

A78-04022

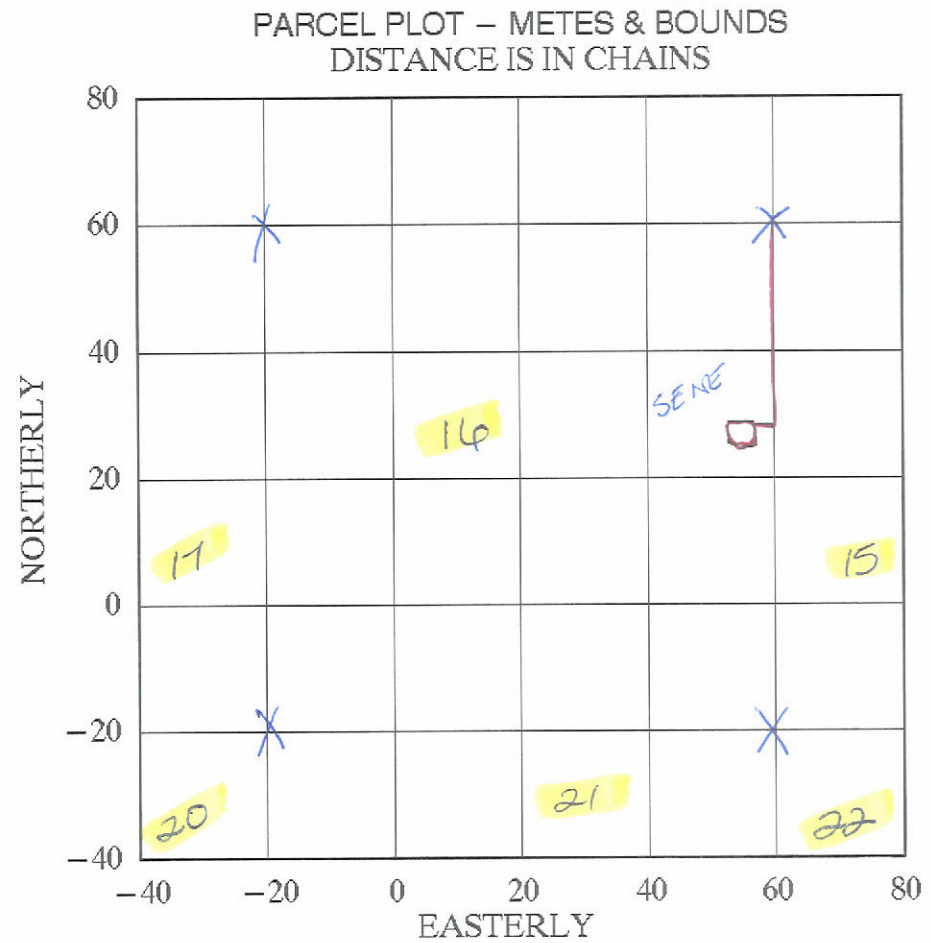


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OCT 05 1992

78-04022

#2

22N 1E

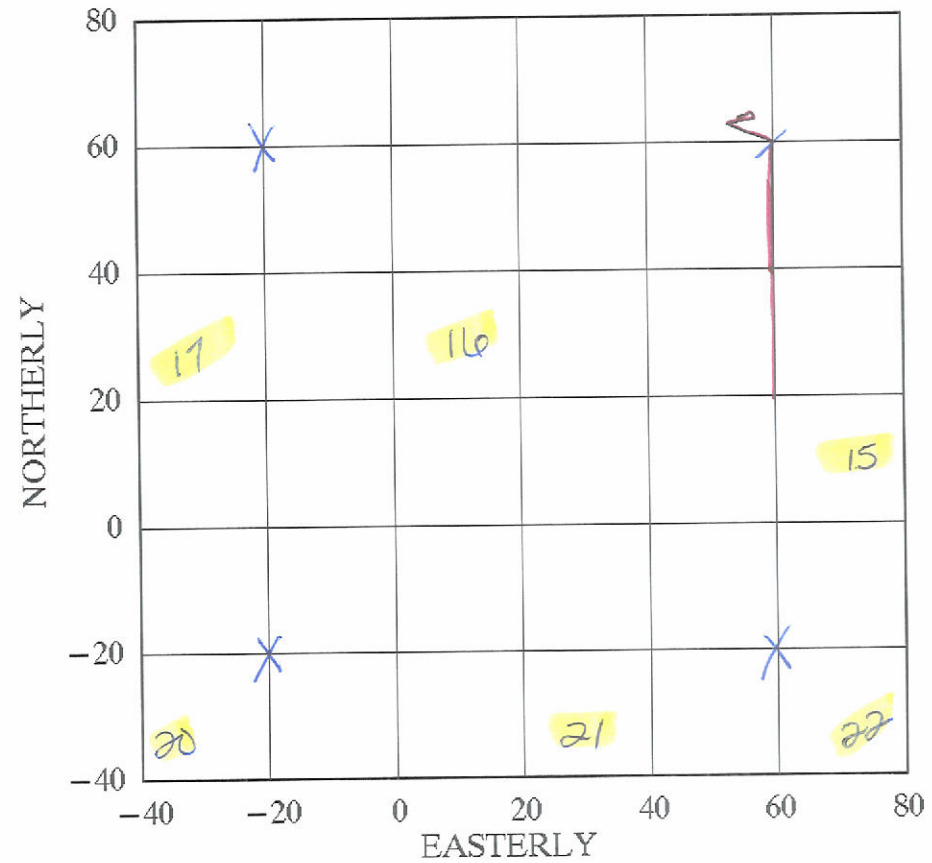


78-04022

#1

22N 1E

PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS



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: A78-04022
Date Received: 5/17/1988
Receipt No: M000007
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAN N CUMMINS
Address: 5555 HWY 95
NEW MEADOWS ID 83654
OR
Name: COLLEEN K CUMMINS
Address: 5555 HWY 95
NEW MEADOWS ID 83654
2. Date of Priority: JUL 1, 1959
3. Source: UNNAMED STREAM Trib. to: LITTLE SALMON RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
22N	01E	16	SE	SE	NE		ADAMS
5. Description of diverting works:
EXCAVATED CATCH BASIN WITH CENTRIFUGAL PUMP.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	04/15	10/15	0.020		
7. Total Quantity Appropriated is:
0.020 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
1 DOMESTIC LAWN IRRIGATION OF LESS THAN 1/2 ACRE.

MICROFILMED

AUG 08 1994

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
22N	01E	16	SE NE		DOMEST	

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

AUG 08 1994

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: A78-04022
Date Received: 5/17/1988
Receipt No: 1000007

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HOWARD WALLIS 208-628-3654
Address: P.O. BOX 491
RIGGINS, ID 83549
OR
Name: IMOGENE WALLIS 208-628-3654
Address: P.O. BOX 491
RIGGINS, ID 83549
2. Date of Priority: JUL 01, 1959
3. Source: UNNAMED STREAM Trib. to: LITTLE SALMON RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
22N	01E	16	SE	SE	NE		ADAMS
5. Description of diverting works:
EXCAVATED CATCH BASIN WITH CENTRIFUGAL PUMP.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	04/15	10/15	0.020		
7. Total Quantity Appropriated is:
0.020 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
1 DOMESTIC LAWN IRRIGATION OF LESS THAN 1/2 ACRE.

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
22N	01E	16	SE NE		DOMEST	

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM
Water Right Number:

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: -1-

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): *John Wallin* Date: 5-17-88
Margaret Wallin Date: 5-17-88

State of Idaho)
County of Adams) SS.

