

10/09/2006

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

RIGHT NUMBER: 63-21348A
NAME AND ADDRESS: SCOTT R NICHOLSON
PO BOX 690
MERIDIAN ID 83680-0690
SHERRI C NICHOLSON
PO BOX 690
MERIDIAN ID 83680-0690

SOURCE: DRAINS TRIBUTARY: WARM SPRINGS CREEK

QUANTITY: 0.880 CFS

Right Nos. 63-353A, 63-360A, 63-7911, 63-7912, 63-21348A, 63-21348B
and 21608 are limited to a total combined diversion rate of 3.42 cfs.

PRIORITY DATE: 04/01/1947

POINT OF DIVERSION:
T01S R02W S8 SESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 06/30	0.700 CFS
	07/01 10/31	0.880 CFS
	04/01 04/30	0.600 CFS

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within CANYON County

T01S R02W S08	SESE	16.00	T01S R02W S09	NWSW	0.20
T01S R02W S09	SWSW	35.00			
51.2 ACRES TOTAL					

Right Nos. 63-353A, 63-360A, 63-7911, 63-7912, 63-21348A, 63-21348B
and 21608 are limited to the irrigation of a combined total of 171 acres in a
single irrigation season.

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



Idaho Department of Water Resources

SRBA Recommendation:

63-21348A

(Irrigation)

Legend

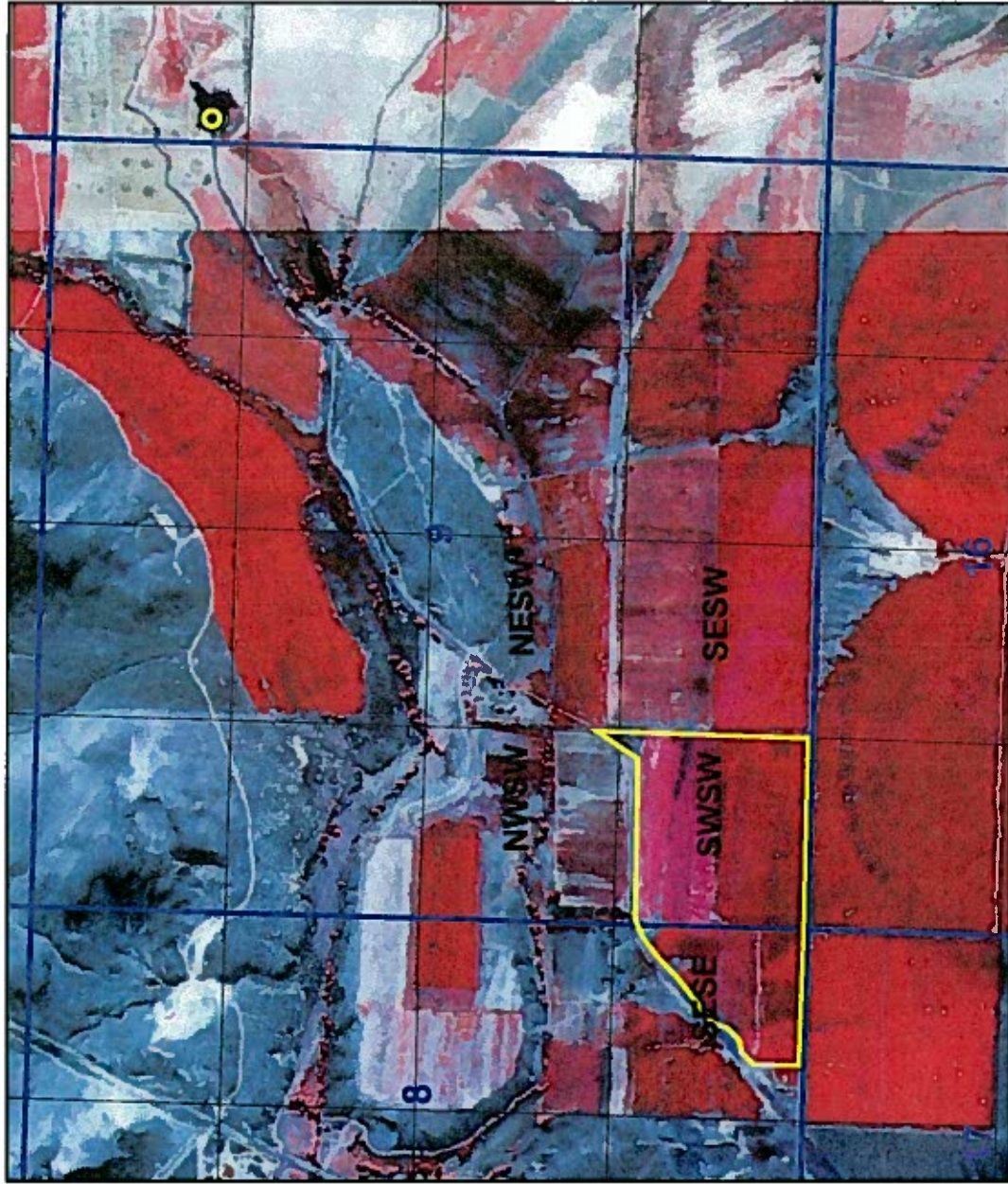
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Canyon County
IDWR Basin 63

