

WEISER

Pop. 4108

2115'

POOR ORIGINAL

Sagebrush Hill
3335'



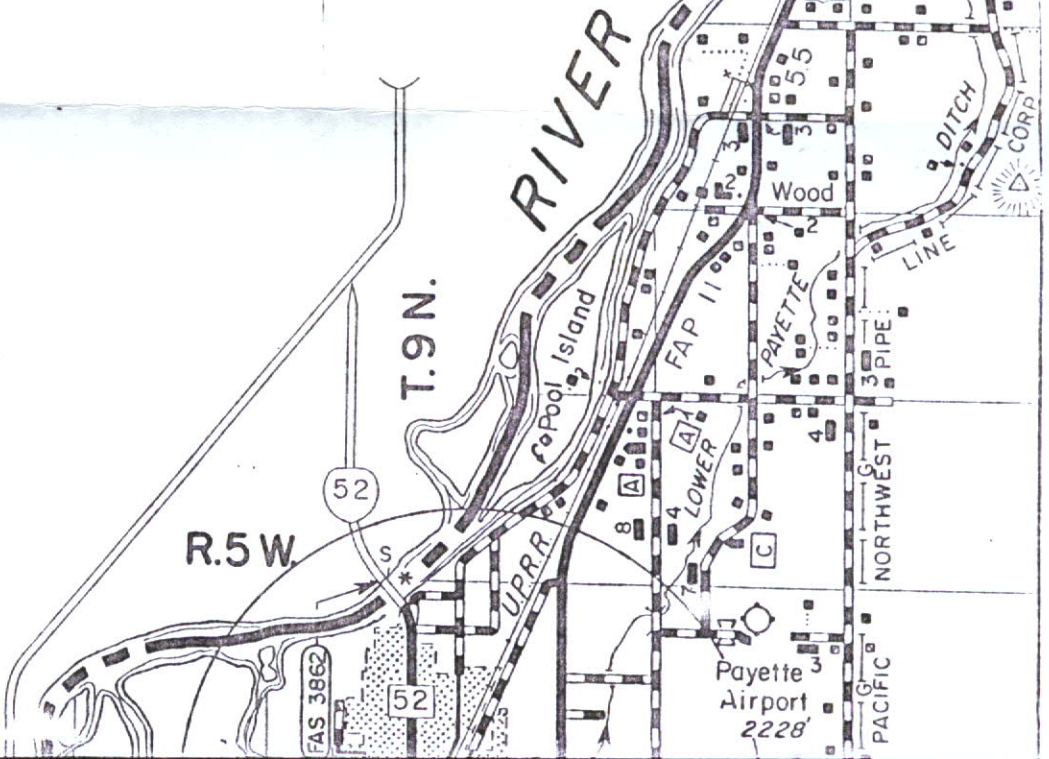
General Locator

David Frei App'l

SUBJECT -

COMPARABLES -

Eng. 7.21



Appraiser's Initials R. S. D.

PLAT OF FARM

No. D. Frei

Use Standard Legend. Indicate roads and show direction and distance to nearest town. Indicate points of compass-show scale of map. Designate section numbers at section centers. If more than one source of irrigation supply, indicate area served by each.

10 11
15 14

ORCHARD & GARDEN
TRACT'S LOT
BOUNDARIES

TO NEAREST
TOWN
3 MILES

LITTLE
BUTTERMILK
SLOUGH

CENTER
OF SEC 15

10

11

5

12

TF 10 No. RGE 5 W 8 N

↑
N
Washington COUNTY
Idaho STATE

SCALE: 1" = 660'

PLATTED BY | VERIFIED BY
R.S.D. |

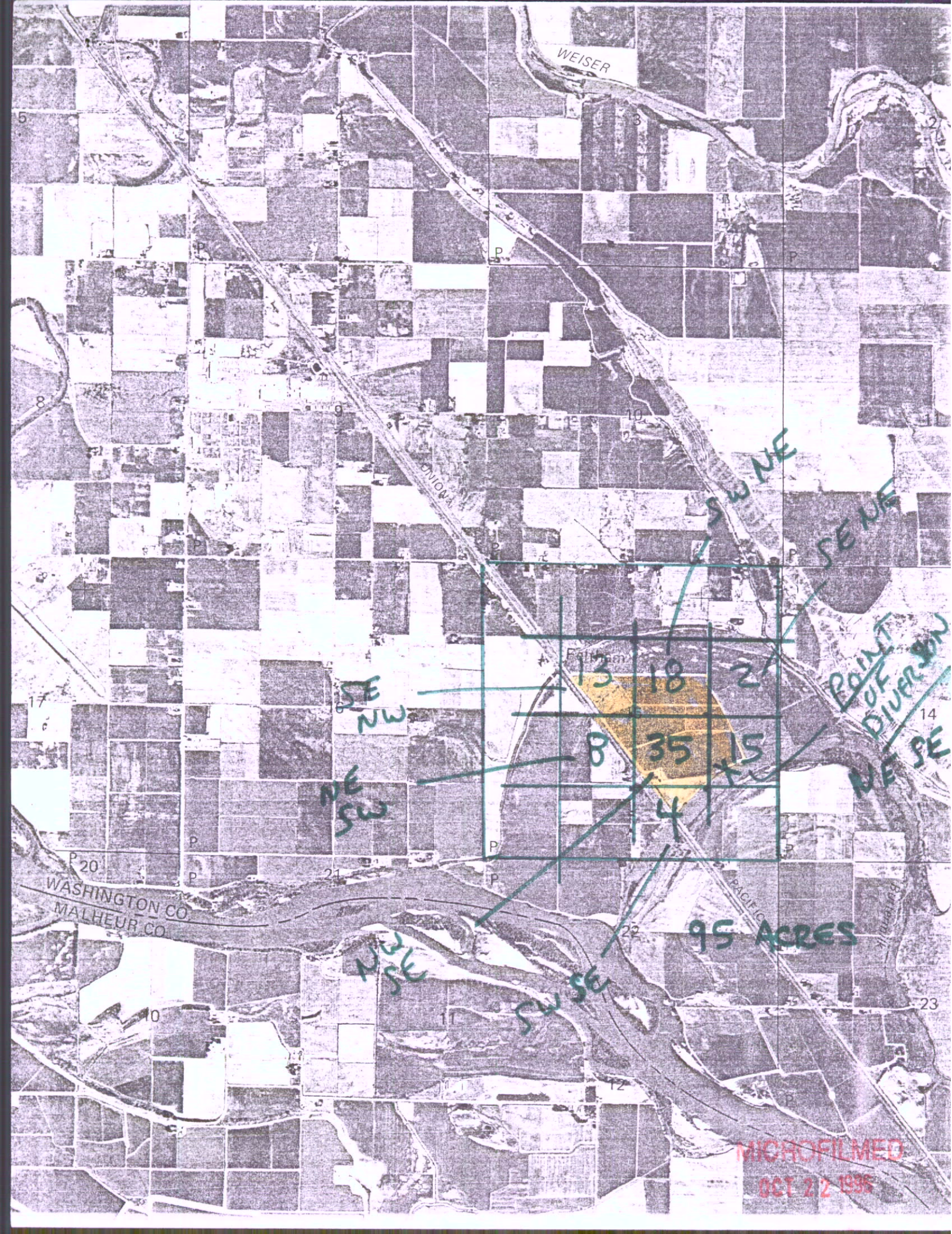
TITLE REPORT DESCRIPTION
VERIFIED BY

EXCEPT

BUTTERMILK
SLOUGH - A.C.A. CENTRAL
CANAL
Pump Site
10 M.P. w/ Buttermilk Slough
30 M.P. w/ Central Canal