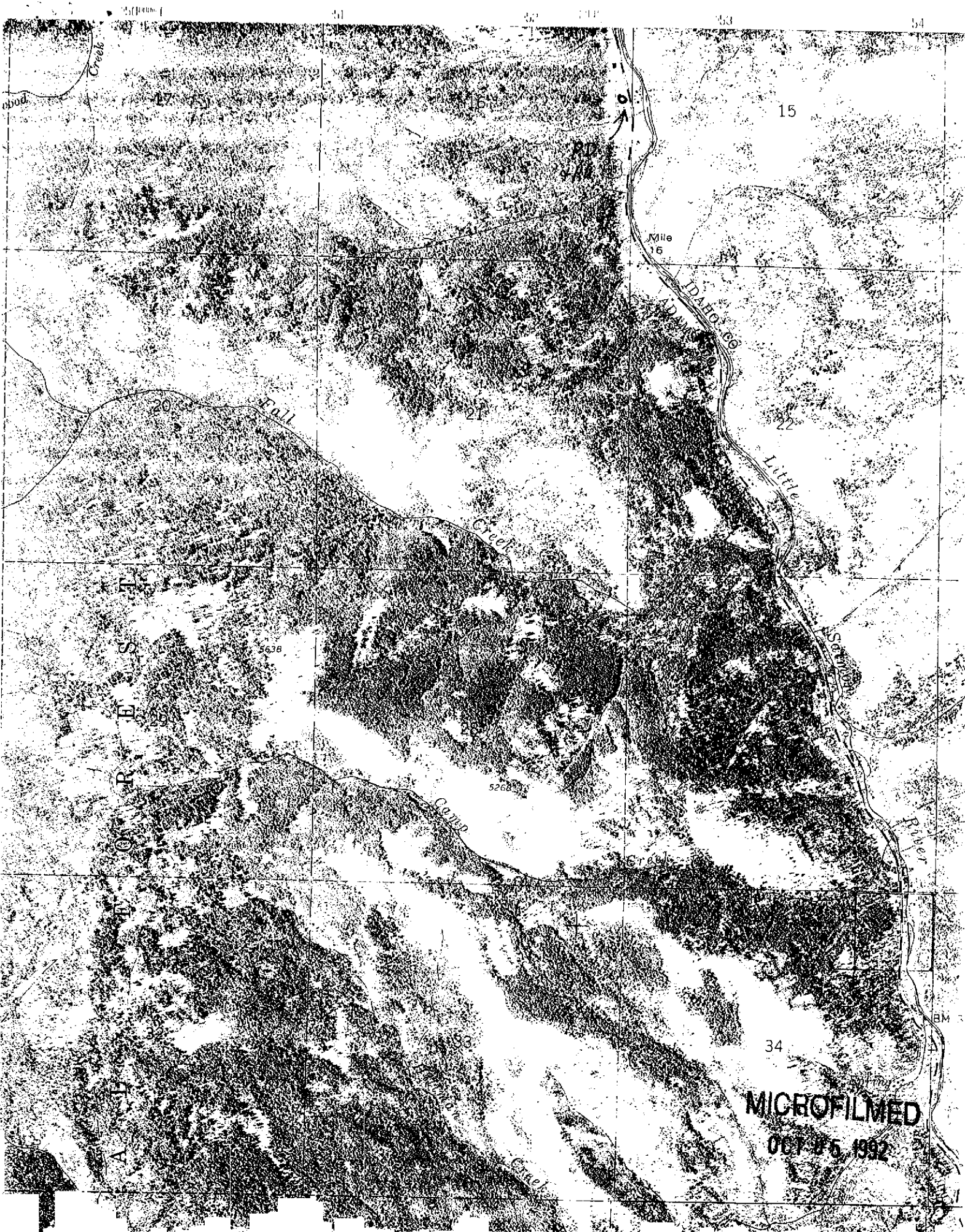
Subscribed and sworn (or affirmed) before me this 17th day
of May 19 88

Carter Fritzsche
Notary Public

Seal

Residing at *Engle, Id*
My Commission Expires 7-21-94

A78-04022



MICROFILMED

OCT 25 1992

RIGHTS FROM: SOURCE: UNNAMED STREAM TRIBUTARY: LITTLE SALMON RIVER

RIGHT NUMBER: 78-04022

NAME & ADDRESS: H DUANE MYERS
JACQUELYN W MYERS
125 WILDE PL
MC CALL ID 83638

SOURCE: UNNAMED STREAM TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 07/01/1959

POINT OF DIVERSION: T22N R01E S16 SESENE Within ADAMS County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC	04-15 10-15	0.02 CFS

DOMESTIC USE FOR LAWN & GARDEN.

PLACE OF USE: DOMESTIC Within ADAMS County
T22N R01E S16 SENE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. RP22N01E162300 A

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) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDINGS
) Water Right 78-04022
)

IDWR has completed the following Administrative Proceeding:

☐ Change of Address
☒ Substitution of Party
☐ I.C. 42-222 Transfer

SUBSTITUTION OF PARTY

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

If yes, does the split involve an I.C. 42-222 transfer? ☐ Yes ☐ No

Water Right(s): 78-04022

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
11/19/1999

78-04022

PAGE 1

From (Claimant/Seller):

Name of Claimant: DAN N CUMMINS
COLLEEN K CUMMINS
Address: 5555 HWY 95
NEW MEADOWS ID 83654

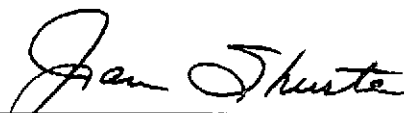
To (Claimant/Purchaser):

Name of Claimant: H DUANE MYERS
JACQUELYN W MYERS
Address: 125 WILDE PL
MC CALL ID 83638
Phone: (208) 634-4692

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 Transfer and Amended Director's Reports(s) on the claimant(s), prior claimants(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: November 19, 1999



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on November 19, 1999 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
P.O. Box 2707
Twin Falls, Idaho 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:

DAN N CUMMINS
COLLEEN K CUMMINS
5555 HWY 95
NEW MEADOWS ID 83654
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:

H DUANE MYERS
JACQUELYN W MYERS
125 WILDE PL
MC CALL ID 83638
4. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
5. 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
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED
NOV 10 1999
WATER RESOURCES
WESTERN REGION

1. Water Right No(s).: A78-04022
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 for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Dan N. Cummins or Colleen K. Cummins
5365 Hwy 95, New Meadows, ID 83654
4. New Owner/Claimant(s) H. Duane Myers or Jacquelyn W. Myers
Name Connector (Check one): ☒ and ☐ or ☐ and/or
New Mailing Address 5555 Hwy 95 / 22 WILDE PLACE
City, State and ZIP Code New Meadows, ID 83654 MCALL ID 83638
New Telephone Number 208) 634-4622
5. Date you acquired the property 9/24/99
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
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.
7. Signature of New Owner or Claimant(s) H. Duane Myers
Jacquelyn W. Myers
(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..

