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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: **A67-04043**
Date Received: 10/13/1989
Receipt No: M004935
Received By: _____

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

1. Name: KENNETH F DOWNEY
Address: PO BOX 174
NEW MEADOWS ID 83654
AND
Name: DIANE E DOWNEY
Address: PO BOX 174
NEW MEADOWS ID 83654

2. Date of Priority: DEC 17, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
17N	01W	35	NE	NW	NE		ADAMS

5. Description of diverting works:
WELL 100'DEPTH, 8" CASING, 1.5HP PUMP & PIPELINE TO P/U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	06/01	10/01	0.080		
STOCKWATER	06/01	11/01	0.020		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 1 HOUSEHOLD, LAWN & GARDEN, STKWTR TO 25HD.

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	35	NW	NE		IRR	4.0
			NW	NE		STOCK	
			NW	NE		DOMEST	
						Section Acres	4.0
						Total Acres	4.0

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:
FLOOD WATER RIGHT 67-4089

14. Remarks:
IRRIGATED ACRES 4.0.

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: _____

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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 _____

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NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

Please print or type

(see instructions on back of page)

JUL 19 1993

Department of Water Resources

DATE OF CLOSING: 7/6/93

LEGAL DESCRIPTION OF PROPERTY: Township 17N Range 01W
 Section 35, NW 1/4 of NE 1/4 of 1/4 Govt. Lot , BM.
 Lot , Block , Subdivision/Townsite .
 If you have additional legal descriptions, please attach separate sheet.

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s)
Assigned by IDWR:

A67-04089 + A67-04043

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

Zella M. Smith
Box 177

[] New Owner/Claimant
(Purchaser):

Council, ID 83612

Kenneth F. Downey + Diane E. Downey

[] New Mailing Address:

P.O. Box 174

New Meadows, ID 83654

[] New Telephone Number:

() -

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes X 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 Memorandum of Sales Contract

(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)

X Kenneth F. Downey
X Diane E. Downey

Date 7/6/93

Date 7/6/93

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

X Zella M. Smith

Date 7/6/93

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: 7-20-93 By: JN

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 7-20-93 By: JN

Claim Numbers of Split, if any:

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

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.

MEMORANDUM OF SALES CONTRACT

SELLER: Zella M. Smith

BUYER: Kenneth F. Downey and Diane E. Downey, husband and wife

DATE OF SALES CONTRACT: July 6, 1993.

NOTICE IS HEREBY GIVEN that the above-named Seller has entered into a contract of sale of real property (Sales Contract) wherein the above-named Buyer agreed to buy, and the Seller agreed to sell, the following described real property situated in the County of Adams, State of Idaho, to-wit:

The NW 1/4 of the NE 1/4 of Section 35, Township 17 North, Range 1, W.B.M.

SUBJECT TO such rights, easements, covenants, restrictions, and zoning regulations as appear of record or by use upon the premises and LID assessments, if any.

Pursuant to the terms of said contract, title has been reserved in the Seller until the Buyer fully performs the contract, and a Warranty Deed has been placed in escrow for delivery to the Buyer upon completion of such performance. The recording of said Warranty Deed at a future date shall be conclusive proof, as against the Seller, and Seller's heirs, personal representatives, successors, and assigns, that Buyer has fully and completely performed all of the terms of said Sales Contract, and that Seller has no further right, title, or interest in and to the real property above described.

Also, pursuant to the terms of said Sales Contract, a Quitclaim Deed has been placed in escrow, to be delivered to the Seller in the event Buyer

shall default under the Sales Contract, and shall fail to cure said default within the time provided in the contract (the parties having agreed that time is of the essence of their agreement). The recording of such Quitclaim Deed conveying the right, title, and interest of Buyer in the above-described property to Seller shall be conclusive proof, as against the Buyer, and Buyer's heirs, personal representatives, successors, and assigns, that Buyer has defaulted in performance of said Sales Contract, and that procedures set forth in said contract for sending notice of default, recession of the contract, and termination of Buyer's right to continue the purchase and to continue in possession of the property, have been fully and completely complied with by the Seller, it being recognized and agreed that if Buyer claims any defect in such notice or procedures, or if Buyer claims any equitable interest in the property herein described, Buyer shall and must commence a legal action to assert such claims, if any, prior to the expiration of the time provided in the contract for correcting defaults and delivery of said Quitclaim Deed by the escrow holder to the Seller, and that unless such action is so commenced within said period of time, all such claims are waived by Buyer.