Prepared by M. Ciscell
On Friday, September 29, 2006
1987/88 Aerial Photography

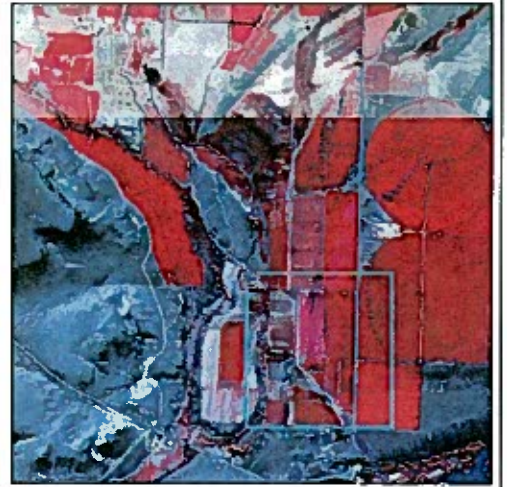
R02W



T01S



63-21348A



1

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 223. **STARS** _____
 224. **PLANETS** _____
 2

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



Idaho Department of Water Resources

SRBA Recommendation:

63-21348A

(Irrigation)

Legend

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



Canyon County
IDWR Basln 63



Prepared by M. Ciscell
On Tuesday, October 17, 2006
1987/88 Aerial Photography

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

DEPARTMENT OF
WATER RESOURCES

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
	63-353	A		63-21348	B
	63-360	A		~~63-360~~	
	63-7911				
	63-7912				
	63-21348	A			

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)

E K ALLEN
HC 71 BOX 2025, CASCADE, ID 83611

4. New Owner/Claimant(s)

SCOTT R NICHOLSON Sherri Nicholson
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

- * New Mailing Address

P.O. Box 690

- * City, State and ZIP Code

Meridian ID 83690-0690

- * New Telephone Number

(208) 588-1593

- * 5. Date you acquired the property

12/13/01

WARRANTY deed in 63-353A

SCANNED

JUL - 7 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-21348

WATER RIGHT NUMBER: 63-21348

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	FRANCES D ENGLE 9450 FERRY RD MELBA, ID 83641 (208)495-2701
Original Owner	FRANK L ENGLE 9450 FERRY RD MELBA, ID 83641 (208)495-2701

Priority Date: 04/01/1947

Basis:

Status: See Remarks

Source

DRAINS

Tributary

WARM SPRINGS CREEK

Beneficial Use

IRRIGATION

<u>From</u>	<u>To</u>
4/01 to	4/30

<u>Diversion Rate</u>
0.900 CFS

Annual Volume

<u>Total Diversion:</u>	
1.310 CFS	

Location of Point(s) of Diversion

DRAINS

SE1/4SE1/4

Sec. 8, Twp 01S, Rge 02W, B.M.

CANYON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	02W	8																40.0	40.0
01S	02W	9											36.0						36.0

Total Acres: 76

Conditions of Approval:

- THIS CLAIM COMBINES 0.9 CFS FROM A63-00353 4/1 TO 4/30 1.05 CFS FROM A63-00354 5/1 TO 6/30 1.31 CFS FROM A63-00355 7/1 TO 11/15 INTO THIS CLAIM WHICH VARIES THE CFS PER DATES ABOVE, SPLIT INTO WATER RIGHT NOS. A63-21348A AND A63-21348B JUNE 11, 1991 BY KW PER CHANGE OF OWNERSHIP OF A PORTION OF THE CLAIM.

Remarks:

COMMUNICATION DOCUMENTATION

Claim No.A63-21348A

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

IDWR Employee/Agent Ron Howerton

DATE
March 9, 1995

CUSTOMER
J.R. ALLEN

SUBJECT: OWNERSHIP CHANGE A63-21348A

1. J.R. Allen came in with proof of ownership for an ownership change from land he bought from Frank Engle.
2. I completed the ownership change on the above claim and filled in the information for the Ownership Form while he was in the office.
3. I gave him his copy of the claim and the ownership change form.
4. After he left, I mailed the remaining copy of the ownership change form to the original owners, (Frank & Frances Engle) for their records.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 12, 1991

RE: Notice of Claim No. A63-21348A

Frank L. or Frances D. Engle
9450 Ferry Rd.
Melba, ID 83641

Dear Claimants:

Enclosed is a copy of the above referenced claim which reflects the change in ownership of the lands owned by E. K. Allen and your remaining water right covered under the original filing.

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

If you have any questions concerning the enclosed claim, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Kay Walker'.

