

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 63-8269B
Date Received: 7/16/1999
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JOHN BURGESS Phone: (208)585-6202
6445 LITTLE FREEZOUT RD
CALDWELL ID USA 83606

GERALDINE BURGESS Phone: (208)863-4081
6445 LITTLE FREEZE OUT
CALDWELL ID USA 83607

2. Date of Priority: 02/24/1976

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	03W	36	SE SW	GEM	

5. Description of diverting works:

WELL, PUMP & SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	09/01	0.57	364.5

7. Total Quantity Appropriated is:
0.57 C.F.S. and/or 364.5 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	03W	36	NW	SW	IRRIGATION	40
			NE	SW	IRRIGATION	27
			SE	SW	IRRIGATION	6
			SW	SW	IRRIGATION	8
Section Acres						81
Total Acres						81

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

49 ACRES FROM ORIGINAL LICENSE UNCLAIMED: NESW = 3; SWSW = 32; SESW = 14
CHANGE IN OWNERSHIP LG 2/23/2006

15. Basis of Claim: License

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

RECEIVED

JAN 18 2006

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
A 63-08269B					

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) DENNIS MANNING
4. New Owner/Claimant(s) JOHN OR GERRI BURGESS
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 6445 LITTLE FREEZOUT RD
- City, State and ZIP Code CALDWELL ID 83607
- New Telephone Number 208 459-0062
5. Date you acquired the property DEC 2003

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

John M. Burgen
Gen. Burgen

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

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

INSTR. NO. 233666
PAGES 2 OF 2

TRACT III

TOGETHER WITH AND SUBJECT TO an irrigation easement lying 50.00 feet either side of the following described line:
BEGINNING at Point "A" described above; thence
North 89°44'51" West, 108.27 feet to the point of terminus of this easement.

ALSO SUBJECT TO an irrigation easement being the Westerly 20.00 feet of that portion of the SW 1/4 of said Section 36 lying 50.00 feet Westerly of the following described line:
BEGINNING at Point "A" described above; thence
South 08°39'19" West, 303.65 feet to the point of terminus of this easement.

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.

Dated: December 18, 2003

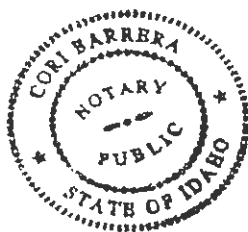
Dennis Manning
Dennis Manning

Linda Manning 12-18-03
Linda Manning

State of Idaho)
County of) ss

On this 18th day of December, 2003, before me, a Notary Public in and for said state, personally appeared Dennis Manning and Linda Manning known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that they executed 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.

Cori Barrera
Notary Public for the State of Idaho
Residing at: Boise, Idaho
Commission Expires: 10-31-07



INSTRU. NO. 233666
PAGES 1 OF 2

7/16/03 0200, 0233, 0234
Sut Sec 36, 6N-3W

Instrument # 233666
EMMETT, GEN. IDAHO
2003-12-18 11:54:34 No. of Pages: 2
Recorded for: ALLIANCE TITLE
SUSAN K. HOWARD
Ex-Officio Recorder Deputy Fee: \$6.00
Index to: WARRANTY DEED

WARRANTY DEED

Order No.: AT-405034309

FOR VALUE RECEIVED

Dennis Manning and Linda Manning, Husband and Wife,

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

John M. Burgess and Geraldine I. Burgess, Husband and Wife

whose current address is: P.O. Box 534; Star, ID 83669

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

TRACT I

A tract of land in a portion of the SW ¼ of Section 36, Township 6 North, Range 3 West, B.M., Gem County, Idaho, more particularly described as follows:

COMMENCING at the Northwest corner of the SW ¼ of Section 36, Township 6 North, Range 3 West, B.M., Gem County, Idaho, marked by a 2" iron pipe with G.L.O. brass cap; thence North 89°51'40" East, 815.00 feet along the North line of the SW ¼ to the REAL POINT OF BEGINNING; thence continuing North 89°51'40" East, 1211.97 feet to a found ¼" iron pin; thence South 00°13'47" East, 826.15 feet to a found ½" iron pin; thence North 89°51'40" East, 419.01 feet to a point on the centerline of the County Road known as the Emmett Highway; thence South 09°20'38" West, 521.35 feet along said centerline to a point referred to hereinafter as Point "A"; thence North 89°44'51" West, 1538.30 feet; thence North 00°29'21" West, 1329.89 feet to the REAL POINT OF BEGINNING.

