

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 37-10498B
Date Received: 7/11/1988
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

PAMELA K WISSENBAACH Phone:
5707 WILLOW CREEK RD
EAGLE ID 83616

MICHAEL JOHN WISSENBAACH Phone:
5707 WILLOW CREEK RD
EAGLE ID 83616

2. Date of Priority: 04/01/1888

3. Source: SPRINGS Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	13E	17	NE NW SE	GOODING	

5. Description of diverting works:

PUMP DELIVERING TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.105	
STOCKWATER	1/01	12/31	0.01	

7. Total Quantity Appropriated is:
0.105 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
06S	13E	17	NW	SE	STOCKWATER	
			NW	SE	IRRIGATION	2.1
					Section Acres	2.1
					Total Acres	2.1

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS BASED ON A PORTION OF DECREE 37-0792.
| THIS PROPERTY WAS SOLD BY THE PERKINS'S TO THE WILLHITES ON 10/26/1990.
RVW, 12/04/90 ***** CHANGED
ADDRESS AS PER REQUEST REC'D 01/22/99. CT *****SPLIT
RIGHT***** THIS IS A PORTION OF A37-10498 WHICH
HAS BEEN SPLIT TO IDENTIFY THE TWO SEPARATE PARCELS. PLACE OF USE HAS BEEN AMENDED
TO MATCH ACTUAL IRRIGATED ACRES. PLACE OF USE KNOWN AS ASSESSOR'S PARCEL NO. T-5.
4-16-99 jr

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

July 2, 2002

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

**MICHAEL JOHN WISSENBACH
PAMELA K WISSENBACH
5707 WILLOW CREEK RD
EAGLE ID 83616**

Re: SRBA Claim(s) 37-10498B

Dear Mr. and Mrs. Wissenbach:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Trish Fawcett'.

**Trish Fawcett
Technical Records Specialist**

Enc.

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

RECEIVED

APR 02 2002

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

Department of Water Resources
Southern Region

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
37-10498B					

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) 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) Robert G. & Marcia L. Willhite
384 River Rd., Bliss, ID 83314
4. New Owner/Claimant(s) Michael ^{John} and Pamela K. Wissenbach
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address 5707 Willow Creek Rd.
- City, State and ZIP Code Eagle, ID 83616
- New Telephone Number (208) _____
5. Date you acquired the property March 2002

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)

Michael J. Wissenbach
Michael J. Wissenbach
Pamela K. Wissenbach
Pamela K. Wissenbach

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 <i>[Signature]</i> AJ	Date <i>7/2/02</i>	WR _____ Date _____

WARRANTY DEED

#GG-03291

For Value Received

Robert G. Willhite and Marcia L. Willhite, husband and wife

RECEIVED

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

APR 02 2002

Michael John Wissenbach and Pamela K. Wissenbach, husband and wife
Address: 5707 Willow Creek Rd., Eagle, ID 83616

Department of Water Resources
Southern Region

Hereinafter called the Grantee, the following described premises situated in **Gooding** County, Idaho, to-wit:

See attached Schedule A

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2002 and subsequent years, taxes are an accruing lien, not yet due or payable.

Assessments levied or to be levied by any local irrigation district.

Right of way for canals, laterals and waste ditches of the North Side Canal Company, Ltd.

Power Line Easement given by Ray D. Kucera and Myrtle K. Kucera, his wife to Idaho Power Company, a corporation, dated May 15, 1966, recorded July 29, 1966 as Instrument Number 19056, Gooding County records, affecting the NW¼SE¼ of Section 17, Township 6 South, Range 13, East of the Boise Meridian.

Power Line Easement given by Robert G. Willhite and Marcia L. Willhite to Idaho Power Company, a corporation, dated May 24, 1999, recorded August 30, 1999 as Instrument Number 182075, Gooding County records, affecting the NW¼SE¼ of Section 17, Township 6 South, Range 13, East of the Boise Meridian.

Power Line Easement given by Robert G. Willhite and Marcia L. Willhite to Idaho Power Company, a corporation, dated May 24, 1999, recorded August 30, 1999 as Instrument Number 182090, Gooding County records, affecting the NW¼SE¼ of Section 17, Township 6 South, Range 13, East of the Boise Meridian.

Power Line Easement given by James E. Brizendine and Jennette W. Brizendine to Idaho Power Company, a corporation, dated June 9, 1999, recorded August 30, 1999 as Instrument Number 182091, Gooding County records, affecting the NW¼SE¼ of Section 17, Township 6 South, Range 13, East of the Boise Meridian.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to Water Right Number 37-10498B, for a total diversion of 0.105 cfs, with the Idaho Department of Water Resources.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: **March 26, 2002**

Robert G. Willhite

Robert G. Willhite

Marcia L. Willhite

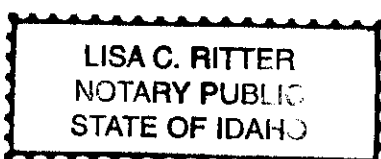
Marcia L. Willhite

STATE OF IDAHO)
) ss.
COUNTY OF Gooding)

