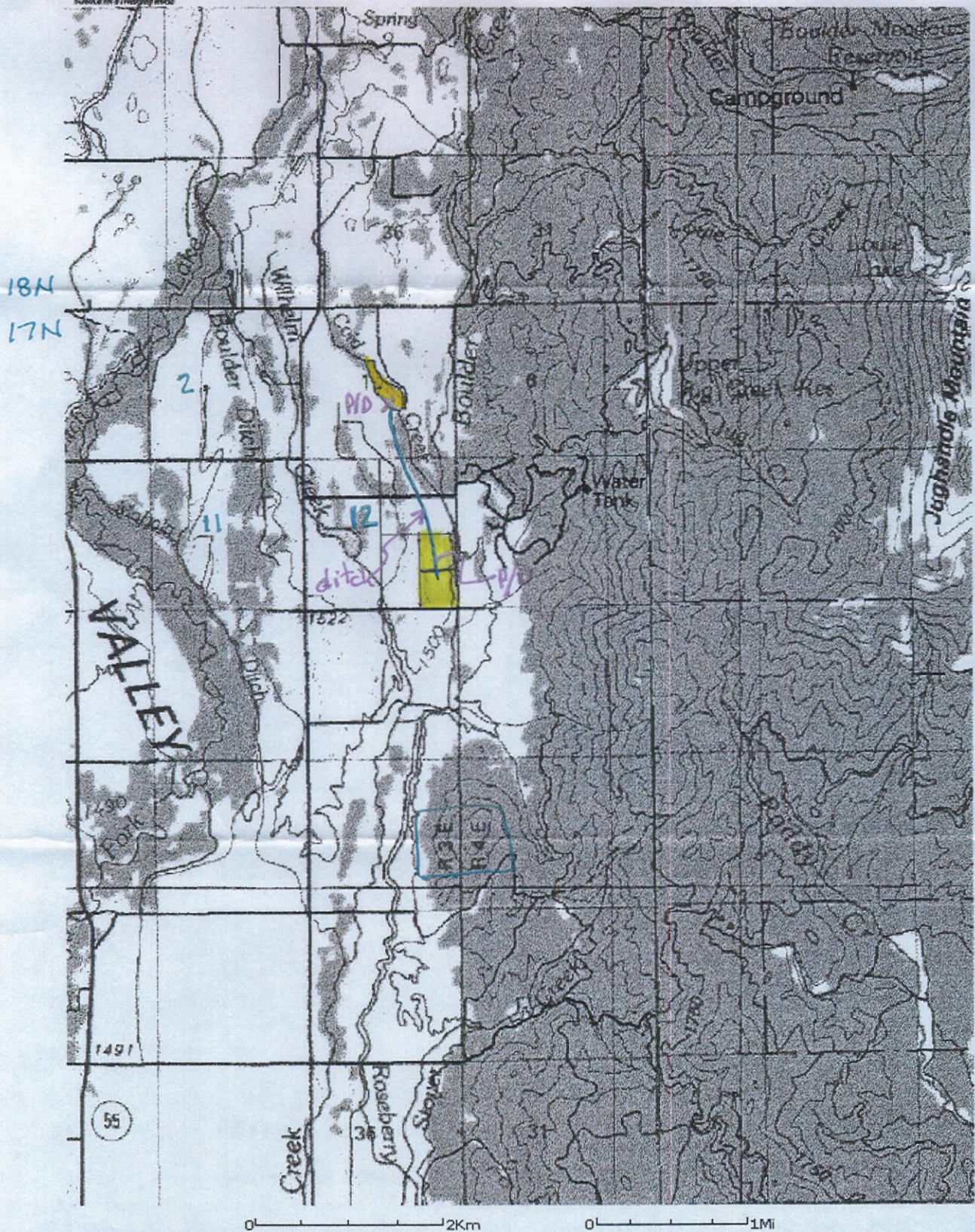


Microsoft TerraServer

Display Image

USGS Topo Map

9 km NE of Donnelly, Idaho, United States 01 Jul 1980



RECEIVED

MAY 12 1999

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

CIVIL CASE NUMBER: 39576

Ident. Number: A65-11260
Date Received: 4/ 4/1990
Receipt No: W011819
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ALAN F PEARSON 208-634-3244
Address: PO BOX 732
MC CALL ID 83638

2. Date of Priority: AUG 24, 1899

3. Source: COLD CREEK Trib. to: BOULDER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
17N	03E	1	SW	SE			VALLEY

5. Description of diverting works:
18" PIPE, METAL HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION FROM STORAGE	04/15	10/15			11.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 11.00 A.F.A.