COPY

For Value Received, DAN N. CUMMINS and COLLEEN K. CUMMINS, husband and wife
the grantors, do hereby grant, bargain, sell and convey unto
H. DUANE MYERS and JACQUELYN W. MYERS, husband and wife
the grantees, whose current address is 125 Wilde Place, McCall, ID 83638
the following described premises, in Adams County, Idaho, to-wit:

SEE ATTACHED 'EXHIBIT A' MADE A PART HEREOF

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all encumbrances excepting for all easements of record, rights of way, matters visible, and all matters of record and title.

and that they will warrant and defend the same from all lawful claims whatsoever.

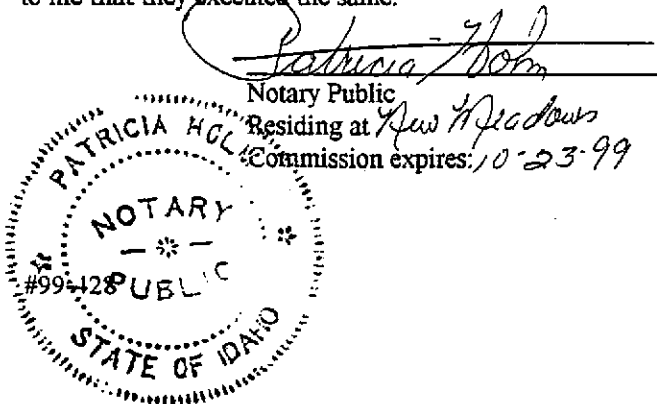
Date: September 24, 1999

Dan N. Cummins
Dan N. Cummins

Colleen K. Cummins
Colleen K. Cummins

STATE OF Idaho)
COUNTY OF Adams) ss

On this 27 day of Sept., in the year of 1999, before me a Notary Public in and for said State, personally appeared DAN N. CUMMINS & COLLEEN K. CUMMINS 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.



STATE OF IDAHO, COUNTY OF ADAMS
I hereby certify that this instrument was filed for record
at the request of Timberline Title & Escrow

at 25 minutes past 10 o'clock A.M.
this 27 day of Sept, 1999, in my
office, and duly recorded in Book
of Deeds at page

MICHAEL FISK

Ex-Officio Recorder

By: Dorothy Lindal
Deputy

Fees \$9.00

Mail to: Timberline Title & Escrow

EXHIBIT 'A'

#99-428

$X = 80$
 $Y = 40$ see
map
for adjustment

① A tract of land on the Westerly side of the right-of-way of U.S. Highway 95, Project No. F-4113 (12) Highway Survey as shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho, and lying in a portion of the SE1/4NE1/4 of Section 16, Township 22 North, Range 1 East, Boise Meridian, Adams County, Idaho, described as follows:

Beginning at the East 1/4 corner of said Section 16, which point lies North 00°18'31" West 2648.130 feet from the SE corner of Section 16;

Thence North 68°15'52" West 501.153 feet to a found 3/4" galvanized iron pipe (G.I.P.);

Thence North 79°59'15" East 145.976 feet to the TRUE POINT OF BEGINNING;

Thence North 30°13'35" West 58 feet;

Thence North 79° East 170 feet, more or less, to a point on the Westerly boundary of U.S. Highway 95 right-of-way;

Thence South along the Westerly boundary of U.S. Highway right-of-way 55 feet;

Thence South 79°59'15" West 161 feet more or less to the TRUE POINT OF BEGINNING.

This tract of land was formerly described differently (see Book 33 Deeds page 341), but has changed based on Record of Survey recorded June 18, 1992 as Instr. No. 82174.

