

RECEIVED

MAY 05 2010

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

) Subcase 65-12324

) (Insert water right number)

Case 39576

) STANDARD FORM 4

) MOTION TO FILE:

) ☒ LATE NOTICE OF CLAIM

) ☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☐ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is PEARL McCAMBRIDGE

My address is 4654 NW 2nd Ave
New Plymouth, Id. 83655

My phone number is: Work _____ Home 208.278.9946

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

I was told my predecessor in interest had filed a claim that had been

approved by the court. I am attaching a copy of that approved claim.

I have since discovered that the claim was later not allowed. When

I started the process to perfect my claim, the upstream neighbor
turned off my water and we had to litigate before I could file. See attachment F

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

Rejected Brier Claim "A"; Claim to Water Right "B"; Map showing

Diversions "C"; Judgment in Payette County Case CV-07-1250 "D";

Deed showing ownership "E"

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 108.00.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time. REQUEST Telephone Conference
2. Fill in the following information:

This motion will be heard on Tues. Aug 17, 2010 1:30 pm
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

VERIFICATION (Must be completed)

State of Idaho

County of Payette

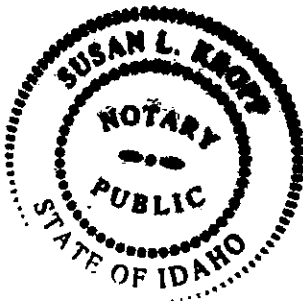
Pearl M. Cambridge being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Pearl M. Cambridge
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on April 30, 2010
(Insert Date)



Susan L. Knapp
Notary Public for Idaho
Residing at: Payette, Idaho
My Commission expires: 01-13-2015

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

☒ I am providing legal and factual documentation to support my amended Notice of Claim.
You must describe these documents and attach a readable copy.

I have attached:

☐ An amended Notice of Claim (available from IDWR).

☐ Payment of the following additional fees required by IDWR:

CERTIFICATE OF MAILING

I certify that on May 4, 2019, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

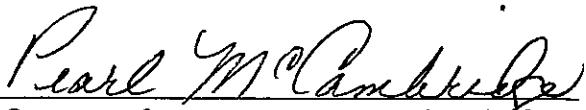
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)


Signature of person or attorney mailing the form

RECEIVED

Form No.42-1409-1 (Internet 12/08)

MAY 05 2010

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 COEUR D' ALENE-SPOKANE RIVER
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 49576

Ident. Number _____

Date Received: _____

Receipt No: _____

Received By: _____

NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Pearl McCambridge Phone (208) 278-3976

Mailing Address 4654 NW 2nd Ave., New Plymouth, ID ZIP 83655
Street or Box City State

2. Date of Priority (Only one (1) per claim) 05-02-1986
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (~~xx~~) (a) Waste Water

which is tributary to (b) Payette River

4. a. Location of Point of Diversion is: Township 8 N, Range 4W, Section 27,
SW 1/4 of SW 1/4 Govt. Lot _____, BM., County of Payette

Parcel (PIN) no. _____

Additional points of diversion if any: Twp. 8 N., R. 4 WBM, W 1/2 NW 1/4 Sec. 34 (See attached Court order.
If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township 8 N, Range 4 W, Section 34, SW 1/4 of SW 1/4

Govt. Lot _____, BM., County of Payette

ending point is: Township 8 N Range 4 W, Section 27, _____, 1/4 of SW 1/4 SW

Govt. Lot _____, BM., County of Payette

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. _____

Concrete structure with a screw gate

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD) (cfs) (acre feet)
For Irrigation purposes from 3/15 to 11/15 amount .20 or .36
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .26 (cfs) and/or (b) 36 (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) 0

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	4W	27											8						8

Parcel (PIN) no(s). _____

Total number of acres irrigated 8

Payette

10. In which county (ies) are lands listed above as place of use located? _____

11. Do you own the property listed above as place of use? Yes (☒) No (☐)

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

NOBLE Ditch Water Shares or None (☐)