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosure

MICROFILMED
SEP 03 1992

Water Right Number: A63-21348

FIRST PAGE

Water Uses:

Use Code	Description	From	To	CFS	AFA
01	IRR	4/ 1	4/30	0.900 ①	
01	IRR	5/ 1	6/30	1.050 ②	
01	IRR	7/ 1	11/15	1.310 ③	
—	—	—/—	—/—	—	—
—	—	—/—	—/—	—	—
—	—	—/—	—/—	—	—
—	—	—/—	—/—	—	—
—	—	—/—	—/—	—	—
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(GOLD2=Update)

(GOLD4=Prev Screen)
(GOLD5=Next Screen)

(GOLD6=End of Data)

(Enter=Exit)
(GOLD8=Cancel)

$$① \quad 0.90 \text{ cfs} \div 76 \text{ ac} = 0.01184 \text{ cfs/ac}$$

$$A63-21348B = \nearrow \times 25 = 0.296 \approx 0.30 \text{ cfs}$$

$$A63-21348A = \times 51 = 0.603 \approx 0.60 \text{ cfs}$$

$$② \quad 1.05 \text{ cfs} \div 76 \text{ ac} = 0.01381 \text{ cfs/ac}$$

$$A63-21348B = \nearrow \times 25 = 0.345 \approx 0.35 \text{ cfs}$$

$$A63-21348A = \times 51 = 0.704 \approx 0.70 \text{ cfs}$$

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SEP 03 1992

$$③ \quad 1.31 \text{ cfs} \div 76 \text{ ac} = 0.01723 \text{ cfs/ac}$$

$$A63-21348B = \nearrow \times 25 = 0.430 \approx 0.43 \text{ cfs}$$

$$A63-21348A = \times 51 = 0.879 \approx 0.88 \text{ cfs}$$

KW 6/11/91

A63-21348

MEMORANDUM

TO: TRANSFER APPLICATION FOR 63-00353 THROUGH 63-00355
FROM: STEVE LESTER
DATE: DECEMBER 6, 1990 - REVISED 1/23/91
RE: CLARIFICATION OF DATABASE, ACRES, AND RATES

E.K. Allen filed a transfer application on SRBA Claim A63-21348, a claim filed by Frank and Frances Engle. Mr. Allen apparently bought 25 acres in Sec. 8 SESE and wants to relocate a diversion point for his acres. Claim A63-21348 is based on a combination of split portions of decreed rights 63-00353 through 00355. Decree file 63-T-1 covers these rights (see Attachment B).

DATABASE

The transfer serves to clarify database details for source, season of use, and point of diversion. The source (drains tributary to Warm Springs Creek) actually includes surface and ground water in a "...common and interdependent source..." and perhaps should be noted in the remarks section of the database. The tributary is a local name not recognized on a USGS quad.

The season of use in 63-00355 includes 7/1-11/15, not 7/1-3/31 as shown in the database. The original point of diversion is identified as T1S R2W Sec. 10 (tract not specified). See Part II of the decree for confirmation of season and P/D.

Although the decree does not explicitly state the duty of irrigation water, Part V of the decree can be interpreted to mean up to .02 cfs/acre: "...amount of water herein allotted...is required and necessary for the proper growing of crops...". Because all three decreed rights cover the same P/U, one can infer that the largest right, 63-00355 for 3.50 cfs, describes the maximum number of acres for all three rights. Assume that the rights cover no more than 175 acres based on a decree of .02 cfs/ac. Note that the rights cover different parts of the irrigation season and together include 4/1-11/15 (the latter interpreted from IDWR standards for the area).

COMPUTATION OF ACRES

Mr. Allen indicated per 1/23/91 telecon that he bought 25 acres located north of the pipeline/ditch that more or less bisects the tract. Note that in Sec. 8 SESE, irrigated land includes 14.5 acres north of the pipeline/ditch and 16.5 acres south of it. The transfer addresses a P/D change and will result in three split rights (63-00353 A & B etc.). The decree did not identify acres per tract. We can identify the acres/tract via the 1987 ASCS aerial photo (see Attachment A). To further interpret the photo, I met with Mike Anderson on 12/6/90 at the Canyon County ASCS office to discuss the photo and to look at other aerial information (slides of area offer better look at irrigated land). The acres listed on pages 4, 6, and 8 of the transfer derive from the meeting and photo interpretation and include 110.5 irrigated acres within the place of use of 63-00353 through 63-00355, which was determined from technical methods and 1987 data without visiting the P/U.

cf
ASCS
staff

MICROFILMED
SEP 03 1992

In the future, SRBA field work related to the P/U may reveal additional irrigated land in some of the tracts, e.g. pasture irrigation that does not appear to be irrigated on the photos. The following list outlines possible discrepancies that may occur between photo interpretation and site visits (approx. 49 acres).

1. Sec. 8 SENW - 29 acres not irrigated in the last five years (per Mike Johnson).
2. Sec. 8 Lot 2 (NESW) - 4 acres same as #1.
3. Sec. 8 NWNWSE - 4 acres same as #1 & 2. Nos. 1-3 are west of Hwy. 45.
4. Sec. 8 E 1/2 NWSE - approx. 10 acres conceivably could or did at one time include pasture or other low intensity irrigation.
5. Sec. 8 NE 1/4 Lot 1 (SWSE) - same as #3 but approx. 2 acres. Nos. 4 and 5 are east of the highway.

According to photos and Mike Johnson's records, the land in Sec. 8 NWSE and SWSE east of Hwy. 45 has not been irrigated for many years. Much of it is a cinder cone area used for cinder extraction in construction, landscaping, and so on.