15 14
22 23

TO NEAREST
TOWN
4 MILES



WEISER

ONION

WASHINGTON CO.
MALHEUR CO.

POINT
OF
DIVERSION

95 ACRES

MICROFILMED
OCT 22 1995

SE
NW

NE
SW

NW
SE

SW
SE

SW
NE

SE
NE

13	18	21
8	35	15
	4	

POOR ORIGINAL

Identification No. 67-4008

Claim No. _____

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Stanley Cutler
post office address Cambridge, Idaho

2. The point of diversion is in NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 15 Township 10N
Range 5 W B.M. located on Buttermilk Slough

(name of source)
tributary to Snake River in Washington County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

8-22-22 amount: 1.9 c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use irrigation period of use from 3-15 to 10-31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of _____
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is ~~well~~ flowing or pumped, pumped lift
5 feet; diameter of well is _____ inches; type of pump is turbine
capacity of pump is 150 In g.p.m.; name and address of well driller is _____

MICROFILMED

67-4008

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain. NO

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible.

If feeder canal is used give maximum carrying capacity_____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions_____

has there been any enlargement of the reservoir since it was first built_____, if so, give dates and describe_____.

[illegible]

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

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OCT 22 1996

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: **A67-04006**
Date Received: 10/13/1989
Receipt No: W006225
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PRESTON F KYLE 208-549-3797
Address: 350 HWY 95
WEISER ID 83672
AND
Name: EDNA I KYLE 208-549-3797
Address: 350 HWY 95
WEISER ID 83672

2. Date of Priority: AUG 22, 1922

3. Source: BUTTERMILK SLOUGH Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	05W	15	NE	SE			WASHINGTON

5. Description of diverting works:
PUMPED, GRAVITY FLOW AND SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	10/31	1.900		

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

8. Total consumptive use is 332.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10N	05W	15	SW		NE		IRR	18.0
			SE		NE		IRR	2.0
			SE		NW		IRR	13.0
			NE		SW		IRR	8.0
			NE		SE		IRR	15.0
			NW		SE		IRR	35.0
			SW		SE		IRR	4.0

Section Acres 95.0

Total Acres 95.0

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:
NONE

14. Remarks:
DECREASE IN NUMBER OF IRRIGATED ACRES.
OWNERSHIP CHANGED BY RDH 2/22/93.
2ND OWNERSHIP CHANGE BY RDH ON 5/8/95.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

Date: _____

State of Idaho)
) 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)

DATE OF CLOSING: 11/1/94

LEGAL DESCRIPTION OF PROPERTY: Township 101. Range 54
Section 15, 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

MAY 03 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):** DAVID V. FREI AND ANNE FREI
10 SHORT STREET

- [] New Owner/Claimant
(Purchaser):

- [] New Mailing Address: 350 Hwy 95
Weiser, ID 83672

- [] New Telephone Number: (208) 549-3797

- [] 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: SEE 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) Kirston & Kyle Date 10/25/94
Edna & Kyle Date _____

- [] Signature of Former Owner/Claimant(s): David P. Frei Date 10/25/99
Ann Frei 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 DAVID V. FREI AND ANNE FREI, HUSBAND AND WIFE
AKA ANN FREI

RECEIVED
MAY 03 1995
WATER RESOURCES
WESTERN REGION

The grantors, do hereby grant, bargain, sell and convey unto
PRESTON F. KYLE AND EDNA I. KYLE, HUSBAND AND WIFE
the grantees, whose current address is
the following described premises, in WASHINGTON County Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

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.

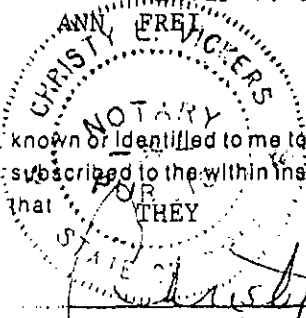
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee S
THEIR heirs and assigns forever. And the said Grantor S do hereby covenant to and
with the said Grantees, that They ARE the ownerS in fee simple of said premises; that they are free
from all incumbrances

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

Dated: OCTOBER 25, 1994

David V. Frei
DAVID V. FREI

Ann Frei
ANN FREI

STATE OF IDAHO, COUNTY OF WASHINGTON
On this 25TH day of OCT. , 19 94
before me, a notary public in and for the said State, personally
appeared DAVID V. FREI AND

known or identified to me to be the person whose name
subscribed to the within instrument, and acknowledged to me
that THEY executed the same.
Christy E. Vickers
Notary Public
Residing at Weiser , Idaho
Comm. Expires 11/4/97

STATE OF IDAHO, COUNTY OF WASHINGTON
I hereby certify that this instrument was filed for record at the
request of WEISER VALLEY TITLE
at 15 minutes past FIFTEEN o'clock P.M.,
this 28TH day of OCTOBER
19 94 in my office, and duly recorded in ~~BOOK~~
of Deeds ~~BOOK~~ BY #161668

MARY KAUTZ
Ex-Officio Recorder
By Lisa Mc Knight
Fees \$6.00
Mail to: WEISER VALLEY TITLE
Deputy Emp. Index
Comp. Rel.
Film
Compare
Card Rel.
Bk. Rel.
Up-date
Return
Copy

POOR ORIGINAL

EXHIBIT "A"

IN WASHINGTON COUNTY, IDAHO;

All that part of the SW1/4SE1/4 lying Northerly and/or Easterly of the center of Crystal Lake and Easterly and/or Northeasterly of the State Highway as the same now crosses said subdivision, all being in Section 15, Township 10 North, Range 5 West of the Boise Meridian, Washington County, Idaho;

and also the South half of Lot 6 and all that part of the South half of Lot 7 and all of Lots 10 and 11 lying Northerly and Easterly of the State Highway, as the same now crosses the said Lots 7, 10 and 11; and all that part of Lots 5 and 12 lying North of Crystal Lake, which lies Westerly of the following line: Beginning at a point on the North bank of Crystal Lake 680 feet East of the West line of said Lot 12 and run thence Northwesterly to a point 520 feet North of the Southwest corner of said Lot 5; all of said Lots being in the SOUTHERN IDAHO LAND COMPANY'S ORCHARD AND GARDEN TRACT, as the same are shown on the official plat of said Tract now on file in the office of the County Recorder of Washington County, Idaho.

