

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 37-353F
Date Received: 1/22/1990
Receipt No: S011030
Received By:

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

1. Name of Claimant(s)

JAMES M OOSTING Phone: (208)788-3356
PO BOX 386
BELLEVUE ID 83313

2. Date of Priority: 06/12/1886

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	18E	36	NE SW NW	BLAINE	

5. Description of diverting works:

HEADGATE #45, DISTRICT CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.2	

7. Total Quantity Appropriated is:
0.2 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
----------	-------	---------	----------------	-----	-------

01N	18E	24	NE	NE	IRRIGATION	10
					Section Acres	10
					Total Acres	10

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

TRANS. 2948.

P/D NOT GIVEN IN DECREE BUT SHOWN ON TRANSFER.

THIS CLAIM IS A SPLIT FROM A37-00353A. 1/15/1990, RVW.

***** 1/6/99 tf;

OWNERSHIP CHANGED LONG TO ZIKER FAMILY TRUST, RICHARD AND PAULA ZIKER AS TRUSTEES PER 1409(6) AND DEEDS REC'D 6/29/98.

15. Basis of Claim: Decreed

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

RECEIVED
JAN 10 2005
 Department of Water Resources
 Southern 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
37-353F					
37-13063					

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) Ziker Family Trust
11268 Sunshine TERR, SCOTLAND, CA 91604
4. New Owner/Claimant(s) JAMES M Dosting
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address PO Box 386
- City, State and ZIP Code Bellevue, ID 83313
- New Telephone Number (208) 188-3356
5. Date you acquired the property 5-15-03

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)

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 _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

K26530

WARRANTY DEED

For Value Received **James Michael Oosting and Cynthia Oosting, husband and wife**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

James Michael Oosting, a married man as his sole and separate property

whose address is: **P.O. Box 386, Bellevue, ID 83313**

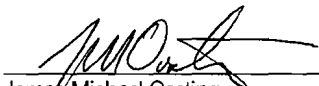
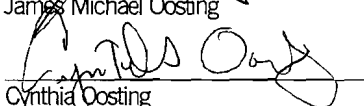
Hereinafter called the Grantee, the following described premises situated in **Blaine** County, Idaho, to-wit:

Lot 8A in Block 1 of DEAN RANCH SUBDIVISION, LOT 8 AMENDED, 1979, according to the official plat thereof, recorded as Instrument No. 197927, records of Blaine County, Idaho.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

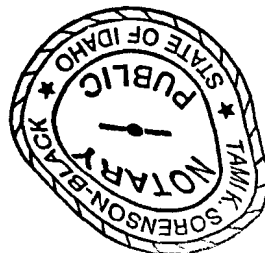
Dated: May 14, 2003


James Michael Oosting

Cynthia Oosting

STATE OF Idaho
Jss.
COUNTY OF Blaine

On this 14th day of May, 2003, before me, the undersigned, personally appeared James Michael Oosting and Cynthia Oosting known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that they executed the same as such.


Notary Public of Idaho
Residing at: Ketchikan
Commission Expires: 7-12-06



K26530

WARRANTY DEED

For Value Received **Richard Ziker and Paula Ziker, as Trustees of the Ziker Family Trust dated 7/20/92**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

^{Michael}
James M. Oosting, a married man as his sole and separate property *mu*
P.O. Box 386 Bellevue, ID 83313
whose address is: **P.O. Box 873511, Wasilla, AK 99687**

Hereinafter called the Grantee, the following described premises situated in **Blaine County, Idaho**, to-wit:

Lot 8A in Block 1 of DEAN RANCH SUBDIVISION, LOT 8 AMENDED, 1979, according to the official plat thereof, recorded as Instrument No. 197927, records of Blaine County, Idaho.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: May 9, 2003

Richard Ziker, Trustee
Richard Ziker, Trustee

Paula Ziker, Trustee
Paula Ziker, Trustee

ACCEPTED AND APPROVED
BY: *[Signature]*

STATE OF California)

COUNTY OF *Los Angeles*

) ss:

On this *May 9, 2003* day of May, in the year of 2003, before me, the undersigned Notary Public in and for said state, personally appeared Richard Ziker and Paula Ziker, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument as Trustee of the Ziker Family Trust dated 7/20/92 and acknowledged to me that they executed the same as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

R. Joplin
Notary Public for California

Residing at: *11028 Eldora Ave. Sunland, CA 91040*
Commission Expires: *10-5-06*





State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 12, 2005

JAMES M OOSTING
PO BOX 386
BELLEVUE ID 83313

Re: SRBA Claim #37-353F

Dear Mr. Oosting,

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copy of the computer record of the claim noting the change in claimant. Review this record and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carrie Hahn'.

Carrie Hahn
Office Specialist

Enc.

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: **A37-00353F**
Date Received: 1/22/1990
Receipt No: S011030
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: RICHARD ZIKER TRUSTEE
Address: ZIKER FAMILY TRUST
11268 SUNSHINE TERR
STUDIO CITY CA

818-506-6005

91604

AND/OR

Name: PAULA ZIKER TRUSTEE
Address: ZIKER FAMILY TRUST
11268 SUNSHINE TERR
STUDIO CITY CA

818-506-6005

91604

2. Date of Priority: JUN 12, 1886

3. Source: BIG WOOD RIVER

Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	18E	36	NE	SW	NW		BLAINE

5. Description of diverting works:
HEADGATE #45, DISTRICT CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		

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

A.F.A.

8. Total consumptive use is 25.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	18E	24	NE	NE		IRR	10.0
Section Acres							10.0
Total Acres							10.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
A37-13063 DOMESTIC

14. Remarks:

TRANS. 2948.
P/D NOT GIVEN IN DECREE BUT SHOWN ON TRANSFER.
THIS CLAIM IS A SPLIT FROM A37-00353A. 1/15/1990, RVW.