Attachment A delineates cropland in the tracts identified in rights 63-00353 through 00355 as well as SRBA claims A63-00355A, 21608, and 21348. The claims relate to split and combined parts * of the decreed rights. The transfer file will be helpful in analyzing the SRBA claims. Copies of this memo were filed with the above claims. (* see page 3)

CONCLUSION

These rights became quite confusing after reviewing the SRBA files. Possibly, a partial transfer of one or more of the rights occurred prior to 1987 via a verbal agreement between landowners but without a transfer approved by IDWR. This raises an adjudication issue that is perhaps outside of the scope of the current transfer application. If so, the P/D transfer could be linked to 14.5 acres in Allen's portion of the decreed rights without consideration of the SRBA claims. On the other hand, the interests of the involved parties, including IDWR, may be served by solving the riddle of these rights during the processing of this transfer.

Based on the former choice, the confirmed irrigated acres and rate per acre for each right are shown on application pages 4, 6, and 8. Therefore, the P/D transfer includes the following instead of the rates and 25 acres on page 1 of the application:

63-00353B	.32 cfs	for 14.5 acres,	
63-00354B	.37 cfs	for 14.5 acres,	
63-00355B	.46 cfs	for 14.5 acres	(total equals 14.5 acrs).

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SEP 03 1992

Transfer 63-00353 through 63-00355, Page 3

* 63-00353 2.40 cfs irrig.
63-00354 2.80 " "
63-00355 3.40 " "

A63-00353A 0.88 cfs irrig. (from 63-00353)
A63-21608 1.00 " " (did not specify amount per right in split/combo)
A63-21348 1.52 " " (.5 from 00353, .5 from 00354, .52 from 355)

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SEP 03 1992

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: A63-21348A
Date Received: 3/ 1/1990
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: E K ALLEN 208-382-4122
Address: HC 71 BOX 2025
CASCADE ID 83611
OR
Name: J R ALLEN 208-495-2144
Address: BOX 72 10300 FERRY RD
MELBA ID 83641

2. Date of Priority: APR 1, 1947

3. Source: DRAINS Trib. to: WARM SPRINGS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	02W	8		SE	SE		CANYON

5. Description of diverting works:
40HP PUMP, SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	04/30	0.600		
IRRIGATION	05/01	06/30	0.700		
IRRIGATION	07/01	11/15	0.880		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	02W	8	SE	SE		IRR	15.0
						Section Acres	15.0
		9	SW	SW		IRR	36.0
						Section Acres	36.0
						Total Acres	51.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM COMBINES 0.6 CFS FROM A63-00353 4/1 TO 4/30
0.7 CFS FROM A63-00354 5/1 TO 6/30
0.88 CFS FROM A63-00355 7/1 TO 11/15
INTO THIS CLAIM WHICH VARIES THE CFS PER DATES ABOVE
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF
CLAIM NO. A63-21348, FEE PAID UNDER RECEIPT NO. W010144.
KW 6/11/91.
OWNERSHIP CHANGED BY RDH 03/09/95.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A63-21348A
- ☐ Name and Address of Former Owner/Claimant(s)(Seller):
FRANK L. ENGLE OR
RANCES D. ENGLE
9450 FERRY RD
MELBA ID 83641
- ☐ New Owner/Claimant (Purchaser):
E.K. ALLEN OR
J.R. ALLEN
- ☐ New Mailing Address: HC 71 BOX 2025 BOX 72 10300 FERRY RD
CASCADE ID 83641 MELBA ID 83641
- ☐ New Telephone Number: () 382-4122 (EK) 495-2144 (JR.)
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: TITLE POLICY WITH ATTACHMENTS
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s): [Signature] Date 3-9-95
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:
Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

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

PIONEER TITLE COMPANY
OF CANYON COUNTY
423 S. KIMBALL AVE.
P. O. BOX 610
CALDWELL, IDAHO 83606-0610
(208)459-1651

J.R. Allen
10302 Ferry Rd.
Melba, ID 83641

Escrow No. PC10029
RE: Engle/Allen
Date: June 17, 1994

In Connection with the above numbered Escrow, we enclose the following:

(X) Title Insurance Policy No. J 233596

Yours very truly,

PIONEER TITLE COMPANY
OF CANYON COUNTY

By _____
Carrie Evans

Form No. 1402.92
(10/17/92)
ALTA Owner's Policy



POLICY OF TITLE INSURANCE



ISSUED BY

First American Title Insurance Company

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

PIONEER TITLE COMPANY
Caldwell Office
423 So. Kimball
P. O. Box 610
Caldwell, Idaho 83606-0610

First American Title Insurance Company

BY

Parker S. Kennedy

PRESIDENT

ATTEST

Mark R. Arnesen

SECRETARY

This policy not valid unless countersigned
by Pioneer Title Company

J 233596

SCHEDULE A

Order No.: PC 10029
Policy No.: J 233596

Amount of Insurance: \$95,000.00
Premium: \$ 570.00

Date of Policy: May 6, 1994 as of 4:14 p.m.

1. Name of Insured:

J.R. ALLEN, a single man

2. The estate or interest in the land which is covered by this
policy is: **Fee simple**

3. Title to the estate or interest in the land is vested in:

J.R. ALLEN, a single man

4. The land referred to in this policy is described as follows:

See attached Exhibit "A"

PC 10029

Exhibit "A"

PARCEL I

That part of the Southeast Quarter of the Southeast Quarter, lying South and East of the right of way of the Reynolds Siphon Drain, Section 8, Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM the Westerly 421.82 feet.

