

# Idaho Department of Water Resources

## 67 - 7372

**Legend**

-  Claim 67-7372 POU
-  Washington taxlots
-  Sections
-  Quarter Quarter

T 12N, R 04W, Section 9, 16



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: A67-02372  
Date Received: 1/25/1990  
Receipt No: C014221  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: SEWARD PROSSER MELLON  
Address: PO RKM  
LIGONIER PA 15658  
412-238-7085
2. Date of Priority: SEP 19, 1966
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:  

|          |       |         |        |        |     |     |            |
|----------|-------|---------|--------|--------|-----|-----|------------|
| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County     |
| 12N      | 04W   | 5       | SW     | SE     | SW  |     | WASHINGTON |
5. Description of diverting works:  
WELL, 289' DEPTH, 10' CAS. PUMP INTO CK. TO DIV. DAM, PUMP & DIV. DITCHES.
6. Water is used for the following purposes:  

|            |       |       |        |      |        |
|------------|-------|-------|--------|------|--------|
| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
| IRRIGATION | 03/15 | 11/15 | 0.750  |      | 150.00 |
7. Total Quantity Appropriated is:  
0.750 C.F.S. (and/or) 150.00 A.F.A.
8. Total consumptive use is 114.0 Acre Feet Per Annum.
9. Non-irrigation uses:  
STOCKWATER INCIDENTAL TO IRRIGATION
10. Place of Use:

|          |       |         |        |     |     |     |       |
|----------|-------|---------|--------|-----|-----|-----|-------|
| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
| 12N      | 04W   | 9       | NE     | SE  |     | IRR | 5.0   |
|          |       |         | NW     | SE  |     | IRR | 10.0  |
|          |       |         | SW     | SE  |     | IRR | 7.0   |
|          |       |         | SE     | SE  |     | IRR | 16.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 38.0  |
|          |       |         |            |     | Total Acres   | 38.0  |

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:  
N/A

14. Remarks:  
OWNERSHIP CHANGED BY LH 3/21/95.

15. Basis of Claim: LICENSE

Water Right Number: 33355

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 )  
 ) SS.  
County of \_\_\_\_\_ )

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

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

MAR 17 1995

WATER RESOURCES  
WESTERN REGIONDATE OF CLOSING: 1/3/95

LEGAL DESCRIPTION OF PROPERTY: Township 12 NORTH Range 4 WEST  
 Section 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:

A67-02372

[ ] Name and Address of Former  
Owner/Claimant(s)(Seller):

DAN & LISA FOX AND MATT & COREEN OLIVER

7766 ARFONS DRIVE

[ ] New Owner/Claimant  
(Purchaser):

SAN DIEGO, CA 92126

SEWARD PROSSER MELLON

[ ] New Mailing Address:

P.O. RKM

LIGONIER, PA 15658

[ ] New Telephone Number:

(412) 238 - 7085

[ ] Does the change in ownership result in a splitting of the water right owned/claimed? yes XX 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:

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)

Seward Prosser Mellon

Date

12-27-94

Date

[ ] 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: 3-21-95 By: fd

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 3-21-95 By: fd

Claim Numbers of Split, if any:

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

MICROFILMED

OCT 22 1996

100-94-4728

## WARRANTY DEED

For Value Received

DAN FOX AND LISA LYNN FOX, husband and wife AND MATT OLIVER AND COREEN K. OLIVER,  
husband and wife

The grantor s, do hereby grant, bargain, sell and convey unto

SEWARD PROSSER MELLON

the grantee, whose current address is

P.O. BOX RKM, LIGONIER, PA 15658

the following described premises, in WASHINGTON

County Idaho, to-wit:

## PARCEL I

In Township 12 North, Range 4 West of the Boise Meridian,  
Washington County, Idaho:Section 5: S $\frac{1}{2}$ S $\frac{1}{2}$ ;Section 8: NW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;Section 9: NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ ;Section 17: N $\frac{1}{2}$ NE $\frac{1}{4}$ .

