

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 63-7885E
Date Received: 2/14/1990
Receipt No:
Received By:

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

1. Name of Claimant(s): JOSEPH W ROBERTS
15032 HOLLOW RD
CALDWELL ID USA 83605

Phone: (208)459-2022

RHODONNA ROBERTS
15032 HOLLOW RD
CALDWELL ID USA 83605

Phone: (208)459-2022

2. Date of Priority: 10/16/1973

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	04W	35	SE SE	PAYETTE	

5. Description of diverting works:

Well and pump with pivot

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.29	81

7. Total Quantity Appropriated is:
0.29 C.F.S. and/or 81 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	04W	35	SE SE		IRRIGATION	18
Section Acres						18
Total Acres						18

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

TRANS. 1872 & 4455

This claim is the result of a split per transfer 4455 for a portion of 63-7885C.

15. Basis of Claim: License

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

RECEIVED**JUN 14 2001**WATER RESOURCES
WESTERN 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
<u>63-7985</u>					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. N/A
- 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. 459-2022

3. Name and Address of Former Owner/Claimant(s) Joseph W. Roberts / 15032 Hollow Rd
RHONDA Roberts / Caldwell 83605
4. New Owner/Claimant(s) FRANK MOSER
 Name Connector (Check one): ☐ and ☐ or ☐ and/or
- New Mailing Address 25076 Geri Lane
- City, State and ZIP Code Caldwell, ID 83607
- New Telephone Number (208) 455-9282
5. Date you acquired the property 5-08-01

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) Frank Moser
(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 _____
Received by _____	Date _____	Receipt No. _____
Processed by _____	AJ Date _____	WR _____ Date _____

PROFILE - SPLIT
WR SIDE TRANSFER
4455

(REMAINDER OF OWNERSHIP CHANGE TO MOSER)

WR5809NP
No. 63-07885C

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/25/01
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	J U MC GUIRE	10/16/1973	IRRIGATION	04/01 11/01	2,380 CFS	657.00 AFA
C	PEARL E MC GUIRE				2,380 CFS	657.00 AFA
	RT 5					
	CALDWELL ID 83605					

0.29 CFS
81 A/F

Water Source: GROUNDWATER

15032 Hollow Rd - Caldwell 459-2022

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T06N R04W S35

SESE

PAYETTE County

Place of use Legal Description for: IRRIGATION

NENE				NW				SW				SE				SUM
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	
06N	04W	35														146.0
																146.0
																146.0

Pou County: PAYETTE

Conditions of Approval:

- 001 - A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

Remarks: GEN TRANS. 1872 & 4455.

Dates: App. Received: Priority Date: 10/16/1973
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 09/13/1979

Misc: Water District Number: Field Exam Fee:

Comments: Date: 11/03/1994 User-ID: PSKAGGS Subject: TRANSFER NO. 4455
Transfer No. 4455 was filed to change the point of diversion under a portion of Right No. 63-07885A, splitting the right into parts C and D.

Audit: 11/03/94 PSKAGGS 01/09/97 JJOHNSON

"E" on WR
SIDE WAS
Joseph Roberts

(Changed to Active
Status 8-6-01)

"C" "D" NOTES
WR SIDE WAS SPLIT
INTO E & F BECAUSE
A TRANSFER WAS FILED
ON THE "C" PORTION
BUT WAS PROTESTED
4429
(NOT VALID)

18 (REMAINDER
FOR MOSER)
SPLIT "F"

