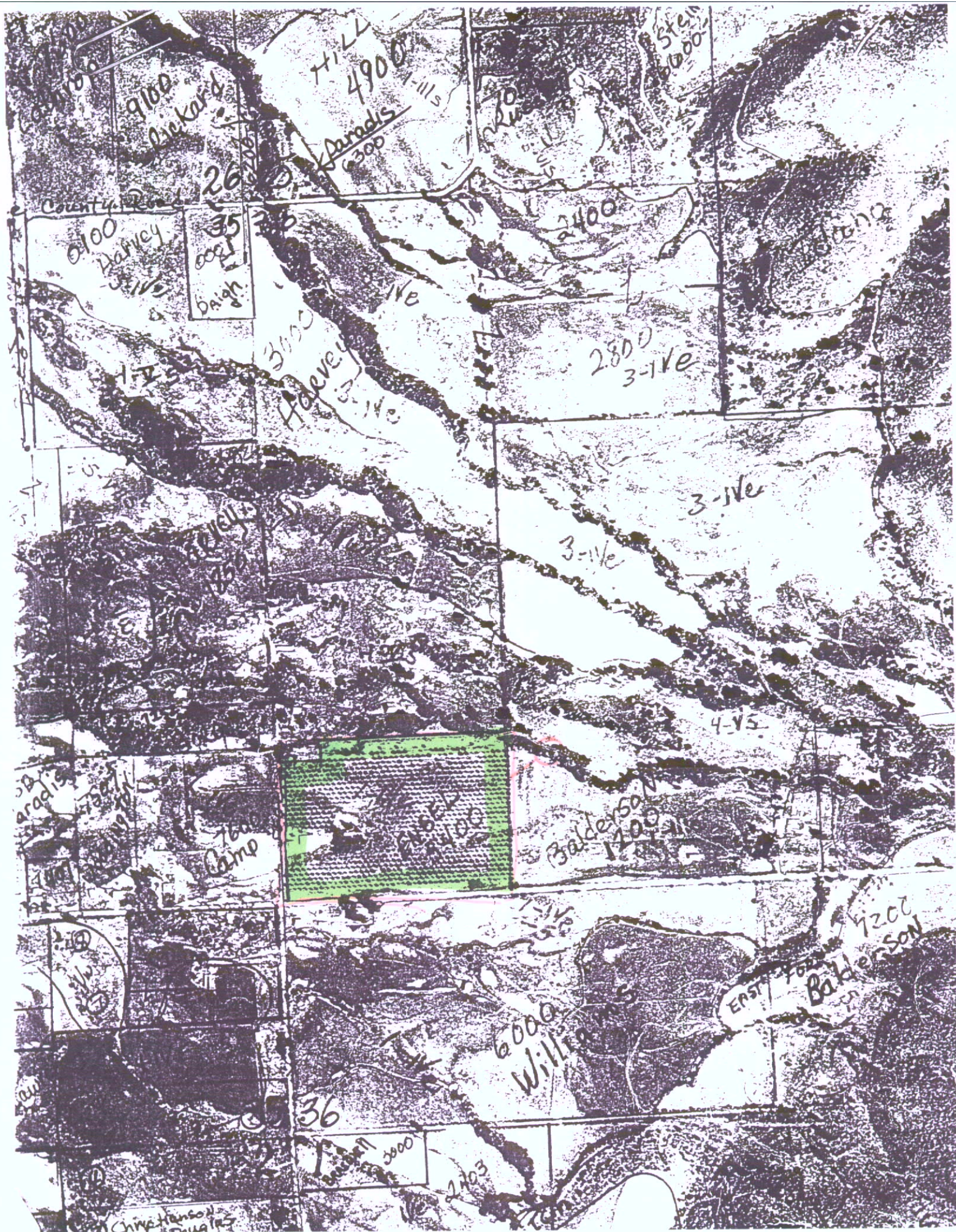




a report in to
 T#1504
 Rosabelle
 Martinez
 88478
 8-15-95
 15-

Rosabelle
Martinez
88478
8-15-95

$$R = 1$$

Total .82 ac
in TAX 1907

54 Rads (891')

88478 martinez

Exception to
T# 1504
(read?)

[40 chains]

Harvey, Donald E
87310 1/23/95

8-13
14m/227

27

2nd May 1960

24/1/21

$$a^2 \cdot a^3 = a^5$$

July 1.