## PARCEL II

In Township 12 North, Range 4 West of the Boise Meridian,  
Washington County, Idaho:Section 10: NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ ;Section 15: NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;Section 16: E $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ .Together with all water, water rights, ditches and ditch rights appurtenant  
thereto and in anywise belonging.Subject to all valid outstanding reservations, easements, rights-of-way,  
restrictions, dedications, mineral leases, mineral reservations and mineral  
conveyances of record.TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee  
his heirs and assigns forever. And the said Grantors do hereby covenant to and  
with the said Grantee, that they the owner s in fee simple of said premises; that they are free  
from all incumbrances

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

Dated: DECEMBER 22, 1994

DAN FOX

MATT OLIVER

LISA LYNN FOX

COREEN K. OLIVER

CALIFORNIA  
STATE OF CALIFORNIA, COUNTY OFOn this 22 day of DECEMBER, 1994,  
before me, a notary public in and for the said State, personally  
appearedDAN FOX AND LISA LYNN FOX  
MATT OLIVER AND COREEN K. OLIVERknown or identified to me to be the person s whose name s  
subscribed to the within instrument, and acknowledged to me  
that THEY executed the same.Marlene Louise Jarmusch  
Notary PublicResiding at EL CAJON  
Comm. Expires AugOFFICIAL SEAL  
Marlene Louise Jarmusch  
NOTARY PUBLIC - CALIFORNIA  
SAN DIEGO COUNTY  
My Comm. Expires Aug. 25, 1995

STATE OF IDAHO, COUNTY OF WASHINGTON

I hereby certify that this instrument was filed for record at the  
request of WEISER VALLEY TITLEat 50 minutes past FIFTEEN o'clock P.M.,  
this 3RD day of JANUARY  
1995, in my office, and duly recorded in Book  
X of Deeds at Page BY #162206

MARY KAUTZ

Ex-Officio Recorder

By

Fees \$3.00

Mail to: WEISER VALLEY TITLE

Deputy.

 Emp. Index  
 Comp. Rel.  
 Film  
 Compare  
 Card Rel.  
 Bk. Rel.  
 Up-date  
 Return  
 Copy

RECEIVED

MAR 17 1995

WATER RESOURCES  
WESTERN REGION

INSTRUMENT NO.

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: A67-02372  
Date Received: 1/25/1990  
Receipt No: C014221  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: DAN E FOX  
Address: 13512 VINTAGE PLACE  
CHINO CA 91710

AND

Name: LISA LYNN FOX  
Address: 13512 VINTAGE PLACE  
CHINO CA 91710

AND

Name: MATTHEW B OLIVER  
Address: 13512 VINTAGE PLACE  
CHINO CA 91710

AND

Name: COREEN K OLIVER  
Address: 13512 VINTAGE PLACE  
CHINO CA 91710

2. Date of Priority: SEP 19, 1966

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County     |
|----------|-------|---------|--------|--------|-----|-----|------------|
| 12N      | 04W   | 5       | SW     | SE     | SW  |     | WASHINGTON |

5. Description of diverting works:

WELL, 289' DEPTH, 10' CAS. PUMP INTO CK. TO DIV. DAM, PUMP & DIV. DITCHES.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.750  |      | 150.00 |

7. Total Quantity Appropriated is:

0.750 C.F.S. (and/or) 150.00 A.F.A.

MICROFILMED

AUG 05 1994

8. Total consumptive use is 114.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
STOCKWATER INCIDENTAL TO IRRIGATION

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 12N      | 04W   | 9       | NE     | SE  |     | IRR           | 5.0   |
|          |       |         | NW     | SE  |     | IRR           | 10.0  |
|          |       |         | SW     | SE  |     | IRR           | 7.0   |
|          |       |         | SE     | SE  |     | IRR           | 16.0  |
|          |       |         |        |     |     | Section Acres | 38.0  |
|          |       |         |        |     |     | Total Acres   | 38.0  |

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:  
N/A

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 33355

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: \_\_\_\_\_

MICROFILMED

AUG 05 1994

State of Idaho )  
 ) SS.  
County of \_\_\_\_\_ )

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

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

MICROFILMED  
AUG 05 1994



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

JAN 6 1993

Department of Water Resources

DATE OF CLOSING: 9/30/92

LEGAL DESCRIPTION OF PROPERTY: Township \_\_\_\_\_ Range \_\_\_\_\_  
Section \_\_\_\_\_, 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.