SPLIT TREE

CLAIM: 63-7885C Split from transfer 4455

AGENT: Ron Howerton

Date: 6/26/01

FACTOR = CFS **2.38**/ ACRES 146 = **0.01630137**

SPLIT 63-7885E = FACTOR x N acres 18 = CFS **0.29**

SPLIT 63-7885F = FACTOR x N acres 128 = CFS **2.09**

TOTALS **146** **2.38**

NAME: **Roberts, Joseph**

RIGHT: **63-7885C**

CFS: **2.38**
AF: **657**
ACRES: **146**

SPLIT TRACT(S): **SESE(38)**

NAME: **Roberts, Joseph**

SPLIT: **63-7885E**

CFS: **0.29**
AF: **81**

ACRES: **18**

SPLIT TRACT(S): **SESE(18)**

NAME: **Moser**

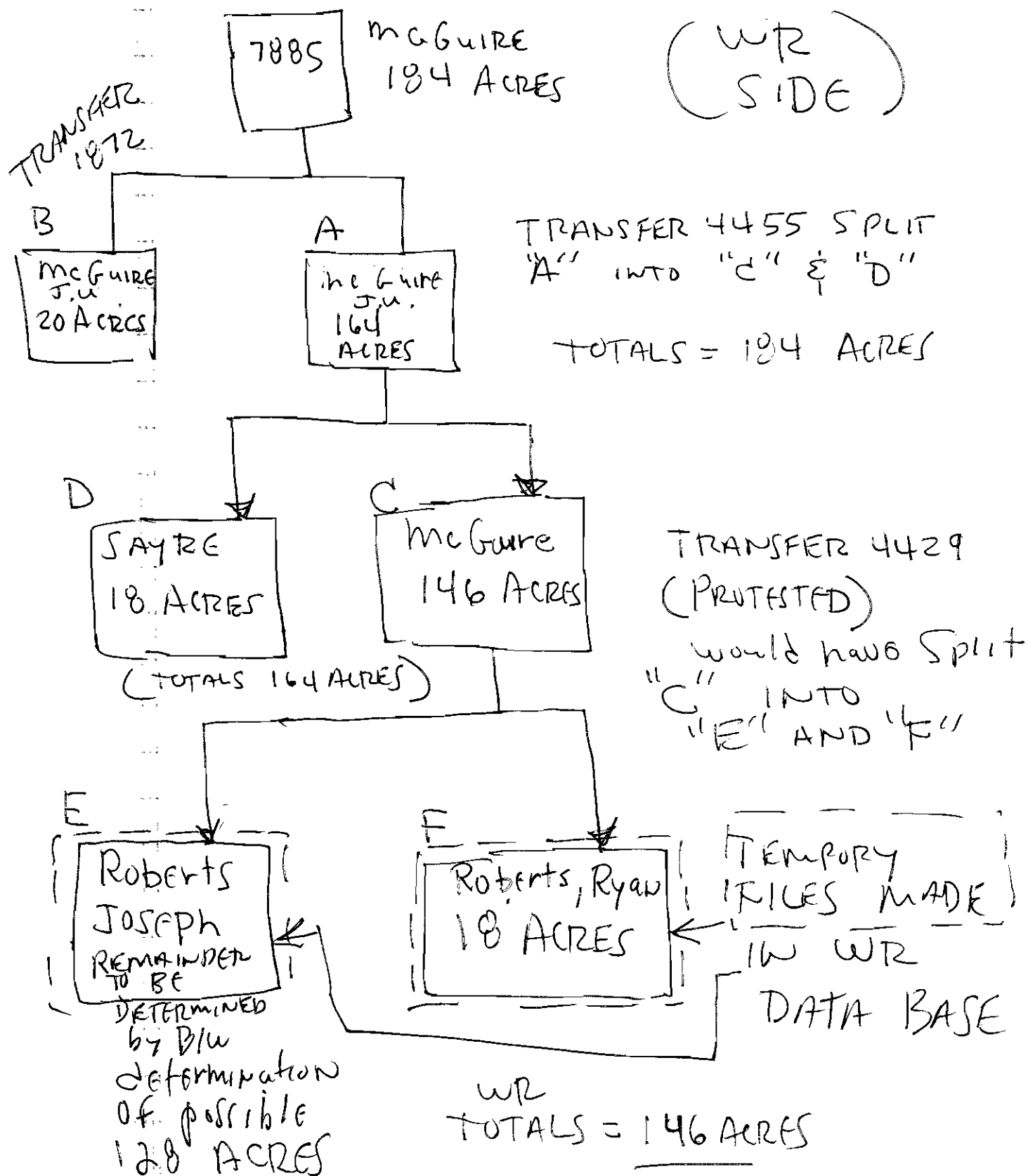
SPLIT: **63-7885F**

CFS: **2.09**
AF: **576**

ACRES: **128**

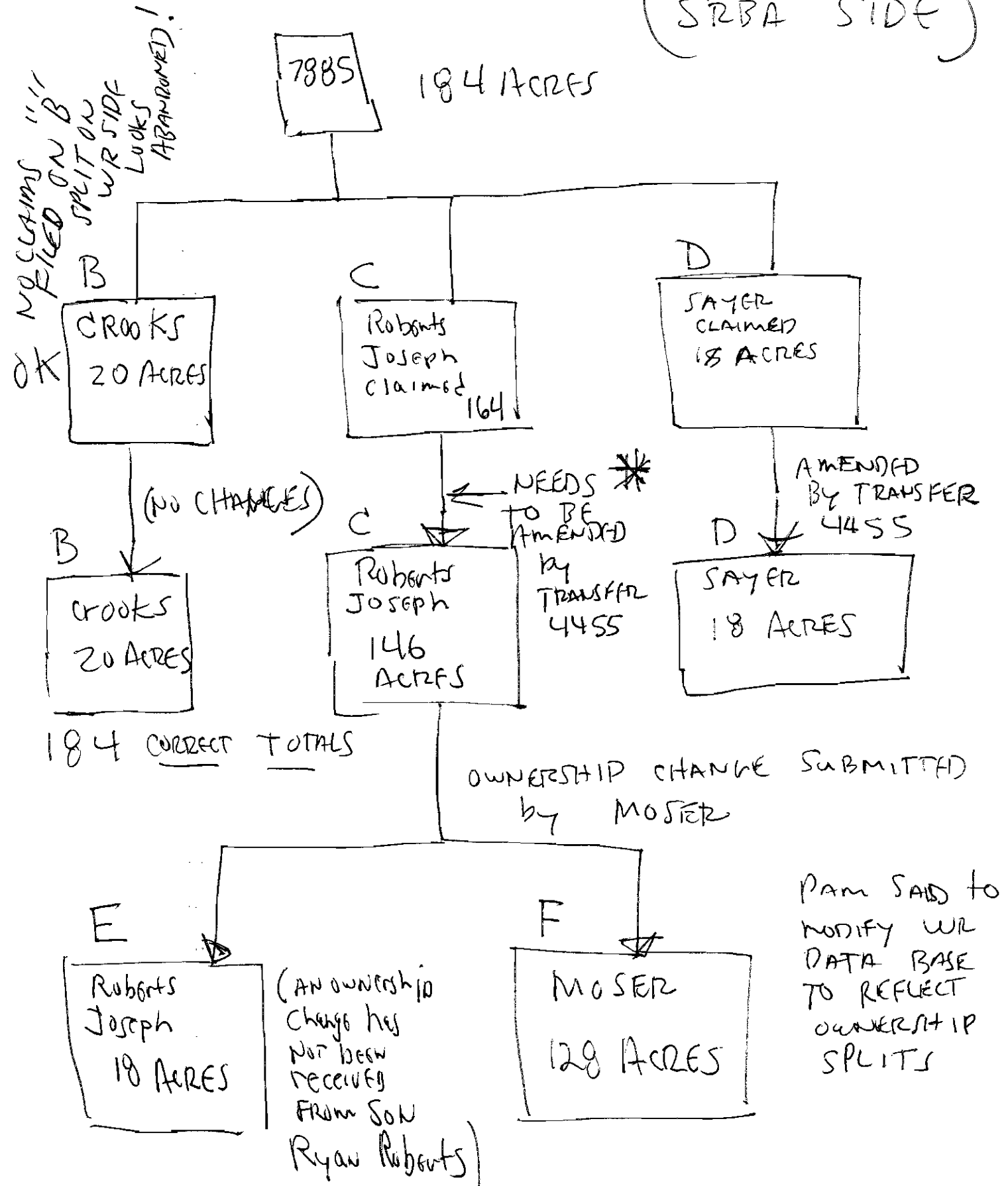
SPLIT TRACT(S): **SESE(20)**

ANALYSIS OF 63-7885 LIC. RT By Ron Howerton



ANALYSIS OF 63-7885 CONTINUED

(SRBA SIDE)