891

1 rod = $5\frac{1}{2}$ yards

43560

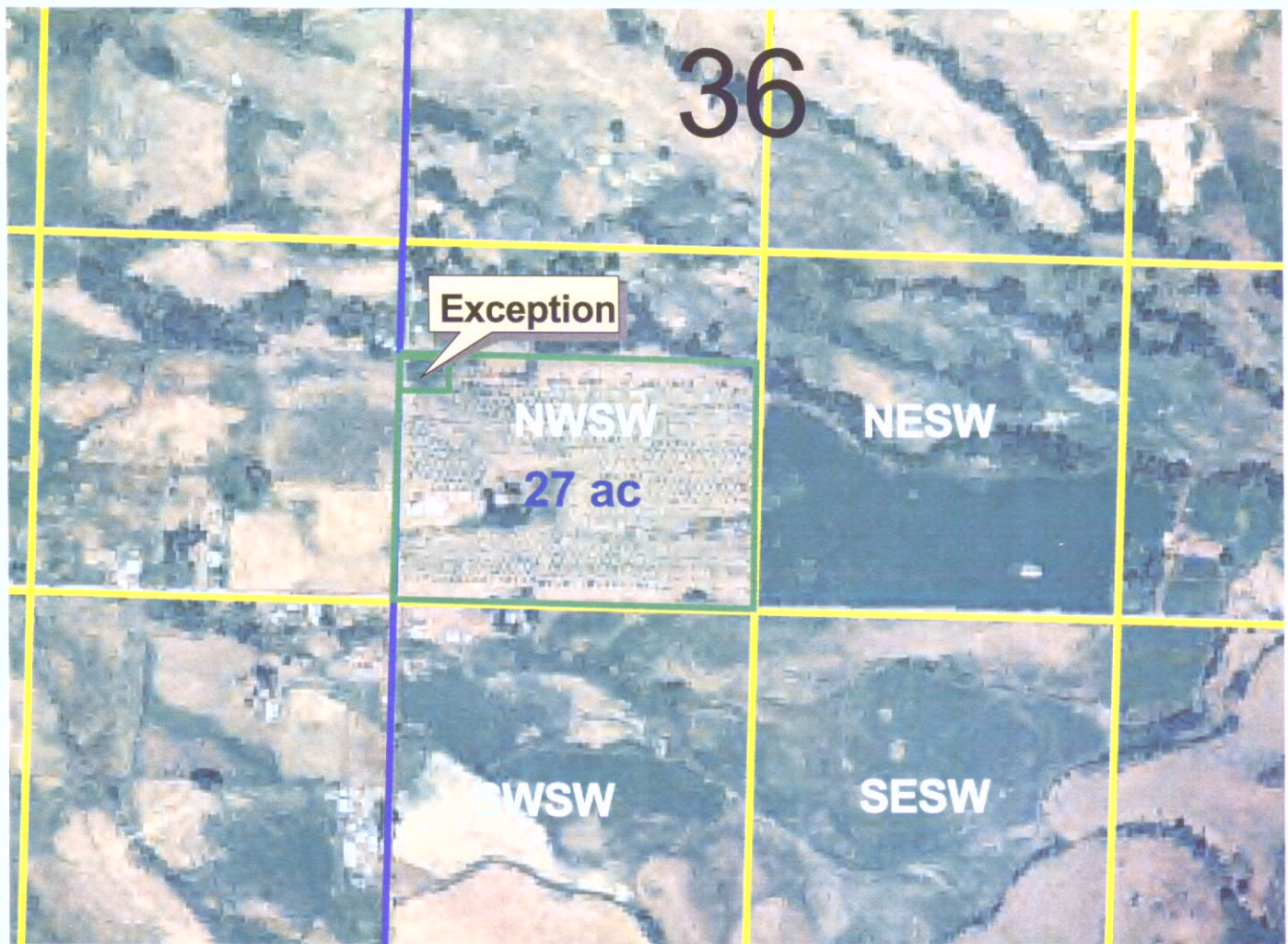
Gerald E.