SEE ATTACHED WARRANTY DEED DESCRIPTION

- ☐ 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)

RECEIVED  
JAN 06 1993

Department of Water Resources  
Western Regional Office

- ☐ Water Right Number(s)  
Assigned by IDWR:

WATER RIGHT LICENSE 33355/67-2372

- ☐ Name and Address of Former  
Owner/Claimant(s)(Seller):

HOWARD C. LACEY

- ☐ New Owner/Claimant  
(Purchaser):

DAN E. & LISA LYNN FOX

- ☐ New Mailing Address:

MATTHEW B. & COREEN K. OLIVER

13512 VINTAGE PLACE

CHINO, CA. 91710

- ☐ 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:

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 E. & Lisa Lynn Fox Date 9/28/92  
Matthew B. & Coreen K. Oliver

- ☐ Signature of Former  
Owner/Claimant(s):

Howard C. Lacey 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: 1-7-93 By: JAL

Further Action Needed:

Further Action Taken

Date: \_\_\_\_\_ By: \_\_\_\_\_

Final Review and Data-Entry

Date: 1-7-93 By: JAL

Claim Numbers of Split, if any:

MICROFILMED

AUG 05 1994

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

State of Idaho  
Department of Water Resources

POOR ORIGINAL

WATER RIGHT LICENSE

License of Water Right No. 33355/67-2372 Priority Sept. 19, 1966 Amount 0.75 cfs

THIS IS TO CERTIFY, that HOWARD LACEY  
of Weiser, Idaho, has complied with the terms and conditions of Permit  
No. 33355/67-2372 issued pursuant to Application for Permit dated September 19, 1966,  
and has submitted proof to the Department of Water Resources on May 3, 1968,  
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a  
capacity for the diversion of 0.79 cfs of water from a ground water source,  
tributary to \_\_\_\_\_, and that the permit holder has applied to a beneficial use and  
established a right to use water as follows:

| Beneficial Use    | Period of Use                                                 | Rate of Diversion       | Annual Volume |
|-------------------|---------------------------------------------------------------|-------------------------|---------------|
| <u>Irrigation</u> | from <u>March 15</u> to <u>Nov. 15</u> at <u>0.75</u> cfs and | <u>150 acre feet or</u> |               |
|                   | from _____ to _____ at _____ cfs and                          | <u>4.0 af per acre</u>  |               |
|                   | from _____ to _____ at _____ cfs and                          |                         |               |

(both dates inclusive)

Subject, however, to the condition that no more than 0.75 cfs of water be diverted at any one time, and  
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose  
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed  
150 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Sec. 5,  
Twp. 12 N, Rge. 4 W, B.M. in the County of Washington

Description and location of place of use:

| Twp. | Range | Sec. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | Totals |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 12 N | 4 W   | 9    | 4.5              |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 4.5              | 10               | 7                | 16               | 37.5   |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres irrigated 37.5

NOTE:--Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho  
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use  
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 27 day of  
November, 19 76.

Director

POOR ORIGINAL

State of Idaho

RECEIVED  
JUN 6 1969

JUN - 3 1968

# WATER LICENSE

Department of Water Resources  
Western Regional Office

Water License No. 33356/67-2373 Priority September 19, 1966 Amount 1.60 c.f.s.

THIS IS TO CERTIFY, that HOWARD LACEY

of Weiser, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 19, 1966; that Permit 33356/67-2373 was issued pursuant to said application; that the proposed works were completed on or about June 13, 1967 with a storage/or carrying capacity of 1.60 c.f.s., said works consisting of

pumps and sprinkler system; and that on November 20, 1967

proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 464 acre feet per season, with a maximum rate of diversion of 1.60 cubic feet per second of the waters of Thousand Springs Valley Creek and East / Branch of Thousand Springs Valley Creek, tributary of Weiser River

for the purpose of Irrigation from April 1 to October 31; and for

from to; and that the use

of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is located in SE 1/4 SW 1/4, Sec. 5, T. 12 N, R. 4 W B.M., and

other additional points NW 1/4 NE 1/4, NE 1/4 SE 1/4 Sec. 8; NW 1/4 SW 1/4, SW 1/4 NE 1/4, NW 1/4 SE 1/4, SW 1/4 SE 1/4 Sec. 9, T. 12 Washington; and that the amount of water to which such right is

entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed 464 acre feet per year.