1/6/99 tf; OWNERSHIP CHANGED LONG TO ZIKER FAMILY TRUST, RICHARD
AND PAULA ZIKER AS TRUSTEES PER 1409(6) AND DEEDS REC'D 6/29/98.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

S. C. FROST, ET. AL.

Decree Plaintiff

ALTURAS WATER COMPANY, ET. AL
vs Decree Defendant

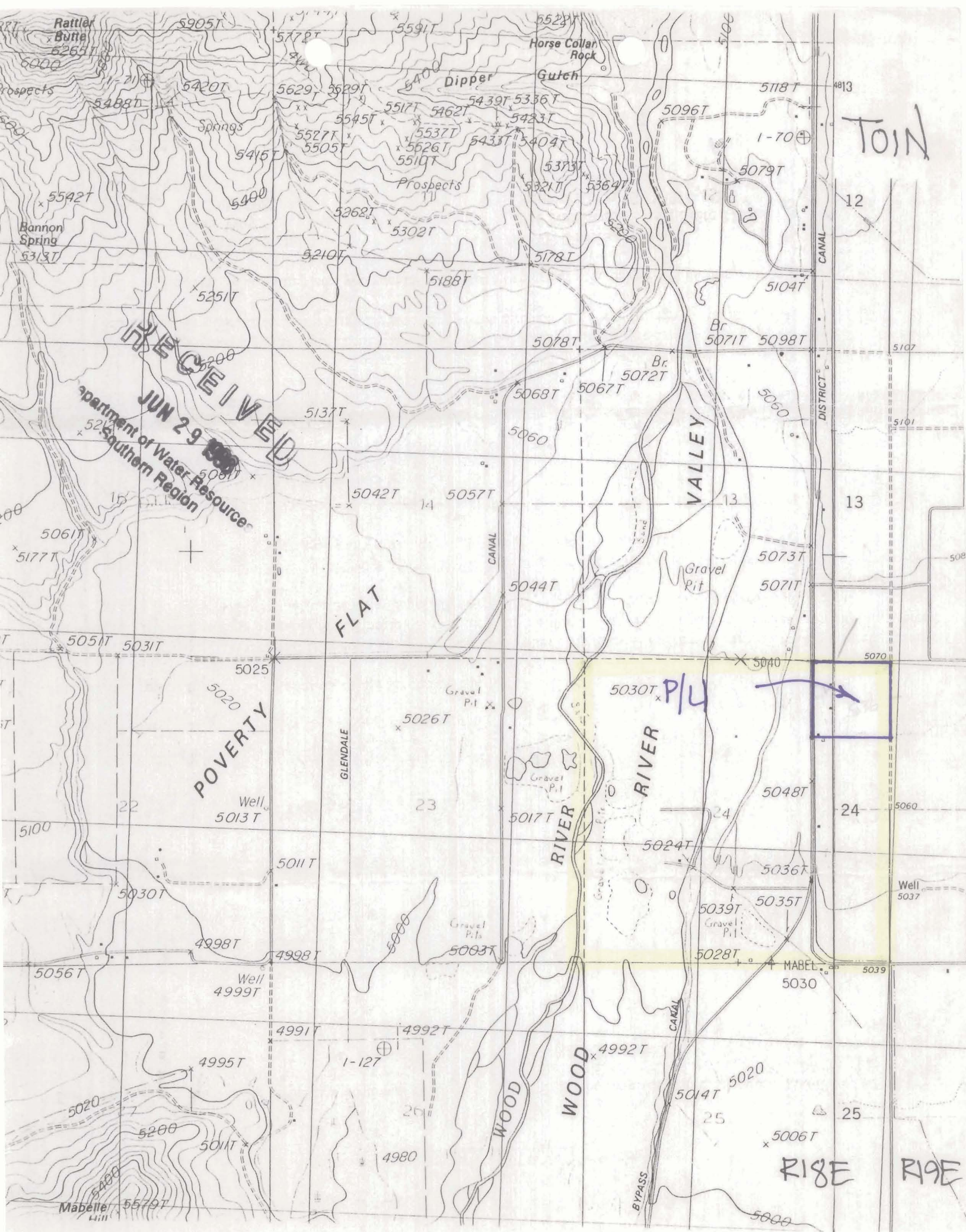
STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of the form.
Incomplete forms will be returned.

RECEIVED
JUN 29 1994
Department of Water Resources
Southern Region

1. Water Right No(s).: _____
Adjudication Claim No(s).: A37-00353F, -13063
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant William Long
4. New Owner/Claimant(s) Richard & Paula Ziker, Trustees of Ziker Family Trust
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 11268 Sunshine Terr
City, State and ZIP Code Studio City CA 91604
New Telephone Number (818) 506 6005
5. Date you acquired the property 6/1/94
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate 10+ Number and type of stock 5+
0.20 surface
Diversion rate in CFS 0.24 Number of homes 1 Other uses _____
0.04 well
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Paula Ziker
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..



Order No. 17503

WARRANTY DEED

For Value Received William R. Long, an unmarried man

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
 Richard Ziker and Paula Ziker, husband and wife
 whose address is: 11268 Sunshine Terrace, Studio City, CA 91604

Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

Lot 8A of DEAN RANCH SUBDIVISION, LOT 8 AMENDED, 1979, according to the
 official plat thereof, recorded as Instrument No. 197927, records of Blaine
 County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's
 heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner
 in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and
 assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and
 that Grantor will warrant and defend the same from all claims whatsoever.

Dated: June 3, 1994

William R. Long
 William R. Long

June 3, 1994

State of CALIFORNIA

County of LOS ANGELES

On JUNE 13th, 1994 before me, the undersigned, a Notary Public in and for said State, personally appeared William
 R. Long personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are
 subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Signature Thando RengcavaraCommission Expires: JAN 15, 1998

RECEIVED
 JUN 29 1998
 Department of Water Resources
 Southern Region

Jun-09-98 14:59 Laura Tizer & assoc

213 876 5109

P.07

RECEIVED
JUN 29 1998
Department of Water Resources
Southern Region

DEED OF TRUST

WHEN RECORDED MAIL TO AMERICA'S WHOLESALE LENDER P.O. BOX 7024 PASADENA, CALIFORNIA 91109-8974	
CLO LOAN # 9534822	
BROGROW/CLOSING # ZIKER	
Prepared by: L. MAIL	
SPACE ABOVE FOR COMPUTER USE	

THIS DEED OF TRUST ("Security Instrument") made on June 1, 1994
RICHARD ZIKER
AND PAULA ZIKER, HUSBAND AND WIFE