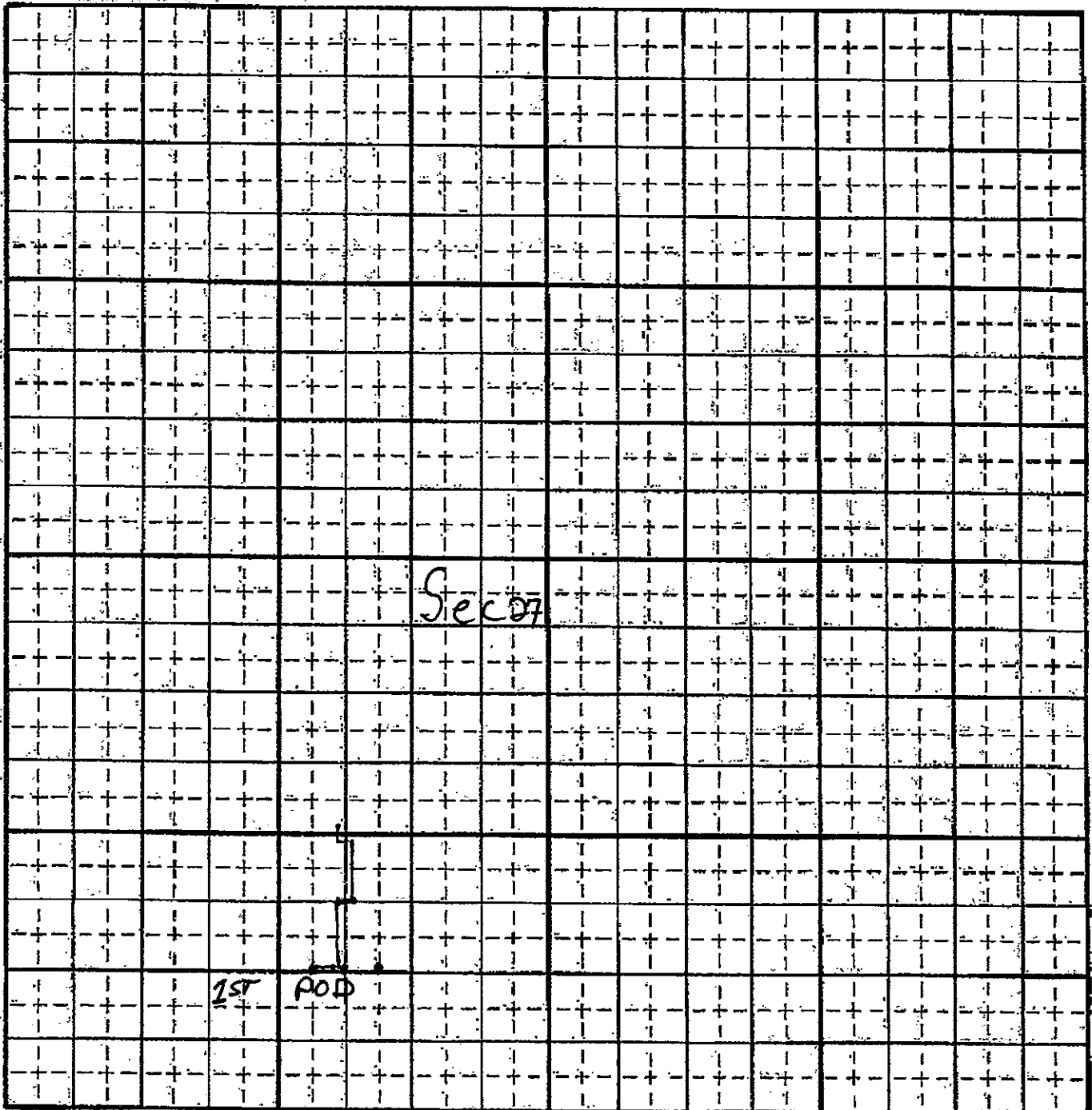
13. Remarks: _____

Last Name MCCAMBRIDGE Identification No. 45-12324

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 Inches equals 1 mile

N



Sec 34
Last Name McBRIDGE Identification No. 65-12324

S

14. Basis of Claim (Check One) Beneficial Use (☒) Posted Notice (☐) License (☐) Permit (☐) Decree (☐)

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 65-12324

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane 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 under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Pearl M. Cambridge Date: 4.30.2010

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____
Title Organization

that I have signed the foregoing document in the space below as

_____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I, _____, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____ Date _____

Address _____

Last Name _____ Identification No. 65-12324

COPY

BERT L. OSBORN
BERT L. OSBORN, CHTD.
Attorney at Law
PO Box 158
Payette, ID 83661
Telephone: (208) 642-4458
Facsimile: (208) 642-4981
ISB # 1739

FILED	
THIRD JUDICIAL DISTRICT COURT	
Payette County, Idaho	
SEP 18 2008	
_____ A.M. _____ P.M.	
BETTY J. DRESSEN	
MARCA E. MORGENSEN	
By	DEPUTY CLERK, Deputy

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

PEARL M. MCCAMBRIDGE, aka	)	Case No. CV-07-1250
PADDY MCCAMBRIDGE, and	)	
HARRIET BERG BRIER,	)	
	)	
Plaintiffs,	)	JUDGMENT
	)	
vs.	)	
	)	
RUSSELL & PHYLLIS RHODIG,	)	
	)	
Defendants.	)	

This matter came before the Court on the 18 day of
September, 2008, upon the parties' stipulation for
settlement. Based upon this stipulation, the Court makes the
following findings and orders:

The Plaintiffs, who are the downstream users
(McCambridge/Berg-Brier) are hereby granted the right to
receive the delivery of water from the Slaughter House ditch
utilizing the ditch across eastern edge of the Rhodig Property,

(the Rhodig ditch) to a point midway on the east side of the property where the water is then delivered through a headgate to a parallel ditch to the east on the Fish and Game property (the Fish and Game ditch) and on to the Berg-Brier/McCambridge property (downstream users).