PARCEL II

The Southwest Quarter of the Southwest Quarter, Section 9, Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM the North Half of the North Half of the Southwest Quarter of the Southwest Quarter.

SCHEDULE B

Order No.: PC 10029
Policy No.: J 233596

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

**PART I
SECTION I**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims or easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

SECTION 2

1. General taxes for the year 1994, which are a lien, payable on or before December 20 of said year and not delinquent until after said date.
2. Liens and assessments, if any, of Reynolds Irrigation District.
3. Assessments for water for irrigation, and the rights and powers of any water or ditch company.
4. Right of way for Reynolds Siphon.
5. Rights of way for irrigation and drainage ditches and canals and roads.
6. Declaration Decree, recorded June 11, 1956 as Instrument No. 434650. See copy attached.

(continued)

7. Power Line Easement as granted to IDAHO POWER COMPANY, a corporation, by instrument recorded September 9, 1971 as Instrument No. 667983, records of Canyon County, Idaho, including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system. (Section 8, Southeast Quarter of the Southeast Quarter)
8. Power Line Easement as granted to IDAHO POWER COMPANY, a corporation, by instrument recorded October 6, 1971 as Instrument No. 692798, records of Canyon County, Idaho...including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system. (Section 8, South Half of the Southeast Quarter)
9. Mortgage to secure an indebtedness as shown below, and any other amounts and/or obligations secured thereby:

Amount: \$65,000.00
Dated: November 18, 1982
Mortgagor: FRANK ENGLE and FRANCES D. ENGLE, husband and wife
Mortgagee: THE FEDERAL LAND BANK OF SPOKANE, a corporation
Recorded: November 30, 1982 as Instrument No. 962665

By the provisions of an Agreement

Dated: November 18, 1982
Executed by: FRANK ENGLE and FRANCES D. ENGLE, husband and wife
Recorded: July 12, 1989 as Instrument No. 8912902

10. Mortgage to secure an indebtedness as shown below, and any other amounts and/or obligations secured thereby:

Amount: \$50,000.00
Dated: May 1994
Mortgagor: J. R. ALLEN, a single man
Mortgagee: EVERETT K. ALLEN and MARIE H. ALLEN, husband and wife
Recorded: May 6, 1994 as Instrument No. 9413807

434650 ✓
REYNOLDS IRRIGATION DISTRICT, a quasi-public corporation of Owyhee County, Idaho; and
Ellen T. Sproat, Jd Drs
vs
Carl E. Nicholson and Blanche Nicholson, h and w, Jd Crs. / Decree, Dated and filed June 11, 1956
Book 26 Jd., Page 165
Declaratory
11/5/56
180-a
220-140

The Water supply, the rights to the use of which are hereby adjudicated, consists of water flowing in drain ditch from which all parties hereto divert their water, and flowing in said drain, and its branches, whether said waters are derived from surface waste, or percolation into the drain or from wells, inc. well of Pltfs. the wells of def. Reynolds Irrigation District and a well known as "Simpson Well" sit. at head of one branch of main drain ditch from which parties hereto divert their water, constitutes a common and inter-dependant source of supply, and withdrawal of water from said main drain, or any of its said contributing sources of supply, depletes the water rights and supply of each of the parties hereto.

Def. Ellen T. Sproat is hereby decreed right to the use of following amounts of waters of the drains and wells involved in this suit: (a) 120 miners inches of said waters during the month of April of each irrigation season; (b) 140 miners inches of said waters during the months of May and June of each irrigation season; (c) 175 miners inches at all times after July 1st of each irrigation season; The priority of all of said defendant's rights dated from April 1, 1947. Said water is decreed for irrigation, livestock and domestic use upon def's lands, to-wit: The W $\frac{1}{2}$ of the SW $\frac{1}{2}$ Sec. 9; Lots 1, 2, 3 and 4; The SE $\frac{1}{2}$ SE $\frac{1}{2}$, and the NW $\frac{1}{2}$ SE $\frac{1}{2}$ Sec. 8 All in Twp. 1 SR 2 WBM, Pt of diversion at pt in Sec. 10 T 1 SR 2 WBM where an irrigation ditch belonging to def. and to plts has its heading in said drain

Pltfs. Carl E. Nicholson and Blanche Nicholson, h and w are decreed following amounts of the waters of the drains and wells involved in this suit:

(a) 390 miners inches during month of April of each irrigation season; (b) 420 miners inches of sa waters during the months of May and June of each irrigation season; (c) 475 miners inches of water at all times after July 1st of each irrigation season.

The priority of all of said plaintiffs' rights dates from April 1, 1948.