8. Total consumptive use is 94.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
17N	03E	12	SW	NE		IRR FS	14.0
			SE	NE		IRR FS	23.0
			NE	SE		IRR FS	6.0
			SE	SE		IRR FS	18.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	61.0
					Total Acres	61.0

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:
A65-03123

14. Remarks:

SOURCE KNOWN LOCALLY AS SLOAN'S CREEK.
CHANGE IN POINT OF DIVERSION. NO FEE CHARGED-SEE COPY OF WATER
RIGHT CLAIM, ATTACHED. ALSO DELETED 14 ACRES IN THE SW1/4NE1/4
OF SECTION 12.
ADDED THE 14 ACRES IN THE SWNE SEC 12, AS PER CLAIMANT REQUEST,
AS DECREED IN THE PAYETTE RIVER DECREE

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

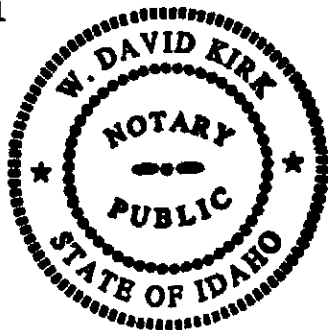
Signature of Claimant(s): Alan F. Pearson Date: 5/10/99

Date: _____

State of Idaho)
County of Valley) ss.

Subscribed and sworn (or affirmed) before me this 10th day
of MAY 19 99 W. David Kirk
Notary Public

Seal



Residing at M^cCall
My Commission Expires 3/15/03

03/20/2001

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

RIGHT NUMBER: 65-22338

NAME AND ADDRESS: ALAN F PEARSON
PO BOX 732
MC CALL, ID 83638

SOURCE: COLD CREEK TRIBUTARY: BOULDER CREEK

QUANTITY: 6.66 AFY

PRIORITY DATE: 08/24/1899

POINT OF DIVERSION: T17N R03E S1 SWSE Within VALLEY County

RIGHT NO. 65-22334 and 65-22335 ARE ALSO DIVERTED
THROUGH POINT OF DIVERSION DESCRIBED ABOVE

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01-01 12-31	6.66 AFY
IRRIGATION FROM STORAGE	04-15 10-15	6.66 AFY

PLACE OF USE:

IRRIGATION FROM STORAGE
Within VALLEY County
T17N R03E S12 SWNE 14 T17N R03E S12 SENE 23

37 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

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	)	SUBCASE NO. 65-03123 & 65-11260
	)	
Case No. 39576	)	
	)	NOTICE OF COMPLETED
_____	)	ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **CORRECTION OF OVERLAPPING POINT OF DIVERSION NUMBERS IN REMARKS**

Does the change in "ownership" result in a splitting of the water right claimed? ☒Yes ☐No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: March 20, 2001



Signature of IDWR Representative

CERTIFICATE OF MAILING

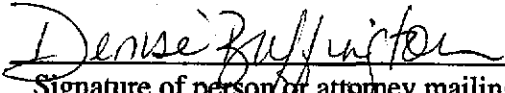
I certify that on March 20, 2001, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

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:
Claimant/Seller for Substitution of Party or attorney of record:
Alan F Pearson
PO Box 732
Mc Call ID 83638
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Alan F Pearson
PO Box 732
Mc Call ID 83638

K Mark Mason
Karen L Mason
64722 Starwood Dr
Bend OR 97701
4. One Copy to:
Each party in the subcase or attorney of record:
N / A
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

02/15/2001

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

RIGHT NUMBER: 65-22338

NAME AND ADDRESS: ALAN F PEARSON
PO BOX 732
MC CALL, ID 83638

SOURCE: COLD CREEK TRIBUTARY: BOULDER CREEK

QUANTITY: 6.66 AFY

PRIORITY DATE: 08/24/1899

POINT OF DIVERSION: T17N R03E S1 SWSE Within VALLEY County

RIGHT NO.65-03123 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01-01 12-31	6.66 AFY
IRRIGATION FROM STORAGE	04-15 10-15	6.66 AFY

PLACE OF USE:

IRRIGATION FROM STORAGE Within					
VALLEY County					
T17N R03E S12	SWNE	14	T17N R03E S12	SENE	23

37 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

This right is the result of a change in ownership for a portion of 65-11260. DB 2/12/2001.

In Re SRBA

Case No. 39576

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☒ Yes ☐ No

DATED: February 13, 2001

Page 1

CERTIFICATE OF MAILING

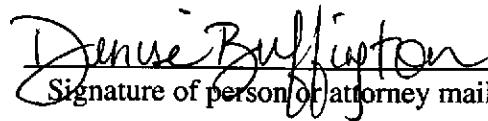
I certify that on February 13, 2001, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

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:
Claimant/Seller for Substitution of Party or attorney of record:
Alan F Pearson
PO Box 732
Mc Call ID 83638
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Alan F Pearson
PO Box 732
Mc Call ID 83638

K Mark Mason
Karen L Mason
64722 Starwood Dr
Bend OR 97701
4. One Copy to:
Each party in the subcase or attorney of record:
N / A
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

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

RECEIVED

FEB 08 2001

WATER RESOURCES
WESTERN REGION

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), 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
65-11260					
65-3123					

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

- NA 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) 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(s) Michael and Barbara Justice
455 El Blanco, Boise, Idaho 83709
4. New Owner/Claimant(s) K. Mark and Karen L. Mason
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 64722 Starwood Dr.
- City, State and ZIP Code Bend, OR 97701
- New Telephone Number (541) 322-0846
5. Date you acquired the property 1-25-2001

6.