ALSO

A strip of land being the South 20 feet of the following described property:

② Township 22 North, Range 1 East, Boise Meridian, Adams County, Idaho Section 16: A tract in the SE1/4NE1/4 lying on the Westerly side of the right-of-way of U.S. Highway 95 and described as follows:

Commencing at an iron pin marking the SE corner of that certain tract of land described in Warranty Deed dated April 27, 1959 recorded May 5, 1959 in Book 24 Deeds page 553; said iron pin marks the NE corner of the tract herein described and conveyed, and is approximately 2075 feet South and 215 feet West of the NE corner of Section 16;

CONTINUED

$X = 80$ see
 $Y = 80$ map for
adjustment

CONTINUED

#99-428

Thence South $06^{\circ}04'53''$ East 177.6 feet along the Westerly line of the right-of-way of U.S. Highway 95 to a point opposite Station 507+00 of said Highway survey;

Thence continuing Southerly along said right-of-way a distance of 55 feet to the NE corner of the "Houchin Tract" as described in Book 25 Deeds page 443;

Thence South 79° West along the Northerly line of said "Houchin Tract" 170 feet to the NW corner thereof;

Thence North 28° West 71 feet to the NE corner of the "Williams Tract" as described in Book 25 Deeds page 269 (also shown as North $30^{\circ}13'35''$ West 75.990 feet);

Thence South 85° West 83 feet along the Northerly line of said "Williams Tract" to the NW corner thereof (also shown as South $84^{\circ}46'54''$ West 79.109 feet);

Thence North $00^{\circ}03'$ West 227 feet to the NW corner of the tract hereby described and conveyed (also shown as North $01^{\circ}03'41''$ West 225.981 feet);

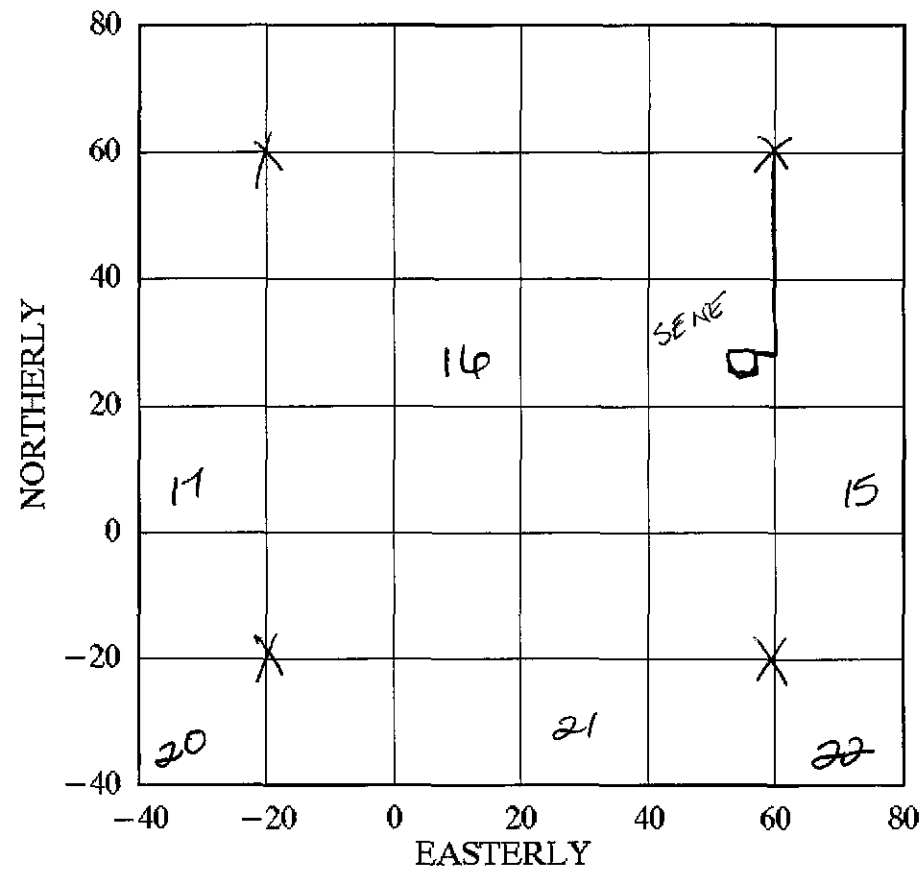
Thence North $89^{\circ}57'$ East 267 feet to the POINT OF BEGINNING at the iron pin.

Together with water and water rights pertinent to this property.