("Borrower"), The trustee is
FIRST AMERICAN TITLE COMPANY
371 WASHINGTON AVENUE, KEITHUM, IDAHO 83340
("Trustee"), The beneficiary is
AMERICA'S WHOLESALE LENDER
which is organized and existing under the laws of NEW YORK
addressed 155 NORTH LAKE AVENUE PASADENA, CA 91109

("Lender"), Borrower owes Lender the principal sum of
ONE HUNDRED SEVENTY ONE THOUSAND FIVE HUNDRED AND 00/100

Dollars (U.S. \$ 171500.00)
This debt is evidenced by Borrower's note dated the same date as this Security Instrument ("Note"), which provides for monthly
payments, with the full debt, if not paid earlier, due and payable on June 1, 2024

This Security
Instrument secures in Lender (a) the repayment of the debt evidenced by the Note, with interest, and all renewals, extensions and
modifications of the Note; (b) the payment of all other sums, with interest, advanced under paragraph 7 to protect the security of
the Security Instrument; and (c) the performance of Borrower's covenants and agreements under this Security Instrument and the
Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described
property located in BLAINE

LOT 8A OF DEAN RANCH SUBDIVISION, LOT 8 AMENDED, 1979, ACCORDING TO THE
OFFICIAL PLAT THEREOF, RECORDED AS INSTRUMENT NO. 197927, RECORDS OF BLAINE
COUNTY, IDAHO.

which has the address of 10783 STATE HIGHWAY 75, BLAINE COUNTY
IDaho 83333 -
("Property Address");

(Zip Code)

LOAND - Single Family - Family Name Freddie Mac UNIFORM INSTRUMENT

Page 1 of 5

Form 3076-8/80

Blaine, City,

Initials



[Space Above This Line For Recording Data]

DEED OF TRUST

THIS DEED OF TRUST ("Security Instrument") is made on December 15, 19 89. The grantor is William R. Long, an unmarried man, and Richard Ziker, an unmarried man. ("Borrower"). The trustee is Blaine County Title, Inc., an Idaho Corporation ("Trustee"). The beneficiary is Mountain West Savings Bank, F.S.B. which is organized and existing under the laws of State of Idaho and whose address is 311 Main Street, P. O. Box 299, Ketchum, Idaho 83340 ("Lender"). Borrower owes Lender the principal sum of One Hundred Forty Four Thousand and no/100s----- Dollars (U.S. \$*144,000.00*). This debt is evidenced by Borrower's note dated the same date as this Security Instrument ("Note"), which provides for monthly payments, with the full debt, if not paid earlier, due and payable on January 1, 2020. This Security Instrument secures to Lender: (a) the repayment of the debt evidenced by the Note, with interest, and all renewals, extensions and modifications; (b) the payment of all other sums, with interest, advanced under paragraph 7 to protect the security of this Security Instrument, and (c) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in Blaine County, Idaho:

Lot 8A in Block 1 of DEAN RANCH SUBDIVISION, Lot 8 AMENDED, 1979, according to the official plat thereof, on file in the office of the County Recorder, recorded October 22, 1979, as Instrument No. 197927, records of Blaine County, Idaho.

RECEIVED
JUN 29 1986
Department of Water Resources
Southern Region

of this Note is also obligated to do these things. Any person who takes over these obligations, including the obligations of a guarantor, surety or endorser of this Note, is also obligated to keep all of the promises made in this Note. The Note Holder may enforce its rights under this Note against each person individually or against all of us together. This means that any one of us may be required to pay all of the amounts owed under this Note.

9. WAIVERS

I and any other person who has obligations under this Note waive the rights of presentment and notice of dishonor. "Presentment" means the right to require the Note Holder to demand payment of amounts due. "Notice of dishonor" means the right to require the Note Holder to give notice to other persons that amounts due have not been paid.

10. UNIFORM SECURED NOTE

This Note is a uniform instrument with limited variations in some jurisdictions. In addition to the protections given to the Note Holder under this Note, a Mortgage, Deed of Trust or Security Deed (the "Security Instrument"), dated the same date as this Note, protects the Note Holder from possible losses which might result if I do not keep the promises which I make in this Note. That Security Instrument describes how and under what conditions I may be required to make immediate payment in full of all amounts I owe under this Note. Some of those conditions are described as follows:

Transfer of the Property or a Beneficial Interest in Borrower. If all or any part of the Property or any interest in it is sold or transferred (or if a beneficial interest in Borrower is sold or transferred and Borrower is not a natural person) without Lender's prior written consent, Lender may, at its option, require immediate payment in full of all sums secured by this Security Instrument. However, this option shall not be exercised by Lender if exercise is prohibited by federal law as of the date of this Security Instrument.

If Lender exercises this option, Lender shall give Borrower notice of acceleration. The notice shall provide a period of not less than 30 days from the date the notice is delivered or mailed within which Borrower must pay all sums secured by this Security Instrument. If Borrower fails to pay these sums prior to the expiration of this period, Lender may invoke any remedies permitted by this Security Instrument without further notice or demand on Borrower.

WITNESS THE HAND(S) AND SEAL(S) OF THE UNDERSIGNED.

x William R. Long (Seal)
William R. Long Borrower

x Richard Ziker (Seal)
Richard Ziker Borrower

..... (Seal)
..... Borrower

[Sign Original Only]

RECEIVED
JUN 29 1998
Department of Water Resources
Southern Region

DEED OF TRUST

THIS DEED OF TRUST ("Security Instrument") is made on December 15, 1989. The grantor is William R. Long, an unmarried man, and Richard Ziker, an unmarried man.

("Borrower"). The trustee is Blaine County Title, Inc., an Idaho corporation, Mountain West Savings Bank, F.S.B., 311 Main Street, P.O. Box 299, Ketchum, Idaho 83340, and whose address is ("Lender").

Borrower owes Lender the principal sum of One Hundred Forty Thousand and no/100s----- Dollars (U.S. \$144,000.00*). This debt is evidenced by Borrower's note dated the same date as this Security Instrument ("Note"), which provides for monthly payments, with the full debt, if not paid earlier, due and payable on January 1, 2020.

This Security Instrument secures to Lender: (a) the repayment of the debt evidenced by the Note, with interest, and all renewals, extensions and modifications; (b) the payment of all other sums, with interest, advanced under paragraph 7 to protect the security of this Security Instrument; and (c) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in Blaine County, Idaho:

Lot 84 in Block 1 of DEAN RANCH SUBDIVISION, Lot 8 AMENDED, 1979, according to the official plat thereof, on file in the office of the County Recorder, recorded October 22, 1979, as Instrument No. 197927, records of Blaine County, Idaho.

