

AG5-5807

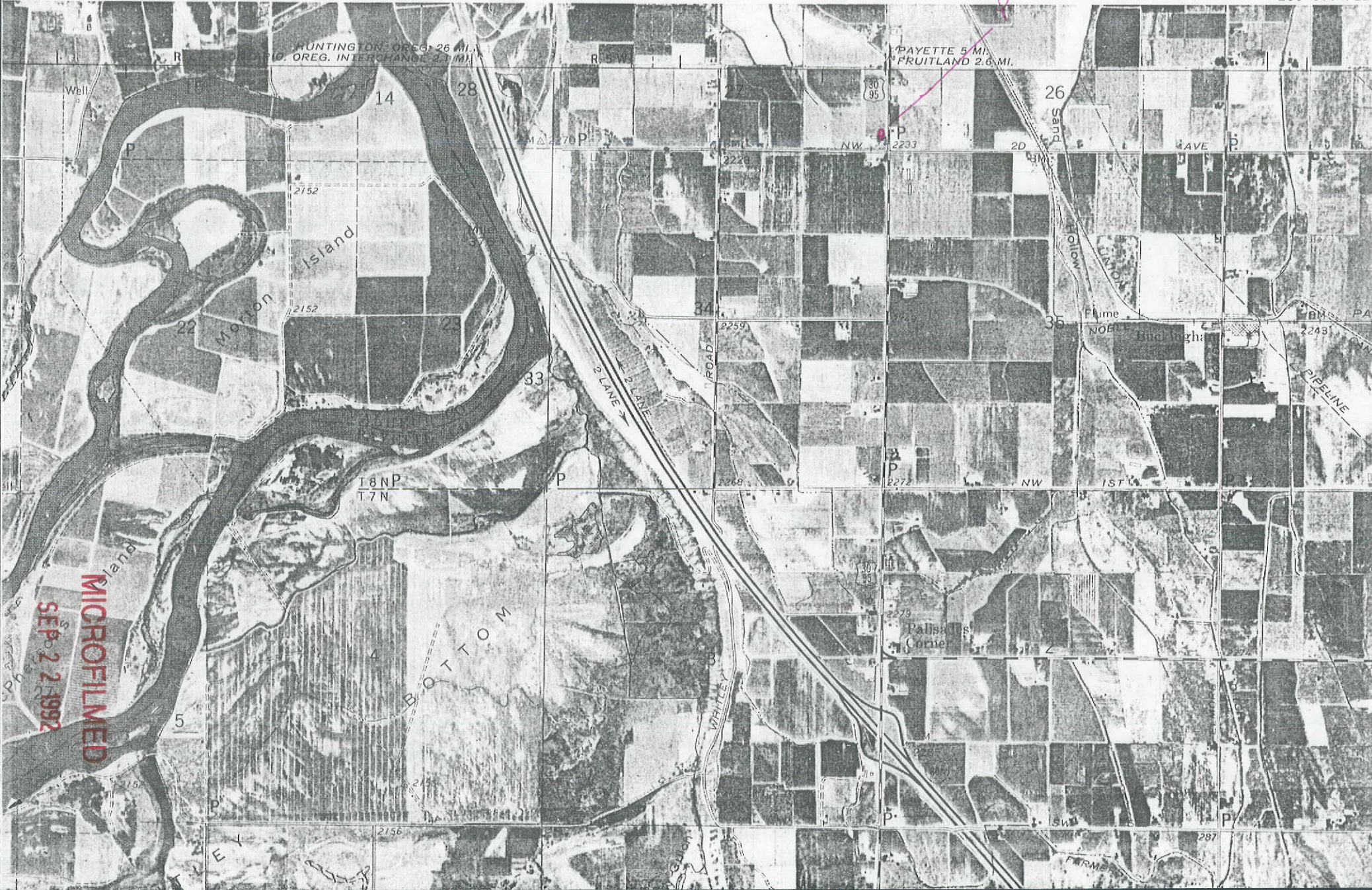
T8N, R5W
Sec. 27

R5W

NYSSA (IDAH)

2 930 000 FEET (OREG.)