78-04022

#2

PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS



22N 1E

METES AND BOUNDS TABLE

PRESS ALT P TO PRINT GRAPH

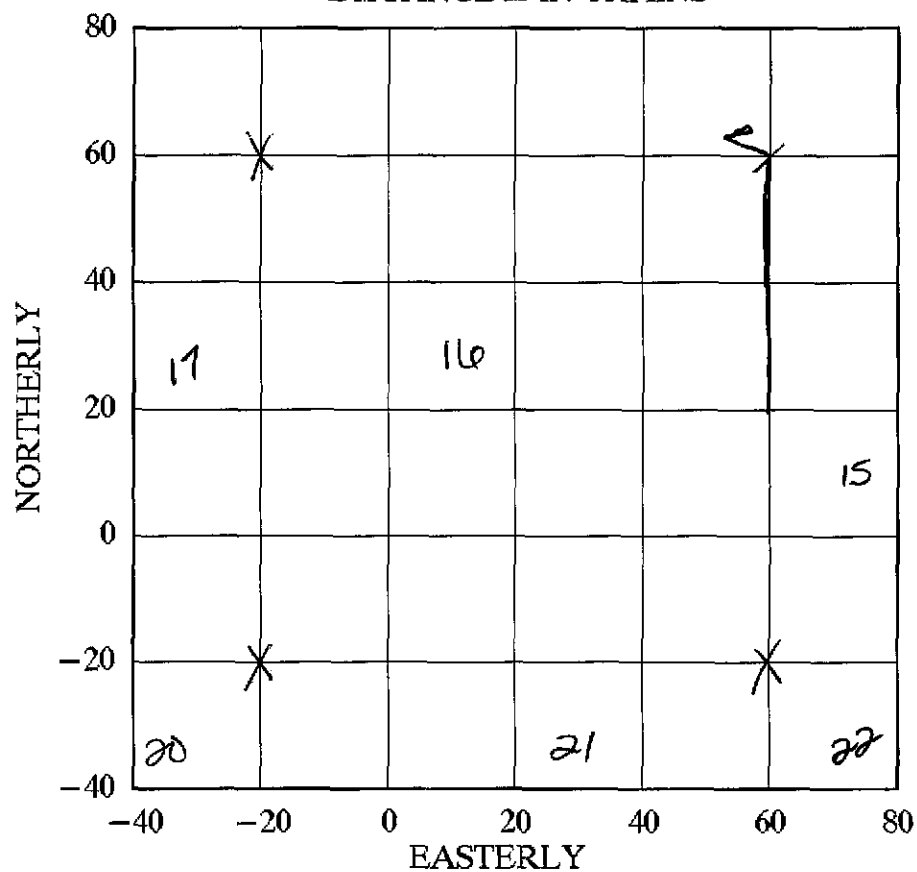
X-COR	Y-COR	ANGLE			BEARING	DIST (FT)
		DEGREES	MINUTES	SECONDS		

BEGIN POINT COR. (SEE SHEET)	60.00	60.00				
	60.00	28.56	0.00	0.00	0.00 SW	2075.00
	56.74	28.56	90.00	0.00	0.00 NW	215.00
	57.03	25.88	6.00	4.00	53.00 SE	177.60
	57.03	25.05	0.00	0.00	0.00 SW	55.00
-QUAD COEF-	54.50	24.56	79.00	0.00	0.00 SW	170.00
IF NE, X=1,Y=1	53.99	25.51	28.00	0.00	0.00 NW	71.00
IF SE, X=1,Y=-1	52.74	25.40	85.00	0.00	0.00 SW	83.00
IF SW, X=-1,Y=-1	52.74	28.84	0.00	3.00	0.00 NW	227.00
IF NW, X=-1,Y=1	56.78	28.84	89.00	57.00	0.00 NE	267.00
	56.78	28.84				

78-04022

#1

PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS



22N 1E

METES AND BOUNDS TABLE ***PRESS ALT P TO PRINT GRAPH***

	X-COR	Y-COR	ANGLE			BEARING	DIST (FT)
			DEGREES	MINUTES	SECONDS		
BEGIN POINT COR. (SEE SHEET)	60.00	20.00					
	59.78	60.12	0.00	18.00	31.00	NW	2648.13
	52.73	62.93	68.00	15.00	52.00	NW	501.15
	54.91	63.32	79.00	59.00	15.00	NE	145.98
	54.47	64.08	30.00	13.00	35.00	NW	58.00
-QUAD COEF-	56.99	64.57	79.00	0.00	0.00	NE	170.00
IF NE, X=1,Y=1	56.99	63.74	0.00	0.00	0.00	SE	55.00
IF SE, X=1,Y=-1	54.59	63.31	79.00	59.00	15.00	SW	161.00
IF SW, X=-1,Y=-1	54.59	63.31					



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

AUG 20 1993

Department of Water Resources

DATE OF CLOSING: 08/03/93

LEGAL DESCRIPTION OF PROPERTY: Township 22N Range 1E
Section 16, 1/4 of 1/4 of 1/4, Govt. Lot , BM.
Lot , Block, , Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A78-04022
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Howard Wallis or Imogene Wallis
P.O. Box 491
Riggins, ID 83549
- ☐ New Owner/Claimant (Purchaser): Dan N. Cummins or Colleen K. Cummins
- ☐ New Mailing Address: 5555 Hwy 95
New Meadows, ID 83654
- ☐ New Telephone Number: () -
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: copy of recorded Warranty Deed
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s): Dan Cummins Date 8/16/93
Colleen K. Cummins Date 8-16-93
- ☐ Signature of Former Owner/Claimant(s): Date
 Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 8-24-93 By: JAN