RECEIVED
JUN 29 1998
Department of Water Resources
Southern Region

which has the address of 10783 Highway 93 Blaine County Idaho 83313 ("Property Address") (Zip Code)

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, rights, appurtenances, rents, royalties, mineral, oil and gas rights and profits, water rights and stock and all fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property."

BORROWER COVENANTS that Borrower is lawfully seized of the estate hereby conveyed and has the right to grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

This Security Instrument combines uniform covenants for national use and non-uniform covenants with limited variations by jurisdiction to constitute a uniform security instrument covering real property.

of this Note is also obligated to do these things. Any person who takes over these obligations, including the obligations of a guarantor, surety or endorser of this Note, is also obligated to keep all of the promises made in this Note. The Note Holder may enforce its rights under this Note against each person individually or against all of us together. This means that any one of us may be required to pay all of the amounts owed under this Note.

9. WAIVERS

I and any other person who has obligations under this Note waive the rights of presentment and notice of dishonor. "Presentment" means the right to require the Note Holder to demand payment of amounts due. "Notice of dishonor" means the right to require the Note Holder to give notice to other persons that amounts due have not been paid.

10. UNIFORM SECURED NOTE

This Note is a uniform instrument with limited variations in some jurisdictions. In addition to the protections given to the Note Holder under this Note, a Mortgage, Deed of Trust or Security Deed (the "Security Instrument"), dated the same date as this Note, protects the Note Holder from possible losses which might result if I do not keep the promises which I make in this Note. That Security Instrument describes how and under what conditions I may be required to make immediate payment in full of all amounts I owe under this Note. Some of those conditions are described as follows:

Transfer of the Property or a Beneficial Interest in Borrower. If all or any part of the Property or any interest in it is sold or transferred (or if a beneficial interest in Borrower is sold or transferred and Borrower is not a natural person) without Lender's prior written consent, Lender may, at its option, require immediate payment in full of all sums secured by this Security Instrument. However, this option shall not be exercised by Lender if exercise is prohibited by federal law as of the date of this Security Instrument.

If Lender exercises this option, Lender shall give Borrower notice of acceleration. The notice shall provide a period of not less than 30 days from the date the notice is delivered or mailed within which Borrower must pay all sums secured by this Security Instrument. If Borrower fails to pay these sums prior to the expiration of this period, Lender may invoke any remedies permitted by this Security Instrument without further notice or demand on Borrower.

WITNESS THE HAND(S) AND SEAL(S) OF THE UNDERSIGNED

x William R. Long (Seal)
William R. Long Borrower

x Richard Ziker (Seal)
Richard Ziker Borrower

____ (Seal)
Borrower

(Sign Original Only)

RECEIVED
JUN 29 1998
Department of Water Resources
Southern Region

This form furnished by
Blaine County Title, Inc.

BCI #19892572

WARRANTY DEED

For Value Received JAMES B. STOCKMAN, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY,

the Grantor hereby grants, bargains, sells, conveys and warrants unto WILLIAM R. LONG, AN UNMARRIED MAN AND RICHARD ZIKER, AN UNMARRIED MAN,

the Grantee whose current address is: 11710 MAYFIELD AVENUE, LOS ANGELES, CA 90049
the following described premises, to-wit:

Lot 8A in Block 1 of DEAN RANCH SUBDIVISION, Lot 8 AMENDED, 1979, according to the official plat thereof, on file in the office of the County Recorder, recorded October 22, 1979, as Instrument No. 197927, records of Blaine County, Idaho.

RECEIVED
JUN 29 1988
Department of Water Resources
Southern Region

BLAINE COUNTY REQUEST
BY BLAINE COUNTY TITLE
JUL 26 1989 PM 12 11
RECEIVED
FEES \$ 6.00

314353

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

Dated: December 18, 1989

James B. Stockman by Judy Feltman his attorney-in-fact
JAMES B. STOCKMAN BY JUDY FELTMAN HIS ATTORNEY-IN-FACT

STATE OF IDAHO, COUNTY OF

On this _____ day of _____, 19____,
before me, a Notary Public in and for said State, personally appeared

identified to me on the basis of satisfactory evidence or known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that _____ executed the same.

STATE OF IDAHO, COUNTY OF

I HEREBY CERTIFY That this instrument was filed for record at the request of _____

at _____ minutes past _____ o'clock M.,
this _____ day of _____,
19____, in my office and duly recorded in Book _____
of Mortgages at page _____

Ex-Officio Recorder.

By _____ Deputy

Fees, \$

STATE OF Idaho

COUNTY OF Blaine

On this 20th day of December, 19 89, before me,
the undersigned, a Notary Public, in and for said State, personally
appeared JUDY FELTMAN
known to me to be the person whose name is subscribed as the Attorney-
in-Fact of JAMES B. STOCKMAN,
and known to me to be the person whose name is subscribed to the within
instrument and acknowledged to me that he executed the same on behalf of
JAMES B. STOCKMAN


NOTARY PUBLIC

Residing at: Hailey, ID

Commission Expires: 7-8-91

(SEAL)

RECEIVED
JUN 29 1998
Department of Water Resources
Southern Region

RECEIVED

19.08

JUN 29 1998

Department of Water Resources
Southern Region

RECORDING REQUESTED BY
JEFFREY B. WHEELER
of ROSENFELD, MEYER & SUSMAN

AND WHEN RECORDED MAIL
DEED AND TAX STATEMENTS TO:

Richard J. Ziker
c/o Laura Lizer & Associates
12711 Ventura Blvd., Suite 440
Studio City, California 91604

BLAINE CO. REQUEST

OF Rosenfeld, Meyer

1993 MAR 30 A 11: 22

351275

TERRY GREEN, CLERK

FEES \$

3.00

imp

Deed

SPACE ABOVE FOR RECORDER'S USE

INDIVIDUAL QUITCLAIM DEED

FOR NO CONSIDERATION, RICHARD J. ZIKER, who took title as an unmarried man,
hereby REMISES, RELEASES AND QUITCLAIMS to

Richard Ziker and Paula Ziker, as Trustees of the Ziker Family
Trust, created by a Declaration of Trust dated July 20, 1992,
whose address is shown above,

all of his right, title and interest in and to the following described real property in
Blaine County, Idaho, more particularly described as:

Lot 8A in Block 1 of DEAN RANCH SUBDIVISION, Lot 8
AMENDED, 1979, according to the official plat thereof, on file in the
office of the County Recorder, recorded October 22, 1979, as
Instrument No. 197927, records of Blaine County, Idaho.