12

Smith

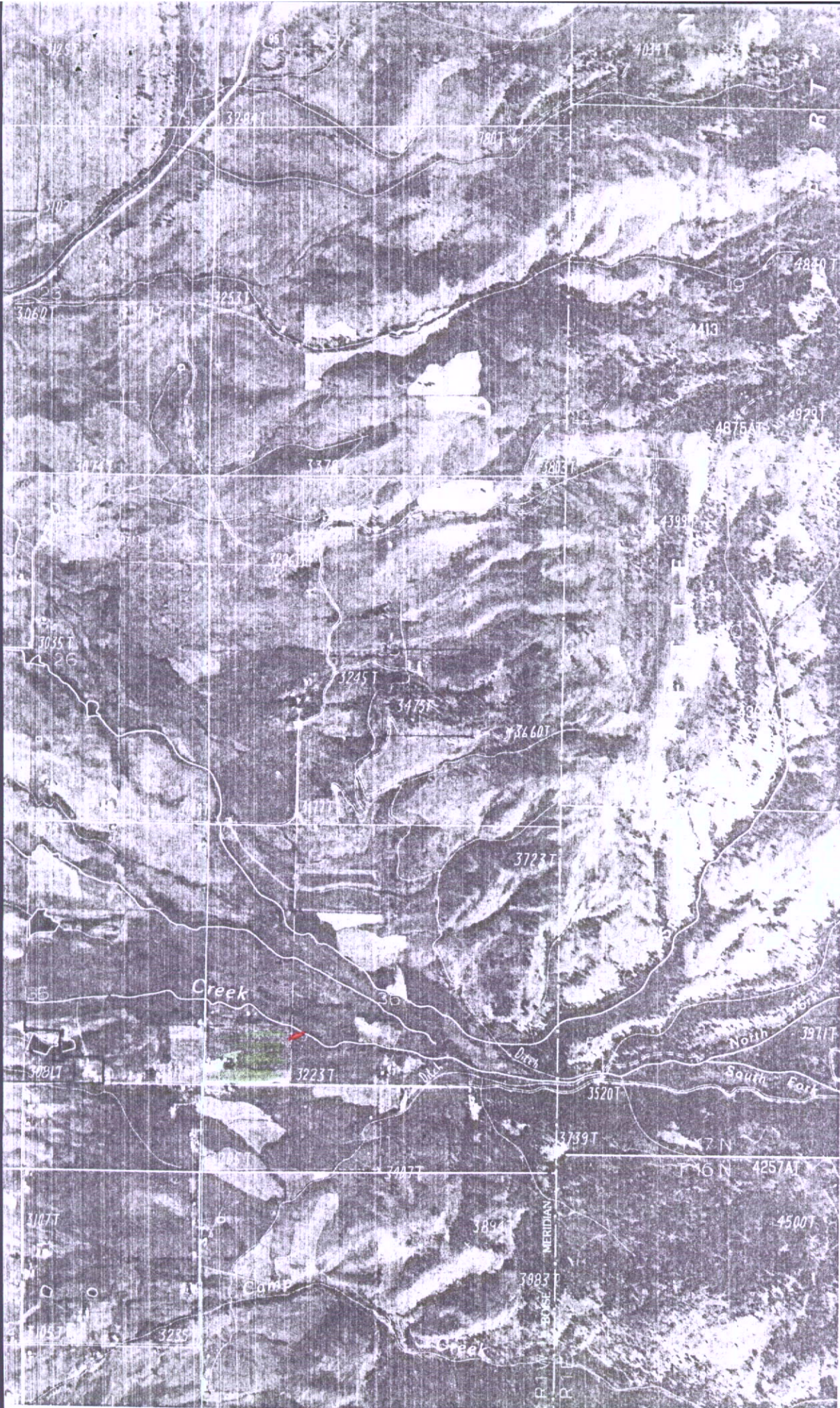
17N 1W

67-348D, 67-355D,
67-363F, 67-4158
and 67-11430



-  Property Lines w/ Exception
-  Section Line
-  QQ Lines





4°61'
4°60'
47° 30"
4°59'
4°58'
4°57'
4°56' 00" N

T17N
T16N

MICROFILMED
OCT 01 1992

116° 25'
116° 24'
116° 23' 30"

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 67-355D
Date Received: 1/4/1990
Receipt No: C013818
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KURT SMITH
11877 GOLDENROD AVE
BOISE ID USA 83713

Phone: (208) 377-9319

DIANE SMITH
11877 GOLDENROD AVE
BOISE ID USA 83713

Phone: (208) 377-9319

2. Date of Priority: 05/01/1884

3. Source: MILL CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
17N	01W	36	NW	SE	NW	ADAMS	

5. Description of diverting works:

PIPE, UNDERGROUND STANDPIPE SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.13	

7. Total Quantity Appropriated is:
0.13 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	01W	36	NW	SW	IRRIGATION	27
					Section Acres	27
					Total Acres	27

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:

14. Remarks:

Ownership changed by DH 7/31/2003

15. Basis of Claim: Decreed

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

RECEIVED**JUL 25 2003****WATER RESOURCES
WESTERN REGION**

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
67-363 F	67-363 F	___	_____	_____	___
67-00348 D	_____	___	_____	_____	___
A67-04158	_____	___	_____	_____	___
A67-00355 D	_____	___	_____	_____	___
A67-11430	_____	___	_____	_____	___