See attached Exhibits A, B, C and D. Exhibit A is a map showing the ditches in relation to the Plaintiffs' and Defendants' properties. Exhibit B is a legal description of the property belonging to Plaintiff Harriet Berg Brier. Exhibit C is a legal description of the property belonging to Plaintiff Pearl M. McCambridge, aka Paddy McCambridge. Exhibit D is the legal description of the property belonging to Defendants Russell and Phyllis Rhodig.

Rhodig will maintain the Rhodig Ditch and the first headgate (on South end of Rhodig property) and McCambridge/Berg-Brier (downstream users) will maintain the Fish and Game Ditch and Fish and Game headgate and the balance of the ditch downstream to their property.

All parties will coordinate with each other for irrigation water delivery. Rhodig will irrigate and allow water to pass to downstream users for irrigation. Water will be delivered when Rhodig irrigates or every 10-15 days during the irrigation

BERT L. OSBORN, CHTD.

ATTORNEY AT LAW

P.O. BOX 158 • 26 SO. 9TH ST. • PAYETTE, ID 83661

TELEPHONE (208) 642-4458

season.

If irrigation flooding occurs, downstream users shall first attempt to contact Rhodig. If Rhodig is unavailable, downstream users will be allowed to access ditches and or gates in order to adjust the same to avoid damage.

Rhodig will pay to Bert Osborn (in trust for plaintiffs) \$2,500.00 at the time judgment is entered.

DATED this 18 day of September, 2008.

STEPHEN W. DRESCHER

District Judge

Judge

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 18 day of September, 2008, I served a true and correct copy of the above and foregoing document to the following person(s) as follows:

Shelley M. Davis
BARKER ROSHOLT & SIMPSON
1010 W Jefferson St, Ste 102
PO Box 2139
Boise, Idaho 83701

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile (208) 344-6034
☐ Delivery to Courthouse
dropbox

Paul L. Arrington
BARKER ROSHOLT & SIMPSON
1010 W Jefferson St, Ste 102
PO Box 2139
Boise, Idaho 83701

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile (208) 735-2444
☐ Delivery to Courthouse
dropbox

Bert L. Osborn
Attorney at Law
PO Box 158
Payette, Idaho 83661

- ☐ U.S. Mail, postage prepaid
☒ Hand Delivery
☐ Overnight Mail
☐ Facsimile (208) 642-4981
☐ Delivery to Courthouse
dropbox

BETTY J. DRESSEN
Clerk of the Court

MARCIA E. MORGENSEN
DEPUTY CLERK

By: _____
Deputy

BERT L. OSBORN, CHTD.
ATTORNEY AT LAW
P.O. BOX 158 • 26 SO. 9TH ST. • PAYETTE, ID 83661
TELEPHONE (208) 642-4458

Exhibit B to Judgment

Property belonging to Harriet Berg Brier

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY
5708 S. DICKINSON DRIVE
CHICAGO, ILL. 60637

WARRANTY DEED

FOR VALUE RECEIVED, EDITH CAROLYN JACOBS, formerly known as
21P^ 12 10 THE BOTTOMING:

EDITH CAROLYN LACHAR, a divorced person, the "Grantor", does hereby

grant, bargain, sell and convey unto JAMES E. BRIER, the "Grantee"

of Box 9129, Nampa, Idaho 83652, the following described

```

premises, situated in the State of Idaho, County of Payette,

```

to-wit:

In Section 27, Township 8 North, Range 4 West, B.M. 14641 psc

The East 330 feet of the SW1/4SW1/4.

EDITION CYBOKOM RYCHYU' S JAVOLQOQ BOROVI' SPS "GILSUDOL" 1968-1971-1972
SUBJECT TO THE FOLLOWING:

"FOR ALL THE REASONS" EDITED BY SYLVIA HARRIS, 1965.

1. Regulations of NOBLE DITCH Irrigation District, within which the above property lies, including levies, assessments, water, and irrigation rights and easements for ditches and canals.
2. Power line easement granted to IDAHO POWER COMPANY over the SW1/4SW1/4, by Instrument recorded January 28, 1975, as Instrument #157400, records of said County.

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 she is the owner in fee simple of said premises; that said

premises are free from all encumbrances not above listed; that she

covenants that she has the right to convey said premises; that she

covenants for further assurance; and she covenants for the future

quiet enjoyment of the premises and that she will warrant and

defend the same from all lawful claims whatsoever.

WARRANTY DEED -1-

EXHIBIT

2

SMITH & PEART
ATTORNEYS AT LAW
BOX 950
FRUITLAND, IDAHO 83601
(208) 452-4040

227703

DATED this 15th day of June, 1988.