DATED: 1-29-93

Richard J. Ziker
RICHARD J. ZIKER

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

SS.

On 1-29-93, before me, PAM SCOTT, a Notary Public in and for said
State, personally appeared Richard J. Ziker, personally known to me (or proved to me on the basis of
satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to
me that he executed the same in his authorized capacity, and that by his signature on the instrument the person,
or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal



OFFICIAL SEAL
PAM SCOTT
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
LOS ANGELES COUNTY
MY COMMISSION EXPIRES 01-01-00

Pam Scott
SIGNATURE OF NOTARY PUBLIC

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: A37-00353F
Date Received: 1/15/1990
Receipt No: 5011039
Received By: R.V. St. AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM R. LONG 213-207-0446
Address: 11710 MAYFIELD AVE.
LOS ANGELES, CA 90049

2. Date of Priority: JUN 12, 1886

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	18E	36	NE	SW	NW		BLAINE

5. Description of diverting works:
HEADGATE #45, DISTRICT CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		

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

8. Total consumptive use is 25.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	18E	24	NE	NE		IRR	10.0
Section Acres							10.0

COPY

MICROFILMED
FEB 22 1993

10. Place of Use: Continued

Total Acres 10.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
A37-13063 DOMESTIC

14. Remarks:
TRANS. 2948.
P/D NOT GIVEN IN DECREE BUT SHOWN ON TRANSFER.
THIS CLAIM IS A SPLIT FROM A37-00353A. 1/15/1990, RVW.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

S. C. FROST, ET. AL.
Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.
Decree Defendant

COPY

MICROFILMED
FEB 22 1993

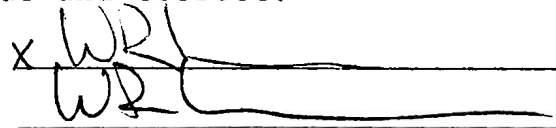
16. Signature(s)

(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): X  Date: X 1/18/90
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 _____

COPY

MICROFILMED
FEB 22 1993

3001 (6/82) (Individual) First American T I Company

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES ss.

On JANUARY 18, 1990, before me, the undersigned, a Notary Public in and for
said State, personally appeared WILLIAM R. LONG

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

WITNESS my hand and official seal.

Signature

S.A. Paddock



(This area for official notarial seal)

COPY

11/21/2006

NOTICE OF ERROR
REPLY

RECEIVED

DEC 21 2006

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 37-353F

JAMES M OOSTING
PO BOX 386
BELLEVUE ID 83313
Telephone Number: (208)788-3356

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Do not have this info on Prelim-Recommendation

2. Describe the changes you wish to make in the proposed recommendation:

I DO have an irrigation system and I have been using it since I purchased the property

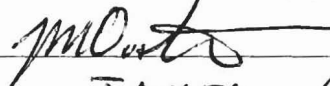
3. Give a brief explanation as to why you disagree with these portions:

Jim Stanton inspected the property on Nov. 17th, he did not see the headgate, pump and sump which has been in place for years. Please do not change my rights.

I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12-19-06

SIGNATURE:



Please print your name:

JAMES OOSTING

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

I spoke with Mr. Stanton @ 2:15pm 12-19-06 Regarding this matter, he informed me that he had not seen the pump. etc... I was told at that time to send this in and he would re-evaluate this issue.

SCANNED

DEC 21 2006

Sally

11/21/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-353F
NAME AND ADDRESS: JAMES M OOSTING
PO BOX 386
BELLEVUE ID 83313

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM -
No beneficial use found.

Nov 17th - 208-736-3033 Jim Stanton

SCANNED

DEC 7 1 2006

12/26/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-353F

NAME AND ADDRESS: JAMES M OOSTING
PO BOX 386
BELLEVUE ID 83313

REVISED

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.160 CFS

PRIORITY DATE: 06/12/1886

POINT OF DIVERSION:

T02N R18E S36 NESWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.160 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S24 NENE 6.80

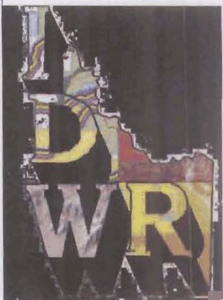
6.8 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The place of use is Lot 8A of the Dean Ranch Subdivision.



Idaho Department of Water Resources

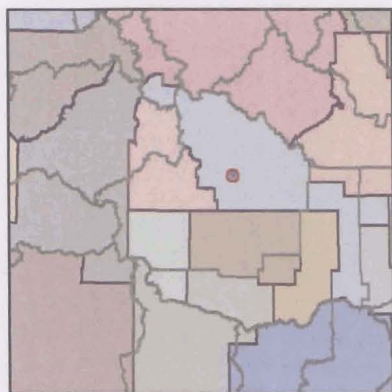
SRBA Recommendation:

37-353F

(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

Prepared by J. Stanton
On Tuesday, December 26, 2006
2004 Aerial Photography

Owner: James M Oosting

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

11/18/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-353F

NAME AND ADDRESS: JAMES M OOSTING
PO BOX 386
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.200 CFS

PRIORITY DATE: 06/12/1886

POINT OF DIVERSION:

T02N R18E S36 NESWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

4/01 11/01

0.200 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S24 NENE 10.00

10 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

EXPLANATORY MATERIAL: BASIS OF CLAIM -
No beneficial use found.

DISALLOWED



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 20, 1999

Lee Peterson, Watermaster
Water District 37
P.O. Box P
Shoshone, Idaho 83352

RECEIVED
DEC 28 1999
Department of Water Resources
Southern Region

Re: Assessment of Claims to Right No. 37-00353 Frost Decree – James Johnson)

Dear Lee:

You have requested guidance from the Department of Water Resources on which claimants to parts of Right No. 37-00353 should be included in the Water District 37 "Decree Book." Claims to various parts of the right have been filed in the Snake River Basin Adjudication. The claims, in total, exceed the decreed amount of the right. Some of the new claimants were not previously identified in the Water District records as having an ownership interest in the water right and have not been previously assessed by the Water District. Some of the claimants not previously identified in the Water District's records have called for water delivery based upon their claims. It is my understanding that the right is delivered by the Water District to the head of the District 45 canal along which most of the claimants are located. Because the Water District does not control delivery from the canal, your records do not verify use of water under the rights by the claimants.