200 000 FEET



MICROFILMED
SEP 22 1992

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: A65-05807
Date Received: 3/26/1990
Receipt No: X999999
Received By: lw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ANTONE JOSEPH MELL 208-452-3640
Address: 725 S. PENNSYLVANIA AVE.
FRUITLAND, ID 83619
OR
Name: EDITH M. MELL 208-452-3640
Address: 725 S. PENNSYLVANIA AVE.
FRUITLAND, ID 83619

2. Date of Priority: APR 01, 1933

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	05W	27	SE	SE			PAYETTE

5. Description of diverting works:
60' DEEP, 1/3 HP PUMP, 4" CS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		1.20

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) 1.20 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC-1 HOME W/LAWN; 5 MINIATURE HORSES

A65-05807

Page 1

Date: 03/26/90

MICROFILMED

SEP 22 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	05W	27	SE	SE		DOMEST	

11. Place of use in counties: PAYETTE

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: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

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: 4

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): Joseph M. Miller Date: 3-26-90
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 26 day
of March 19 90 Linda Werner
Notary Public

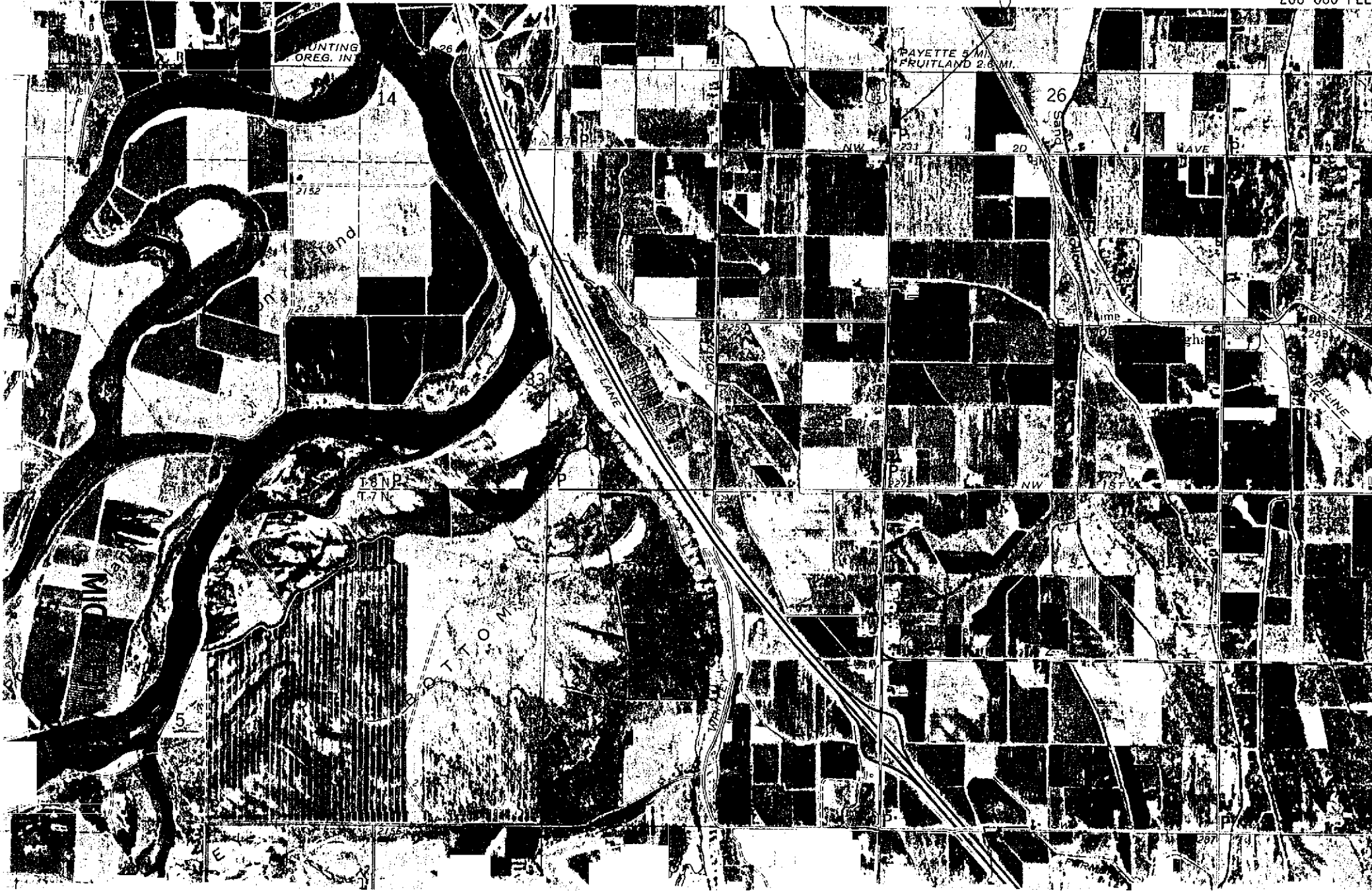
Seal

Residing at LINDA WERNER
 RESIDING AT EAGLE, IDAHO
My Commission Expires DEC. 8, 1994

T 8N R 5W
Sec. 28 27

NYSSA (IDAHO)

200 000 FEET



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

.....

Water Source: GROUNDWATER

Tributary to:

Stage: DECEED

Point(s) of Diversion: T08N R05W S27 SESE

PAYETTE County

Place of use Legal Description for: DOMESTIC

[illegible]

POU County: PAYETTE

Non-Irrigation Uses: 1 HOME

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A65-05807

Other Water Rights Listing Overlapping Place(s) of Use:
A65-00066 A65-00067