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 8-24-93 By: JAN

Claim Numbers of Split, if any:

MICROFILMED

AUG 08 1994

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

WARRANTY DEED

INSTRUMENT NO. 84481

For Value Received IMOGENE M. WALLIS, a widow

the grantor , does hereby grant, bargain, sell and convey unto
DAN N. CUMMINS and COLLEEN K. CUMMINS, husband and wife

the grantees, whose current address is, 5555 Hwy 95, New Meadows, ID
83654

the following described premises, in Adams County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A" MADE A PART HEREOF.

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantees their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees , that she is the owner in fee simple of said premises; that they are free from all incumbrances excepting for all easements of record, rights of way, matters visible, and all matters of record and title.

and that she will warranty and defend the same from all lawful claims whatsoever.

Date: August 3, 1993

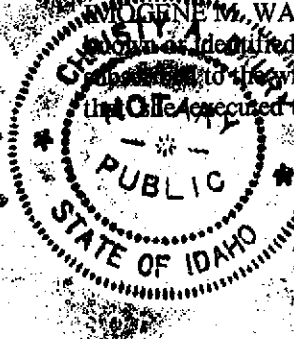
Imogene M. Wallis
Imogene M. Wallis

STATE OF IDAHO)
) ss
COUNTY OF ADAMS)

STATE OF IDAHO, COUNTY OF ADAMS
I hereby certify that this instrument was filed for record
at the request of Timberline Title & Escrow

On this 3rd day of August, in the year of 1993, before me
Notary Public, personally appeared
IMOGENE M. WALLIS
known as identified to me to be the person whose name is
appearing in the within instrument, and acknowledged to me
that she executed the same.

at _____ 00 minutes past 3 o'clock PM.
this 4 day of August, 19 93 in my
office, and duly recorded in Book ----
of Deeds at page ----



Christy A. Bury
Notary Public
Residing at Fruitvale, Idaho
Commission expires: 8/4/98

Michael Fisk
Ex-Officio Recorder

By: Sarah J. Wilson
Deputy

Fees \$ 6.00
Mail to:

Indexed

Order #93-288

MICROFILMED

AUG 08 1994

EXHIBIT "A"

A tract of land on the Westerly side of the right of way of U.S. Highway 95, Project No. F-4113 (12) Highway Survey as shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho, and lying in a portion of the SE1/4NE1/4 of Section 16, Township 22 North, Range 1 East, Boise Meridian, Adams County, Idaho, described as follows:

Beginning at the East 1/4 corner of said Section 16, which point lies North 00 degrees 18'31" West 2,648.130 feet from the Southeast corner of Section 16;
thence North 68 degrees 15'52" West 501.153 feet to a found 3/4" galvanized iron pipe (G.I.P.);
thence North 79 degrees 59'15" East 145.976 feet to the TRUE POINT AND PLACE OF BEGINNING;
thence North 30 degrees 13'35" West, 58 feet;
thence North 79 degrees East 170 feet, more or less to a point on the Westerly boundary of U.S. Highway 95 right of way;
thence South along the Westerly boundary of U.S. Highway right of way 55 feet;
thence South 79 degrees 59'15" West 161 feet more or less to the TRUE POINT AND PLACE OF BEGINNING.

This tract of land was formerly described differently (see book 33 of Deeds page 341), but has changed based on record of survey recorded June 18, 1992 as Instrument No. 82174

SUBJECT TO THE FOLLOWING:

AN EASEMENT for the purpose of public utilities and rights incidental thereto as set forth in a document granted to Mountain States Telephone and Telegraph Company (no representation is made as to the present ownership of said easement). Recorded August 12, 1932 in Book 3 of Misc., page 349, records of Adams County, Idaho.

AN EASEMENT for the purpose of public utilities and rights incidental thereto as set forth in a document granted to Idaho Power Company (no representation is made as to the present ownership of said easement). Recorded August 5, 1960 in Book 5 of Misc., at page 549, records of Adams County, Idaho.

THE PERPETUAL RIGHT to use but in common with Grantors and/or other persons, a certain private driveway as now established and connecting with U.S. Highway 95, as set forth a document recorded June 22, 1979 as Instrument No. 59179, records of Adams County, Idaho.

THE MATTERS disclosed in Record of Survey recorded June 18, 1992 as Instrument No. 82174, records of Adams County, Idaho.

