subject pipeline in good operating condition, then the grantor shall pay 15% and the grantee shall pay 85% of the costs of such maintenance.

(4) All maintenance shall be performed as soon as possible after such maintenance becomes necessary, time being of the essence thereof, to keep the subject pipeline operating so as to avoid loss of water supply to either or both the grantor or the grantee.

(5) By written notice of termination signed and notarized by the grantor and personally served upon the grantee and recorded in the office of the recorder for Boise County, Idaho, the grantor may terminate the grantor's interest in the subject easement and the subject pipeline in which case the subject easement shall immediately terminate and the grantor shall have no further liability for any of the costs of maintaining the subject pipeline from causes occurring after service of such notice.

(6) By written notice signed and notarized by the grantee and served upon the grantor and recorded in the office of the recorder for Boise County, Idaho, the grantee may terminate the grantee's right to use the subject pipeline in which case the grantee shall have no further liability

for any of the costs of maintaining the subject pipeline from causes occurring after service of such notice but the subject easement and the grantor's right to the use of the subject pipeline shall continue in full force and effect.

(Appurtenant to premises and adjoining lands) The subject easement is appurtenant to and shall never be severed from the premises and the adjoining lands described in this deed.

(Enforcement expense) The party who is a losing party in any court action brought to enforce any of the provisions of this easement provision shall pay to the party who is a prevailing party in such court action all reasonable attorney's fees incurred in all trial and appellate courts by such prevailing party in addition to all costs allowed by law.

(Covenants running with the lands) All of the provisions of this easement provision are and are intended to be covenants running with the land and shall be binding upon and inure to the benefit of the grantor and the grantee and their respective heirs, devisees, legatees, personal representatives, successors and assigns.

RESERVATION OF THE DIVERSION AND DITCH: The grantor reserves the exclusive use of the presently unused diversion point and associated ditch and ditch rights commonly referred to as the Woods-Dovel diversion and ditch.

NO WARRANTY CONCERNING OUTSIDE BOUNDARIES: The grantor DOES NOT WARRANT that the monuments (meaning fences, ditches, roads, markers, structures or other reference points) along or now used to designate the outside boundaries of the premises are on the true property line of the premises and the grantor shall have no liability for any state of facts relating thereto which an accurate survey of the premises would now disclose including but not limited to the situation where such monuments enclose lands to which title is recorded in another and the situation where such monuments exclude a portion of the premises title to which is vested in or claimed by another. The grantee accepts the premises subject to such conditions, if any, as they now exist.

TO HAVE AND TO HOLD the premises and its appurtenances subject to all of the provisions of this deed unto the grantee and the grantee's successors and assigns forever and the grantor hereby covenants to and with the grantee as follows: that the grantor is the owner in fee simple of the premises; that the premises are free and clear of all liens and encumbrances except those described above to which this deed is expressly made subject; and that the grantor will warrant and defend the premises from all lawful claims whatsoever.

EXPRESS DISCLAIMER BY THE WIFE OF THE GRANTOR: Express disclaimer of all interest in the premises is hereby made by Patricia Ann Dovel, the wife of the grantor, George Dovel, who hereby acknowledges and represents that the premises are the sole and separate property of the grantor, George Dovel, and that she has never had or claimed any right or title or interest in the premises whatsoever. The parties and Patricia Ann Dovel agree that Patricia Ann Dovel has signed this deed for the sole purpose of setting forth the foregoing disclaimer in writing and that she shall have no liability to the grantee for breach of any provisions contained in this deed.

INTERPRETATION: Singular terms used herein shall be read as if written in the plural when the context so requires or permits.

DATED:

10/15/98

George M. Dovel

George Dovel, Grantor

Patricia Ann Dovel

Patricia Ann Dovel, wife of the Grantor

Randy Heffner

Randy Heffner, Grantee

Amy Heffner, Grantee

STATE OF IDAHO, County of Ada) ss

On this date, before me, the undersigned notary public for such state, personally appeared **George Dovel** and **Patricia Ann Dovel**, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

WITNESS my hand and seal on

10/15/98

[Signature]

Notary Public.

My Commission Expires: 05/04/00

STATE OF IDAHO, County of Ada) ss

On this date, before me, the undersigned notary public for such state, personally appeared **Randy Heffner** and ~~**Amy Heffner**~~, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

WITNESS my hand and seal on

10/15/98

[Signature]

Notary Public.

My Commission Expires: 05/04/00