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

ED & SHIRLEY ENGEL

4. New Owner/Claimant(s)

HC 62 BOX 1310, COUNCIL, ID, 83612

~~COUNCIL ID 83612~~ KURT & DIANE SMITH

Name Connector (Check one): [] and, [] or, ☒ and/or

New Mailing Address

11877 GOLDENROD AVENUE

City, State and ZIP Code

BOISE ID 83713

New Telephone Number

(208) 377-9319

5. Date you acquired the property

5/19/03

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

Kurt B. Smith
Diana E. Smith

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only
 Received by DAW Date 7-25-03 Fee - 0 -
 Received by - 0 - Date - 0 - Receipt No. - 0 -
 Processed by _____ AJ Date _____ WR _____ Date _____

INSTRUMENT NO. **103767**
PAGE 1 OF 2

Instrument # 103767

COUNCIL, ADAMS, IDAHO

2003-05-19

03:09:18 No. of Pages: 2

Recorded for: TIMBERLINE TITLE & ESCROW

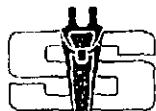
MICHAEL FISK

Fees \$0.00

Ex-Officio Recorder Deputy

Index to: DEED

Sarah J. Gibson



WARRANTY DEED

For Value Received ED ENGEL, AN UNMARRIED MAN AND SHIRLEY ENGEL, AN UNMARRIED WOMAN, WHO ACQUIRED TITLE AS ED ENGEL AND SHIRLEY ENGEL, HUSBAND AND WIFE

the Grantor hereby grants, bargains, sells, conveys and warrants unto KURT B. SMITH & DIANE E. SMITH, husband and wife

the Grantee whose current address is: 11877 Goldenrod Ave., Boise, ID 83713

the following described premises, to-wit:

AS PER LEGAL DESCRIPTION ATTACHED HERETO

Parcel Number: RP17N01W365400A

SUBJECT TO: Current General Taxes, a lien in the process of assessment, not yet due or payable. Easements, restrictions, reservations, provisions of record, and assessments, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: May 14, 2003

ED ENGEL

SHIRLEY ENGEL

State of California

County of Tulare

On this 15th day of May, 2003, before me, the undersigned, a Notary Public, in and for said State, personally appeared

Shirley Engel

known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that she executed the same.

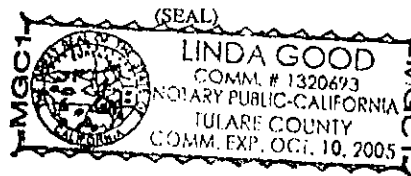
WITNESS MY HAND AND OFFICIAL SEAL.

Notary Public

Residing at:

Commission Expires:

Visalia Ca
10/10/05



Cathy Springer

From: Angie Bumgarner [abumgarner@timberlinetitle.com]
Sent: Wednesday, April 16, 2003 9:11 AM
To: Cathy Springer
Subject: 03-282

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho
Section 36: A parcel of land situated in the NW1/4SW1/4 of said
section, Township and Range, more particularly described as follows:
Commencing at the Southwest corner of said NW1/4SW1/4 of said
Section, Township and Range;
Thence East on and along the South line of said NW1/4SW1/4 80^{1320'} rods to
the Southeast corner of said NW1/4SW1/4;
Thence North on and along the East line of said NW1/4SW1/4 a distance
of 54 rods; 891'
Thence West parallel to the South line of said NW1/4SW1/4 80^{1320'} rods to
a point on the West line of said NW1/4SW1/4;
Thence South on and along the West line of said NW1/4SW1/4 a distance
of 54 rods to the Real Point of Beginning;
EXCEPTING THEREFROM two tracts of land more particularly described as
follows:
Parcel 1: A strip of land 15 fee wide off of and along the entire
West end of the tract hereinbefore first described.
Parcel 2: Commencing at a point that is 54^{891'} rods North and 15 feet
East of the Southwest corner of said NW1/4SW1/4; said Section,
Township and Range; Thence East 177.44 feet; Thence South 125 feet;
Thence West 177.44 feet; Thence North 125 feet to the point of
beginning of this excepted tract.
SUBJECT TO the MILL CREEK COUNTY ROAD right of way as now
established.

1 rod =
16.5 ft.