	OWNER	TYPE	STATUS	DATE	AMOUNT	SOURCE	USE	REMARKS	TRANSFER TO
63	7885 C	License	Active	10/16/1973	2.67	GROUND WATER	IRRIGATION	ROBERTS, JOSEPH W (Current); ROBERTS, RHODONNA (Current)	wrAdjudicationClaim
63	7885 D	License	Active	10/16/1973	0.29	GROUND WATER	IRRIGATION	SAYRE, DAN L (Current); SAYRE, MARY E (Current)	wrAdjudicationClaim
63	7885 B	License	Active	10/16/1973	0.33	GROUND WATER	IRRIGATION	CROOKS, CAROLEE (Current); CROOKS, JOHN W (Current)	wrWaterRight
63	7885 C	License	Active	10/16/1973	2.38	GROUND WATER	IRRIGATION	MC GUIRE, J U (Current); MC GUIRE, PEARL E (Current)	wrWaterRight
63	7885 D	License	Active	10/16/1973	0.29	GROUND WATER	IRRIGATION	SAYRE, DAN L (Current); SAYRE, MARY E (Current)	wrWaterRight
63	7885 C		Active	10/16/1973	2.67	GROUND WATER	IRRIGATION	ROBERTS, JOSEPH W (Current); ROBERTS, RHODONNA (Current)	xrFromAdjClaimList
63	7885 E		Active	10/16/1973	2.38	GROUND WATER	IRRIGATION	MC GUIRE, J U (Current); MC GUIRE, PEARL E (Current)	xrToAdjClaimList
63	7885 F		Active	10/16/1973	2.38	GROUND WATER	IRRIGATION	MC GUIRE, J U (Current); MC GUIRE, PEARL E (Current)	xrToAdjClaimList
Hi Jan,									
Ron H. was asking me about where the transfers were for this water right. This is how the new database shows transfers. I have highlighted the new transfer files in yellow on this sheet. Since, I had one of these up on the screen I thought I would make a copy for you to let you see how they look also.									
Dan Nelson									

AJ5809WP
No. A63-07885C

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/05/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOSEPH W ROBERTS	10/16/1973	IRRIGATION	04-01 11-01	2.670 CFS	
C	RHODONNA ROBERTS					
TOTAL DIVERSION:					2.670 CFS	
CONSUMPTIVE USE:						574.00 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE
Point(s) of Diversion: T06N R04W S35 NESESE PAYETTE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NE NE	NW NE	SW NE	SE NE	:	NW NW	SW NW	SE NW	:	NE SW	NW SW	SW SW	SE SW	:	NE SE	NW SE	SW SE	SE SE	:	SUM	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
06N	04W	35	:				05	:					:	13			13	:	20	40	38	35	:	164.0
																						TOTAL ACRES		164.0

POU County: PAYETTE

Non-Irrigation Uses: NONE

Other Rights: NONE

Conditions of Approval:

- 001 - A measuring device of a type approved by the Department shall
- be permanently installed and maintained as part of the diverting
- works.

Remarks: GEN THIS CLAIM IS A COMBINATION OF WATER RIGHT NUMBERS 63-07885A AND
63-07885B. A TOTAL OF 160.5 ACRES IS CLAIMED FROM 63-07885A AND
3.5 ACRES ARE CLAIMED FROM 63-07885B.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag: C
Presumption Flag:

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-7885 Priority Oct. 16, 1973 Amount 3.0 cfs
THIS IS TO CERTIFY, that J. U. McGuire &/or Pearl E. McGuire
of Caldwell, Idaho, has complied with the terms and conditions of Permit
No. 63-7885 issued pursuant to Application for Permit dated October 16, 1973
and has submitted proof to the Department of Water Resources on June 3, 1974
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 3.0 cfs of water from a ground water source
situated on _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>Nov. 1</u>	at <u>3.0</u> cfs and	<u>828</u> acre feet or
	from _____ to _____	at _____ cfs and	<u>4.5</u> af per acre
	from _____ to _____	at _____ cfs and	

(Both dates inclusive)

Subject, however, to the condition that no more than 3.0 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
828 acre feet per year, said water to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 35,
Twp. 6 N., Rge. 4 W., B. M. in the County of Payette

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>6 N</u>	<u>4 W</u>	<u>35</u>									<u>3</u>			<u>28</u>	<u>38</u>	<u>27</u>	<u>40</u>	<u>88</u>	<u>184</u>

Total number of acres irrigated 184

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 25 day of
April 19 75.

Director

STATE OF IDAHO FINANCING STATEMENT - FORM UCC-1

Filing Office Use Only

RE TYPE THIS FORM IN BLACK

1985: a. With Secretary of State. Except for pre-paid account users, enclose filing fee of \$5.00 if form is typed, or \$10.00 if not typed. For attachments, add \$1.00 per printed page. Pre-paid account users must enter Customer Number in "Filing Office Use" block to right.

b. Filing with County Recorder. Enclose recording fee of \$3.00 per page.

by the original. Make copies for your file. The original will be returned as your acknowledgment.

only one debtor's name or assumed name per debtor block exactly as it is to be indexed. If more than four names, use an attached

Enter individual debtor names: Last, First Middle Title, e.g. Smith, John Alan Jr.

If the obligation has been satisfied, complete the Termination Statement and return the original to the filing office.

*Payable
Jan 20,*

Approved by Paul T. Carmona, Secretary of State, UCC Division, PO BOX 83720, Boise, ID 83720, Ph 208-334-3191.

#1 (Last name, first, middle, title & mailing address)

Combe Farms, Inc.
5500 Oasis Rd.
Caldwell, ID 83605

Debtor #3

Peggy Lynn Combe
5500 Oasis Rd.
Caldwell, ID 83605

#2

Paul A. Combe
5500 Oasis Rd.
Caldwell, ID 83605

Debtor #4

Frank Moser
25076 Geri Lane
Caldwell, ID 83605

Assignee and Address

Mailing Address for acknowledgment, if not Secured Party

Intermountain Services Corp.
P.O. Box 44122
Boise, ID 83711-0122

Check if Covered ☐ Products of collateral are also covered

If one of the following boxes is checked, the secured party may sign the financing statement. The collateral described herein is:

- ☐ Brought into this state already subject to a security interest in another jurisdiction.
- ☐ Subject to a security interest in another jurisdiction, and the debtor's location has changed to this state.
- ☐ Proceeds of the original collateral described above in which a security interest was perfected.
- ☐ The subject of a financing statement which has lapsed.
- ☐ Subject to a security interest perfected under a prior name or identity of the debtor.