TRACT II

A tract of land situated in a portion of the SW ¼ of Section 36, Township 6 North, Range 3 West, B.M., Gem County, Idaho, more particularly described as follows:

BEGINNING at the Northwest corner of the SW ¼ of Section 36, Township 6 North, Range 3 West, B.M., Gem County, Idaho, marked by a 2" iron pipe with G.L.O. brass cap; thence North 89°51'40" East, 815.00 feet along the North line of said SW ¼; thence South 00°29'21" East, 1329.89 feet; thence South 89°44'51" East, 1538.30 feet to a point on the centerline of the County Road known as the Emmett Highway, said point is referred to as Point "A"; thence South 08°39'19" West, 303.65 feet along said centerline; thence South 89°46'00" West, 2304.92 feet to a point on the West line of said SW ¼ marked by a set ½" iron pin with plastic cap PLS 6552; thence North 00°29'21" West, 1644.28 feet along said West line to the REAL POINT OF BEGINNING.

Post-it® Fax Note		7671	
To	From	Date	# of Pages
John M. Burgess	John M. Burgess	1-8-03	2
Co./Dept	Co.		
Phone x	Phone x		

TRACT I

A tract of land in a portion of the SW $\frac{1}{4}$ of Section 36, Township 6 North, Range 3 West, B.M., Gem County, Idaho, more particularly described as follows:

N1404912.15 E2286652.80

COMMENCING at the Northwest corner of the SW $\frac{1}{4}$ of Section 36, Township 6 North, Range 3 West, B.M., Gem County, Idaho, marked by a 2" iron pipe with G.L.O. brass cap; thence

North 89°51'40" East, 815.00 feet along the North line of the SW $\frac{1}{4}$ to the REAL POINT OF BEGINNING; thence continuing

North 89°51'40" East, 1211.97 feet to a found $\frac{1}{2}$ " iron pin; thence

South 00°13'47" East, 826.15 feet to a found $\frac{1}{2}$ " iron pin; thence

North 89°51'40" East, 419.01 feet to a point on the centerline of the County Road known as the Emmett Highway; thence

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North 89°51'40" East, 815.00 feet along the North line of said SW $\frac{1}{4}$; thence

South 00°29'21" East, 1329.89 feet; thence

South 89°44'51" East, 1538.30 feet to a point on the centerline of the County Road known as the Emmett Highway, said point is referred to as Point "A"; thence

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TOGETHER WITH AND SUBJECT TO an irrigation easement lying 50.00 feet either side of the following described line:

BEGINNING at Point "A" described above; thence

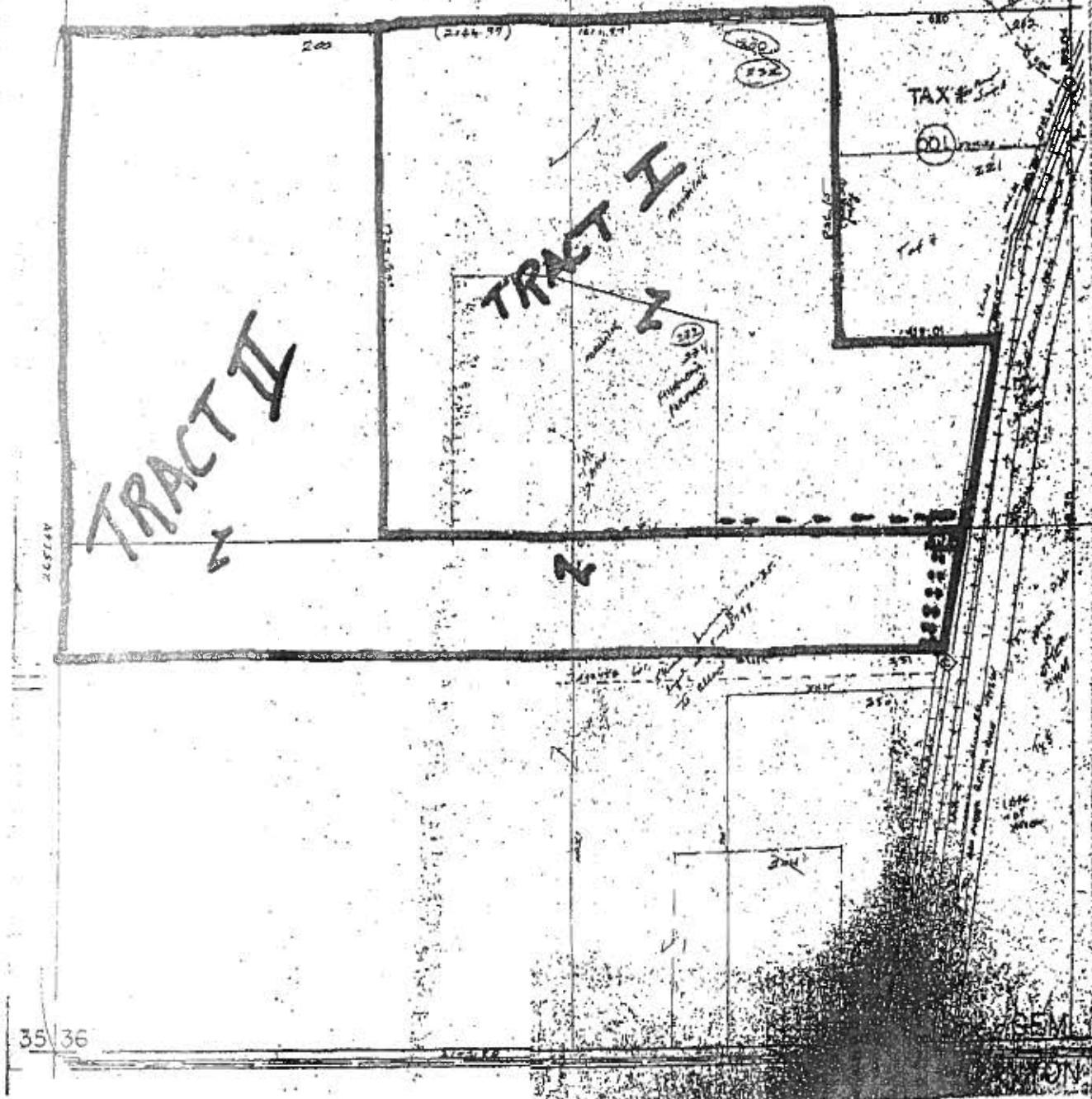
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ALSO SUBJECT TO an irrigation easement being the Westerly 20.00 feet of that portion of the SW $\frac{1}{4}$ of said Section 36 lying 50.00 feet Westerly of the following described line:

BEGINNING at Point "A" described above; thence

South 08°39'19" West, 303.65 feet to the point of terminus of this easement.