NA

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)

K. Mark Mason 2/5/01
Karen L. Mason 2/5/01

NA

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

For Office Use Only

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

61 aced

11. AFA
0.18

65-11260

65-22338

Pearson

Mason

65-22339

SUNE 14
SENE 23
37

NESE 6
SESE 18
24

IRR stor
"from" 6.66 AFA
2

IRR 4.34 AFA
STORAGE
+ FROM
STORAGE

KLM
KLM

Notary Public
Residing at:
Commission Expires:

WARRANTY DEED

FOR VALUE RECEIVED, ALAN F. PEARSON, a single man, whose address is P. O. Box 732, McCall, Idaho, 83638, the Grantor, does hereby grant, bargain, sell and convey unto MICHAEL D. JUSTICE and BARBARA A. JUSTICE, husband and wife, whose address is 455 El Blanco, Boise, Idaho, 83709, the Grantees, the following described premises located in Valley County, Idaho, to wit:

E. 1/2, S.E. 1/4, Section. 12, T. 17 N., R. 3 E, B.M.
Together with all water rights appurtenant thereto.

Subject to: An easement from John C. Bollar and Thelma E. Bollar as Grantor to Valley County, Idaho as Grantee, filed for record in the office of the Recorder of Valley County, Idaho in Book 9 of miscellaneous at page 204.

To have and to hold the said premises, with its appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises; that the said premises are free from all encumbrances, save and except those of record and visible on the premises; and, that he will warrant and defend the same from all lawful claims whatsoever.

DATED this 8th day of January, 1992.

ALAN F. PEARSON

STATE OF IDAHO.

County of Valley

ss.

On this 8 day of January, 1992, before me, Leonard L. Cole, Jr., a Notary Public in and for said State, personally appeared ALAN F. PEARSON, a single man, known to me to be the persons whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

NOTARY PUBLIC FOR IDAHO

Residing at: CASIADO

My Commission Expires: 1-13-92

Microsoft TerraServer

Display Image

USGS Topo Map

9 km NE of Donnelly, Idaho, United States 01 Jul 1980



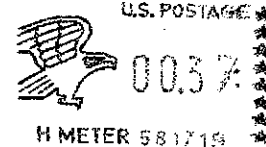
STATE OF IDAHO
District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707



RECEIVED
MAR 14 2003
REASON CHECKED
Unclaimed ☐ Refused ☒
Addressee not given ☒
Insufficient address ☒
No such street number ☒
No such office in state ☒
In not return in this envelope ☒

Department of Water Resources

GEORGE A BENNETT
PO BOX 714
DONNELLY, ID 83613



RECEIVED

MAR 17 2003

WATER RESOURCES
WESTERN REGION

65-2247
-2591B
-2723
-2932
-3123
-11260 - split

Into:
-22338

+22339

83303/2707

5368 S. Latigo Dr.
Boise 83709

✓ Sent again w/ address change form 3-18-03

MAR - 6 2003

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

Clerk

Deputy Clerk

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcases 65-02247, 65-02591B,
	)	65-2723, 65-2932, 65-3123 and
	)	65-11260
	)	
Case No. 39576	)	FINAL ORDER DISALLOWING
	)	WATER RIGHT CLAIM

On November 4, 2002, a *Special Master's Report and Recommendation* was filed for the above water right claims, recommending that these water right claims be decreed disallowed. No challenges were filed to the *Special Master's Report and Recommendation* and the time for filing challenges has expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the findings of fact and conclusions of law contained in the *Special Master's Report* and wholly adopts them as its own.

THEREFORE IT IS ORDERED AND ADJUDGED that water right claims 65-2247, 65-02591B, 65-02723, 65-02932, 65-03123 and 65-11260 are hereby **disallowed with prejudice** and shall not be confirmed in any partial decree or in any final decree entered in the SRBA, Case No. 39576, in whatever form that final decree may take or be styled.

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.

DATED March 6, 2003.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication



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

March 20, 2001

ALAN F PEARSON
PO BOX 732
MC CALL ID 83638

Re: Original Notice of Claim to a Water Right No. 65-11260

Renumbered to Notice of Claim to a Water Right No. 65-22338

Dear Claimant:

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

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

Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

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

Sincerely,

Denise Buffington
Office Specialist I
Adjudication Section
Western Region Office

DB:db
Enclosure



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 13, 2001

ALAN F PEARSON
PO BOX 732
MC CALL ID 83638

Re: Original Notice of Claim to a Water Right No. 65-11260

Renumbered to Notice of Claim to a Water Right No. 65-22338

Dear Claimant:

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

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

Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

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

Sincerely,


Denise Buffington
Office Specialist I
Adjudication Section
Western Region Office

DB:db
Enclosure