Financing statement covers the following types or items of property:

Is it a fixture, timber or mineral right to be recorded with the County Recorder, include legal description and name of record owner, if required.)

Well and Pump
1992 Zimmatic Center Pivot Irrigation System

Signature(s) of Debtor(s)

COMBE FARMS, INC.

by

Filing Office Use Only

Secured Party Signature

Frank Moser

FRANK MOSER

TERMINATION STATEMENT-The Secured Party no longer claims a security interest for the financing statement.

Secured Party or Assignee of Record

Date

293571

TRUSTEE DEED

FOR VALUE RECEIVED in the amount of one hundred ninety five thousand, five hundred seventy eight and nine hundredth dollars (\$195,578.09), RONALD D. SCHOEN, as duly appointed, qualified and acting Standing Chapter 12 Trustee in Bankruptcy Case No. 00-00801, in the United States Bankruptcy Court for the District of Idaho, wherein COMBE FARMS, INC. appears as Debtor, Grantor therein, does hereby grant, bargain, sell and convey unto FRANK MOSER, the Grantee, all right, title and interest to said Estate, an undivided 100% (percent) interest in the following described real property, located in the County of Payette, State of Idaho:

PARCEL I:

A parcel of land situated in the Southeast Quarter and Northeast Quarter of Section 35 in Township 6 North, Range 4 West of the Boise Meridian, County of Payette, State of Idaho, more particularly described as follows:

BEGINNING at the Southwest corner of the Southeast Quarter of said Section 35; thence North 00°00'25" East (formerly 00°00'10" East) along the Westerly boundary of said Southeast Quarter, a distance of 2643.28 feet to the Northeast corner of said Southeast Quarter;
 thence South 89°56'19" East 659.71 feet;
 thence North 00°03'34" West 191.89 feet;
 thence South 89°56'19" East 441.39 feet;
 thence South 57°16'50" East 355.66 feet to a point on the Northerly boundary of said Southeast Quarter;
 thence South 89°56'13" East along the Northerly boundary of said Southeast Quarter, a distance of 571.44 feet;
 thence South 00°05'31" East (formerly North 00°08'55" West) 478.59 feet (formerly) 478.83 feet;
 thence South 13°22'27" East (formerly North 13°29'43" West) 441.18 feet (formerly) 442.06 feet;
 thence South 00°30'53" East 180.77 feet (formerly 180.00) feet;
 thence South 89°59'43" East 59.69 feet;
 thence South 00°00'00" West 231.35 feet;
 thence North 89°59'43" West 50.00 feet;
 thence South 00°00'00" West 277.12 feet;

PARCEL I (cont'd):

thence North 89°43'28" West 53.74 feet;
 thence South 00°00'00" West 1043.07 feet to a point on the Southerly boundary of the Southeast Quarter of said Section 35;
 thence South 89°57'52" West along the Southerly boundary of said Southeast Quarter, a distance of 2040.28 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM the following described parcel:

COMMENCING at the Southeast corner of said Section;
 thence South 89°57'52" West 607.33 feet to the TRUE POINT OF BEGINNING;
 thence North 00°00'00" East 660.00 feet;
 thence Southwest in a straight line to a point South 89°57'52" West 1312.33 feet from the Southeast corner of said Section;
 thence North 89°57'52" East 705 feet, more or less, to the POINT OF BEGINNING.

PARCEL II:

A parcel of land situated in the Southwest Quarter of Section 35, Township 6 North, Range 4 West, Boise Meridian, County of Payette, State of Idaho, described as follows:

COMMENCING at the Southeast corner of said Southwest Quarter;
 thence North 00°00'10" East along the Easterly boundary of said Southwest Quarter, a distance of 105.58 feet to the TRUE POINT OF BEGINNING.
 thence North 39°33'54" West 990.32 feet;
 thence North 03°33'27" West 753.62 feet;
 thence North 33°32'42" East 1226.35 feet to the Northeast corner of said Southwest Quarter;
 thence South 00°00'10" West along said Easterly boundary 2537.71 feet to the TRUE POINT OF BEGINNING.

THE SALE OF THIS PROPERTY IS SUBJECT TO:

- 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 of 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 the public records.

THE SALE OF THIS PROPERTY IS SUBJECT TO (cont'd):

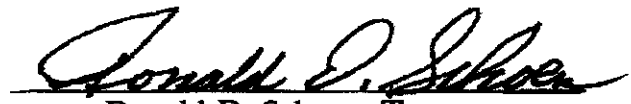
- 5) Unpatented mining claims: reservations or exceptions in patents or in acts authorizing the issuance thereof: water rights, claims, or title to water.
- 6) Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
- 7) Taxes for 2001 which are accruing as a lien but not yet payable.
- 8) Regulations of BLACK CANYON Irrigation District, within which the above property lies, or all other irrigation districts, laterals that the above property lies, including levies, assessments, water and irrigation rights and easements for ditches and canals as provided by law.
- 9) Reservations in United States Patents recorded in Book 47 of Deeds at page 522 and 523, Official Records.
 - (a) A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945;
 - (b) All the oil and gas in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of July 17, 1914, 38 Stat. 509, supplemented; 30 U.S.C. 121-124;
 - (c) The right to itself, its permittees or licensees, to enter upon, occupy and use that portion of the S1/2SE1/4 lying within 50 feet of the centerline of the transmission line right-of-way of the Idaho Power Company under Power Project #364, for the purposes set forth in and subject to the conditions and limitations of Sec. 24 of the Federal Power Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. 818.
 - (d) SUBJECT to those rights for pipeline purposes as having been granted to the INTERMOUNTAIN Gas Company, its successors or assigns by Permit No. 1-07872, under Sec. 28 of the Mineral Leasing Act, 30 U.S.C. 185.
- 10) An Easement for power lines and incidental purposes in favor of Idaho Power Company, as set forth in an instrument recorded MAY 17, 1982 as Instrument No. 193941, records of said County.
- 11) An Easement for power lines and incidental purposes in favor of Idaho Power Company, as set forth in an instrument recorded OCTOBER 8, 1982, as Instrument No. 193951, records of said County.