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: EXP STOCKWATER, 5 MINIATURE HORSES
PARCEL NO. 2165 3
PROPERTY ALSO KNOWN AS BLK 21, LESS WEST 963' + LESS MELL
ADDITION.

AJ0749NP
No. 65-05807

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

DATE: 07/23/98
PAGE: 2

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

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

Comments: Date: 07/23/1998 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: 07/23/98 DBUFFING

RECEIVED

MAY 27 1998

WATER RESOURCES
WESTERN REGIONSTATE 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.

1. Water Right No(s).: 65-05807 65-03894
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 Antone Joseph Muel Edith M. Muel
725 S. Pennsylvania Ave Middleton, Id
4. New Owner/Claimant(s) Antone A. Muel, James S. Tucker, Janis E. Osgood
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
New Mailing Address 1556 N. 5th St
City, State and ZIP Code Payette, Idaho 83661
New Telephone Number (208) 642 4287
5. Date you acquired the property 65-05807 65-03894
6/23/94 4-28-96
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 —
65-03894 0.04
Diversion rate in CFS — Number of homes 2 Other uses —
65-05807 0.04
1
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 Antone A. Muel Janis E. Osgood
or Claimant(s) James S. Tucker by Antone Muel, P.O.A.
(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..

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at **Item 1**. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at **Item 3**.
4. The name, mailing address, and telephone number of the new owner(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at **Item 6**.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

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

IDWR Southern Region, 1341 Fillmore St. N., Twin Falls, ID 83301-3380 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