Sec 36
6N3W



Courtesy of

Alliance Title & Escrow Company

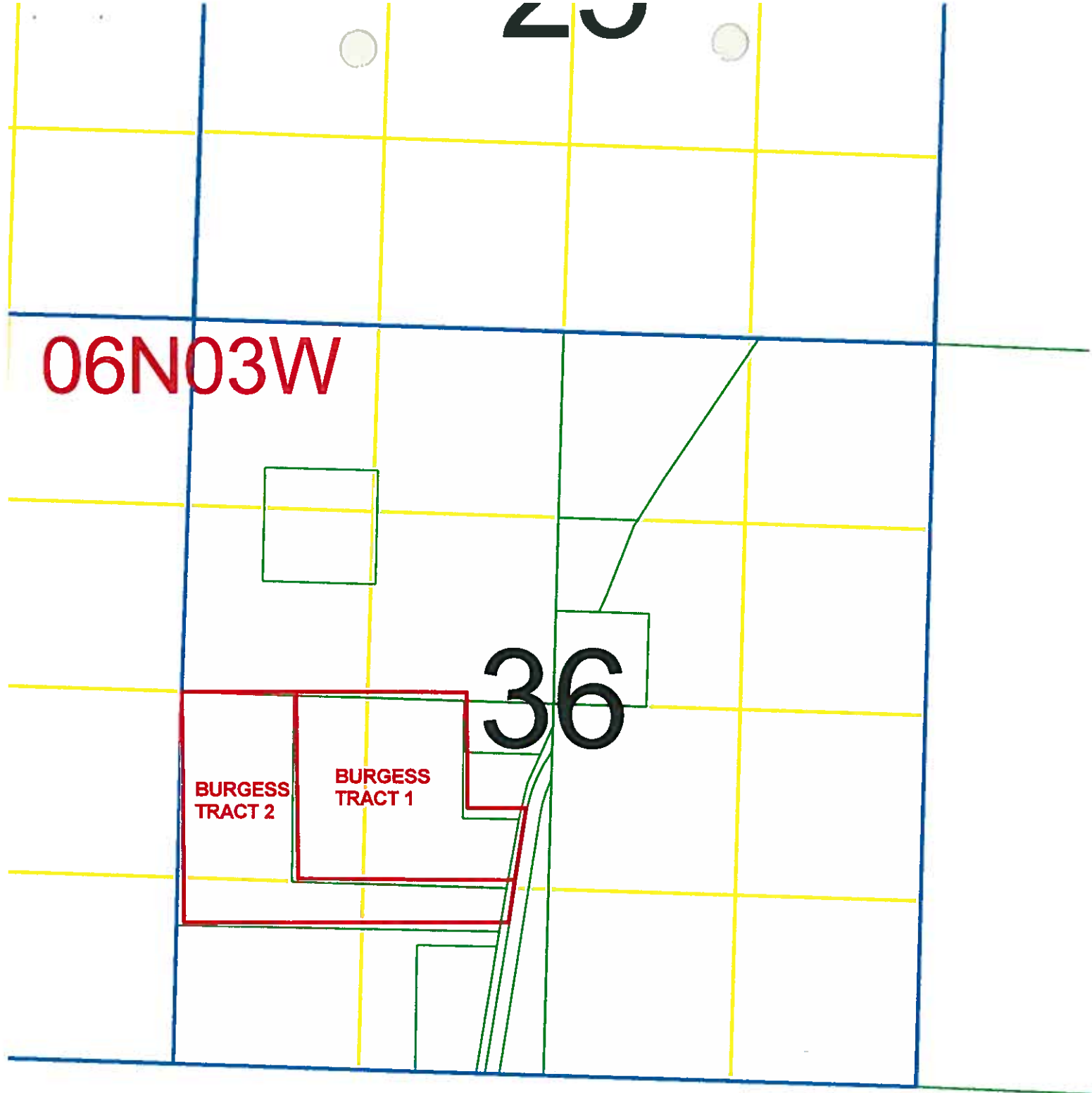
This sketch is made solely for the purpose of assisting in locating said premises; and the company assumes no liability for variations, if any, in dimensions and location ascertained by other surveys.

06N03W

36

BURGESS
TRACT 2

BURGESS
TRACT 1





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

January 18, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

John and Geraldine Burgess
6445 Little Freezeout Rd
Middleton, ID 83607

RE: Water Right No. 63-08269B

Dear Claimant(s):

This office has received your Notice of Change of Water Right Ownership recently submitted. We also received check number 1515 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,

L. Gagnon

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region

LG: lg

Enclosures

John M or Geraldine Burgess
6445 Little Freezeout Rd
Middleton, ID 83607

1515

92-372/1231 3703

1-16-06 Date

Pay to the Order of *IDWR* \$ 25⁰⁰/₁₀₀

Twenty five and no/100 Dollars

usbank usbank.com

Five Star Service Guaranteed

For *John M Burgess* AP

⑆123103729⑆ 153351637977⑈1515

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:

Ident. Number 63-8269B
Date Received: 7/16/99
Receipt No:
Received By:

RECEIVED
JUN 14 2001

WATER RESOURCES
WESTERN REGION
RECEIVED

JUN 15 2001

WATER RESOURCES
WESTERN REGION

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s): DENNIS MANNING
6445 LITTLE FREEZEOUT RD
CALDWELL ID USA 83605

Phone: (208) 459-8647

2. Date of Priority: 02/24/1976

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	03W	36	SE SW	GEM	

5. Description of diverting works:

WELL, PUMP & SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	09/01	0.57	364.5

7. Total Quantity Appropriated is:
0.57 C.F.S. and/or 364.5 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	03W	36	NW SW		IRRIGATION	40
			NE SW		IRRIGATION	27
			SE SW		IRRIGATION	6
			SW SW		IRRIGATION	8
Section Acres						81
Total Acres						81

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

49 ACRES FROM ORIGINAL LICENSE UNCLAIMED: NESW = 3; SWSW = 32; SESW = 14

15. Basis of Claim: License

16. Signature(s) *Dennis Manning*

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): *Dennis Murphy* Date: 6/1/01

Date: _____

State of Idaho)

County of Canyon) SS.