Edith Carolyn Jacobs

Formerly Edith Carolyn Lachar

EDITH CAROLYN JACOBS formerly known
as EDITH CAROLYN LACHAR.
Grantor.

STATE OF IDAHO

County of Payette

On this 16th day of June, 1988, before me, a notary public,
in and for said State, personally appeared EDITH CAROLYN JACOBS,
formerly known as EDITH CAROLYN LACHAR, a divorced person, known
to me to be the person whose name is subscribed to the within
instrument, and acknowledged to me that she executed the same.

Arthur Linabauer
Notary Public for Idaho
Residing at: *Fruitland*
Commission Expires: *Aug 10 1990*

227703

State of Idaho, County of Payette

I certify that this instrument was filed for record at the request of

Aug 16 1989 @ 3:28 P. M. in Book 48 of Records @ Pg. 227703

Laura L. Stigile, Ex-Officio Recorder by Edella Popple Deputy

Fee: \$6.00

308475

QUIT CLAIM DEED

COMES NOW JAMES E. BRIER, husband, and with these presents does hereby grant, bargain, sell, convey, quit claim and set over unto JAMES E. BRIER AND HARRIET L. BRIER, husband and wife, of 2090 Bonnie Drive, Payette, Idaho 83661, all of his interest in and to the following described real property located in Payette County, Idaho, for the purpose of creating a Community Property interest, which real property is more particularly described as follows:

In Sec. 27, Twp. 8 N., R. 4 W., B.M., Payette County, Idaho:
The East 140 feet of the South 625 feet of the East 330 feet of the SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Together with any and all water, water rights, ditches, ditch rights, minerals, mineral leases and any and all irrigation rights appurtenant to said lands or in any-wise connected therewith.

Subject to all outstanding reservations, easements, rights-of-way, restrictions, dedications, mineral leases, mineral reservations and mineral conveyances of record.

To have and to hold unto themselves, their heirs and assigns, forever.

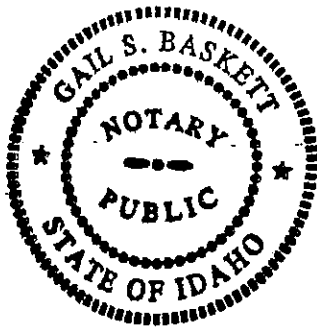
Dated this 14 day of April, 2003.

James E. Brier
JAMES E. BRIER

308475

STATE OF IDAHO)
) ss.
County of Payette)

On this 14th day of April, 2003, before me, a notary public in and for said State, personally appeared JAMES E. BRIER, known to me to be the person whose name is subscribed hereto, and acknowledged to me that he executed the same of his own free will.



Gail S. Baskett
Notary Public for Idaho
Residing at: Payette
My Commission Expires.: 8/1/07

308475

STATE OF IDAHO } ss
County of Payette }

I hereby certify that this Instrument
was filed for record at the request of
Harriet Bruce

Time 4:22 PM
Date APR 14 2003
Instrument # 308475 Deeds
BETTY J. DRESSEN
Ex Officio Recorder
By [Signature]
Deputy
Fee \$6.00

Exhibit C to Judgment

Property belonging to Pearl M. McCambridge aka Paddy McCambridge

4064400004

283432
WARRANTY DEED

Order No.: 4069900004

FOR VALUE RECEIVED

James E Brier, an unmarried person

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Pearl M McCambridge, an unmarried person

whose current address is

4654 NW 2nd New Plymouth, ID 83655

the grantee(s), the following described premises, in Payette County, Idaho, TO WIT:

27-8-4
1415-1

In Sec. 27, Twp. 8 N., R. 4 W., B.M., Payette County, Idaho:
The East 330 feet of the SW1/4SW1/4.

EXCEPTING THEREFROM the East 140 feet of the South 625 feet.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

415-3
out of
1415-1

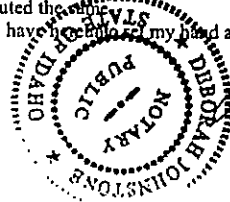
Dated: September 7, 1999

James E. Brier
James E Brier

State of Idaho }
County of Payette } ss.

On this 7 day of September, in the year 1999, before me, a Notary Public in and for said state, personally appeared James E Brier

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.
IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.



Deborah Johnson
Notary Public for the State of Idaho
Residing at: Payette
Commission Expires: 12-1-2004

283432

STATE OF IDAHO }
County of Payette } ss

I hereby certify that this instrument
was filed for record at the request of
ALLIANCE TITLE & ESCROW CORP.