250595

State of Idaho, County of Payette

I certify that this instrument was filed for record at the request of

June 23, 1994 4:42 P.M.
Laura L. Stigile, Ex-Officio Recorder by

Bert L. Osborn Atty
in Book 48 Deeds pg. 250595
for #60

RECEIVED

MAY 27 1998

WATER RESOURCES
WESTERN REGION

PERSONAL REPRESENTATIVES DEED

FOR VALUE RECEIVED, SUE MELL, as duly appointed, qualified and acting Personal Representative of the Estate of EDITH MAXINE MELL aka EDITH M. MELL, Deceased, pursuant to the appointment by the Magistrate Division of the District Court of the Third Judicial District, in and for the County of Payette, State of Idaho, the Grantor herein, does hereby grant bargain, sell and convey unto, JANIS E. OSGOOD, of P.O. Box 116, Middleton, ID 83644; ANTONE A. MELL, of 1556 N. 5th St., Payette, ID 83661; and JAMES L. TUCKER, of P.O. Box 192, Easton, WA 98925, the Grantees, all right, title, and interest of the said Estate of EMM, in and to the following described premises, located in the County of Payette, State of Idaho, to-wit:

In RECORDER'S PLAT of Sec. 27, Twp. 8 N. R. 5 W., B.M., as per Plat in Book 2, Page 7, Plat Records, City of Fruitland, Payette County, Idaho:

Block 21 EXCEPTING the West 963 feet thereof; said tract of land being more particularly described as follows:

Beginning at the SE corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 27; thence North along the Section line 357 feet; thence West 357 feet; thence South 357 feet; thence East 357 feet to the point of beginning.

Less any property lying in the MELL SUBDIVISION.

ALSO, IN POMA TERRA ADDITION TO Fruitland, as per Plat in Book 2, Page 45, Plat Records, Payette County, Idaho:

In Block 6: Lot 1 and 2.

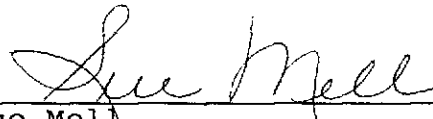
Together with all water rights, ditch rights, rights of way, improvements, fixtures, tenements, hereditaments and appurtenances thereto belonging or used in connection therewith.

Subject to all valid outstanding reservations, easements, rights-of-way, restrictions, dedications, mineral leases, mineral reservations, mineral conveyances or interests which could be discovered by inspection of the land or are of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the Grantees, their heirs and assigns forever. And Grantor does hereby covenant to and with the Grantees that the property is free from all encumbrances, except as set forth hereinabove.

Subject to a life estate for JOHN OTTO.

Dated the 22nd day of June, 1994.


Sue Mell

STATE OF IDAHO)
) ss.
County of Payette)

On this 22nd day of June, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared SUE MELL, known to me to be the person whose name is subscribed to the foregoing Personal Representative Deed, and acknowledged to me that she executed the same as the Personal Representative of the Estate of EDITH MAXINE MELL aka EDITH M. MELL, Deceased, and she executed the same as the Grantor.

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: Payette, Idaho
My Comm. Expires 7-18-98

AJ0749NP
No. R65-05807

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

DATE: 01/21/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ANTONE JOSEPH MELL	04/01/1933	DOMESTIC	01-01 12-31	0.04 CFS	1.20 AFA
C	EDITH M MELL					
	725 S PENNSYLVANIA AVE			TOTAL DIVERSION:	0.04 CFS	1.20 AFA
	FRUITLAND ID 83619					
	(208) 452-3640					

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T08N R05W S27

SESE

PAYETTE 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
08N 05W 27	:		:		:		:		:		:		:		:	

POU County: PAYETTE

Non-Irrigation Uses: 1 HOME

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: EXP STOCKWATER, 5 MINIATURE HORSES
PARCEL NO. 2165 3
PROPERTY ALSO KNOWN AS BLK 21, LESS WEST 963' + LESS MELL
ADDITION.