Based upon this understanding Water District 37 should include in its Decree Book each of the water users claiming a part of Right No. 37-00353 that have demonstrated a probable ownership. Those having a probable ownership in the right include:

a. Water users listed in the Water District Records as having an ownership interest. These include:

1. Gardner	180 inches
2. Fosnot	20 inches
3. Grigsby (formerly Bick)	20 inches
4. Kantenwein	10 inches
5. Oppenheimer	20 inches
6. Stricker	20 inches
7. Driever	10 inches

A37-00353	BICK, J KARL	C	06/12/1886	D/	BIG WOOD RIVER	1 IRR
	BICK, JUDITH G	C				4 STOCK
A37-00353A	SPLIT RIGHT,	C	06/12/1886	/Z	BIG WOOD RIVER	1 IRR
					SPL IT RI GHT	
A37-00353B	STRICKER, EDWARD W	C	06/12/1886	D/	BIG WOOD RIVER	1 IRR
	STRICKER, JEANNINE	C				4 STOCK
A37-00353C	SPLIT RIGHT,	C	06/12/1886	/Z	BIG WOOD RIVER	1 IRR
					SPL IT RI GHT	
A37-00353D	GARDNER, ROBERT	C	06/12/1886	D/	BIG WOOD RIVER	1 IRR
	GARDNER, KATHRYN	C				
A37-00353E	OPPENHEIMER JR, HARRY	C	06/12/1886	D/	BIG WOOD RIVER	1 IRR
~~A37-00353F~~	ZIKER TRUSTEE, RICHARD	C	06/12/1886	D/	BIG WOOD RIVER	1 IRR
	ZIKER TRUSTEE, PAULA	C				
A37-00353G	DRIEVER, DOUGLAS	C	06/12/1886	D/	BIG WOOD RIVER	1 IRR
A37-00353H	KANTENWEIN, REID	C	06/12/1886	D/	BIG WOOD RIVER	1 IRR
A37-00353J	OLSEN LIVESTOCK CONSUL	C	06/12/1886	D/	BIG WOOD RIVER	1 IRR
A37-00353K	PRICE, SHERRY	C	06/12/1886	D/	BIG WOOD RIVER	1 IRR
	PRICE, BRUCE	C				
A37-00353L	GOICOECHEA, TOM	C	06/12/1886	D/	BIG WOOD RIVER	1 IRR
	GOICOECHEA, ANNETTE	C				

*Paula Ziker
11268 Sunshine Terrace
Studio City, CA 91604
818/506-6005 home
818/769-2965 fax*

June 26, 1998

Ms. Georgia Satterlee
Water Resource Agent
Southern Regional Office
Idaho Department of Water Resources
1341 Fillmore Street, Ste. 200
Twin Falls, ID 83301-3380

RECEIVED
JUN 29 1998
Department of Water Resource
Southern Region

Re: A37-00353F, -13063

Dear Georgia:

Attached are the ownership documents to update the records for the above referenced property. Thank you again for taking the time to explain the Adjudication Claims Reports. It seems that we are at a standoff; the documents from IDWR show water rights but the Water Master insists there are none for 00353F.

Please let me know if you need any additional information.

Sincerely,


Paula Ziker

6/9/94

COMMUNICATION DOCUMENTATION

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 Georgia Satterlee

DATE

June 17, 1998 12:08pm

CUSTOMER

LINDA YATES/PAULA ZIKER

SUBJECT: A37-00353F,-13063

phone call (X) walk-in (.)

Paula Ziker wanted to know more about her claims, I sent her all the information I could find associated with 37-00353, i.e. Transfers 2948, 3678, and 3679 plus Preliminary Order in the matter of Olsen Livestock Consultants, Inc., and the memo from ADM (7/1997). This should confuse all of us for awhile.

Sent everything to Linda Yates @ PO Box 2510, Hailey, 83333.

6/9/94

COMMUNICATION DOCUMENTATION

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 Georgia Satterlee

DATE

June 2, 1998 1:28pm

CUSTOMER

LINDA YATES

SUBJECT: A37-00353F,-13063

phone call (X) walk-in (.)

Enclosed in the Change of Ownership form for the claims we discussed. It appears the chain of title is necessary to substantiate owner-ship, i.e. if Richard and Paula Ziker bought from William R. Long, did Mr. Long buy the property from JB Stockman?? Only the deeds showing the chain of title and current owners signature will be necessary.

A37-00353F

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

JUL 24 1997
DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF A CALL FOR)
DELIVERY OF WATER RIGHT NO.) **PRELIMINARY ORDER**
37-0353 TO OLSEN LIVESTOCK)
CONSULTANTS, INC.)
_____)

Scott Campbell, an attorney representing Olsen Livestock Consultants, Inc., requested delivery of 0.40 cfs (20 miners inches) of water from the Big Wood River under water right No. 37-0353. After reviewing the files and records of the Department, Water District 37, and Blaine County, the Department of Water Resources enters the following Findings of Fact, Conclusions of Law, and Preliminary Order.

FINDINGS OF FACT

1. Water Right No. 37-0353 was decreed to James Johnson in the case of S. C. Frost, et al vs. Alturas Water Co., et al. The right is for 6.4 cfs to be diverted from the Big Wood River for irrigation of the E1/2SE1/4 of Section 13 and the E1/2NE1/4, Section 24, T1N R18E, B.M., Blaine County (approximately 160 acres). The water right has been diverted into the Wood River Valley Irrigation District No. 45 canal located within the SW1/4NW1/4, Section 36, T2N, R18E, for delivery to users of the water. The priority of right No. 37-0353 is June 12, 1886.

2. The decreed place of use for right No. 37-0353 was divided in the early 1970's into an 18 lot subdivision known as the Dean Ranch Subdivision. The records of the Department and Water District 37 indicate that right No. 37-0353 was appurtenant to and used upon the decreed place of use up to the time the land was subdivided and on some of the subdivision lots and other land each year thereafter. Lot 2, Block 1 of the subdivision has not been irrigated for more than 10 years as evidenced by a review of aerial photographs and other information available to the department.