THE SALE OF THIS PROPERTY IS SUBJECT TO (cont'd):

- 12) An Easement for power lines and incidental purposes in favor of Idaho Power Company, as set forth in an instrument recorded JANUARY 5, 1996, as Instrument No. 259288, records of said County.
- 13) Building Restrictions contained in Deed recorded as Instrument No. 160280, 151991 and 248291, Official Records of Payette County.
- 14) Right of Way for road as reserved in Deed recorded OCTOBER 3, 1975 as Instrument No. 160280, Official Records.
- 15) Road Agreement recorded July 15, 1993 as Instrument No. 244545, Official Records.
- 16) County Road along South boundary.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the Grantee, his heirs and assigns forever. And Grantor does hereby covenant to and with the Grantee that the property is free from all encumbrances except as set forth hereinabove.

DATED This 8th day of May, 2001.

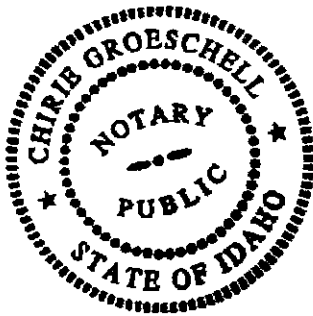

Ronald D. Schoen, Trustee

293571

STATE OF IDAHO)
) ss
County of Payette)

On the 8th day of May, 2001, before me, the undersigned, a Notary Public in and for subject State, personally appeared RONALD D. SCHOEN, known to me to be the person whose name is subscribed to the foregoing Trustee Deed, and acknowledged to me that he executed the same as the Trustee of the Estate of COMBE FARMS, INC. and that he executed the same as the Grantor.

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



Chirib Groeschell
Notary Public for Idaho
Residing at Payette, Idaho
My Commission Expires 9-1-2004

STATE OF IDAHO)
County of Payette) ss

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

FIRST AMERICAN TITLE CO.

Time 2:08 pm

Date May 9, 2001

Instrument # 293571-Deeds

LAURA L. STIGLE

Ex officio Recorder

By Judy B. Lamore
Deputy

TRUSTEE DEED

State of Idaho, County of Payette

253497

DEC 30 1994

P-2574

I certify that this instrument was filed for record at the request of Land Title Insurance Company

Dec 30, 1994 9:24 PM by Book 48, Page 253497 305 Souter
Laura L. Stagle, Esq. Office Recorder by *[Signature]*, Deputy

WARRANTY DEED

GRANTORS, JOSEPH W. ROBERTS and RHODONNA ROBERTS, husband and wife, of Caldwell, County of Canyon, State of Idaho, for a good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto COMBE FARMS, INC., an Idaho Corporation, whose current address is 3070 Moon Valley Road, Eagle, County of Ada, State of Idaho, as GRANTEE, and to Grantee's heirs and assigns forever, all of the following described real estate located in PAYETTE County, Idaho:

See Exhibit A which is attached hereto and incorporated herein by reference as if set out in full.

Said tract of land including all water and ditch rights appurtenant to or used in connection with the properties conveyed hereby.

Said tract of land subject to rights of way or easements of record or in use.

TOGETHER with all improvements and appurtenances thereto.

Subject to such rights of way, easements, covenants, restrictions and zoning regulations as appear of record or by use upon the premises.

Grantor, for itself, its heirs and assigns does hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the Grantee, its heirs and assigns forever against the lawful claims of all persons.

In construing this deed and where the context so requires, the singular includes the plural and the masculine, feminine and the neuter.

IN WITNESS WHEREOF, GRANTOR has hereunto subscribe its name to this instrument this 24 day of December, 1994.

[Signature of Joseph W. Roberts]
JOSEPH W. ROBERTS

[Signature of Rhodonna Roberts]
RHODONNA ROBERTS

RECEIVED

NOV 22 1995

WATER RESOURCES
WESTERN REGION

COMBE

250497

DEC. 30 1894

STATE OF IDAHO)

County of Butte)

ss.

On this 30th day of December, 1894, before me, the undersigned, a Notary Public for Idaho, personally appeared JOSEPH W. ROBERTS and RHODONNA ROBERTS, husband and wife, known to me to be the persons whose name are subscribed to the within instrument, and acknowledged to me that they 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.

Shirley Miller
Notary Public for Idaho
Residing at Butte
My Commission Expires 3-3-1900

WARRANTY DEED - Page 2

COMBE

Parcel # on Map

255487
EXHIBIT "A"

DEC 30 1994

3

✓ Parcel I

Land in Twp. 6 N. R. 4 W., S.M., Payette County, Idaho:

In Sec. 35: A parcel of land in the NE1/4 more particularly described as follows:

Beginning at the Southeast corner of the NE1/4 of said Sec. 35;

thence N. 89°55'13" W. (formerly N. 89°55'04" W.) along the Southerly boundary of said NE1/4 931.28 feet;

thence N. 00°01'09" E. 591.06 feet;

thence S. 89°53'25" E. (formerly S. 89°53'47" E.) 931.25 feet;

thence S. 00°00'58" W. (formerly N. 00°00'45" E.) 590.30 feet to the Point of Beginning.

EXCEPTING THEREFROM that portion conveyed to the County of Payette by grant recorded December 14, 1994, Fee #253306, Deed Records of Payette County, Idaho.

205 out of
201/10

4

✓ Parcel II

Land in Twp. 6 N. R. 4 W., S.M., Payette County, Idaho:

In Sec. 35: A parcel of land in the SE1/4 more particularly described as follows:

Beginning at the Southeast corner of the NE1/4 of said Sec. 35;

thence N. 89°59'43" W. 498.26 feet;

thence N. 00°00'09" E. 231.35 feet;

thence S. 89°59'43" E. 498.55 feet to a point on the Easterly boundary of the NE1/4 of said Sec. 35;

thence S. 00°10'36" E. (formerly N. 00°11'30" W.) along the Easterly boundary of said NE1/4 231.35 feet to the Point of Beginning.