SAVE AND EXCEPT the following described tract of land, to-wit:

A parcel of land situated within Lot 11 of Southern Idaho Land Company's Orchard & Garden Tracts as the same is shown on the Official Plat thereof on file in the office of the County Recorder of Washington County, Idaho, and within the SW1/4SE1/4 of Section 15, Township 10 North, Range 5 West, Boise Meridian, which parcel of land is more particularly described as follows:

Beginning at the Southwest corner of said Lot 11 of Orchard & Garden Tracts (Northwest corner of said SW1/4SE1/4);

Thence N 0 degrees 00'49" W - 522.94 feet along the West line of said Lot 11 to a point on the Northeasterly right-of-way line of U.S. Highway 95;

Thence S 37 degrees 22'11" E - 360.11 feet along the Northeasterly right-of-way line of said Highway 95 to the TRUE POINT OF BEGINNING, which point is within said Lot 11;

Thence N 80 degrees 44'19" E - 272.80 feet;

Thence S 37 degrees 22'11" E, parallel to the Northeasterly right-of-way line of said Highway 95, a distance of 478.82 feet to a point within said SW1/4SE1/4;

Thence continuing S 37 degrees 22'11" E, parallel to the Northeasterly right-of-way line of said Highway 95 to the centerline of Crystal Lake;

Thence Westerly along said centerline of Crystal Lake to a point on the Northeasterly right-of-way line of said Highway 95;

Thence N 37 degrees 22'11" W along said right-of-way line to the TRUE POINT OF BEGINNING.

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: **A67-04006**
Date Received: 10/13/1989
Receipt No: W006225
Received By: _____

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

1. Name: DAVID V FREI
Address: 10 SHORT
WEISER ID 83672

OR

Name: ANN M FREI
Address: 10 SHORT
WEISER ID 83672

2. Date of Priority: AUG 22, 1922

3. Source: BUTTERMILK SLOUGH Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	05W	15	NE	SE			WASHINGTON

5. Description of diverting works:
PUMPED, GRAVITY FLOW AND SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	10/31	1.900		

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

8. Total consumptive use is 332.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10N	05W	15	SW		NE		IRR	18.0
			SE		NE		IRR	2.0
			SE		NW		IRR	13.0
			NE		SW		IRR	8.0
			NE		SE		IRR	15.0
			NW		SE		IRR	35.0
			SW		SE		IRR	4.0

Section Acres 95.0

Total Acres 95.0

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:
NONE

14. Remarks:
DECREASE IN NUMBER OF IRRIGATED ACRES.
OWNERSHIP CHANGED BY RDH 2/22/93.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: MAY 19, 1992

RECEIVED

SEP 1 1992

Department of Water Resources

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 LEGAL 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)

SEP - 2 1992

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

Department of Water Resources
Western Regional Office

☐ Name and Address of Former Owner/Claimant(s)(Seller): STANLEY AND RACHEL CUTLER, CUTLER FAMILY TRUST

☐ New Owner/Claimant (Purchaser): DAVID V. FREI AND ANN M. FREI

☐ New Mailing Address: 10 Short
Weiser, ID 83672

☐ New Telephone Number: () _____ - _____

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

☐ Attach proof of ownership, describe proof attached: COPY OF RECORDED WARRANTY DEED ATTACHED

(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): David V. Frei Date 5-19-92

Ann M. Frei

Date 5-19-92

☐ Signature of Former Owner/Claimant(s): Betty A. Duff, Trustee 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: _____ 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

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OCT 22 1996

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INSTRUCTIONS

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

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

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

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

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

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

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

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

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

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

POOR ORIGINAL

154482
3

THIS INDENTURE, Made this 20th day of May, in the year 1992..
BETTY ANNE DOPF, AS TRUSTEE OF THE
between CUTLER FAMILY TRUST, BETTY ANNE DOPF, TRUSTEE
DATED MARCH 19, 1980

of Cambridge, County of Washington, State of Idaho
the part y of the first part, and DAVID V. FREI and ANNE FREI, husband and wife,
of Weiser, County of Washington
State of Idaho, the part ies of the second part.

WITNESSETH, That the said part y of the first part, for and in consideration of the sum of
DOLLARS
lawful money of the United States of America, to in hand paid by the said part of
the second part, the receipt whereof is hereby acknowledged, ha s granted, bargained and sold and by
these presents do es grant, bargain, sell, convey and confirm unto the said part ies of the second part,
and to their heirs and assigns forever, all the following described real estate situated in Washington
County, State of Idaho, to-wit:

See Exhibit A attached.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belong-
ing, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents,
issues, and profits thereof, and all estate, right, title and interest in and to the said property, as well in
law as in equity of the said part X of the first part:

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together
with the appurtenances unto the part ies of the second part, and to their heirs and assigns forever.
And the said part X of the first part, and its heirs, the said premises in the quiet and peaceable
possession of the said part X of the second part their heirs and assigns against the said part X
of the first part, and its heirs and against all and every person or persons whomsoever, lawfully
claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, the said part X of the first part ha s hereunto set her
hand and seal the day and year first written.

Signed, sealed and delivered in the presence of

Betty A. Dopf, Trustee [SEAL]
[SEAL]
[SEAL]
[SEAL]

154482
3 3
POOR ORIGINAL

EXHIBIT "A"

IN WASHINGTON COUNTY, IDAHO:

All that part of the SW1/4SE1/4 lying Northerly and/or Easterly of the center of Crystal Lake and Easterly and/or Northeasterly of the State Highway as the same now crosses said subdivision, all being in Section 15, Township 10 North, Range 5 West of the Boise Meridian, Washington County, Idaho;

and also the South half of Lot 6 and all that part of the South half of Lot 7 and all of Lots 10 and 11 lying Northerly and Easterly of the State Highway, as the same now crosses the said Lots 7, 10 and 11; and all that part of Lots 5 and 12 lying North of Crystal Lake, which lies Westerly of the following line: Beginning at a point on the North bank of Crystal Lake 680 feet East of the West line of said Lot 12 and run thence Northwesterly to a point 520 feet North of the Southwest corner of said Lot 5; all of said Lots being in the SOUTHERN IDAHO LAND COMPANY'S ORCHARD AND GARDEN TRACT, as the same are shown on the official plat of said Tract now on file in the office of the County Recorder of Washington County, Idaho.