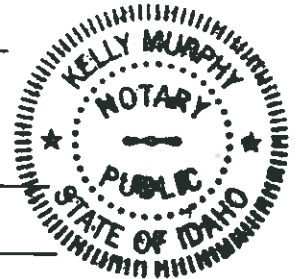
Subscribed and sworn (or affirmed) before me this

of 1st June 2001

Kelly Murphy
Notary Public

Residing at Parma

My commission Expires 5.4.04



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

**RECEIVED
FEB 05 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, 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</u>	<u>08269B</u>				

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) are 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) Edward Embley
4. New Owner/Claimant(s) Dennis Manning
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 6445 Little Freezeout Rd
- City, State and ZIP Code Caldwell, ID 83607
- New Telephone Number () 208-459-8647
5. Date you acquired the property 8/96

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 <u>463-08269</u>		
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	<u>.57 CFS/360AF</u>	<u>DM 80 acres DM</u>
Stock		
Domestic		
Other		
Total	<u>.57 CFS/360AF DM</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other		
Total		

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

Dennis M. Moring
For Office Use Only
Received by _____ Date _____ Fee _____
Receipted by _____ Date _____ Receipt No. _____
Processed by _____ AJ Date _____ WR _____ Date _____

N/A

63-08269

A

Lukich

no change
from what is
on AJ side

See 36

SESW 10 acres

.07 cfs

45 AFA

B

* Have manning sign
new claim + send
it back

Manning

See 36

NWSW 40

NESW 27

SESW 6

SWSW 8

81 acres

.57 cfs

364 AFA

* ~~Comment~~ Comment

49 acres from original license
unreclaimed

NESW 3, SWSW 32, SESW 14.

WR5809NP
No. 63-08269

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/05/01
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EDWARD EMBLEY RT. 7 CALDWELL ID 83605	02/24/1976	IRRIGATION	04/15 09/01	1.000 CFS	630.00 AFA
TOTAL DIVERSION:					1.000 CFS	630.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T06N R03W S36

SESW

GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
06N	03W	36	:											30	40	40	30			:	140.0
TOTAL ACRES																				140.0	

Pou County: GEM

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.

Dates: App. Received:
Proof Due Date:
Exam Made Date:
Licensed Date: 09/13/1979

Priority Date: 02/24/1976
Proof Made Date:
Exam Sent to S.O.:

Misc: Water District Number: Field Exam Fee:

Audit: 06/03/85 05/01/88 CONVERT

AJ5809NP
No. A63-08269

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/05/01
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN LUKRICH	02/24/1976	IRRIGATION	04-15 09-01	0.070 CFS	45.00 AFA
C	SUSAN LUKRICH					
	6505 LITTLE FREEZEOUT RD					
	CALDWELL ID 83607					
	(208) 454-2341					
				TOTAL DIVERSION:	0.070 CFS	45.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T06N R03W S36 SESW

GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
06N	03W	36	:																	:	10.0
																				TOTAL ACRES	10.0

POU County: GEM

Other Rights: DOMESTIC WELL FOR HOME.

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.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 10/15/99 LHARRIS

SD-0609-2 Township: 06N Range 3W Section: 36 Tract: 1 Lot: 1

S	L	S	STAT.	O	S	Max # Records	1				
E	O	E	Water	Name	W	T	Priority Use				
L	Tract	T	C	Right No.	Last, First	N	AC	G	Date	Code	Desc
-	-	-	-	-	-	-	-	-	-	-	-
-	SESW	36	A63-08269	EMBLEY, EDWARD	O 10	L	02/24/1976	01	IRR		
-				LUKRICH, JOHN	C						
-				LUKRICH, SUSAN	C						

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-8269 Priority February 24, 1976 Amount 1.0 cfs

THIS IS TO CERTIFY, that Edward Embley
of Caldwell, Idaho, has complied with the terms and conditions of Permit
No. 63-8269 issued pursuant to Application for Permit dated February 24, 1976
and has submitted proof to the Department of Water Resources on December 21, 1976
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 1.0 cfs of water from a groundwater source
tributary to _____, 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
Irrigation	from <u>April 15</u> to <u>September 1</u>	at <u>1.0</u> cfs and	<u>630</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 1.0 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
630 acre feet per year, said waters to be diverted within the SE 1/4 Sec. 36,
Township 6N, Range 3W, B.M. in the County of Gem