EXCEPTING THEREFROM that portion conveyed to the County of Payette by grant recorded December 14, 1994, Fee #253306, Deed Records of Payette County, Idaho.

46 2/10

8

✓ Parcel III

Land in Twp. 6 N. R. 4 W., S.M., Payette County, Idaho:

In Sec. 35: A parcel of land in the SE1/4 more particularly described as follows:

Beginning at the Southeast corner of said SE1/4;

thence N. 00°11'17" W. (formerly N. 00°11'30" W.)

along the Easterly boundary of said SE1/4, a distance of 1319.52 feet (formerly 1319.22 feet) to the Southeast corner of the E1/4NE1/4;

thence N. 89°59'43" W. along the Southerly boundary of said E1/4NE1/4, a distance of 549.26 feet;

James

RC

✓ agree with plat map submitted

-SL 3/12/96

ComBE

DEED

1914

TRANSMITTED - DEED

Chance N. 89°43'27" W. 101.17 feet;
 Chance N. 89°43'27" W. 101.17 feet;
 Chance S. 89°50'44" W. 101.27 feet to a point on
 the southerly boundary of the S21 of said Sec.
 35, said point being N. 89°57'52" W. 101.22 feet
 from the Southeast corner of said S21;
 Chance N. 89°57'52" W. along the southerly boundary
 of said S21, a distance of 107.13 feet to the
 Point of Beginning.
 EXISTING SURVEY which section conveyed to the
 County of DeWitt by deed recorded December 14,
 1914, to the said County of DeWitt, Idaho.
 Idaho.

Transcript IV

Deed in Rep. 3 N. 3. 3 W. 3 N., DeWitt County, Idaho:
 In Sec. 35: N1/2S1/2W1/2.



3/12

N/A to transfer
 SL 12/26/95

COMBE

Map F-12

35-6-9

T8280

2.145.8

1.138

186

35 36

T930

2 1

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 63-7885C
Date Received: 2/14/90
Receipt No: C014697
Received By:

AMENDED

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

1. Name of Claimant(s)

JOSEPH W ROBERTS Phone: (208)459-2022
15032 HOLLOW RD
CALDWELL ID USA 83605

RHODONNA ROBERTS Phone: (208)459-2022
15032 HOLLOW RD
CALDWELL ID USA 83605

2. Date of Priority: 10/16/1973

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	04W	35	NE SE SE	PAYETTE	

5. Description of diverting works:

WELL AND PUMP WITH PIVOT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	2.38	657

7. Total Quantity Appropriated is:

2.38 C.F.S. and/or 657 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	04W	35	NE	SW	IRRIGATION	3
			SE	SW	IRRIGATION	10
			NE	SE	IRRIGATION	18
			NW	SE	IRRIGATION	37
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	38
Section Acres						146
Total Acres						146

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
Claim amended per Transfer No. 4455, approved 1/30/95.

15. Basis of Claim: License

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2755 AIRPORT WAY
BOISE, IDAHO 83705

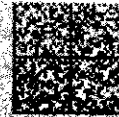
ADDRESS SERVICE
REQUESTED

UNDELIVERABLE AS
ADDRESSED
UNABLE TO FORWARD

63-7885E
63-31417

~~RECEIVED~~
~~FEB 11 1964~~
~~WESTERN REGIONAL~~

FIRST CLASS



UNITED STATES POSTAGE
02 1A
0004388392
\$01.00
MAILED FROM CITY, IDAHO

RECEIVED
FEB 11 1964
WESTERN REGIONAL

UAA

06/26/2006

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

RIGHT NUMBER: 63-7885E

NAME AND ADDRESS: JOSEPH W ROBERTS
15032 HOLLOW RD
CALDWELL ID 83605

RHODONNA ROBERTS
15032 HOLLOW RD
CALDWELL ID 83605

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.290 CFS
81.000 AFY

PRIORITY DATE: 10/16/1973

POINT OF DIVERSION:

T06N R04W S35 SESE Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

0.290 CFS

81.00 AFY

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after November 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 PAYETTE County