Said water is decreed for irrigation, livestock and domestic uses upon said pltfs' lands, to-wit: E $\frac{1}{2}$ SE $\frac{1}{2}$ Section 4; N $\frac{1}{2}$ NE $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{2}$, SW $\frac{1}{2}$ NE $\frac{1}{2}$ Sec. 9; T 1 SR 2 WBM

Also: Lots 8 and 9 Section 22; SW $\frac{1}{2}$ SW $\frac{1}{2}$ Section 25; Lots 2, 3 and 4; S $\frac{1}{2}$ SE $\frac{1}{2}$, NW $\frac{1}{2}$ SE $\frac{1}{2}$, NE $\frac{1}{2}$ SW $\frac{1}{2}$ and the SE $\frac{1}{2}$ NW $\frac{1}{2}$, NW $\frac{1}{2}$ NW $\frac{1}{2}$ Sec. 26; Lot 4 Section 27; Lots 5 and 6 Sec. 35; Lots 5, 6 and 7 and the NE $\frac{1}{2}$ NW $\frac{1}{2}$ Sec. 36, All in Twp. 1 NR 3 WBM

The point of diversion of said water is, as it has been for a long time heretofore, at a pt located in Sec. 10-1SR 2 WBM where an irrigation ditch belonging to pltfs and to said def. Ellen T. Sproat has its heading in said drain.

The def. Reynolds Irrigation District is hereby decreed the right to the use of 1300 miners inches of the waters of the drain and wells involved in this suit, with priority dating from Apr. 1, 1950. Said water is decreed for irr. livestock and domestic use upon the lands embraced in boundaries of s: def. Reynolds Irrigation District in Owyhee Co. I. located and being in Sections 11, 12 and 13 T 1 SR 3 WBM and in Secs. 6, 17, 18, 19, 20, 21, 28 and 29 in Twp. 1 SR 2 WBM
Point of diversion of said water is, at a pt in Sec. 10-T 1 SR 2 WBM where the irr. ditch belonging to def, has its heading in said drain.

All the lands of each of the parties hereto upon which water for irr., is herein allotted are arid lands requiring irrigation; in addition to any water used from any other source, including Snake River, Reynolds Creek in Owyhee Co. I. and Warm Springs Creek in CCI.

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: A63-21348A
Date Received: 3/ 1/1990
Receipt No: X777777
Received By: *DE - kw*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANK L. ENGLE 208-495-2701
Address: 9450 FERRY RD.
MELBA, ID 83641

OR

Name: FRANCES D. ENGLE 208-495-2701
Address: 9450 FERRY RD.
MELBA, ID 83641

2. Date of Priority: APR 1, 1947

3. Source: DRAINS Trib. to: WARM SPRINGS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	02W	8	SE	SE			CANYON

5. Description of diverting works:
40HP PUMP, SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	04/30	0.600		
IRRIGATION	05/01	06/30	0.700		
IRRIGATION	07/01	11/15	0.880		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

MICROFILMED
SEP 03 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	02W	8	SE	SE		IRR	15.0
						Section Acres	15.0
		9	SW	SW		IRR	36.0
						Section Acres	36.0
						Total Acres	51.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM COMBINES 0.6 CFS FROM A63-00353 4/1 TO 4/30
0.7 CFS FROM A63-00354 5/1 TO 6/30
0.88 CFS FROM A63-00355 7/1 TO 11/15
INTO THIS CLAIM WHICH VARIES THE CFS PER DATES ABOVE
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF
CLAIM NO. A63-21348, FEE PAID UNDER RECEIPT NO. W010144.
KW 6/11/91.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

MICROFILMED
SEP 03 1992

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

MICROFILMED
SEP 03 1992

CHANGE IN OWNERSHIP

Page 1

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

☒ Water Right Number(s): A63-21348

☒ Name and Address of Former Claimant(s): Frankes D. & Frank L. Gyle

9450 Fairy Rd.

Melba ID. 83641

☒ New Claimant(s): E.K. Allen

HC 71 Box 2025

☒ New Mailing Address: _____

Cascade Eden 83611

☒ New Telephone Number: (208) 382-4122

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

25 ACRES OF THE 40 ACRES CLAIMED IN THE SE 1/4 SECTION

8 TFS - R-2W.

☐ Attach proof of ownership

Describe proof attached: _____

(Proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former claimant.)

☒ Signature of New Claimant(s): E.K. Allen

☒ Date: 10-4-90

See original
in file A63-21348B-
KW

MICROFILMED

SEP 03 1992

RECEIVED

NOV 11 1990

CHANGE IN OWNERSHIP

Page 2

Department of Water Resources

Western Regional Office

[✓] Signature of Former Claimant(s):

Frank Engel

Date:

10-22-90

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date:

By:

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

Claim Numbers of Split, if any:

After form has been completed, please return to the nearest IDWR office below:

WESTERN REGIONAL OFFICE

2735 AIRPORT WAY

BOISE, IDAHO 83705

(208) 334-2190

EASTERN REGIONAL OFFICE

150 SHOUP SUITE #15

IDAHO FALLS, IDAHO 83402

(208) 525-7161

STATE OFFICE

1301 N. ORCHARD ST.

STATEHOUSE MAIL

BOISE, IDAHO 83720

(208) 327-7906

SOUTHERN REGIONAL OFFICE

222 SHOSHONE STREET EAST

TWIN FALLS, ID 83301

(208) 734-3578

NORTHERN REGIONAL OFFICE

1910 NORTHWEST BLVD. SUITE 210

COEUR D'ALENE, IDAHO 83814

(208) 765-4639

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: A63-21348
Date Received: 3/01/1990
Receipt No: W010144
Received By: CE Kdb