Time: 2:30 pm
Date: Sept 7, 1999
Instrument #: 283432 - Deeds
LAURA L. STIGLE
By: Deborah Johnson
Notary Public
Fec: \$300

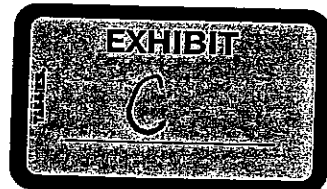


Exhibit D to Judgment
Property belonging to Russell and Phyllis Rhodig

238619

P-20681, 301/127

WARRANTY DEED

For Value Received

DOUGLAS DONLEY and JANICE M. DONLEY, husband and wife,

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

RUSSEL RHODIG and PHYLLIS R. RHODIG, husband and wife,

the grantees, whose current address is 685 East York Way
Sparks, Nevada 89431

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

Land in Twp. 8 N. R. 4 W., B.M., Payette County, Idaho:

In Sec. 34: The W1/4, EXCEPTING THEREFROM the following:

Beginning at the Southwest corner of the SW1/4;

thence East along the South side line of said SW1/4
1320 feet, more or less, to the Southeast corner of
said SW1/4;thence North along the East side line of said W1/4
2080 feet;thence West to the centerline of a certain ditch #8A
of Drainage District No. 2 of Payette County;thence in a Southerly direction along said centerline
to a point 270 feet North of the south side line of
said SW1/4;thence West to a point on the West side line of
said SW1/4, said point being 270 feet North of the
Southwest corner of said SW1/4;thence South along said West side line 270 feet to the
Point of Beginning.

SUBJECT to existing Drainage Ditch #8A right of way.

TOGETHER WITH all water and water rights, ditches and ditch rights,
tenements and hereditaments, appurtenances and fixtures, and permits
and licenses belonging thereto or in anywise appertaining, including
sixty (60) shares in the Noble Ditch Company, Ltd.TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantors 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 excepting reservations, easements, incumbrances,
restrictions and rights of way appearing of record and/or existing,

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

Dated: April 22, 1992

Douglas Donley
Douglas Donley*Janice M. Donley*
Janice M. DonleySTATE OF IDAHO, COUNTY OF Payette
On this 20 day of April, 1992,
before me, a notary public in and for the said State, per-
sonally appearedDouglas Donley and
Janice M. Donleyknown to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.*Sherry Miller*
Notary Public
Residing at Payette, Idaho
Comm. Expires 3-1-94STATE OF IDAHO, COUNTY OF *Payette*
I hereby certify that this instrument was filed for record at
the request of Land Title Insurance Companyat 6 minutes past 10 o'clock A.M.,
this 23 day of April, 1992, in my office, and duly recorded in Book 48
of Deeds at Page 238619.

LAURA L. STIGILE

Ex-Officio Recorder

By *Patti Fanta* Deputy.Fees \$ 3.00
Mail to:

INSTRUMENT No.

238

EXHIBIT

238282

P-20538, 300/127

WARRANTY DEED

For Value Received, the Grantor, Harold L. Rohlfing, an unmarried man, does hereby grant, bargain, sell and convey unto the Grantee, Russel D. Rhodig and Phyllis R. Rhodig, husband and wife, the following described premises, to-wit:

Land in Twp. 8 N. R. 4 W., B.M., Payette County, Idaho:
In Sec. 34: A parcel of land in the W $\frac{1}{4}$ NW $\frac{1}{4}$, described as follows:
Beginning at the Southwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$;
thence East along the South side line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ 1320 feet, more or less, to the Southeast corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$;
thence North along the East side line of said W $\frac{1}{4}$ NW $\frac{1}{4}$ 2080 feet;
thence West to the centerline of a certain ditch #8A of
130' Drainage District No. 2 of Payette County;
thence in a Southerly direction along said centerline to a point 270 feet North of the South side line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$;
thence West to a point on the West side line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$, said point being 270 feet North of the Southwest corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$;
thence South along said West side line 270 feet to the Point of Beginning.
SUBJECT to existing Drainage Ditch #8A right of way.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee, his heirs, and assigns forever. And the said Grantor does hereby covenant to and with said Grantee, that he is the owner in fee simple of said premises; that said premises are free from all encumbrances except liens and encumbrances of record, and he will warrant and defend the same from all lawful claims except any discrepancies, conflicts in boundary lines, shortages in area, encroachments, or any other facts which a correct survey would disclose.

DATED March 31, 1992

Harold L. Rohlfing
Grantor

238282

STATE OF IDAHO)
) ss.
County of Payette)

On March 31, 1992, before me, a notary public, appeared personally, Harold L. Rohlfing, an unmarried man, known to me to be the person whose name is subscribed on the foregoing Warranty Deed and acknowledged to me that he executed the same as his own free act and deed.

