

No Color
Documents
In File

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: **A67-04135A**
Date Received: 10/13/1989
Receipt No: X777777
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: RICHARD A MICHAEL 208-549-3059
Address: 1549 SCHELOSKE RD
WEISER ID 83672

OR
Name: BILLY D MICHAEL 208-549-2817
Address: 397 RIVERDOCK RD
WEISER ID 83672

2. Date of Priority: JUN 1, 1926

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11N	05W	32	SE	SE	SE		WASHINGTON

5. Description of diverting works:
PUMP IN RIVER 10HP PUMP, SPRINKLERS & DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.270		

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

8. Total consumptive use is 47.2 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
11N	05W	32	SE	SE		IRR	13.5

10. Place of Use: Continued

Section Acres 13.5

Total Acres 13.5

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:

NONE

14. Remarks:

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF
CLAIM NO A67-04135, FEE PAID UNDER RECEIPT NO MOO4942. 10/24/1995
MTS

15. Basis of Claim: BENEFICIAL USE

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 _____

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

FEB 13 1995

Department of Water resource

DATE OF CLOSING: 1/17/95

LEGAL DESCRIPTION OF PROPERTY: Township 11 north Range 5 West
 Section 32, SE 1/4 of SE 1/4 of _____ 1/4, Govt. Lot _____, B.M.
 Lot _____, Block _____, Subdivision/Townsite _____.
 If you have additional legal descriptions, please attach separate sheet.

RECEIVED

FEB 15 1995

WATER RESOURCES
WESTERN REGION

- [] 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:

- [] Name and Address of Former Owner/Claimant(s)(Seller): BILLY D. & DONNA P. MICHAEL
RICHARD A. & SANDRA K. MICHAEL

1549 SCHELOSKE ROAD
WEISER, ID 83672

- [] New Owner/Claimant
 (Purchaser): J & S PROPERTIES

- [] New Mailing Address: 602 HWY 95
 WEISER, ID 83672

- 11 New Telephone Number: (708) 549-3310

- [] Does the change in ownership result in a splitting of the water right owned/claimed? X yes ___ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

PARCEL AS DESCRIBED ON ATTACHED LEGAL DESCRIPTION.

- [] 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.)

- [1] Signature of New Owner/Claimant(s) [Signature] Date 1/17/95

- NEW
[] Signature of ~~Former~~ Owner/Claimant(s):  Date 1/17/95
Date

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

Further Action Taken
Date: By:
Final Review and Data-Entry
Date: By:
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

EXHIBIT "A"

A parcel of land situated within the SE1/4SE1/4 of Section 32, Township 11 North, Range 5 West, Boise Meridian, more particularly described as follows:

Beginning at the southwest corner of the SE1/4SE1/4 of Section 32, T.11N., R.5W., B.M., which point is on the centerline of U. S. Highway 95;

Thence N 0°21'32"W - 224.25 feet along the centerline of said U.S. Highway 95 to Station PC 654+24.0, which point is a point of curvature;

Thence N 89°38'28"E - 40.00 feet to a point on the east right of line of said U. S. Highway 95, which point is right of Highway centerline Station PC 654+24.0;

Thence along the east right-of-way of said U. S. Highway 95, a distance of 136.72 feet along the arc of a 6406.70 foot radius curve left with a central angle of 1°13'22" and a long chord bearing N 0°57'22"W - 136.71 feet to the TRUE POINT OF BEGINNING;

Thence along the easterly right-of-way of said U. S. Highway 95, a distance of 255.00 feet along the arc of a 6406.70 foot radius curve left with a central angle of 2°16'50" and a long chord bearing N 2°42'26"W - 254.98 feet;

Thence N 89°03'26"E - 359.09 feet;

Thence S 0°56'34"E - 365.26 feet;

Thence S 89°03'26"W (formerly S 89°39'00"W) - 189.98 feet;

Thence N 1°04'24"W - 110.40 feet;

Thence S 89°03'26"W - 161.01 feet to the TRUE POINT OF BEGINNING.