MICROFILMED

AUG 08 1994

AJ0749NP
No. 78-04022

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 11/18/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	H DUANE MYERS	07/01/1959	DOMESTIC	04-15 10-15	0.020 CFS	
C	JACQUELYN W MYERS 125 WILDE PL MC CALL ID 83638 (208) 634-4692					
				TOTAL DIVERSION:	0.020 CFS	
D	DAN N CUMMINS					
D	COLLEEN K CUMMINS 5555 HWY 95 NEW MEADOWS ID 83654					

Water Source: UNNAMED STREAM

Tributary to: LITTLE SALMON RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion:

T22N R01E S16

SESENE

ADAMS County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
22N	01E	16	:																	:
			:																	:

POU County: ADAMS

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A78-04022 A78-07074 A78-07075

Other Water Rights Listing Overlapping Place(s) of Use:
A78-07097

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: USE DOMESTIC USE FOR LAWN & GARDEN.

EXP PARCEL NO. RP22N01E162300 A

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

AJ0749NP
No. 78-04022

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 11/18/99
PAGE: 2

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Comments: Date: 11/18/1999 User-ID: DBUFFING Subject: NAME CHANGE - OWNERSHIP CHANGE
THE DATA IN THE NAME FIELD WAS CHANGED TO SHOW THIS RIGHT HAS AN
OWNERSHIP CHANGE.

Audit: 11/18/99 DBUFFING



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

November 19, 1999

DIRK KEMPTHORNE
GOVERNOR

RE: Water Right No. 78-04022

KARL J. DREHER
DIRECTOR

H DUANE MYERS
JACQUELYN W MYERS
125 WILDE PL
MC CALL ID 83638

Dear Property Owners:

Enclosed is a copy of the above referenced water right which reflects the change in ownership of the land and appurtenant water rights covered under the original filing. 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.

Thank you for your patience and cooperation. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

Denise Buffington
Denise Buffington
Records Clerk
Adjudication Section
Western Region

DB:db

Enclosures

cc: Dan N and Colleen K Cummins

AJ0749NP
No. R78-04022

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 11/10/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAN N CUMMINS	07/01/1959	DOMESTIC	04-15 10-15	0.02 CFS	
C	COLLEEN K CUMMINS					
	5555 HWY 95			TOTAL DIVERSION:	0.02 CFS	
	NEW MEADOWS ID 83654					

Water Source: UNNAMED STREAM

Tributary to: LITTLE SALMON RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T22N R01E S16 SESENE

ADAMS County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
22N	01E	16	:					D	:													:

POU County: ADAMS

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: USE DOMESTIC USE FOR LAWN & GARDEN.

EXP PARCEL NO. RP22N01E162300 A

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 11/10/98 CWALKER

AJ0749NP
No. R78-04022

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 08/31/98
PAGE: 1

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OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAN N CUMMINS	07/01/1959	DOMESTIC	04-15 10-15	0.02 CFS	
C	COLLEEN K CUMMINS					
	5555 HWY 95					
	NEW MEADOWS ID 83654			TOTAL DIVERSION:	0.02 CFS	

Water Source: UNNAMED STREAM

Tributary to: LITTLE SALMON RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T22N R01E S16 SESENE

ADAMS County

Place of use Legal Description for: DOMESTIC

	NE				NW				SW				SE			
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T R S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
22N 01E 16	:			D	:				:				:			

POU County: ADAMS

Other Rights: NONE

Remarks: EXP PARCEL NO. RP22N01E162300 A

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 08/31/98 CWALKER

USE - Domestic use for lawn & garden
Cond. Codes N11
N13

AJ5856NP

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

DATE: FEB-12-1998

PAGE: A-166

RIGHT NUMBER: 78-04022

NAME & ADDRESS: DAN N CUMMINS ✓
COLLEEN K CUMMINS
5555 HWY 95
NEW MEADOWS ID 83654

SOURCE: UNNAMED STREAM TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.02 CFS

PRIORITY DATE: 07/01/1959

POINT OF DIVERSION: T22N R01E S16 SESENE ✓ Within ADAMS County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 DOMESTIC LAWN IRRIGATIO ✓	04-15 10-15	0.02 CFS

PLACE OF USE: DOMESTIC Within ADAMS County
T22N R01E S16 SENE ✓

EXPLANATORY MATERIAL: BASIS OF CLAIM - STATUTORY CLAIM

RP22N01E162300 A

Verified by alw Date: 6/22/98

Verification Source: County alpha listing



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 24, 1993

Re: Notice of Claim to a Water Right No. A78-04022

Dan N. Cummins
Colleen K. Cummins
5555 Hwy. 95
New Meadows, ID 83654

Mr. & Mrs. Cummins:

Enclosed is a copy of the above referenced claim which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

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

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LH:1
Enclosure

cc: Howard & Imogene Wallis

MICROFILMED

AUG 08 1994