3. Olsen Livestock Consultants, Inc. claims ownership of Lot 2, Block 1, Dean Ranch Subdivision. The deeds in the chain of title filed with Blaine County for this lot from the creation of the subdivision to the present are summarized as follows:

a. M.D. and Katherine Dean deeded Lot 1 (approximately 8 acres) and Lot 2 (approximately 10 acres) with appurtenances to Charles A. and Debra Anne Curtis on November 1, 1974. Appurtenant water rights were not specifically described.

- b. Charles A. and D. Anne Curtis deeded Lot 1 with appurtenances to Robert E. Fosnot on October 19, 1978. Appurtenant water rights were not specifically described.
 - c. Charles A. and Debra Anne Curtis deeded Lot 2 with appurtenances to Dean R. and Judene Call on December 5, 1978. A water right with an 1887 priority date for 20 inches was specifically included.
 - d. Dean R. and Judene Call deeded Lot 2 with appurtenances to Robert D. and Sharyl M. Head on August 5, 1991. A water right with an 1887 priority date for 20 inches was specifically included.
 - e. Robert D. and Sharyl M. Head deeded Lot 2 with appurtenances to Olsen Livestock Consultants, Inc. on September 25, 1996. Appurtenant water rights were not specifically described.
4. Blaine County does not have any record of deeds transferring title of any part of Water Right No. 37-0353 separately from the appurtenant land during the time period of December 15, 1969 (date land was deeded to M. D. Dean) to November 1, 1974 (the date of the initial sale of Lot 1 and 2).
5. Water District 37 records list the following as the current owners of water right No. 37-0353:
- a. Harry L. Oppenheimer (20 miners inches) based upon a letter dated October 27, 1977 from M. D. Dean confirming the sale of the water to Jerry Lee Johnson, a February 16, 1978 warranty deed from Jerry Lee Johnson to Marvin Lotspeich, and a 1980 warranty deed from Marvin Lotspeich to Harry L. Oppenheimer.
 - b. Robert Kierstad (40 miners inches) based upon an October 28, 1977 letter from M. D. Dean confirming sale of water to Mr. Kierstad.
 - c. Ed Stricker (20 miners inches) based upon an October 29, 1977, letter from M. D. Dean confirming sale of the water to Mr. Stricker.
 - d. Gus Chek (10 miners inches) based upon a November 1, 1977, letter confirming sale of 20 inches of water to Mr. Chek. Mr. Chek subsequently sold 10 inches to Douglas Driever.
 - e. Douglas Driever (10 miners inches) based upon an October 4, 1991 letter from Gus Chek confirming sale of the water and Transfer No. 3679 approved by the department.

f. Robert Gardner (180 miners inches) based upon a June 25, 1982 letter from M. D. Dean confirming sale of the water to Mr. Gardner.

g. J Karl Bick (20 miners inches) based upon a June 25, 1982 letter from M. D. Dean to John Peterson and a quit claim deed dated November 3, 1993 from John Peterson to J Karl Bick.

h. Robert Fosnot (20 miners inches) based upon Transfer No. 2948 approved by the department.

6. The records of Water District 37 list a current owner for all 6.4 cfs (320 miners inches) of right No. 37-0353. Olsen Livestock Consultants, Inc. is not listed as a current owner by the water district. The watermaster records indicate that an assessment has not been paid for delivery of water for use on Lot 2, Block 1, Dean Ranch Subdivision since 1982 or earlier.

7. The following have claimed portions of right 37-0353 in the Snake River Basin Adjudication (SRBA):

- | | | |
|----|---|--------------------|
| a. | A37-0353 J. Karl & Judith G. Bick
(This claim was originally filed by John Peterson.) | 20 miners inches |
| b. | A37-0353B Edward & Jeannine Stricker | 20 miners inches |
| c. | A37-0353D Robert & Kathryn Gardner | 180 miners inches |
| d. | A37-0353E Harry L. Oppenheimer, Jr. | 20 miners inches |
| e. | A37-0353F William R. Long | 10 miners inches |
| f. | A37-0353G Douglas Driever
(This is one half of claim A37-0353C filed by Gus Chek.) | 10 miners inches |
| g. | A37-0353H Reid Kantenwein
(This is one half of claim A37-0353C filed by Gus Chek.) | 10 miners inches |
| h. | A37-0353J Tom Olsen | 13.5 miners inches |
| i. | A37-11688 Paul R. & Robert E. Fosnot
(This claim is based upon water right No. 37-0353.) | 20 miners inches |

8. The SRBA claims on file total 303.5 miners inches.

9. The Water District 37 records show that Wood River Valley Irrigation District No. 45 has paid the Water District 37 assessments for 1997 for Gus Chek and for 1996 and 1997 for Robert Kierstad.

10. The Department, Water District 37, and Blaine County records do not show the transfer of an 1887 water right to Lot 2, Block 1, Dean Ranch Subdivision.

11. Water District 37 has been active each year since 1974 and earlier.

12. Rule 104 of the "Rules of Procedure of the Idaho Department of Water Resources", IDAPA 37.01.01, authorize the department to initiate a formal proceeding by issuing an informal determination that will become final in the absence of further action by the person(s) to whom the document is addressed.

CONCLUSIONS OF LAW

1. Water right No. 37-0353 has not been forfeited as evidenced by the Water District 37 records of delivery and use, although use has not occurred on Lot 2, Block 1 Dean Ranch Subdivision for many years.

2. Lot 2, Block 1 Dean Ranch Subdivision was included in the decreed place of use of water right No. 37-0353. Unless a change in place of use was made in accordance with a valid transfer procedure, water right No. 37-0353 is prorated uniformly to the place of use; i.e., 2 miners inches to each acre of the place of use, *Crow v. Carlson*, 107 Idaho 461 (1984).