SAVE AND EXCEPT the following described tract of land, to-wit:

A parcel of land situated within Lot 11 of Southern Idaho Land Company's Orchard & Garden Tracts as the same is shown on the Official Plat thereof on file in the Office of the County Recorder of Washington County, Idaho, and within the SW1/4SE1/4 of Section 15, Township 10 North, Range 5 West, Boise Meridian, which parcel of land is more particularly described as follows:

Beginning at the Southwest corner of said Lot 11 of Orchard & Garden Tracts (Northwest corner of said SW1/4SE1/4);

Thence N 0 degrees 00'49" W - 522.94 feet along the West line of said Lot 11 to a point on the Northeasterly right-of-way line of U.S. Highway 95;

Thence S 37 degrees 22'11" E - 360.11 feet along the Northeasterly right-of-way line of said Highway 95 to the TRUE POINT OF BEGINNING, which point is within said Lot 11;

Thence N 80 degrees 44'19" E - 272.80 feet;

Thence S 37 degrees 22'11" E, parallel to the Northeasterly right-of-way line of said Highway 95, a distance of 478.82 feet to a point within said SW1/4SE1/4;

Thence continuing S 37 degrees 22'11" E, parallel to the Northeasterly right-of-way line of said Highway 95 to the centerline of Crystal Lake;

Thence Westerly along said centerline of Crystal Lake to a point on the Northeasterly right-of-way line of said Highway 95;

Thence N 37 degrees 22'11" W along said right-of-way line to the TRUE POINT OF BEGINNING.

POOR ORIGINAL

ESCROW CLOSING STATEMENT
CLOSING AGENT - Weiser Valley Title

RECEIVED
AUG 31

Seller BETTY ANNE DOPF, TRUSTEE CUTLER FAMILY TRUST

Loan #

Buyer DAVID V. FREI

ANN FREI

Department of Real Estate
VA Western Regional Office

Lender

FHA #

Broker REALTY WORLD HORNER WEST

DATE : 05/19/92

Property Address: CUTLER FARM-- SOUTH OF WE ISER ON HWY 95

	BUYER		SELLER	
	Debit	Credit	Debit	Credit
Purchase Price	90,500.00			-90,500.00
Earnest Money Paid TO RW		-1,000.00		
Cash Due From Buyer AT CLOSING		-104,614.53		
RENT DUE TO SELLER	8,800.00			-8,800.00
Irrigation IRRI PREPAID FOR '92	385.00			-385.00
Taxes due 2ND 1/2 TAXES '91			643.27	
Taxes PRORATE FOR '92		-493.47	493.47	
Title Insurance			523.50	
Re : WEISER VALLEY TITLE				
Recording Fees	6.00		6.00	
Closing Fee	117.00		117.00	
Re : WEISER ALLEY TITLE				
Brokers Commission	6,300.00			
REALTY WORLD HORNER WEST				
Cash To/From Seller			97,901.76	
TOTAL	106,108.00	106,108.00	99,685.00	99,685.00

Buyers

Seller

David V. Frei
DAVID V. FREI

Ann Frei
ANN FREI

Date May 19, 1992

Date _____

We hereby certify that the foregoing is a true and correct statement of funds received and disbursed by us in closing above transaction.

By Jenna L. Edwards
Jenna L. Edwards Escrow Officer

Closing # : 92-0154

MONTHLY/ANNUAL PAYMENTS BEGIN _____

Principal & Interest _____

Escrow fee _____

Reserve amount due _____

TOTAL PAYMENT DUE _____

BE SURE TO SIGN UP FOR THE HOMEOWNER'S TAX EXEMPTION AT THE TAX ASSESSOR'S OFFICE AS SOON AS POSSIBLE AFTER CLOSING, IF THIS IS TO BE BUYER'S HOME.

PRIOR TO NOVEMBER, ALL TAXES WILL BE PRORATED FOR 1992 AND CREDITED TO THE BUYER, AND IT WILL BE THE RESPONSIBILITY OF THE BUYER TO PAY THE '92 TAXES DUE. AFTER NOVEMBER, A PRORATED PORTION WILL BE COLLECTED FROM EACH SIDE AND THE TAXES PAID DIRECTLY TO THE TAX COLLECTOR. TAXES ARE PRORATED USING AN ESTIMATION, IF THE ACTUAL BILLINGS HAVE NOT BEEN CALCULATED BY THE ASSESSOR'S OFFICE. IF THERE IS A LARGE DECREASE OR INCREASE IN ACTUAL TAXES, IT WILL BE THE RESPONSIBILITY OF THE BUYER AND SELLER TO ADJUST THESE ACCORDINGLY, AND THEY HEREBY AGREE TO DO SO. THE BUYER WILL REIMBURSE THE SELLER FOR ANY OVER-PRORATION CREDIT, AND THE SELLER WILL REIMBURSE THE BUYER FOR ANY UNDER-PRORATION CREDIT.

POOR ORIGINAL

WEISER VALLEY TITLE
ESCROW CLOSING INSTRUCTIONS-920154

BUYER: DAVID V. FREI AND ANN M. FREI, HUSBAND AND WIFE

SELLER: BETTY ANNE DOPF, TRUSTEE FOR CUTLER FAMILY TRUST

PLEASE CLOSE THIS TRANSACTION BASED ON THE FOLLOWING INFORMATION:
TOTAL PURCHASE PRICE: \$90,500.00 DOWN PAYMENT: ALL CASH AT TIME OF
CLOSING. EARNEST MONEY: \$1,000.00 GIVEN TO REALTY WORLD HORNER WEST

ORDER TITLE INSURANCE FROM WEISER VALLEY TITLE WITH THE POLICY AMOUNT TO
BE \$90,500.00. TITLE INSURANCE WILL BE PAID FOR BY THE SELLER.

ORDER: TRUSTEE'S DEED FROM ATTORNEY FOR CUTLER FAMILY TRUST

PRORATE TAXES BASED ON 1991 TAXES. PRORATE TAXES AS OF 5/19/92.
DOES THIS PROPERTY HAVE A HOMEOWNER'S EXEMPTION FOR TAXES AT THIS TIME?
____NO____.

THE PROPERTY IS LEASED TO BRAD ROBERTS. BUYER AND ROBERTS ARE HANDLING
THE TRANSFER OR CANCELLATION OF THE LEASE OUTSIDE OF CLOSING. BUYER WILL
REIMBURSE ROBERTS FOR ANY PREPAID EXPENSES.

IRRIGATION IS PAID THROUGH THE BUTTERMILK SLOUGH ASSOCIATION. THE FEES
ARE BILLED IN SEPTEMBER OF EACH YEAR FOR THE FOLLOWING YEAR. ALL FEES
FOR 1992 HAVE BEEN PREPAID BY THE SELLER AND WILL BE PRORATED AND
CREDITED BACK TO THE SELLER AT TIME OF CLOSING.