4/16/2003

INSTRUMENT NO. 103766
PAGE 1 OF 2

instrument # 103766

COUNCIL, ADAMS, IDAHO

2003-05-19

03:09:18 No. of Pages: 2

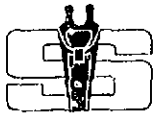
Recorded for: TIMBERLINE TITLE & ESCROW,

MICHAEL FISK

Fees: \$ 00

Ex-Officio Recorder Deputy

Index to: DEED



WARRANTY DEED

For Value Received ED ENGEL, AN UNMARRIED MAN AND SHIRLEY ENGEL, AN UNMARRIED WOMAN, WHO ACQUIRED TITLE AS ED ENGEL AND SHIRLEY ENGEL, HUSBAND AND WIFE

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TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: May 14, 2003

ED ENGEL

SHIRLEY ENGEL

State of Idaho

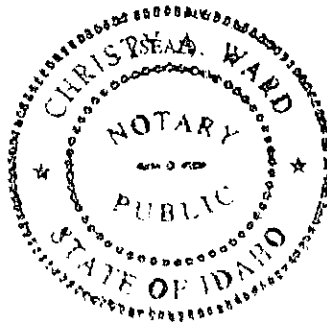
County of Adams

On this 16th day of May, 2003, before me, the undersigned, a Notary Public, in and for said State, personally appeared Ed Engel

known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Christy C. Ward
Notary Public
Residing at: Indian Valley, ID
Commission Expires: 9-17-04