3. A water right is an appurtenance to the land and passes by conveyance of the land unless it was specifically reserved in the deed or it can be clearly shown that it was known to both parties that the water right was not intended to be conveyed. *Russell v. Irish*, 20 Idaho 194, 118 P. 501 (1911). Because the 1974 deed from M. D. and Katherine Dean to Charles A. and Debra Anne Curtis did not specifically reserve water rights from the sale, a proportionate share of water right 37-0353 remained appurtenant to the parcel. Deeds and letters confirming the sale of portions of the decreed water right issued by M. D. Dean subsequent to the 1974 deed to Curtis purporting to convey water rights could not have moved the water right from Lot 2.

4. The reference to an "1887" water right in the chain of title to Lot 2, Block 1, Dean Ranch Subdivision, appears to be a typographical error in describing the appurtenant May 12, 1886 priority water right because documentation has not been found to associate an 1887 priority water right with Lot 2, Block 1, Dean Ranch Subdivision. The inclusion of this reference to a water right in the deed to Mr. Call indicates that Mr. Curtis understood that a water right was appurtenant to Lot 2, Block 1, Dean Ranch Subdivision.

5. Section 42-607, Idaho Code, provides that a water user can not adversely possess the water rights of another user in an active water district.

6. The information available to the department indicates that a proportionate share of water right No. 37-0353 is appurtenant to Lot 2, Block 1, Dean Ranch Subdivision owned by Olsen Livestock Consultants, Inc. The watermaster of Water District 37 should be instructed to deliver the water to the authorized point of diversion for delivery and irrigation use.

7. The department is not able with the information presently available to determine which of the persons presently listed in the Water District 37 records as owning a portion of water right No. 37-0353 are not entitled to the full amount attributed to them. This matter is left for further determination by the department or the district court. Because some of the persons listed as owning part of the right are not calling for delivery under the right and have not done so for several years, the watermaster can satisfy the Olsen Livestock Consultant, Inc. call without otherwise changing the delivery to those entitled to use the water. If calls for water by those entitled to receive the water exceed the total amount of the right, delivery to each user will be proportionately reduced until the ownership issue is resolved.

ORDER

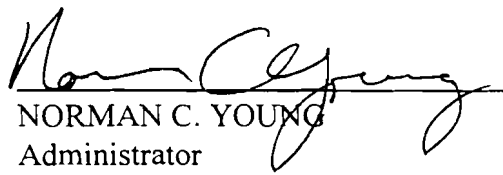
IT IS, THEREFORE, HEREBY ORDERED:

1. The watermaster of Water District 37 is instructed to deliver 0.20 cfs of water right 37-0353 with a June 12, 1886 priority date to the Wood River Valley Irrigation District No. 45 headgate in the SW1/4NW1/4, Section 36, T2N, R18E for use by Olsen Livestock Consultants, Inc. Prior to delivery of the water under this order, Olsen Livestock Consultants, Inc. shall have paid any applicable Water District 37 assessments.

2. This Order does not constitute a determination that Olsen Livestock Consultants, Inc. has a right-of-way, easement, or other necessary authorities and approvals needed to convey water through the Wood River Valley Irrigation District headgate and canal system.

3. This Order is a preliminary determination subject to revision if additional information is submitted indicating that water right No. 37-0353 is no longer appurtenant to Lot 2, Block 1, Dean Ranch Subdivision. All persons receiving this order and others using or claiming the use of water under right No. 37-0353 have the opportunity to seek reconsideration or file exceptions in accordance with Rule 730 of the "Rules of Procedure of the Department of Water Resources," IDAPA 37.01.01.

Signed at Boise, Idaho, this 22ND day of July, 1997.


NORMAN C. YOUNG
Administrator
Water Management Division

CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of July, 1997, I served a true and correct copy of the foregoing document on the following person(s) by mailing in the U.S. mail, first class, with the correct postage affixed thereto:

Scott Campbell
Elam & Burke
PO Box 1539
Boise, Idaho 83701

J Karl and Judith G. Bick
PO Box 2014
Sun Valley, Idaho 83353

Gus Chek
PO Box 1984
Hailey, Idaho 83333

Robert and Kathryn Gardner
PO Box 470
Bellevue, Idaho 83313

William R. Long
11710 Mayfield Avenue
Los Angeles, California 90049

Robert Earl Fosnot
PO Box 290
Bellevue, Idaho 83313

E. Lee Schlender
PO Box 296
Hailey, Idaho 83333

Edward and Jeannine Sticker
10767 State Highway 75
Bellevue, Idaho 83313

Douglas Driever
PO Box 2072
Hailey, Idaho 83333

Harry L. Oppenheimer, Jr.
246 Summit Drive
Corde Madera, California 93925

Reid Kantenwein
PO Box 1525
Hailey, Idaho 83333

Paul R. Fosnot
837 Laurel Avenue
Pomona, California 91767


DEBORAH DREW-ELLIS
Legal Secretary



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

.Jan. 26, 1990

Re: A37-00353F

.WILLIAM R LONG
.11710 MAYFIELD AVE
.LOS ANGELES CA 90049

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of you claim(s), please contact this office.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Judy'.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED
FEB 22 1993

POST OFFICE TO ADDRESSEE

EXPRESS MAIL**NEXT DAY SERVICE****NB** 368 711

For Postal Use

ORIGIN

Date In:

Postage

Post Office
ZIP Code:

Time In:

☐ A.M.
☐ P.M.Return
Receipt \$Initials of
Receiving Clerk:

Weight:

lbs. oz.

C.O.D. \$

ACCEPTANCE

Next Day Delivery



Second Day Delivery



By 12 Noon



By 3:00 P.M.

Express Mail
Military Service

International Express Mail

Country Code

Total
Postage
& Fees \$Express Mail
Corporate
Account No.:Federal Agency
Account No.:

For Customer Use

FROM:MICROFILMED
FEB 22 1983**DESTINATION**Date of
Delivery:Time of
Delivery:

Signature of Addressee or Agent

X
**DELIVERY WAS
ATTEMPTED**

Date:

Time:

Signature of Delivery Employee

2.

**Waiver of Signature
and Indemnity
(Domestic Only)**I wish delivery to be made without obtaining the signature of the addressee or agent (if in the judgment of the delivery employee, the article can be delivered to a secure location) and I authorize the delivery employee to sign that the article was delivered and understand that the signature of the delivery employee will constitute proof of delivery.

SIGNED

ADDRESSEE'S COPY**TO:**

Telephone Number:

Label 11-B (July 1988)

★ U.S.G.P.O. - 1988-195-062; 195-369