Description and location of place of use:

Twp.	Range	Sec.	NEW				NW 1/4				SW 1/4				SE 1/4				Totals
			NEW	NW 1/4	SW 1/4	SE 1/4	NEW	NW 1/4	SW 1/4	SE 1/4	NEW	NW 1/4	SW 1/4	SE 1/4	NEW	NW 1/4	SW 1/4	SE 1/4	
6N	3W	3									30	40	40	30					140

Total number of acres irrigated 140

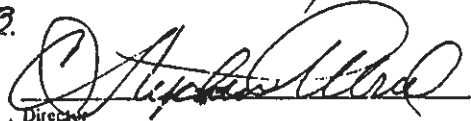
Condition: A measuring device of a type approved by the Department shall be
maintained as a part of the diversion works.

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 14 day of

March, 1976


Director

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 C
Ident. Number A03-08269
Date Received 1-22-01
Receipt Number W027305

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Dennis Manning Phone 208 459-8649
Mailing Address 6445 Little Freezeout Rd, Caldwell Zip 83607

2. Date of Priority (Only one (1) per claim) _____

3. Source of water supply (a) Ground Water
which is tributary to (b) N/A.

4. a. Location of existing point of diversion is: Township 6N Range 3W Section 36,
SE 1/4 of SW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Gem

Additional points of diversion if any: _____

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

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

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.

14" Well casing, 75 HP Turbine pump
8" Main line 256' Deep

6. Water is claimed for the following purposes:

(both dates are inclusive)

For Irrigation purposes from April 15 to Sept 1 amount 57 cfs or 360 A.F.

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 57 cfs (cfs) and/or (b) 360 A.F. (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

10. 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.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6N	3W	36									30	40	5	5					80

Total number of acres irrigated

80

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

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

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

None

or None ()

14. Remarks:

I purchased the top 80 acres of this water right.

Last Name Manning

Ident No. A63-08269B

Copies: White -State, Yellow-Claimant

T 6N R3W SEC 36

63-08269 B.

Scale: 2 inches equals 1 mile

[illegible]

Manning

A63-082698

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____

Decree _____

If applicable provide IDWR Water Right Number 163-082698

Court _____ Case Number _____ Decree Date _____

Plaintiff vs 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Dennis Murray Date 1/22/01

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing
Organization

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 _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 22nd day of JANUARY 192001

SEAL

Notary Public Melvin T. Schulte

Residing at Bonne, Idaho

My Commission Expires 7-24-2001

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on 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 _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

FA 478
PC1542 **RECEIVED**

JAN 31 2001

WATER RESOURCES
WESTERN REGION

QUITCLAIM DEED

INSTRU. NO. 191840

PAGES 1 of 2

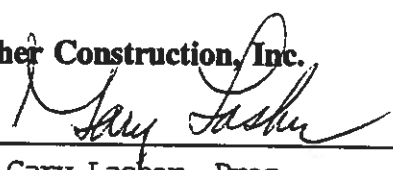
FOR VALUE RECEIVED Lasher Construction, Inc., an Idaho corporation
does hereby convey, release, remise and forever quit claim
unto **Dennis Manning & Linda Manning, husband & wife**
whose address is **6445 Little Freezeout Rd., Caldwell, ID 83605**
the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part hereof and is comprised
of one (1) page.

together with their appurtenances.

Dated: **September 23, 1996**

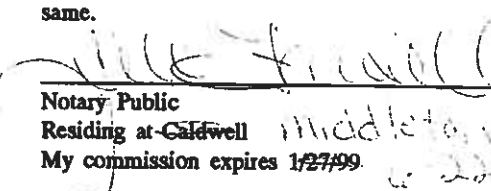
Lasher Construction, Inc.

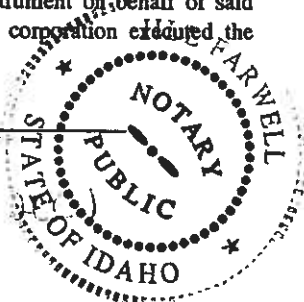

by: **Garv Lasher, Pres.**

STATE OF IDAHO

COUNTY OF CANYON

On this 24th day of September in the year 1996, before me, a
Notary Public, personally appeared Gary Lasher known or identified
to me to be the President of the corporation that executed the within
instrument or the person who executed the instrument on behalf of said
corporation and acknowledged to me that such corporation executed the
same.