Dates: Exam Made Date: Verified Date: 01/21/1998 Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

Audit: 01/21/98 KWATERS

AJ5809NP
No. R65-05807

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/06/98
PAGE: 21

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ANTONE JOSEPH MELL	04/01/1933	DOMESTIC	01-01 12-31	0.04 CFS	1.20 AFA
C	EDITH M MELL					
	725 S PENNSYLVANIA AVE					
	FRUITLAND ID 83619					
	(208) 452-3640					
				TOTAL DIVERSION:	0.04 CFS	1.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T08N R05W S27

SESE

PAYETTE 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	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac
08N	05W	27	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:

POU County: PAYETTE

Non-Irrigation Uses: 1 HOUSE home

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: EXP 5 MINIATURE HORSES

PR2165 3

add EXP - JO1 Block 21 less west 963' and less mell ADDN.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:

Presumption Flag:

Comments: Date: 02/28/1997 User-ID: CORR1 Subject: COPIED FROM REMARKS

del B 21 LESS W 963' + LESS MELL ADDN.

Audit: 02/28/97 CORR1

WR5809NP
No. 65-05807

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/05/98
PAGE: 18

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ANTONE JOSEPH MELL	04/01/1933	DOMESTIC	01/01 12/31	0.040 CFS	1.20 AFA
C	EDITH M. MELL					
	ROUTE 1, BOX 133					
	FRUITLAND ID 83619					
TOTAL DIVERSION:					0.040 CFS	1.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T08N R05W S27

SESE

PAYETTE 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	:
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	:
08N	05W	27	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:

Pou County: PAYETTE

Dates: App. Received:
Proof Due Date:
Exam Made Date:
Licensed Date:

Priority Date: 04/01/1933
Proof Made Date:
Exam Sent to S.O.:

Misc: Water District Number: 65

Field Exam Fee:

Audit: 04/02/86 04/30/88 CONVERT

OLD (D) NUMBER -

[illegible]

*** C - CURRENT OWNER ***
MELL

ANTONE JOSEPH

1 - 725 S. PENNSYLVANIA AVE.

2 -
3 -

CITY- FRUITLAND

STATE- ID ZIP- 83619

PHONE - 208-452-3640

EDITH M.

1 - 725 S. PENNSYLVANIA AVE.

2 -
3 -

CITY- FRUITLAND

STATE- ID ZIP- 83619

PHONE - 208-452-3640

PRIORITY DATE	REGION	STAGE	STATUS
04/01/1933	14 WESTERN	D - DECREED	

+ - - - - SOURCE - - - - - +		+ - - - - TRIBUTARY - - - - - +
GROUNDWATER		

POINT OF DIVERSION						STREAM INDEX (BLANK IF NO INDEX CODE)	
TWN	RNG	SEC	TRACT	LOT	RFLG	COUNTY	STREAM INDEX (BLANK IF NO INDEX CODE)

08N 05W 27 SE SE / (75) PAYETTE

CODE	DESCRIPTION	PERIOD FROM	PERIOD TO	WATER USE	DIVERSION RATE	DIVERSION VOLUME
1	1	1	1	1	1	1

43 - DOMESTIC	01/01	12/31	0.040	1.20
---------------	-------	-------	-------	------

+ - TOTAL DIV. RATE - +		+ - TOTAL DIV. VOLUME - +		+ - TOTAL DIV. CAPACITY - +		+ - TOTAL CONSUMPTIVE USE - +		+ - KW USAGE - +	
	0.040		1.20				0.0		

TWN	RNG	SEC	TRACT	LOT	ACRES	PLACE OF USE CODE	DESCRIPTION	COUNTY
14N	10E	36	36	1	0.10	INDUSTRIAL	INDUSTRIAL	CLATSOP

08N 05W 27 SE SE 43 DOMESTIC (75) PAYETTE

+ - - DIVERSION MEANS - 60' DEEP, 1/3 HP PUMP, 4" CS

+ - - NON-IRRIGATION USE - DOMESTIC-1 HOME W/LAWN; 5 MINIATURE HORSES

+ - - OTHER RIGHTS FOR SAME USE - NONE

+	-	REMARKS	+
		NO REMARKS FOUND.	

+ - - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.

+ - - - - - CONDITIONS OF APPROVAL - - - - - +
NO CONDITIONS OF APPROVAL FOUND.

B. 21 less W 963' +
less Mell Adm.

CERTIFIED
DEC 24 1992
WATER EXAMINER