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: FRANK L. ENGLE 208-495-2701
Address: 9450 FERRY RD.
MELBA, ID 83641
OR
Name: FRANCES D. ENGLE 208-495-2701
Address: 9450 FERRY RD.
MELBA, ID 83641
2. Date of Priority: APR 01, 1947
3. Source: DRAINS Trib. to: WARM SPRINGS CREEK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	02W	8	SE	SE			CANYON
5. Description of diverting works:
40HP PUMP, SPRINKLER SYSTEM.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	04/30	0.900		
IRRIGATION	05/01	06/30	1.050		
IRRIGATION	07/01	11/15	1.310		
7. Total Quantity Appropriated is:
1.310 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
NONE

MICROFILMED

JUL 27 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	02W	8	SE	SE		IRR	40.0
						Section Acres	40.0
		9	SW	SW		IRR	36.0
						Section Acres	36.0
						Total Acres	76.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM COMBINES 0.9 CFS FROM A63-00353 4/1 TO 4/30
1.05 CFS FROM A63-00354 5/1 TO 6/30
1.31 CFS FROM A63-00355 7/1 TO 11/15
INTO THIS CLAIM WHICH VARIES THE CFS PER DATES ABOVE

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ 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): Frank Engel Date: 12-17-90

Date: _____

State of Idaho)
County of ADO) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of Dec 19 90
R. A. Lauritzen
Notary Public

Seal

Residing at _____

My Commission Expires _____

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-21348
Date Received: 3/01/1990
Receipt No: WC 10144
Received By: RLH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANK L. ENGLE 208-495-2701
Address: 9450 FERRY RD.
MELBA, ID 83641

OR
Name: FRANCES D. ENGLE 208-495-2701
Address: 9450 FERRY RD.
MELBA, ID 83641

2. Date of Priority: APR 01, 1947

3. Source: DRAINS Trib. to: WARM SPRINGS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	02W	8	SE	SE			CANYON

5. Description of diverting works:
40HP PUMP, SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.520		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	02W	8	SE	SE		IRR	40.0
						Section Acres	40.0
		9	SW	SW		IRR	36.0
						Section Acres	36.0
						Total Acres	76.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM COMBINES 0.5 CFS FROM A63-00353
0.5 CFS FROM A63-00354
0.52CFS FROM A63-00355
INTO THIS CLAIM WHICH IS 0.02 CFS/ACRE

15. Basis of Claim: DECREED

Case Number:
Court :
Decree date:

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not y 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): Frank S. Engl Date: 3-1-90

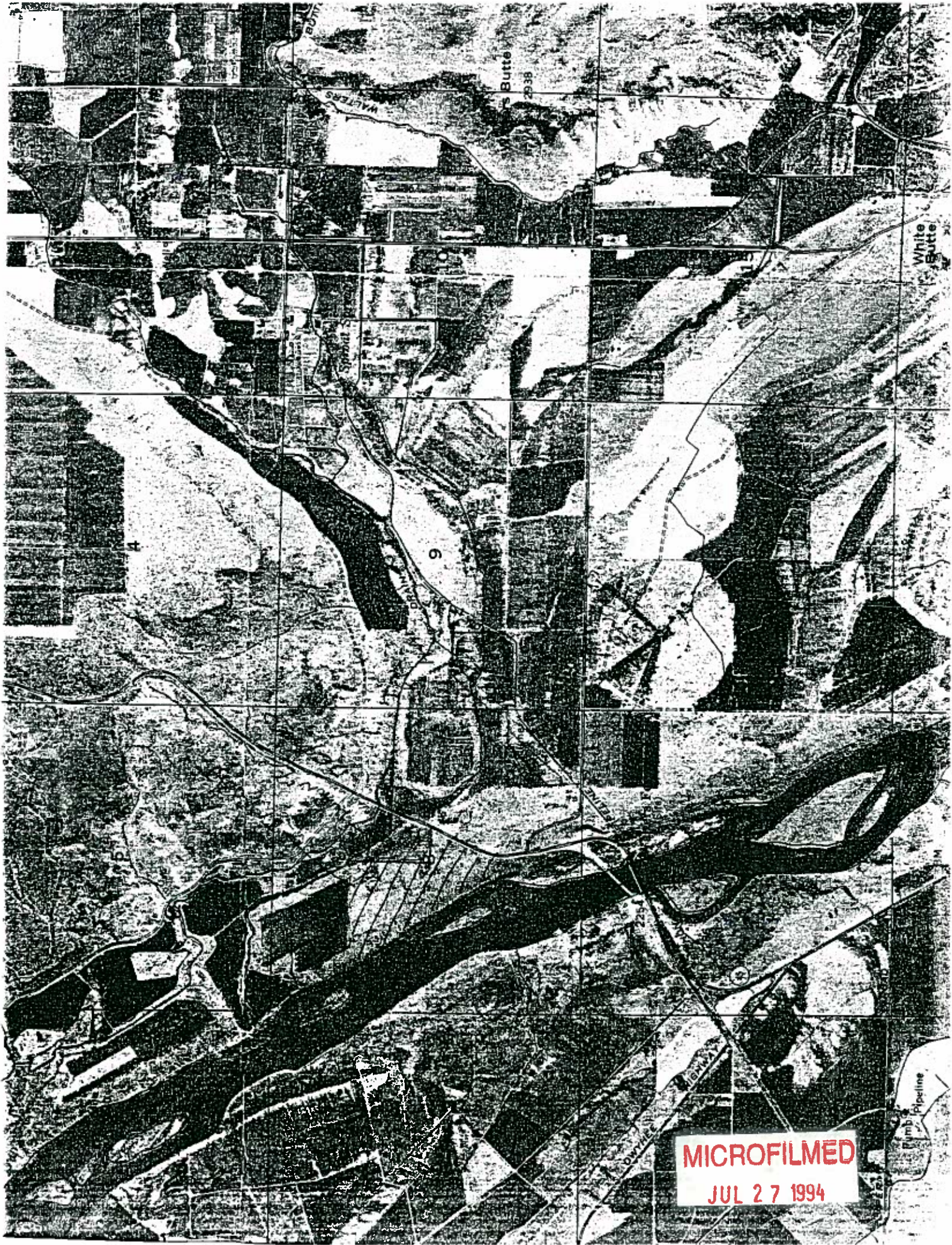
Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 1st day
of MAR 19 90 Don Hovorts
Notary Public