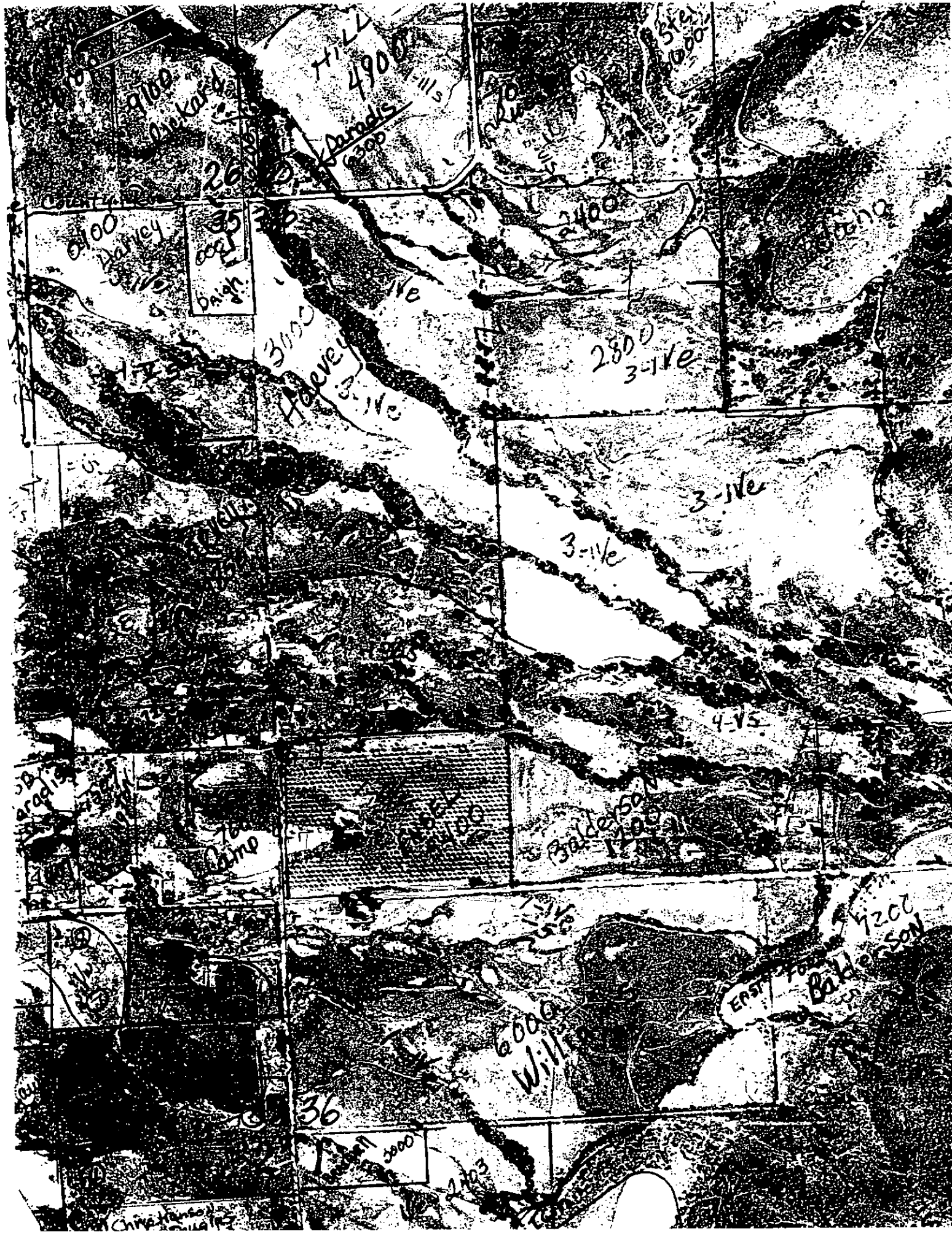
Cathy Springer

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Section 36: A parcel of land situated in the NW1/4SW1/4 of said
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Commencing at the Southwest corner of said NW1/4SW1/4 of said
Section, Township and Range;
Thence East on and along the South line of said NW1/4SW1/4 80 rods to
the Southeast corner of said NW1/4SW1/4;
Thence North on and along the East line of said NW1/4SW1/4 a distance
of 54 rods;
Thence West parallel to the South line of said NW1/4SW1/4 80 rods to
a point on the West line of said NW1/4SW1/4;
Thence South on and along the West line of said NW1/4SW1/4 a distance
of 54 rods to the Real Point of Beginning;
EXCEPTING THEREFROM two tracts of land more particularly described as
follows:
Parcel 1: A strip of land 15 feet wide off of and along the entire
West end of the tract hereinbefore first described.
Parcel 2: Commencing at a point that is 54 rods North and 15 feet
East of the Southwest corner of said NW1/4SW1/4, said Section,
Township and Range; Thence East 177.44 feet; Thence South 125 feet;
Thence West 177.44 feet; Thence North 125 feet to the point of
beginning of this excepted tract.
SUBJECT TO the MILL CREEK COUNTY ROAD right of way as now
established.

INITIAL


4/16/2003



[40 chains]

Exemption to
T# 1504
(red)

88478
Mortgage

Total .82 ac
in Tax # 1907

R = 16.5'

Rosabelle
Mortgage
88478
8-15-95

Exemption to
T# 1504

W

5507 54 rods (891')

1744' 2"
135'
51' 00"
125'

Harvey, Donald E
87310 1/23/95

8-13
144/1000

27

1 1/2 10' 14"

16.5' 1/2 10' 14"

54110'

92131/191
91221/191

E 1220

892

1 rod = 5 1/2 yards

43560

Donald E.