DOES THIS PROPERTY HAVE ANY OF THE FOLLOWING ITEMS WHICH NEED TO BE
TRANSFERRED AT CLOSING? BLM PERMIT____NO____ LAND LEASE____YES____
STATE LAND LEASE____NO____ WATER RIGHTS____YES____

CLOSING COSTS ARE TO BE SPLIT EQUALLY.
ATTORNEY FEES ARE TO BE PAID BY THE CUTLER FAMILY TRUST FOR PREPARATION
OF THE TRUSTEE'S DEED.

BUYER WILL PAY \$8,800.00 RENT TO THE SELLER AT THE TIME OF CLOSING.

COMMISSION WILL BE PAID TO REALTY WORLD HORNER WEST AT THE TIME OF
CLOSING AND WILL BE \$6,300.00 TO BE PAID BY THE BUYER.

THE SALE ALSO INCLUDES 1-10 HP IRRIGATION PUMP.

WHEN ALL DOCUMENTS HAVE BEEN SIGNED AND YOU HAVE RECEIVED ALL NECESSARY
FUNDS, YOU ARE AUTHORIZED TO RECORD THE NECESSARY INSTRUMENTS, HAVE THE
TITLE POLICY ISSUED, AND DISBURSE THE FUNDS COLLECTED IN ACCORDANCE WITH
THE CLOSING-SETTLEMENT STATEMENT.

THIS ESCROW MAY BE TERMINATED ONLY UPON WRITTEN AUTHORIZATION TO YOU BY
BOTH BUYER AND SELLER OR THEIR AUTHORIZED AGENTS. ANY EXPENSES INCURRED
BY THE ESCROW AGENT PRIOR TO ACTUAL CLOSING MAY BE DEDUCTED PRIOR TO
ACTUAL TERMINATION. IF A CONTROVERSY ARISES BETWEEN THE PARTIES HERETO,
OR WITH ANY THIRD PARTY, THE ESCROWHOLDER SHALL NOT BE REQUIRED TO
ARBITRATE OR DETERMINE THE OUTCOME, BUT MAY HOLD FUNDS AND PAPERS UNTIL
SUCH CONTROVERSY IS FULLY SETTLED AND THE ESCROW-CLOSING AGENT SHALL BE
HELD HARMLESS FROM ANY DAMAGES OR INTEREST. ALL PARTIES AGREE TO
REIMBURSE AND INDEMNIFY WEISER VALLEY TITLE FOR ALL ATTORNEY FEES, COURT
COSTS, OR OTHER EXPENSES INCURRED AS A RESULT OF PROBLEM

David V. Frei
BUYER: DAVID V. FREI

Betty Anne Dopf
SELLER: BETTY ANNE DOPF, TRUSTEE
CUTLER FAMILY TRUST

Ann M. Frei
BUYER: ANN M. FREI

SELLER:

10 Short St
ADDRESS

ADDRESS

Merri, Id 83672

DATE: MAY 19, 1992

REALTOR: Andy C. Parib
REALTY WORLD HORNER WEST

DUPLICATE

2261

92-7338/3241

DAVID V. FREI

F/F FARMS

P.O. BOX 548 549-3707

WEISER, ID 83672

5-19-1992

PAY TO THE
ORDER OFWeiser Valley Title
Nine Thousand One Hundred Twenty Five Dollars

\$9,114.53

PIONEER

FIRST SECURITY BANK

P.O. BOX 1300, MOUNTAIN HOME, IDAHO 83647

David V. Frei

FOR

⑆24173383⑆ 518560851⑆ 2261

DAVID OR ANN FREI

10 SHORT ST. PH. 208-549-3707

WEISER, ID 83672

101

92-5/1241

5/19-1992

JUL

Weiser Valley Title

Ninety-five thousand Five hundred Eighty Dollars

\$95,500.00

First
Security
BankFirst Security Bank of Idaho
407 State Street • P.O. Box 430
Weiser, Idaho 83672