Description and location of place of use:

| TWP. | RANGE | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 12 N | 4 W   | 8    |        | 21     | 9      |        |        |        |        |        |        |        |        |        | 17     |        |        |        | 47     |
|      |       | 9    |        |        |        |        |        |        |        |        |        |        |        |        | 25     | 9      | 6      | 29     | 69     |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres irrigated 116

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

27th day of October, 19 69.

*R. Keith Higgs*  
State Reclamation Engineer

67 2373

33356

67-237

## WARRANTY DEED

For Value Received HOWARD C. LACEY AND VIRGINIA LACEY,  
HUSBAND AND WIFEThe grantors, do hereby grant, bargain, sell and convey unto  
DAN FOX, A single man, and  
the grantee, whose current address is MATT OLIVER, A single man

the following described premises, in Washington

Department of Water Resources  
Western Regional Office

County Idaho, to-wit:

See Attached Exhibit "A"

SUBJECT TO Mortgage recorded August 23, 1967 as Instrument No. 92254,  
Book 54, page 287. And Mortgage recorded June 25, 1986 as Instrument  
No. 140662, Book 61, page 909, official records.TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee  
heirs and assigns forever. And the said Grantor do hereby covenant to and  
with the said Grantee, that he the owner in fee simple of said premises; that they are free  
from all incumbrances

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

Dated: February 9, 1990.

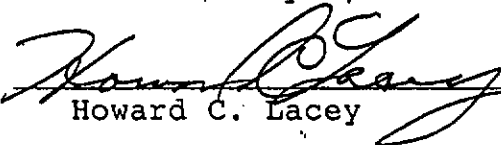
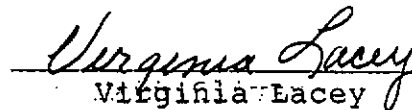
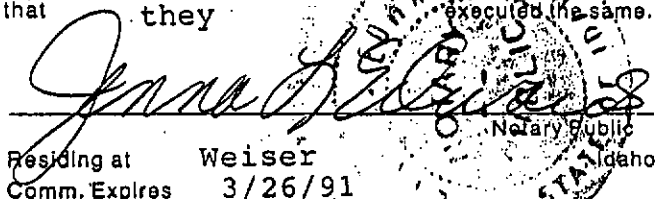
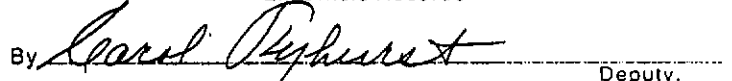
  
Howard C. Lacey  
Virginia LaceySTATE OF IDAHO, COUNTY OF Washington  
On this 9 day of February, 19 90  
before me, a notary public in and for the said State, personally  
appearedHoward C. Lacey and  
Virginia Laceyknown or identified to me to be the person's whose name  
subscribed to the within instrument, and acknowledged to me  
that they executed the same.  
Notary Public  
Residing at Weiser  
Comm. Expires 3/26/91STATE OF IDAHO, COUNTY OF WASHINGTON  
I hereby certify that this instrument was filed for record at the  
request of WEISER VALLEY TITLEat 01 minutes past 15:00 o'clock P.M.,  
this 1ST day of OCT.,  
19 92, in my office, and duly recorded in Book  
of Deeds at ~~XXX~~ # 155496MARY KAUTZ  
Ex-Officio RecorderBy   
Deputy.Fees \$6.00  
Mail to: WEISER VALLEY TITLEComp. Index  
Comp. Rel.  
Film  
Compare  
Card Rel.  
Bk. Rel.  
Up-date  
Return

EXHIBIT A

That certain real property in the State of Idaho, County of Washington, commonly known as the Howard Lacey Thousand Springs Farm, more particularly described as follows, to wit:

IN TOWNSHIP 12 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN:

Section 5: S $\frac{1}{2}$  S $\frac{1}{2}$

Section 8: NW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 9: NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$

Section 17: N $\frac{1}{2}$ NE $\frac{1}{4}$

Together with all and singular all CRP rights, water, water rights, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including the home, outbuildings and other improvements located thereon.