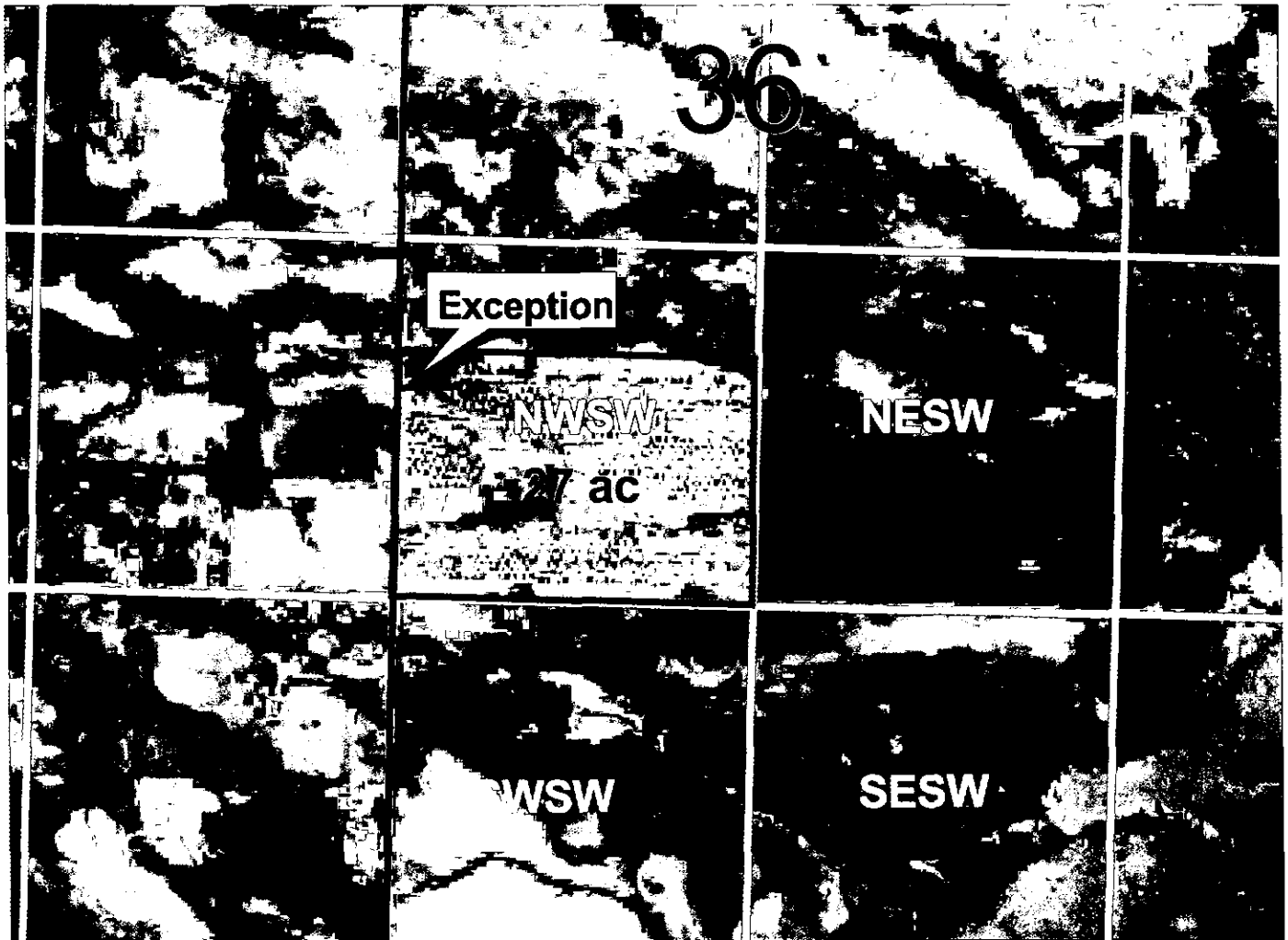
12

N

Smith

17N 1W

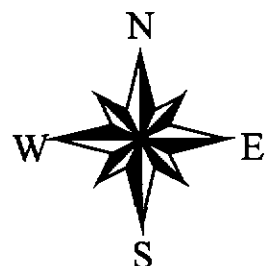
67-348D, 67-355D,
67-363F, 67-4158
and 67-11430



 Property Lines w/ Exception

 Section Line

QQ Lines



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: A67-00355D
Date Received: 1/04/1990
Receipt No: 0013818
Received By: KRF

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ED E. ENGEL 208-253-4830
Address: HC 62, BOX 1310
COUNCIL, ID 83612

OR

Name: SHIRLEY A. ENGEL 208-253-4830
Address: HC 62, BOX 1310
COUNCIL, ID 83612

2. Date of Priority: MAY 01, 1884

3. Source: MILL CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	36	NW	SE	NW		ADAMS

5. Description of diverting works:
PIPE, UNDERGROUND STANDPIPE SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	~~0.110~~		

.13

7. Total Quantity Appropriated is:
~~0.110~~ C.F.S. (and/or)

A.F.A.

.13

8. Total consumptive use is 81.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	01W	36	NW SW		IRR	27.0
Section Acres						27.0
Total Acres						27.0

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:

A67-00348D, COMBINED 67-00359 & 67-00363A.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JOHN T. MUIR

Decree Plaintiff

vs

WILLIAM ALLISON

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 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): [Signature] Date: 1-4-90