Insured Money Market Account

⑆1⑆

⑆24100064⑆C900900308958⑆ 0101

David Frei

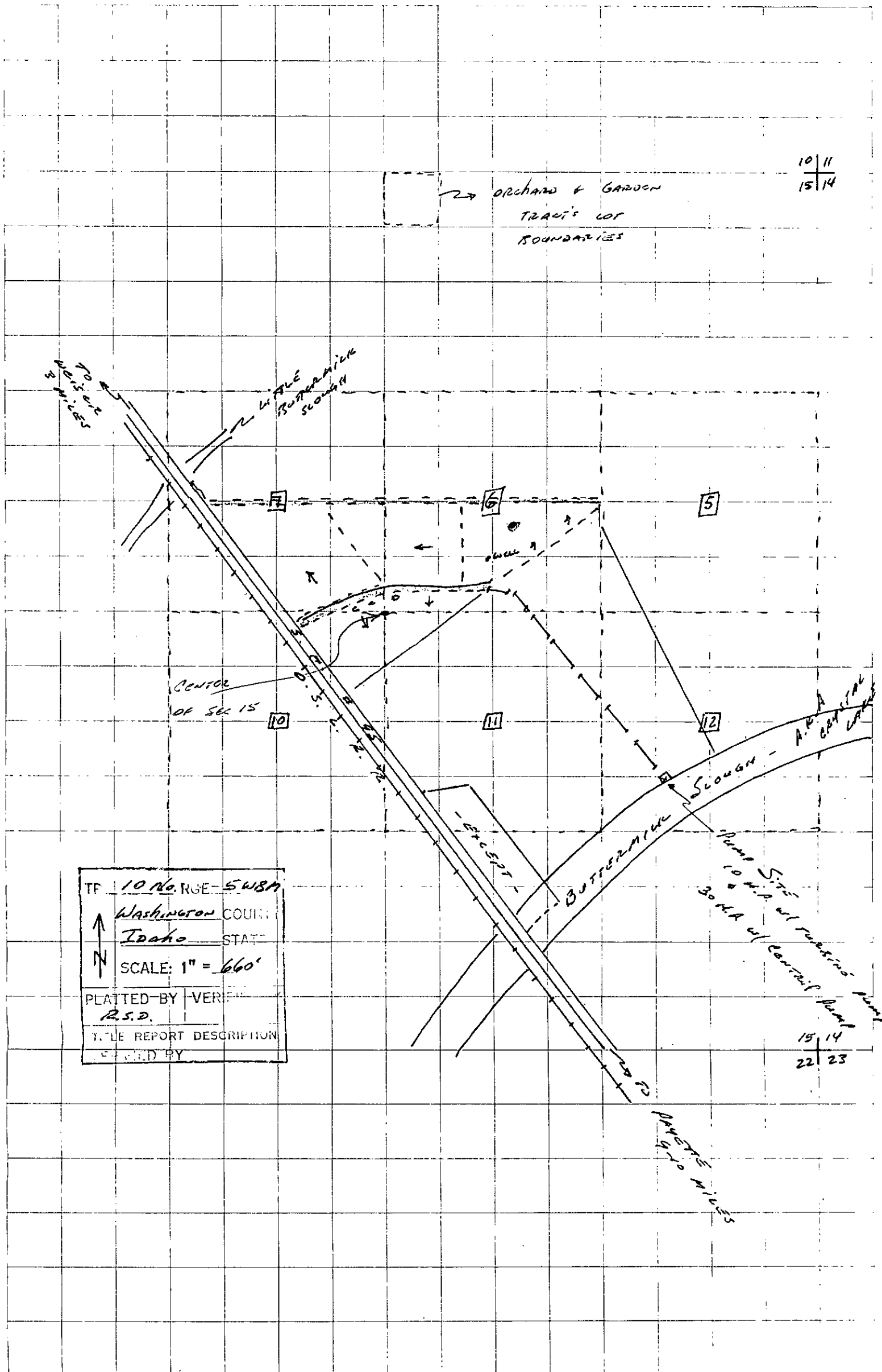
DUPLICATE

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OCT 22 1996

Appraiser's Initials R. S. D.

Use Standard Legend. Indicate roads and show direction and distance to nearest town. Indicate points of compass-show scale of map. Designate section numbers at section centers. If more than one source of irrigation supply, indicate area served by each. *D. Frei*



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: A67-04006
Date Received: 10/13/1989
Receipt No: W006225
Received By: DE RD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CUTLER FAMILY TRUST 208-257-3767
Address: C/O BETTY DOPF
P.O. BOX 204
CAMBRIDGE, ID 83610

2. Date of Priority: AUG 22, 1922

3. Source: BUTTERMILK SLOUGH Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	05W	15		NE	SE		WASHINGTON

5. Description of diverting works:
PUMPED, GRAVITY FLOW AND SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	10/31	1.900		

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

8. Total consumptive use is 332.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	05W	15	SW	NE		IRR	18.0
			SE	NE		IRR	2.0

A67-04006

Page 1

Date: 11/28/89

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10N	05W	15	SE		NW		IRR	13.0
			NE		SW		IRR	8.0
			NE		SE		IRR	15.0
			NW		SE		IRR	35.0
			SW		SE		IRR	4.0
							Section Acres	95.0
							Total Acres	95.0

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:
NONE

14. Remarks:
DECREASE IN NUMBER OF IRRIGATED ACRES.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

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

RECEIVED

OCT 13 1989

Ident. Number: A67-04006
Date Received: 10-13-89
Receipt No: W006225
Received By: _____

Department of Water Resources
Western Regional Office

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

1. Name: CUTLER FAMILY TRUST 208-257-3767
Address: C/O BETTY DOPF
P.O. BOX 204
CAMBRIDGE, ID 83610

2. Date of Priority: AUG 22, 1922

3. Source: BUTTERMILK SLOUGH Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	05W	15	NE	SE			WASHINGTON

5. Description of diverting works:
PUMPED, GRAVITY FLOW AND SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	10/31	1.900		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	05W	15	SW	NE		IRR	18.0
			SE	NE		IRR	2.0

A67-04006

Page 1

Date: 09/12/89

→ 332.5

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OCT 22 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	05W	15	SE	NW		IRR	13.0
			NE	SW		IRR	8.0
			NE	SE		IRR	15.0
			NW	SE		IRR	35.0
			SW	SE		IRR	4.0
						Section Acres	95.0
						Total Acres	95.0

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:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

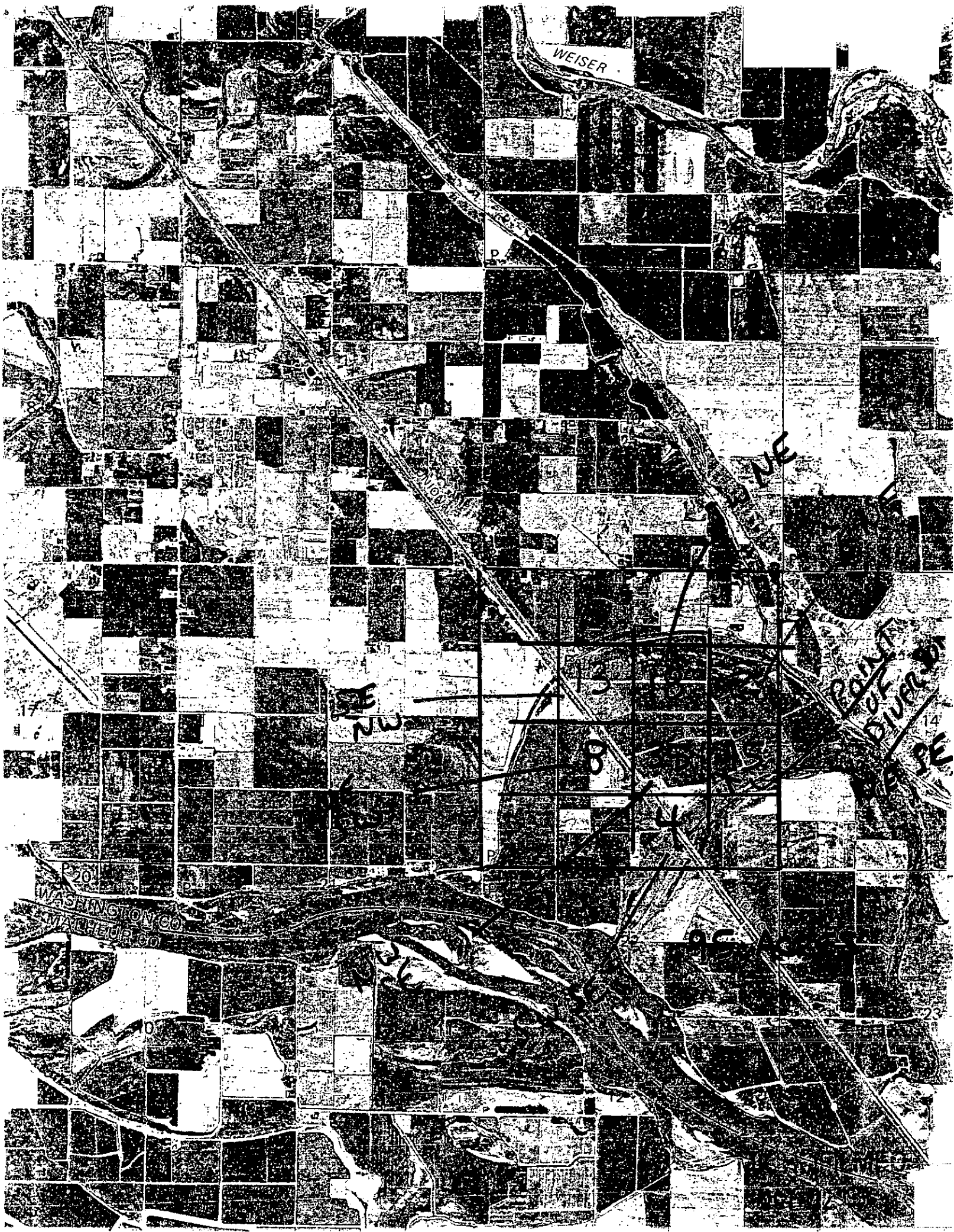
Signature of Claimant(s): Betty A. Dapp Date: Sept. 22, 1989
Date: _____

State of Idaho)
County of WASHINGTON) SS.