T06N R04W S35 SESE 18.00

146 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 - License

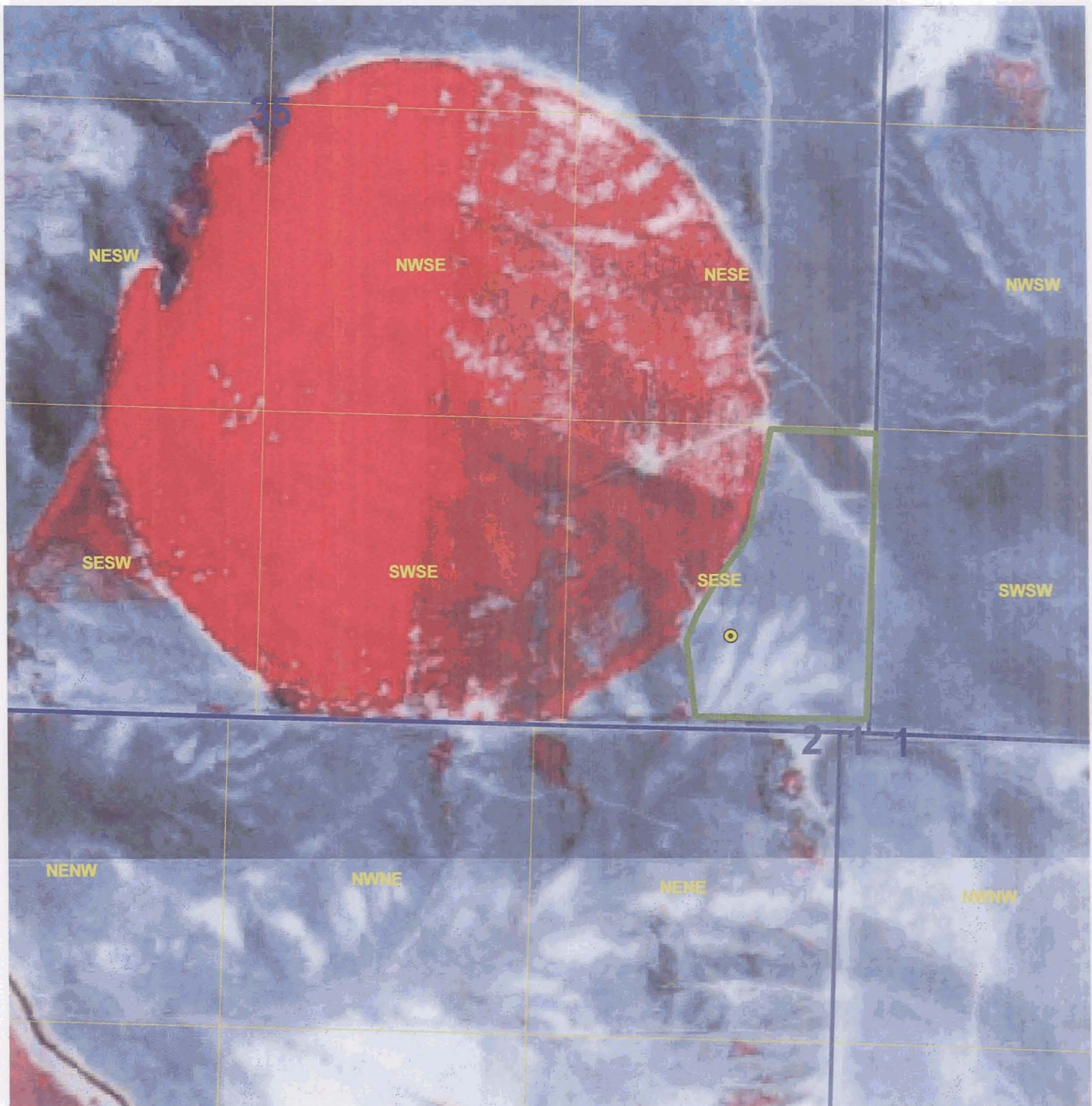
This right is a split from former right 63-7885C.



Idaho Department of Water Resources

63-7885E

T06N R04W S35



- Point of Diversion
- Place of Use
- Sections
- Quarter Quarter

Total irrigated
acres = 18



400 0 400 Feet

IDWR
Prepared by: Sandy Egbert
Date: June 26, 2006
1987 NAAP Photography

4/24/2006

Idaho Dept. of Water Resources Place of Use Comparison Report

Page1

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Rec	63 2878	BLACK CANYON IRRIGATION DIST,	ELIJAH DRAIN, WILSON DRAIN	06N04W35											X	X					0
Rec	63 2322	UNITED STATES OF AMERICA ACTING THROUGH,	ELIJAH SLOUGH, WILSON SLOUGH	06N04W35											X	X					0
Claim	63 7885D	MARY E SAYRE, DAN L SAYRE,	GROUND WATER	06N04W35												18					18
Claim	63 7887	FRANK MOSER,	GROUND WATER	06N04W35									10				2	3			15
Rec	63 7885D	MARY E SAYRE, DAN L SAYRE,	GROUND WATER	06N04W35												18					18
Rec	63 7885E	JOSEPH W ROBERTS, RHODONNA ROBERTS,	GROUND WATER	06N04W35																18	18
Rec	63 7885F	FRANK MOSER,	GROUND WATER	06N04W35									3			10	18	37	40	20	128
Rec	63 7887	FRANK MOSER,	GROUND WATER	06N04W35									10				2	3			15
Right	63 21277	JUDIANNE A COLLAR, DAVID A COLLAR,	GROUND WATER	06N04W35													X				0
Right	63 21837	MAX NORQUIST,	GROUND WATER	06N04W35											X						0
Right	63 30087	JOHN WORMAN, DOROTHY WORMAN,	GROUND WATER	06N04W35		X															0
Right	63 7885B	JOHN W CROOKS, CAROLEE CROOKS,	GROUND WATER	06N04W35													20				20
Right	63 7885C	PEARL E MC GUIRE, JOHN U MC GUIRE,	GROUND WATER	06N04W35									3			10	18	37	40	38	155
Right	63 7885D	DAN L SAYRE, MARY E SAYRE,	GROUND WATER	06N04W35												18					18
Right	63 7887	JOHN U MC GUIRE, PEARL E MC GUIRE, KANSAS CITY LIFE INSURANCE CO,	GROUND WATER	06N04W35									10				2	3			15
TClaim	63 7885E	JOSEPH W ROBERTS, RHODONNA ROBERTS,	GROUND WATER	06N04W35																18	18
TClaim	63 7885F	FRANK MOSER,	GROUND WATER	06N04W35									3			10	18	37	40	20	128