GRANTOR RESERVES A 10 FOOT WIDE EASEMENT FOR OPERATION AND MAINTENANCE OF UNDERGROUND ELECTRICAL SERVICE LYING 10 FEET NORTH OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE SE CORNER OF THE ABOVE DESCRIBED PARCEL;
THENCE S 89°03'26" W 189.98 FEET TO THE TERMINUS OF SAID LINE.

GRANTOR FURTHER INDEMNIFIES GRANTEE AND WILL REPLACE BLACKTOP WHICH WOULD BE DISPLACED BY MAINTENANCE.

INSTRUMENT NO. 162321
STATE OF IDAHO, COUNTY OF WASHINGTON ss.
Filed for record at the request of
WEISER VALLEY TITLE
40 Min. past FOURTEEN o'clock P.M.
This 18TH day of JANUARY 1995
Index to: DEEDS
SHARON WIDNER, Recorder, Fee: \$6.00
By [Signature] Deputy
WEISER VALLEY TITLE

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

MICROFILMED
OCT 22 1996

00-95-4761

POOR ORIGINAL

WARRANTY DEED

For Value Received

BILLY D. MICHAEL AND DONNA P. MICHAEL, husband and wife AND RICHARD A. MICHAEL AND SANDRA K. MICHAEL, husband and wife

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

J & S PROPERTIES, a partnership consisting of JAMES W. FICA AND STEPHEN S DOMINGUEZ the grantee s. whose current address is partners

602 HWY 95, WEISER, ID 83672 the following described premises, in WASHINGTON County Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

Together with all water, water rights, ditches and ditch rights appurtenatn thereto and in anywaye 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 s their heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee s, 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: JANUARY 17, 1995

Billy D Michael by Richard A Michael as his attorney in fact
Donna P. Michael by Richard A Michael as her attorney in fact
 BILLY D. MICHAEL BY RICHARD A. MICHAEL AS HIS ATTORNEY IN FACT
 DONNA P. MICHAEL BY RICHARD A. MICHAEL AS HER ATTORNEY IN FACT
Richard A Michael
 RICHARD A. MICHAEL
Sandra K Michael by Richard A Michael as her attorney in fact
 SANDRA K. MICHAEL BY RICHARD A. MICHAEL AS HER ATTORNEY IN FACT

STATE OF IDAHO } ss.
 COUNTY OF WASHINGTON
 On this 17TH day of JANUARY in the year 1995, before me, a Notary Public, personally appeared RICHARD A. MICHAEL known or identified to me to be the person whose name is subscribed to the within instrument as the attorney in fact of BILLY D. MICHAEL & SANDRA K. MICHAEL and acknowledged to me that he subscribed the name of BILLY D. MICHAEL & SANDRA K. MICHAEL DONNA P. MICHAEL therefor as principal, and his (her) own name as attorney in fact.
Christy Wickes
 Notary Public
 Residing at WEISER Idaho
 COMM. EXP: 11/4/97

STATE OF IDAHO } ss.
 COUNTY OF WASHINGTON
 On this 17TH day of JANUARY in the year 1995, before me, a Notary Public, personally appeared RICHARD A. MICHAEL AND SANDRA K. MICHAEL known or identified to me to be the person whose names ARE subscribed to the within instrument, and acknowledged to me that they executed the same.
Christy Wickes
 Notary Public
 Residing at WEISER
 COMM. EXP: 11/4/97

INSTRUMENT NO.

MICROFILMED

OCT 22 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

[Hometown Motors Inc]

CECIL D. ANDRUS
GOVERNOR

602 US Hwy 95

DEC 27, 1993

R. KEITH HIGGINSON
DIRECTOR

Weiser ID 83672

[] SRBA CLAIM NO. A67-04135

Dear Wateruser(s):

This office has reviewed the **Notice of Change of Water Right Ownership** form submitted to our office. However, due to the items checked below, we cannot continue to process this ownership change. We are returning the Notice of Change of Ownership to you to **COMPLETE OR RESEARCH ONLY THE FOLLOWING ITEM(S) SHOWING A CHECKMARK IN THE BLANK FOR THAT ITEM(S).**

_____ There is no existing water right in our records either under the former owner's name or for the legal description given. If, after contacting the former owner, you find more information concerning a water right, please contact us.