Date: _____

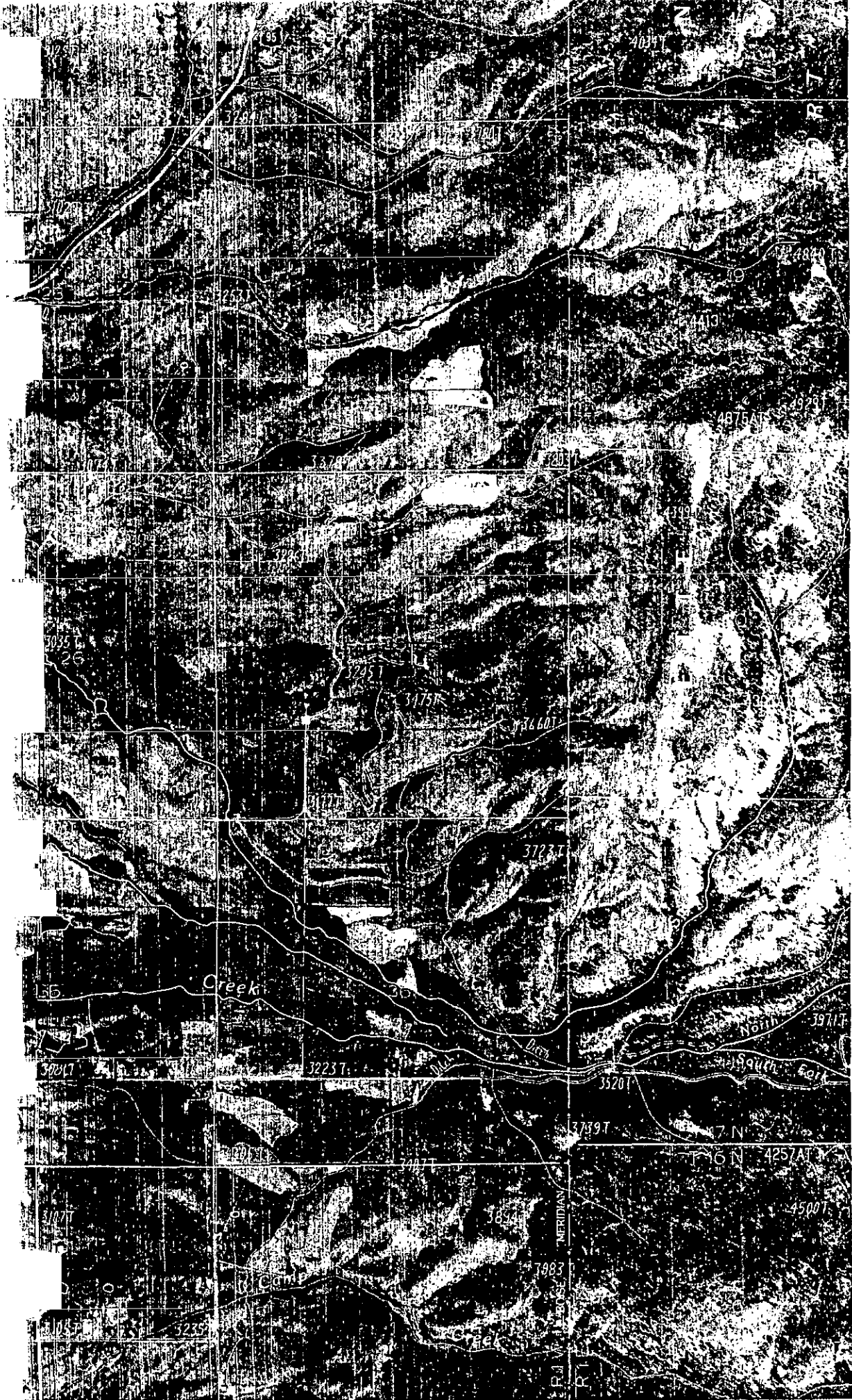
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 4th day

of January 19 9
Seal

[Signature]
Notary Public

Helen Harrington, Notary Public
Residing at Residing at Boise, Idaho
My Commission Expires December 1, 1994
My Commission Expires _____



4961

4960

17' 30"

4959

4958

4957

4956000m N

T17N
T16N

MICROFILMED
OCT 01 1992

546 25'

547

548

549000m E

116° 22' 30"

44° 45'



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 31, 2003

KURT SMITH
DIANE SMITH
11877 GOLDENROD AVE
BOISE ID 83713

Re: Notice of Claim to a Water Right No. 67-348D, 67-363F, 67-355D, 67-4158 & 67-11430

Dear Claimant(s):

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

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region Office

DH: dh

Enclosure

CLAIMANT'S NAME: Ed EngelDATE: 1/4/90EMPLOYEE: Helen Harrington-ThornumRE: Variation of diversion rate of adjudication claim and
Decreed Rt.

I assisted Mr. Engel today; he did not have an appointment. He had a list of three priority dates with #s of inches. He said he had 16.5" of water with an 1884 priority. I researched in the computer and found 167-00355D appurtenant to the property but told him it was for only 5½". I explained to him that there certainly could be other water but if the basis of his claim was this decreed rt, it was only for 5½".

He said he didn't have any time before the filing deadline to find out any information (deadline was next day).

I explained to him that he should file claims based on what he believed his water rights were, although there discrepancies if the decreed water was 5½".

He is fully aware that his claim does not coincide with the decreed right, and he was presented with options of filing a separate claim, using some other basis of claim, or doing what he did - to claim his 16.5" on the ~~de~~ claim regardless of the basis of claim.

MICROFILMED

OCT 01 1992