Subscribed and sworn (or affirmed) before me this 22ND day
of SEPTEMBER 19 89 B. G. Soules
Notary Public

Seal

Residing at CAMBRIDGE
My Commission Expires 8-21-91



WEISER

NE

POINT OF DIVER

NW

8

4

WASHINGTON CO
WALLHUR CO

Identification No. 67-5004

Claim No. _____

Map No. _____

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT**

by Diversion and Application to Beneficial Use

provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which by diversion and application to beneficial use. The filing of this claim does not confirm water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Stanley Cutler

2. Office address Cambridge, Idaho

3. Point of diversion is in NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 15 Township 10N

Range 5 W B.M. located on Buttermilk Slough

(name of source)

4. Diverted to Snake River in Washington County.

5. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

Date of priority claimed:

8-22-22 amount 1.9 c.f.s. or _____ acre feet

amount _____ c.f.s. or _____ acre feet

amount _____ c.f.s. or _____ acre feet

Total claimed _____ c.f.s. or _____ acre feet.

6. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use irrigation period of use from 3-15 to 10-31 (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive).

7. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of _____

length is _____ feet; height is _____ feet;

width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. (Underground water diverting works) (flowing or pumped) pumped depth of shaft 11 ft

5 feet diameter of well is _____ inch type of pump is turbine

capacity of pump is 150 in. g.p.m. name and address of well driller is _____

conveying works: length of ditch to place of use is 0 feet; width of ditch at top is 6 feet;
 width of bottom of ditch is 3 feet; depth of water is _____ feet; grade of ditch per 1000
 feet is _____ feet; material through which ditch passes is dirt;
 maximum length of pipe line to first place of use is 50 feet; diameter of pipe line is 12 inches;
 material of pipe steel; grade of pipe per 1000 feet is _____;
 please explain any changes or increase in size of conveying system since water was first appropriated, giving
 date and dimensions if possible _____

d. If water is stored: name of reservoir _____;
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____, date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated 100

Explain any significant increase in area irrigated since first use, give dates and acreages if known.

1/30/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Cutler Family Trust CLAIM IDENT. NO. A67-04006DATE RECEIVED 10-13-89 CK # 230 AMOUNT \$ 145-

- | | YES | NO | Required Info? |
|--|-------------------------------------|-------------------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☐ | ☒ | |
| Is the consumptive use correct? | ☐ | ☒ | 330.5 |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ | |
| 22. Should this claim be receipted and data entered? | ☒ | ☐ | |

Claim checked by: LW Date: 11-18-89Claim must be returned to claimant: (Yes) (No)Claimant must be notified of modifications: (Yes) (No)

Receipt Prepared by: _____ Date: _____
 Claim data entered by: _____ Date: _____
 Sent to claimant by: _____ Date: _____

Comments: _____

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

May 8, 1995

PHILIP E. BATT
GOVERNOR

Preston F Kyle &
Edna I. Kyle
350 Hwy 95
Weiser ID 83672

R. KEITH HIGGINSON
DIRECTOR

NOTICE OF CLAIM NO. (S)
A67-04006

Dear Peston & Edna,

Enclosed is a copy(s) of the above referenced claim(s)
which reflects the CHANGE IN OWNERSHIP of the lands and
appurtenant water rights covered by this claim(s).

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

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

Sincerely,

Ron Howerton
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Attachment(s)

cc: DAVID FREI

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

[MAY 8, 1995]
LEONARD STEWART &
Barbara Stewart
2152 Cove Rd
Weiser Id 83672

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

[]
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.

X _____ 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

007 22 1996

____ Signature of new owner (purchaser) is needed on this form.

X other: SEE ATTACHED COMMUNICATION DOCUMENTATION

Please complete the above item(s), if required, on the Notice of Change of Water Right Ownership form and return it with the requested information to the Department of Water Resources, Western Region Office, 2735 Airport Way, Boise, ID 83705. If we do not hear from you within 30 days, the claim upon which this form was filed(if one exists), will remain in the original owner's name.

Feel free to contact this office if you have any questions concerning this letter.

Sincerely,

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

RH:r
Enclosures

MICROFILMED

OCT 22 1996

COMMUNICATION DOCUMENTATION

Claim No. A67-04006

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Ron Howerton

DATE

May 4, 1995

CUSTOMER

DAVID FREI PH # 549-3707

SUBJECT: A67-04006, Ownership Change Question

1. Called David Frei, because he is the original owner of this claim and because we received two ownership change forms with no reference to any claim # on them.
2. David said that the new owners for the above claim were the Kyle's. Source is Buttermilk Slough. This confirms the meets & bounds description received from the Kyle's.
3. The other ownership change that was filed by the Stewart's had a meets and bounds descriptions that didn't match the legal descriptions for the above claim. After checking our records, no other claims to change ownership from Frei to Stewart were found.
4. David said that the land he sold the Stewart's had water rights from Crane Creek Reservoir in the form of shares. Since this is a water delivery organization, where fees are charged for the use of the water, then NORMALLY THE WATER DELIVERY ORGANIZATION HAS LEGAL TITLE TO THE WATER RIGHTS.
5. Thus, explains our records not showing any other claims filed by David Frei in this area.

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OCT 22 1995



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED
MAR 11 1993

DATE OF CLOSING: 2/12/92

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 LEGAL 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)

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

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

David V. & Annabel M. Frei
10 Short St

☒ New Owner/Claimant
(Purchaser):

Weiser, ID 83672
LEONARD STEWART AND BARBARA STEWART

☐ New Mailing Address:

2152 Cove Rd.
Weiser, ID 83672

☐ 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 Deeds

(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)

Leonard Stewart
Barbara Stewart

Date Feb 12 1992
Date 2-12-92

☐ 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: _____ 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

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OCT 22 1996

WARRANTY DEED

For Value Received RICHARD A. HILL AND BETTI C. HILL, HUSBAND AND WIFE

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

LEONARD L. STEWART AND BARBARA STEWART, HUSBAND AND WIFE
the grantee S , whose current address is 2152 COVE ROAD, WEISER, IDAHO 83672
the following described premises, in WASHINGTON County Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

ALSO 150 SHARES IN CRANE CREEK RESERVOIR INDEPENDENT WATER USERS COMPANY AND 175 ACRE FEET INDEPENDENT WATER USERS.