_____ Legal description of property. Please complete showing the legal description by 1/41/4 (40-acre tract), section, township and range for the property changing ownership. If you only have a subdivision lot & block legal description, please send us a copy of your subdivision plat map.

_____ It appears you receive your water from an irrigation district, ditch company, municipality or community water company. If this is the case, then the water right remains in the name of this entity and you should contact them concerning the ownership change.

_____ Name and address of former owner (seller). This will clarify the original owner of the water right.

_____ Name, address and phone number of new owner (purchaser).

✓ _____ This change in ownership appears to result in a splitting of the water right. A split of the water right occurs when the ownership change affects only a portion of the original right. In order to accurately split this right we must know what portion of the right was sold. The amount of water in CFS, the place of use by 1/4 1/4 with the number of acres in each 1/41/4 (if applicable) and the point of diversion by 1/41/4, Section, Township and Range is needed. If this right is not being split, please submit proof of ownership for the remaining portion.
Enclosed is a computer copy of this right for your review.

_____ Proof of ownership is needed. This proof can be a copy of the warranty deed, sales contract or tax assessment in your name which includes a description of this property by 1/41/4, Section, Township and Range.

MICROFILMED

OCT 22 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

NOV 24 1993

Department of Water Resources

DATE OF CLOSING: 7/22/93

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.

RECEIVED

NOV 26 1993

WATER RESOURCES
WESTERN REGION

[] 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: _____

[] Name and Address of Former Owner/Claimant(s)(Seller): BILLY D. & DONNA P. MICHAEL
103 SOUTH FAIRFIELD

COUNCIL, ID 83612

[] New Owner/Claimant (Purchaser): HOMETOWN MOTORS, INC.

[] New Mailing Address: 602 U.S. HWY 95

WEISER, ID 83672

[] New Telephone Number: () _____ - _____

[] Does the change in ownership result in a splitting of the water right owned/claimed? X yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

1/2 OF ORIGINAL WATER RIGHT CLAIMED.

[] 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) _____ Date _____

[] Signature of Former Owner/Claimant(s): _____ 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: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

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

WARRANTY DEED

For Value Received

BILLY D. MICHAEL AND DONNA P. MICHAEL, husband and wife

The grantors, do hereby grant, bargain, sell and convey unto

HOMETOWN MOTORS, INC., an Idaho corporation
the grantee, whose current address is
602 U.S. HWY 95, WEISER, ID 83672

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

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee
ITS 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: JULY 22, 1993

Billy D. Michael by Richard A. Michael attorney in fact *Donna P. Michael by Richard A. Michael attorney in fact*
BILLY D. MICHAEL BY RICHARD A. MICHAEL, ATTORNEY IN FACT
DONNA P. MICHAEL BY RICHARD A. MICHAEL, ATTORNEY IN FACT

STATE OF IDAHO } ss.
COUNTY OF WASHINGTON }
On this 22ND day of JULY in the
year 19 93, before me, a Notary Public, personally appeared
RICHARD A. MICHAEL
known or identified to me to be the person whose name is subscribed
to the within instrument as the attorney in fact of BILLY D.
MICHAEL AND DONNA P. MICHAEL and acknowledged to me
that he subscribed the name of BILLY D. MICHAEL AND
DONNA P. MICHAEL thereto as principal, and in their own name as attorney in fact.
Richard A. Michael
Notary Public
Residing at WEISER, Idaho
COMM EX: 11/1/93
3/27/97

STATE OF IDAHO, COUNTY OF WASHINGTON
I hereby certify that this instrument was filed for record at the
request of WEISER VALLEY TITLE
at 25 minutes past 16:00 o'clock P.M.,
this 30TH day of JULY
1993, in my office, and duly recorded in Book
of Deeds at BOOK # 157578
MARY KAUTZ
Ex-Officio Recorder
By *Carol Righurst* Deputy
Fees \$6.00
Mail to: WEISER VALLEY TITLE
FILED
OCT 22 1996
Comp. Index
Comp. Ref.
Film
Compare
Card Ref.
Bk. Ref.
Up-date