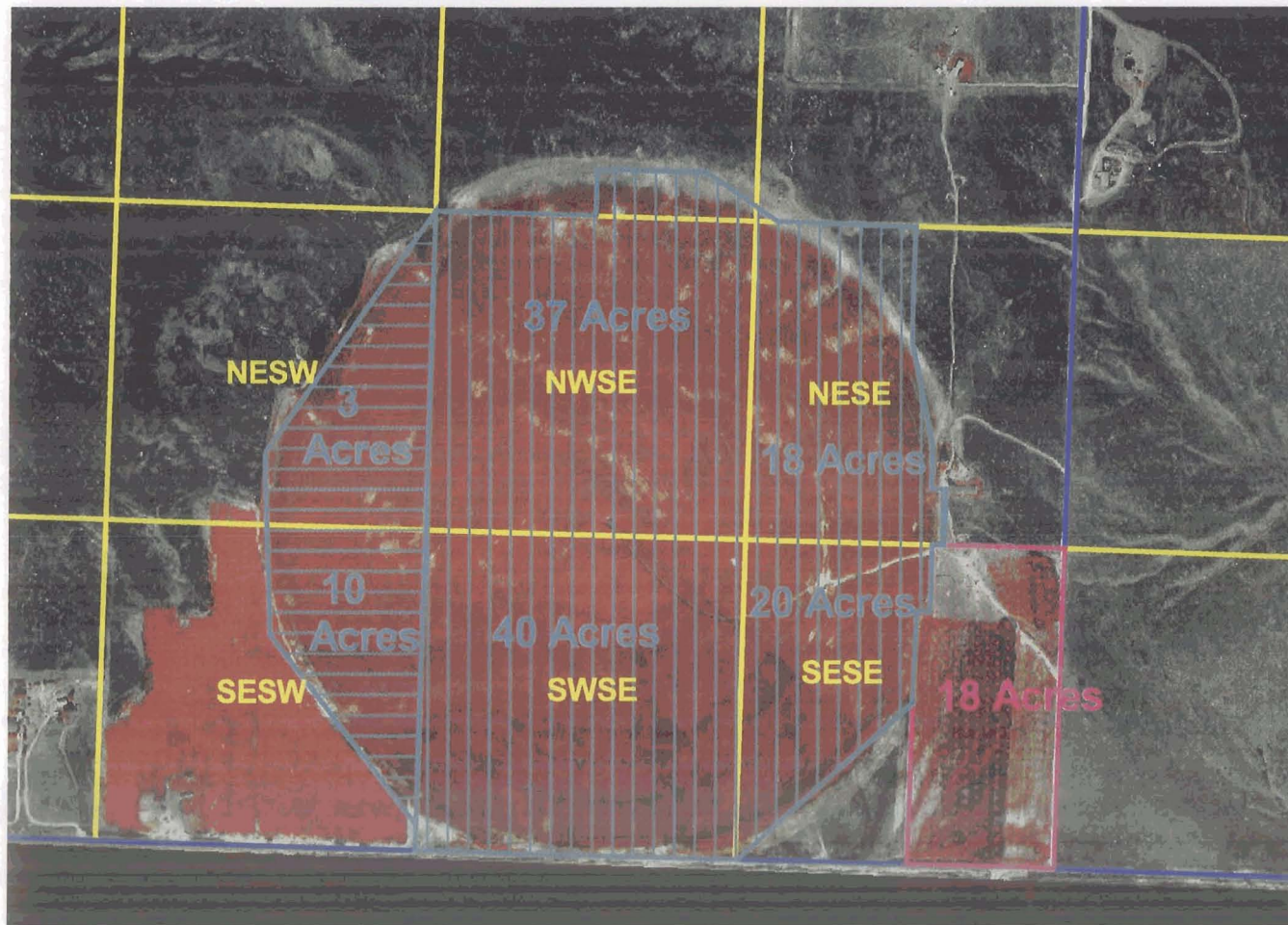
4/24/2006

**Idaho Dept. of Water Resources
Place of Use Comparison Report**

Page2

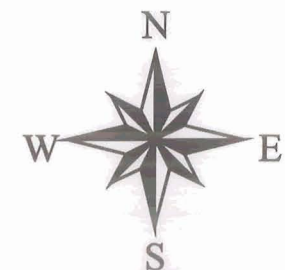
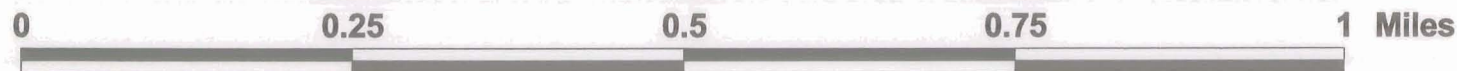
Rec	65 2433	UNITED STATES OF AMERICA ACTING THROUGH,	PAYETTE RIVER	06N04W35												X	X						0
Rec	65 2900	BLACK CANYON IRRIGATION DIST,	TUNNEL NO 2 DRAIN	06N04W35												X	X						0

WR Split (Transfer #4455) are acres of 63-7885C into E & F T06N, R04W, SEC 35



-  Parcel 1
Moser F split
-  Parcel 2
Moser F split
-  Parcel 8
Roberts E split

Acres in tracts shown are per transfer 4455 . The splits of C into E & F reflect the transfer acres for ownership change purposes and do not reflect actual SRBA recommendation for GIS acres.



1994 NAPP



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 20, 2001

JOSEPH W ROBERTS
RHODONNA ROBERTS
15032 HOLLOW RD
CALDWELL ID 83605

Re: Original Notice of Claim to a Water Right No. 63-07885C

Renumbered Notice of Claim to a Water Right No. 63-07885E

Dear Claimants:

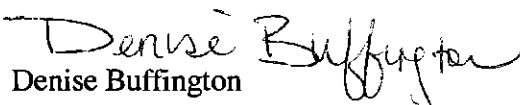
We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim, using a new water right number to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time. You will be notified of any future action taken on this claim. Also enclosed is a copy of the original claim for your reference.

If you are no longer the current owner for this water right, please contact this office with the correct owner and address if known, and we will contact the new owner.

Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region

DB: db

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 14, 2001

FRANK MOSER
25076 GERI LN
CALDWELL ID 83605

RE: Water Right No. 63-07885C

Dear Claimant:

This office has received your Notice of Change of Water Right Ownership (copy enclosed), recently submitted. We also received check number 441 in the amount of \$25, however, we are returning it to you, as the ownership change fee is not required for this particular water right claim. This claim has not yet been decreed by the SRBA Court. The ownership change is being processed and a copy will be mailed to you upon completion.

Thank you for your patience and cooperation. If you have any questions regarding this letter, feel free to contact this office at (208) 334-2190.

Sincerely,

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region

DB:db

Enclosures

FRANK MOSER
25076 GERI LN. 208-455-9282
CALDWELL, ID 83605

6-12-01 19

441

92-7008/3241

PAY TO THE ORDER OF State of Idaho IDWR \$ 25⁰⁰
Twenty Five & no/100 DOLLARS



Washington Federal Savings

Caldwell Office
515 Cleveland Blvd., Caldwell, ID 83605

FOR Water Rights

Frank Moser

⑆324170085⑆ 028 7403745⑆ 044⑆

©HARLAND 1993

SEE ORIGINAL
CLAIM FILE
DOCUMENTS IN
CLAIM
NO. A63-7885C