Instrument # 194526

GOODING, GOODING, IDAHO
2002-03-29 09:03:37 No. of Pages: 2
Recorded for : LAND TITLE
HELEN EDWARDS
Ex-Officio Recorder Deputy D. Houser Fee: \$6.00

On this 26 day of **March**, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared **Robert G. Willhite and Marcia L. Willhite**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



[Signature]
Notary Public
Residing at: Hagerman, ID
My Commission expires: 10/06/04

SCHEDULE A

Order Number: GG-03291

Parcel No. 1:

TOWNSHIP 6 SOUTH, RANGE 13, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 17: That part of the NW¼SE¼ described as follows:

Beginning at the East Quarter corner for Section 17;
Thence South 89°52'08" West, 1316.76 feet along the Northerly boundary of SE¼, Section 17 to the Northeast Corner for NW¼SE¼;
Thence South 0°02'56" East, 388.69 feet along the Easterly boundary of NW¼SE¼ to the TRUE POINT OF BEGINNING;
Thence North 58°00'18" West, 484.12 feet;
Thence South 63°46'27" West, 371.44 feet to the center of an Irrigation Lateral known as the " Montana Ditch;"
Thence along the center of said " Montana Ditch" the following courses:
South 32°50'03" East, 49.86 feet;
South 22°40'27" East, 79.04 feet;
South 37°41'03" East, 72.38 feet;
South 41°16'48" East, 111.82 feet;
South 73°51'58" East, 68.51 feet;
South 70°56'28" East, 157.66 feet;
South 60°48'24" East, 87.77 feet;
South 62°06'27" East, 94.87 feet;
Thence departing said Irrigation Lateral North 21°21'24" East, 23.06 feet;
Thence North 4°37'57" East, 198.03 feet;
Thence North 58°39'27" East, 197.37 feet to the TRUE POINT OF BEGINNING.

Parcel No. 2:

A 30.00 feet in width Access and Irrigation Easement for benefit of Parcel No. 1 as set forth in Quitclaim recorded March 29, 1999 as Instrument Number 179785, records of Gooding County, Idaho, over the following described land:

TOWNSHIP 6 SOUTH, RANGE 13, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 17: Part of the NW¼SE¼ described as follows:

Beginning at the East Quarter corner for Section 17;
Thence South 89°52'08" West, 2367.18 feet along the Northerly boundary of SE¼, Section 17 to the center of Old U.S. Highway 30;
Thence South 34°38'14" East, 160.67 feet along the center of said Highway to the center of the Montana Ditch;
Thence South 84°53'08" East, 32.16 feet along the center of said Montana Ditch to the Point of Beginning for a 30.00 feet in width Access and Irrigation Lateral Easement;
Thence along the center of said Lateral and the Westerly boundary of Access Road the following courses:
South 84°53'08" East, 26.06 feet;
South 43°17'30" East, 80.31 feet;
South 49°56'10" East, 112.26 feet;
South 32°50'03" East, 30.74 feet to the end of said Access Easement.

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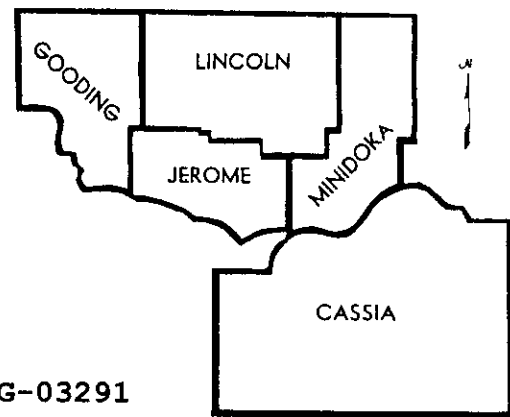
2.7
16
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16.6

3.2

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: GG-03291
OFFICE: Gooding

March 29, 2002

Department of Water Resources
Southern Region
1341 Fillmore Suite 200
Twin Falls, Idaho 83301

RECEIVED

APR 02 2002

Department of Water Resources
Southern Region

RE: Notice of Change of Water Right Ownership
Willhite to Wissenbach
Cert Mail #7000 0520 0015 3076 1667

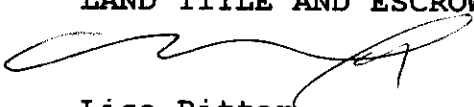
Dear Sirs:

At the request of the buyer, we are forwarding to your office the following in connection with the above referenced:

- Notice of Change of Water Right Ownership on
on Willhite for Water Right Number 37-10498B
- Copy of Deed #194526
- Copy of Map

Thank you,

LAND TITLE AND ESCROW, INC.


Lisa Ritter
(208) 934-8477
P.O. Box 473, 546 Main Street
Gooding, Idaho 83330

cc:

BOX 177, BURLEY, IDAHO 83318
PHONE 878-3524 - FAX 878-4435

BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0606 - FAX 436-1199