INSTRUMENT NO. 157578

EXHIBIT "A"

A parcel of land situated within the SE1/4SE1/4 of Section 32. Township 11 North. Range 5 West. Boise Meridian. more particularly described as follows:

Beginning at the southwest corner of the SE1/4SE1/4 of Section 32. T.11N..R.5W.. B.M.. which point is on the centerline of U. S. Highway 95:

Thence N 0°21'32"W - 224.25 feet along the centerline of said U.S. Highway 95 to Station PC 654+24.0. which point is a point of curvature:

Thence N 89°38'28"E - 40.00 feet to a point on the east right of line of said Highway 95. which point is right of Highway centerline Station PC 654+24.0:

Thence along the east right-of-way of said Highway 95 a distance of 26.32 feet (formerly 26.00 feet) along the arc of a 6406.70 foot radius curve left with a central angle of 0°14'07" and a long chord bearing N 0°27'50"W - 26.32 feet to the TRUE POINT OF BEGINNING:

Thence along the easterly right-of-way of said Highway 95 a distance of 110.40 feet along the arc of a 6406.70 foot radius curve left with a central angle of 0°59'14" and a long chord bearing N 1°04'24"W - 110.40 feet:

Thence N 89°03'26"E - 161.01 feet:

Thence S 1°04'24"E - 110.40 feet:

Thence S 89°03'26"W (formerly S 89°39'00"W) - 160.01 feet to the TRUE POINT OF BEGINNING.

Grantor reserves the operation and maintenance of an existing electrical power pole and powerlines in the Southeast corner of the above described parcel.

Grantor further reserves an existing well and pump house and underground pipeline system that serves Grantor's existing building, together with easement for operation and maintenance of said system.

MICROFILMED

OCT 22 1996

SD-0601-2 Last Name: MICHAEL

STATE

S	First	O	W	Water	Priority		Total	Use
E	Name	N	Right	No.	Date	Source	Diversion	Code Desc
L								
—	MICHAEL							
—	RICHARD A.	S. 17	C	A67-10515	03/15/1962	GROUNDWATER	0.370	01 IRR
—	BILLY D.		C	A67-10515	03/15/1962	GROUNDWATER	0.370	01 IRR
—	RICHARD A.	S. 15	C	A67-10516	02/18/1926	GROUNDWATER	0.040	43 DOMEST
—	SANDRA K.		C	A67-10516	02/18/1926	GROUNDWATER	0.040	43 DOMEST
X	BILLY D.	NENE	C	A67-10517	07/04/1950	GROUNDWATER	0.040	43 DOMEST
X	RICHARD A.	NENE	C	A67-10517	07/04/1950	GROUNDWATER	0.040	43 DOMEST
—	BILLY D.	NENE	C	A67-10518	09/15/1936	GROUNDWATER	0.040	43 DOMEST
—	RICHARD A.	S. 17	C	A67-10518	09/15/1936	GROUNDWATER	0.040	43 DOMEST
—	BILLY D.	7ENENG	C	A67-10795	02/04/1949	GROUNDWATER	0.430	01 IRR
—	RICHARD A.	S. 14	C	A67-10795	02/04/1949	GROUNDWATER	0.430	01 IRR
—	BILLY D.		C	A67-04135	06/01/1926	WEISER RIVE	0.320	01 IRR
—	RICHARD A.		C	A67-04135	06/01/1926	WEISER RIVE	0.320	01 IRR
—	BILLY D		C	R67-10518	09/15/1936	GROUNDWATER	0.040	43 DOMEST
—	RICHARD A		C	R67-10518	09/15/1936	GROUNDWATER	0.040	43 DOMEST

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

02270 = 10795

MICROFILMED

OCT 22 1996