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

Anna M. Mearns
Notary Public for Idaho
Residing at Payette, Idaho

Mail Tax Notice To:

Russel D. Rhodig and
Phyllis R. Rhodig
6872 Adamson Road
New Plymouth, ID 83655

238282

State of Idaho, County of Payette
I certify that this instrument was filed for record at the request of Land Title Insurance Company
March 31, 1992 @ 2:00 P M, in Book 48 of Deeds at page 238282.
Laura L. Skille, Ex-Officio Recorder by *L. Skille* Deputy Fee: \$6.00



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

July 17, 1989

DIRECTOR

JAMES BRIER
EDITH CAROLYN JACOBS
4654 N.W. 2ND AVE.
NEW PLYMOUTH, ID 83655

RE: PERMIT NO. 65-12324

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Edith Carolyn Jacobs &/or James Brier Phone 278-5841

Post office address P.O. Box 534 (Rt. 2, New Plymouth), Fruitland, ID 83619

2. Source of water supply Waste Water which is a tributary of Payette River

3. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 27 Township 8N

Range 4W B.M. Payette County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .20 for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. .20 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. headgate and ditches

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12324

Priority: May 2, 1980

Maximum Diversion Rate:
Maximum Diversion Volume:¹

0.16 CFS
36.0 AF

This is to certify, that JAMES BRIER
EDITH CAROLYN JACOBS

4654 N.W. 2ND AVE.

NEW PLYMOUTH, ID 83655

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 2, 1980; and has submitted Proof of Beneficial Use on May 2, 1980. An examination indicates that the works have a diversion capacity of 2.360 cfs of water from:

WASTEWATER

tributary to PAYETTE RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.16 CFS	36.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 27, Township 08N, Range 04W
PAYETTE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N 04W 27	SWSW 8			8

Total number of acres irrigated: 8

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The right to use water confirmed by this license is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
6. Use of water under this water right is subject to control by the watermaster of State Water District No. 65

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12324

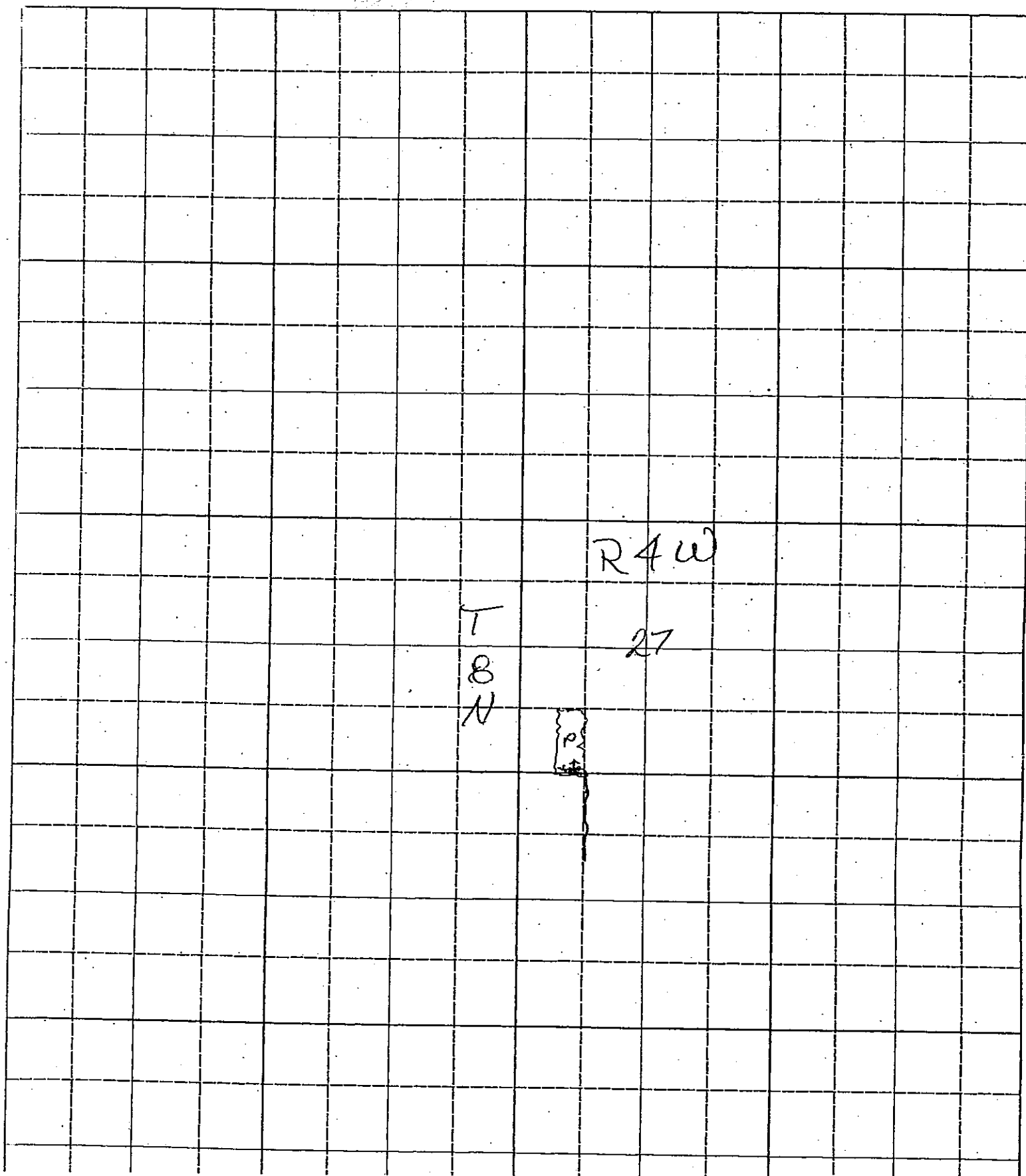
CONDITIONS/REMARKS:

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 14th
day of July, 1989.