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AUG 05 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: A67-02372  
Date Received: 1/25/1990  
Receipt No: CO 14221  
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: HOWARD LACEY 208-549-9362  
Address: THOUSAND SPRINGS VALLEY RD.  
WEISER, ID 83672

2. Date of Priority: SEP 19, 1966

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County     |
|----------|-------|---------|--------|--------|-----|-----|------------|
| 12N      | 04W   | 5       | SW     | SE     | SW  |     | WASHINGTON |

5. Description of diverting works:  
WELL, 289' DEPTH, 10' CAS. PUMP INTO CK. TO DIV. DAM, PUMP & DIV. DITCHES.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.750  |      | 150.00 |

7. Total Quantity Appropriated is:  
0.750 C.F.S. (and/or) 150.00 A.F.A.

8. Total consumptive use is 114.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
STOCKWATER INCIDENTAL TO IRRIGATION

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 12N      | 04W   | 9       | NE     | SE  |     | IRR | 5.0   |
|          |       |         | NW     | SE  |     | IRR | 10.0  |
|          |       |         | SW     | SE  |     | IRR | 7.0   |

A67-02372

Page 1

Date: 01/25/90

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10. Place of Use: Continued

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|---------------|-------|---------|------------|-----|-----|-------|
| 12N           | 04W   | 9       | SE SE      |     | IRR | 16.0  |
| Section Acres |       |         |            |     |     | 38.0  |
| Total Acres   |       |         |            |     |     | 38.0  |

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:  
N/A

14. Remarks:

15. Basis of Claim: LICENSE  
Water Right Number: 33355

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 X 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): *Hawa Paacy* Date: 1/25/90  
Date: \_\_\_\_\_

State of Idaho )  
County of AOA ) SS.

Subscribed and sworn (or affirmed) before me this 25<sup>th</sup> day  
of JANUARY 19 90 *Donald E. Luthy*  
Notary Public



Residing at BOISE, ID  
My Commission Expires 11/08/1994

State of Idaho  
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 33355/67-2372 Priority Sept. 19, 1966 Amount 0.75 cfs

THIS IS TO CERTIFY, that HOWARD LACEY

of Weiser, Idaho, has complied with the terms and conditions of Permit No. 33355/67-2372 issued pursuant to Application for Permit dated September 19, 1966, and has submitted proof to the Department of Water Resources on May 3, 1968, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 0.79 cfs of water from a ground water source, tributary to \_\_\_\_\_, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

| Beneficial Use    | Period of Use                                                                                         | Rate of Diversion | Annual Volume |
|-------------------|-------------------------------------------------------------------------------------------------------|-------------------|---------------|
| <u>Irrigation</u> | from <u>March 15</u> to <u>Nov. 15</u> at <u>0.75</u> cfs and <u>150 acre feet or 4.0 af per acre</u> |                   |               |
|                   | from _____ to _____ at _____ cfs and _____                                                            |                   |               |
|                   | from _____ to _____ at _____ cfs and _____                                                            |                   |               |

(both dates inclusive)

Subject, however, to the condition that no more than 0.75 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 150 acre feet per year, said waters to be diverted within the SE 1/4 SW 1/4 of Sec. 5,

Twp. 12 N, Rge. 4 W, B. M. in the County of Washington

Description and location of place of use:

| Twp. | Range | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 12 N | 4 W   | 9    |        |        |        |        |        |        |        |        |        |        |        |        | 4.5    | 10     | 7      | 16     | 37.5   |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres irrigated 37.5

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

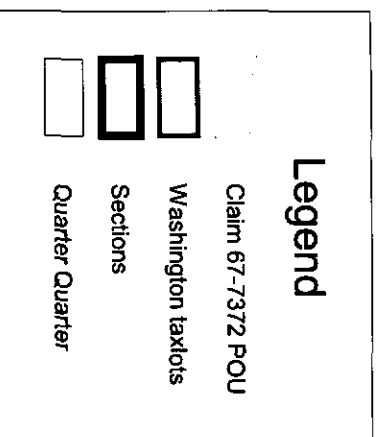
Witness the seal and signature of the Director, affixed at Boise, Idaho, this 27 day of November, 19 76.