Said sales contract is held in escrow at Timberline Title and Escrow, Inc., Council, Idaho 83612.

DATED this 16 day of July, 1993.

SELLER

BUYER

Zella M. Smith
Zella M. Smith

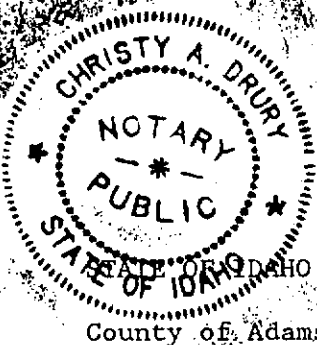
Kenneth F. Downey
Kenneth F. Downey

Diane E. Downey
Diane E. Downey

STATE OF IDAHO)
) ss.
 County of Adams)

On this 6th day of July, 1993, before me, the undersigned, a Notary Public in and for the said State, personally appeared Zella M. Smith known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal the date last above written.

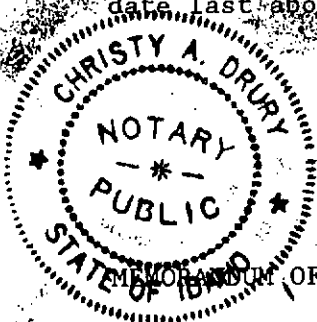


Christy A. Drury
 NOTARY PUBLIC, in and for the
 State of Idaho, residing at
 Fruitvale Council, therein.
 My Commission Expires: 8/4/96

STATE OF IDAHO)
) ss.
 County of Adams)

On this 6th day of July, 1993, before me, the undersigned, a Notary Public in and for the said State, personally appeared Kenneth F. Downey and Diane E. Downey, husband and wife, known to me to be the persons whose names are subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal the date last above written.



Christy A. Drury
 NOTARY PUBLIC, in and for the
 State of Idaho, residing at

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AUG 05 1994

MEMORANDUM OF SALES CONTRACT

Fruitvale

Council, therein.

My Commission Expires: 8/4/90

INSTRUMENT NO. 84347
State of Idaho)
County of Adams) ss.

Filed for record at the request of
Timberline Title & Escrow
17 min. past 4 o'clock P.M.
this 12 day of July, 19 93

MICHAEL FISK, RECORDER

by Sarah Wilson
Deputy

Fee \$12.00

Indexed

MEMORANDUM OF SALES CONTRACT

Zella M. Smith

to

Kenneth F. & Diane E. Downey

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: A67-04043
Date Received: 10/13/1989
Receipt No: MO04935
Received By: EXP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ZELLA M. SMITH 208-253-4828
Address: BOX 177
COUNCIL, ID 83612

2. Date of Priority: DEC 17, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	35	NE	NW	NE		ADAMS

5. Description of diverting works:
WELL 100'DEPTH, 8" CASING, 1.5HP PUMP & PIPELINE TO P/U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	06/01	10/01	0.080		
STOCKWATER	06/01	11/01	0.020		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 1 HOUSEHOLD, LAWN & GARDEN, STKWTR TO 25HD.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	35	NW	NE		IRR	4.0

A67-04043

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Date: 10/13/89

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	01W	35	NW NE		STOCK	
			NW NE		DOMEST	

Section Acres 4.0

Total Acres 4.0

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:
FLOOD WATER RIGHT 67-4089

14. Remarks:
IRRIGATED ACRES 4.0.

15. Basis of Claim: STATUTORY CLAIM

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OCT 02 1992

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: _____

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): Jella M Smith Date: Oct 13, 1989
Date: _____

State of Idaho)
County of WASHINGTON) SS.

Subscribed and sworn (or affirmed) before me this 13th day
of OCTOBER 19 89 Donna L. Smith
Notary Public

Seal

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



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 20, 1993

Re: Notices of Claim to a Water Right Nos. A67-04043, A67-04089

Kenneth F. Downey
Diane E. Downey
P.O. Box 174
New Meadows, ID 83654

Mr. & Mrs. Downey:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

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

LH:1
Enclosure

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AUG 05 1994