Acting for

R. Keith Higginson, Director

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



COPY OF SNAKE RIVER BASIN ADJUDICATION
CLAIM FILE - REJECTED DUE TO NO FEES
(INSUFFICIENT FEES).

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: A65-12324

Date Received: 4/11/1990

Receipt No: _____

Received By: _____

REJECTED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Rejected
Insufficient Fees
APR 18 1990
RECEIVED

1. Name: JAMES BRIER
Address: 4654 N.W. 2ND AVE.
NEW PLYMOUTH, ID

83655

Name: EDITH CAROLYN JACOBS
Address: 4654 N.W. 2ND AVE.
NEW PLYMOUTH, ID

83655

Department of Water Resources

2. Date of Priority: MAY 02, 1980

3. Source: WASTEWATER

Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	04W	27	SW	SW			PAYETTE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.160		36.00

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

36.00 A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

A65-12324

Page 1

Date: 04/11/90

MICROFILMED
SEP 24 1992

May I please have the Date of
Priority that is Shown on this document.
Thanking you in Advance
Pearl McCambridge

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise 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 party 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 the ir heirs and assigns forever.

And the said party of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said party of the first part, and his heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant, and by these presents forever defend.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

E. P. Day

Robert Kennedy

[SEAL]
[SEAL]
[SEAL]
[SEAL]

STATE OF IDAHO, }
County of Canyon } ss. On this Fifth day of December in the year 1914, before
me, E. P. Day, a Notary Public in and for said County, personally
appeared Robert Kennedy
known to me to be the person whose name is subscribed to the within instrument, and acknowledged
to me that he executed the same.

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

(SEAL)

E. P. Day

Notary Public ss

I hereby certify that the foregoing
is a true and correct copy of the
original in this office.

May 15, 2009
DEPT. J. L. GREEN

Clerk of the District Court and
Ex-Officio Auditor and Recorder

STATE OF IDAHO, }
County of Canyon, } ss.

I hereby certify that this instrument was filed for record at the request of
Canyon Abstract & Trust Co., Ltd. By Deputy

at 33 minutes past 11 o'clock A. M., this 23 day of Aug. A. D. 1915

G. B. Parsons

Deputy

L. J. Knowlton

Ex-Officio Recorder.

DEED RECORD

Instrument No. 68579

205

THIS INDENTURE, Made this fifth day of December in the year of our Lord one thousand nine hundred and fourteen between

Robert Kennedy, a Widower of New Plymouth County of Canyon State of Idaho the party of the first part, and Robert F. Kennedy, Samuel Kennedy, Hugh Kennedy and Annie Lewis of New Plymouth County of Idaho the party of the second part;

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of

One DOLLARS, lawful money of the United States of America, to him in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all the following described real estate situated in the County, State of Idaho, to-wit: of Canyon

The south half of the Northwest quarter, the Northeast quarter of the Southwest quarter and the northwest quarter of the Southeast quarter of Section Two in Township seven, North of Range Four West of the Boise Meridian. containing one hundred and sixty acres, more or less,

Also all water rights and ditch rights of whatever nature, appurtenant to said water rights belonging to the party of the first part.

There is reserved and excepted herefrom any and all grants of any portion or portions of said land heretofore executed, delivered and made effective prior to date hereof.

The intent and purpose of this grant is to convey the property herein described to the grantees herein severally in equal proportions, as individual and separate property until otherwise lawfully disposed. 6 twenty-five and 5 ten cent I. R. Stamps canceled Dec. 5, 1914, R. K.

* land or any portion thereof, and any and all other irrigation rights, ditch rights and

** of each, each to have the same in undivided shares of one quarter of said property.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise 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 party of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever.

The United States of America,
To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Boise, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Annie N. Lewis_ has been established and duly consummated, in conformity to law, for the

southwest quarter of the southwest quarter of Section twenty-seven in Township eight north of Range four west of the Boise Meridian, Idaho, containing forty acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Woodrow Wilson_ President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the EIGHTEENTH day of NOVEMBER_ in the year of our Lord one thousand nine hundred and FOURTEEN and of the Independence of the United States the one hundred and THIRTY-NINTH.

(BUREAU OF LAND MANAGEMENT SEAL)

(SEAL)

AS - 74102

RECORD OF PATENTS: Patent Number 443121

By the President: Woodrow Wilson

By

M. P. LeRoy Secretary,

L. Q. C. Lamar

Recorder of the General Land Office.