ALL IRRIGATION EQUIPMENT OF EVERY KIND AND CHARACTER, TOGETHER WITH ALL WATER, WATER RIGHTS, DITCHES AND DITCH RIGHTS USED THEREON OR APPURTENANT THERETO.

SUBJECT TO THE TERMS AND CONDITIONS OF A "CONSERVATION EASEMENT RESERVATIONS IN THE UNITED STATES" MORE PARTICULARLY DESCRIBED IN QUITCLAIM DEED EXECUTED BY THE UNITED STATES OF AMERICA AS GRANTOR TO DAVID V. FREI AND ANN M. FREI AS GRANTEES, AND RECORDED FEBRUARY 13, 1992 AS INSTRUMENT NUMBER 153757 RECORDS OF WASHINGTON COUNTY, IDAHO

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 ARE the owners 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: FEBRUARY 3, 1992

Richard A Hill
RICHARD A. HILL

Betti C Hill
BETTI C. HILL

STATE OF ~~MONTANA~~ COUNTY OF ~~LEWIS & CLARK~~
On this ~~3rd~~ day of FEBRUARY, 19 92
before me, ~~Notary Public~~ in and for the said State, personally
appeared, ~~RICHARD A. HILL AND BETTI C. HILL~~

Known or identified to me to be the personS whose names
subscribed to the within instrument, and acknowledged to me
that ~~they~~ executed the same.

Joseph P. Maguire
Notary Public
Residing at *Helena, Mt*
Comm. Expires *Dec 1, 1994*

STATE OF IDAHO, COUNTY OF WASHINGTON -
I hereby certify that this instrument was filed for record at the
request of WEISER VALLEY TITLE

at 21 minutes past 3 o'clock P.M.,
this 13TH day of FEBRUARY
19 92, in my office, and duly recorded in ~~BOOK~~
of Deeds at Page 153761

MARY KAUTZ
Ex-Officio Recorder
By *[Signature]*
Fees \$ 6.00
Mall to: WEISER VALLEY TITLE

☒ Comp. Index
☒ Comp. Re.
☒ Film
☒ Compare
☒ Card Rel.
☒ Bk. Rel.
☒ Deputy. Update
☒ Return

INSTRUMENT NO.

A tract of land described as follows: Commencing at the West quarter corner of Section 2, Township 10 North, Range 4 West of the Boise Meridian;

Thence N 48° 30' East 1577.34 feet to a point on the Southeasterly bank of the Sunnyside Irrigation Canal, being the true point of beginning;

Thence N 59° 17' East 104.22 feet;

Thence S 56° 28' East 173.55 feet;

Thence N 76° 51' East 250.41 feet;

Thence N 4° 46' West 217.80 feet;

Thence N 58° 13' East 436.56 feet to a point on the Southeasterly bank of said Sunnyside Irrigation Canal;

Thence along said canal in a Southerly and Westerly curvilinear direction to the true point of beginning;

AND ALSO, that portion of Lot 2 of Section 3, Township 10 North, Range 4 West of the Boise Meridian, lying Southerly of Weiser River, and Easterly and Northerly of a certain drainway from the Sunnyside Ditch as the same traverses said subdivision in a Northerly direction to Weiser River;

AND ALSO, all that part of the following described lands lying between the South bank of Weiser River and the North right-of-way line of Sunnyside Ditch: The W1/2SE1/4 and the SE1/4SW1/4 of Section 35, Township 11 North, Range 4 West of the Boise Meridian, and Lots 2, 3, 4 and the SW1/4NW1/4 of Section 2, and Lot 1 and SE1/4NE1/4 of Section 3, Township 10 North, Range 4 West of the Boise Meridian, EXCEPTING THEREFROM that portion of Lot 1 and that portion of the SE1/4NE1/4 lying Northerly of the Sunnyside Ditch in said Section 3, which are situate Westerly of a certain drainway from the said Sunnyside Ditch as the same traverses said subdivisions in a Northerly direction to Weiser River.

Parcel 2

TOWNSHIP 11 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN, IN WASHINGTON COUNTY, IDAHO.

Section 35: All that part of the E1/2E1/2 and of the SW1/4NE1/4 and of the W1/2SE1/4 lying East of Weiser River, EXCEPTING that part of the W1/2SE1/4 located between the East bank of said River and the West boundary of the Sunnyside Ditch; AND ALSO, that part of the NE1/4SW1/4 lying Southerly of Weiser River;

TOWNSHIP 10 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN; IN WASHINGTON COUNTY, IDAHO:

Section 2: Lot 1, S1/2NE1/4, N1/2SE1/4, SW1/4SE1/4, SW1/4, and all that part of Lots 2 and 3 and of the S1/2NW1/4 lying Southerly and Easterly of the Sunnyside Ditch, EXCEPT a tract described as follows: Commencing at the West Quarter corner of said Section 2, thence N 48° 30' East 1577.34 feet to a point on the Southeasterly bank of said Sunnyside Ditch, being the true point of beginning; thence N 59° 17' East 104.22 feet; Thence S 56° 28' East 173.55 feet; Thence N 76° 51' East 250.41 feet; thence N 4° 46' West 217.80 feet; thence N 58° 13' East 436.56 feet to a point on the Southeasterly bank of said Ditch; thence along said Ditch in a Southerly and Westerly curvilinear direction to the point of beginning;

Section 3: All that part of the SE1/4NE1/4 lying South of the Sunnyside Ditch;

Section 11: All that part of the NW1/4 lying Northerly of the right-of-way for Cove Road.

Parcel 3

TOWNSHIP 10 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN, IN WASHINGTON COUNTY, IDAHO.

Section 1: Lot 4, SW1/4NW1/4, N1/2SW1/4.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

MAR 22 1993

DAVID V FREI &
ANN M FREI
10 SHORT
WEISER ID 83672

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

NOTICE OF CLAIM NO.(S)
A67-04006

Dear Mr and Mrs Frei,

Enclosed is a copy(s) of the above referenced claim(s) which reflects the **CHANGE IN OWNERSHIP** of the lands and appurtenant water rights covered by this claim(s).

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

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

Sincerely,

Ron Howerton

Ron Howerton
Senior Water Agent
Adjudication Section

cc: File(s)
A67-04006

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OCT 22 1996