Seal

Residing at _____
My Commission Expires January 4 1994



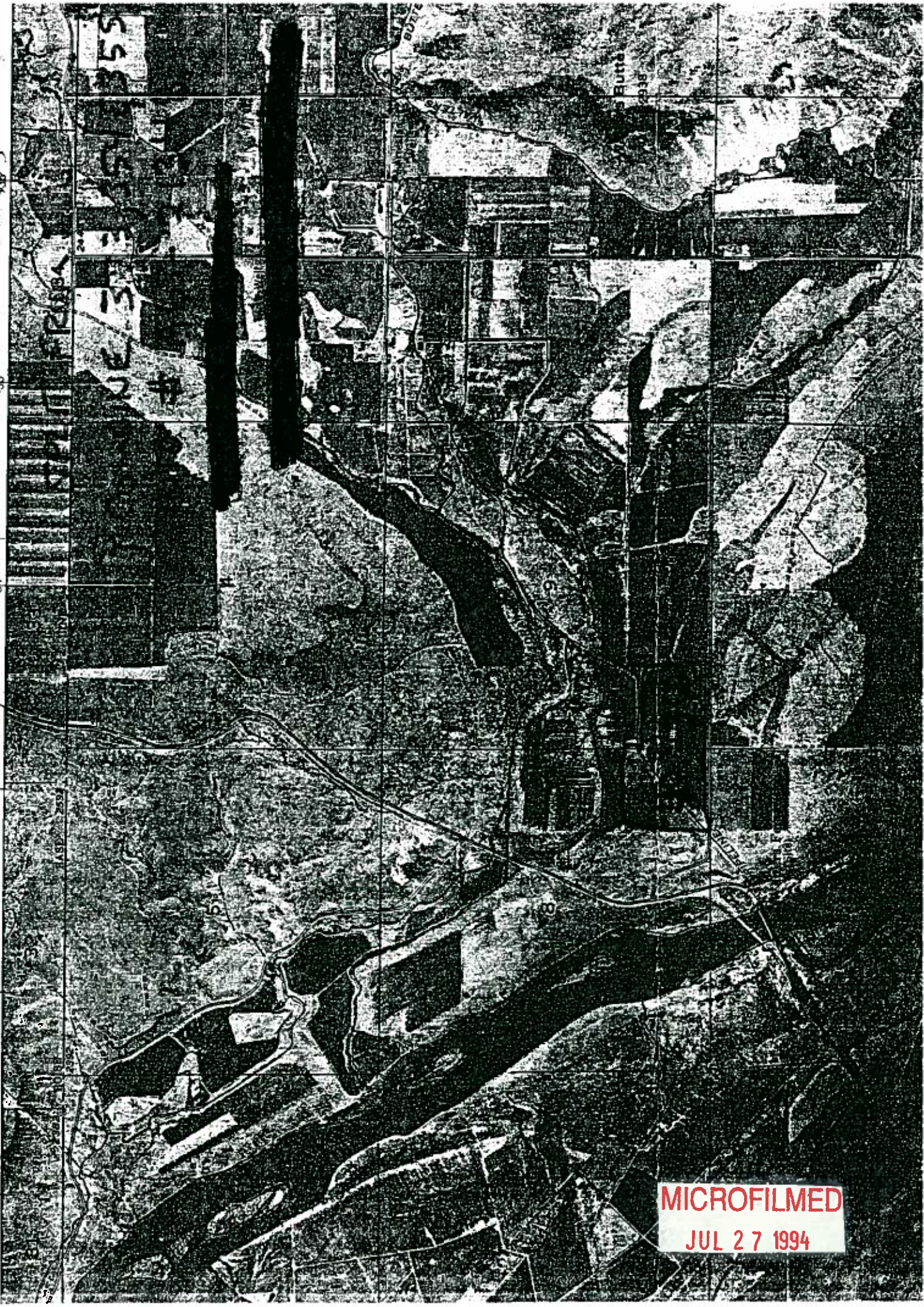
MICROFILMED
JUL 27 1994

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

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JUL 27 1994