G--2177

UNITED STATES
DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT

WASHINGTON 25, D. C. APR. 22, 1955

I hereby certify that this photograph is a true copy of the patent record, which is in my custody in this office.

Oscar E Collins
Certifying Officer

STATE OF IDAHO)
County of Payette) ss.

I hereby certify that this instrument was filed for record at the request of Payette County Abstract & Title Co. at 57 minutes past 1 o'clock P. M. this 28 day of April, 1955, in my office, and duly recorded in book 1 of Patents at page 373.

Fee \$.75

Alice I Snook
Exofficio Recorder

Compared

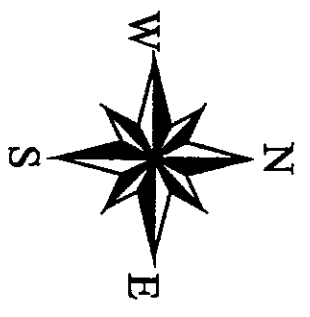
IDAHO DEPARTMENT OF WATER RESOURCES

T08N R04W S27

WATER RIGHT(S): New Application

PREPARED BY: Chris Duncan
7 MAY 2001

- ☒ POINT OF DIVERSION
- ☐ PLACE OF USE
- ☐ SECTION Boundary Lines
- aa Boundary Lines



NAPP 1994



Affidavit of Publication

STATE OF IDAHO,
COUNTY OF PAYETTE

SS.

Copy of Notice

(First Copy)

Nature of Application for
TITLE OF PUBLICATION
Jacobs - 65-12324
SPONSOR OR PLAINTIFF
Dept of Water Res.
PLAINTIFF OR LEGAL AGENT

Eugene H. Rhinert
duly sworn, deposes and says

That -- he is the Printer! Clerk
THE INDEPENDENT-ENTERPRISE, a weekly newspaper published
Payette, in the County of Payette and State of Idaho; that said
has been and is in general circulation in the county aforesaid, in
the vicinity of Payette; that the advertisement, a copy of which
attached hereto, was published in said newspaper once a week
two consecutive weeks in the regular and entire issue of
paper during the period and time of publication, and was published
in the newspaper proper and not a supplement; that said paper
been established and regularly published for more than seven
consecutive weeks prior to the date of first publication of said
advertisement.

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s)
have been submitted for permit to appropriate the public
waters of the State of Idaho:

65-12324

JACOBS, EDITH CAROLYN
BRIER, JAMES
WASTEWATER, PAYETTE RIVER,
P.O. BOX 534, (RT. 2, NEW PLYMOUTH), FRUITLAND,
ID 83619

Source: WASTEWATER tributary to PAYETTE RIVER

Date Filed: 05/02/1980

Amount: 0.20 CFS

Diversion Point: SWSW Sec. 27 T 08N R 04W, PAYETTE Co.
Use: IRRIGATION (0.20 CFS) from 03/15 to 11/15

Place of Use: SWSW Sec 27 T 08N R 04W FOR 10 ACRES

Diversion Means: HEADGATE AND DITCHES.

If issued, the permit(s) will be subject to all prior water
rights. Protests against the granting of any permit must be
filed with the Director of the Idaho Department of Water
Resources, 92 S. Cole Road, Boise, Idaho 83709 on or before
JUNE 2, 1980.

C. STEPHEN ALLRED
Director

Published 5/15 & 5/22/80

No. 1505

5-15 2tc

Such notice was published in the issue beginning with
May 15, 1980, and ending with the issue
of May 22, 1980.

Subscribed and sworn to before me this 22 day
of May, 1980.

Mary J. Quake
Notary Public, Residing at Payette, Idaho.

My Commission Expires April 25, 1984.

STATEMENT

Independent-Enterprise

PAYETTE, IDAHO

Number of Lines 25 clau li

Number of Insertions two

25 Lines @ 42 1/2... \$ 10.63

25 Lines @ 30 1/2... \$ 7.63

TOTAL COST
WILL BE \$ 18.26

No. 1505 ILWED

Publication prepared by HCH Date 5/7/80

Published in Independent Enterprise

Publication dates 5/15 & 5/22/80

Publication approved HCH Date 5/6/80

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DBS Jim

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 65-12324, and said application is hereby approved.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 19 81.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. Other: (1) Use of water under this permit is subject to control by the water-
master of State Water District #65, Payette River. (2) A measuring device of
a type approved by the Department shall be permanently installed and
maintained as part of the diverting works.

Witness my hand this 17th day of June, 19 80.

A. Glen Saxton



Point(s) of diversion: SW 1/4 SW 1/4, SEC. 27, TWP. 8N, RGE 4W.

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8N	4W	27											8						8
																			8

Recommended Amendments:

- ☐ Change P.D. as reflected above
☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☐ Add P.U. as reflected above

- ☒ None
☐ Other

Examiner's Signature

Jan Grover

Date

11/30/83