Director

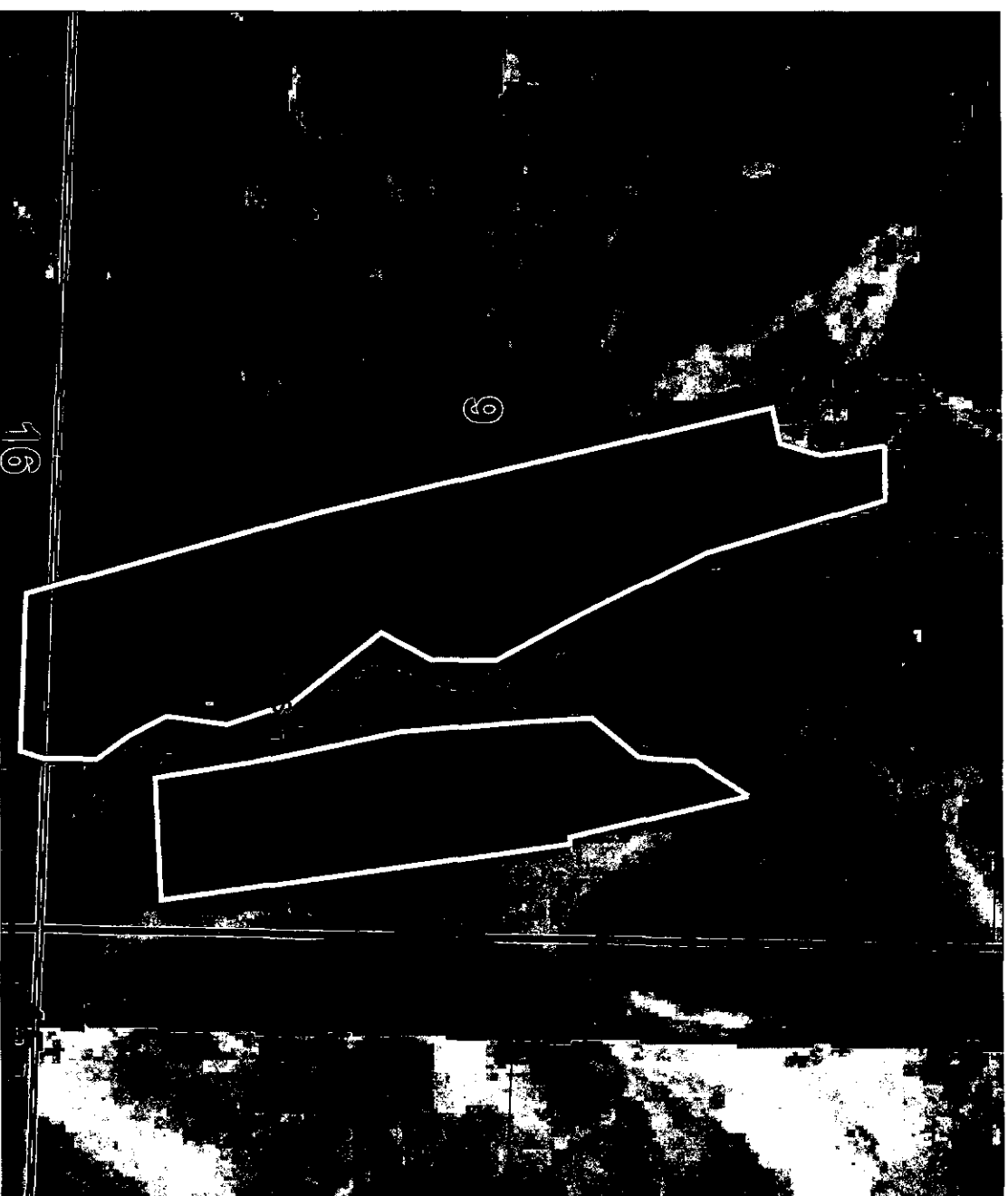
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# Idaho Department of Water Resources

## 67 - 7372



T 12N, R 04W, Section 9, 16



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AUG 19 1996

**ELAM & BURKE**  
*A Professional Association*  
ATTORNEYS AND COUNSELORS AT LAW  
KEY FINANCIAL CENTER  
702 WEST IDAHO  
POST OFFICE BOX 1539  
BOISE, IDAHO 83701

WATER RESOURCES  
WESTERN REGION

TELEPHONE  
208-343-5454

FACSIMILE  
208-384-5844

SCOTT L. CAMPBELL

August 16, 1996

Ms. Lori Harris  
Idaho Department of Water Resources  
Western Region  
2735 Airport Way  
Boise, Idaho 83705

Re: Water Rights for Seward Prosser Mellon

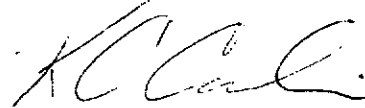
Dear Ms. Harris:

Pursuant to our recent telephone conversation, I am enclosing a Notice of Appearance for Scott L. Campbell. Mr. Campbell, and the law firm of Elam & Burke, should be listed as attorneys of records for all present and future water rights owned by Seward Prosser Mellon.

Please feel free to contact me should you have any future requirements or questions.

Very truly yours,

**ELAM & BURKE**  
*A Professional Association*



KC Colvin  
Legal Secretary to Scott L. Campbell

KC: g:\kcc\wpdata\6681\00010.ltr  
Enclosure

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OCT 22 1996

Scott L. Campbell  
ELAM & BURKE, P.A.  
Key Financial Center, 10th Floor  
702 West Idaho  
Post Office Box 1539  
Boise, Idaho 83701  
(208) 343-5454

RECEIVED

AUG 19 1996

WATER RESOURCES  
WESTERN REGION

Attorneys for Seward Prosser Mellon

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

In Re:

Seward Prosser Mellon

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that Scott L. Campbell, a shareholder of the firm of Elam & Burke, P.A., 702 West Idaho, Post Office Box 1539, Boise, Idaho, 83701, hereby enters their appearance as Attorneys of Record for the following water rights held in the name of Seward Prosser Mellon:

|           |           |
|-----------|-----------|
| A67-02372 | A67-14110 |
| A67-10232 | A67-10233 |
| A67-10250 | A67-10402 |
| A67-07182 | A67-10217 |
| A67-10219 | A67-10221 |
| A67-10222 | A67-10223 |
| A67-10224 | A67-10225 |
| A67-10226 | A67-10227 |
| A67-10229 | A67-10230 |
| A67-10231 | A67-10232 |
| A67-10233 | A67-10250 |

NOTICE OF APPEARANCE - 1

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OCT 22 1996

A67-10402  
A67-14016  
A67-14014  
A67-14009

A67-14027  
A67-14015  
A67-14013

Any future pleadings or correspondence should be addressed to:

Scott L. Campbell  
Elam & Burke, P.A.  
702 West Idaho  
Post Office Box 1539  
Boise, Idaho 83701

DATED this 15<sup>th</sup> day of August, 1996.

ELAM & BURKE, P.A.

By Scott L. Campbell  
Scott L. Campbell



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

**PHILIP E. BATT**  
GOVERNOR

**R. KEITH HIGGINSON**  
DIRECTOR

March 21, 1995

Re: Notice of Claim to a Water Right No. A67-02372

Seward Prosser Mellon  
P.O. RKM  
Ligonier, PA 15658

Mr. Mellon:

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: Dan & Lisa Fox  
Matt & Coreen Oliver

**MICROFILMED**  
**OCT 22 1996**



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

January 7, 1993

Re: Notice of Claim to a Water Right No. A67-02372

Dan E. Fox  
Lisa Lynn Fox  
Matthew B. Oliver  
Coreen K. Oliver  
13512 Vintage Place  
Chino, CA 91710

Mr. & Mrs. Fox & Mr. & Mrs. Oliver:

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 filings.

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

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AUG 05 1994