Notary Public
Residing at Caldwell
My commission expires 1/27/99



191840

Gem County, IDAHO) ss
Recorded at request of
First American Title Co.
Time 3:36 PM
Date September 25, 1996
Instru. No. 191840
Recorded as a Deed

Thelma R. Kolodziej, Clerk
Ex-officio Recorder

By: 
Deputy

Fees \$ 6.00

EXHIBIT "A"

A tract of land in a portion of the Southwest quarter of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho, more particularly described as follows:

Commencing at the Northwest corner of the Southwest quarter of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho marked by a 2" iron pipe with G.L.O. brass cap; thence

North 89°51'40" East, 815.00 feet along the North line of the Southwest quarter to the TRUE POINT OF BEGINNING; thence continuing

North 89°51'40" East, 1211.97 feet to a found 1/2" iron pin; thence South 00°13'47" East, 826.15 feet to a found 1/2" iron pin; thence

North 89°51'40" East, 419.01 feet to a point on the centerline of the county road known as the Emmett Highway; thence

South 09°20'38" West, 521.35 feet along said centerline to a point referred to hereinafter as Point "A"; thence

North 89°44'51" West, 1538.30 feet; thence

North 00°29'21" West, 1329.89 feet to the TRUE POINT OF BEGINNING.

Except ditch and road rights of way.

TOGETHER WITH AND SUBJECT to an irrigation easement lying 50.00 feet either side of the following described line:

Beginning at Point "A" described above; thence

North 89°44'51" West, 108.27 feet to the point of terminus of this easement.

PC16807

RECEIVED

JAN 31 2001

WATER RESOURCES
WESTERN REGION

INSTRU. NO. 191134

PAGES 1 of 2

WARRANTY DEED

FOR VALUE RECEIVED Elvin Hinnenkamp, an unmarried man

the Grantor, does hereby grant, bargain, sell and convey unto Dennis Manning and Linda Manning, husband and wife

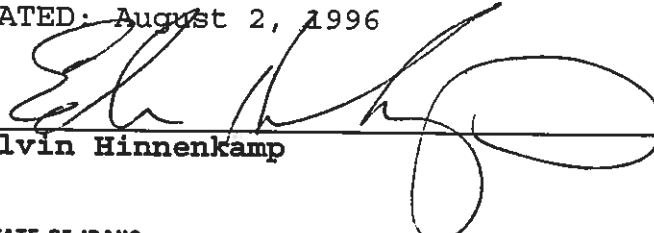
the Grantees, whose address is 300 W. Chinden, Meridian, ID 83642

the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part hereof and is comprised of one (1) page.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 1996 and subsequent years, covenants, conditions, restrictions and easements of record; and that he will warrant and defend the same from all lawful claims whatsoever.

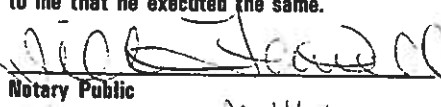
DATED: August 2, 1996


Elvin Hinnenkamp

STATE OF IDAHO

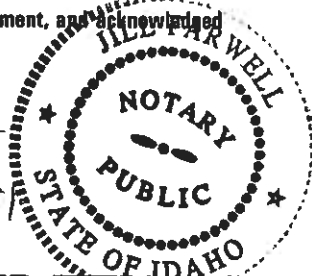
COUNTY OF CANYON

On this 5th day of August in the year 1996, before me, a Notary Public, personally appeared Elvin Hinnenkamp known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


Notary Public

Residing at Caldwell, Middleton

My commission expires 1-27-99 6 27 2001



PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

INSTRU. NO. 191134PAGES 2 of 2

FA-5536

Your No. HINNENKAMP/MANNING

LEGAL DESCRIPTION

A tract of land situated in a portion of the Southwest quarter of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho, more particularly described as follows:

Beginning at the Northwest corner of the Southwest quarter of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho marked by a 2" iron pipe with G.L.O. brass cap; thence
North 89°51'40" East, 815.00 feet along the North line of said Southwest quarter; thence
South 00°29'21" East, 1329.89 feet; thence
South 89°44'51" East, 1538.30 feet to a point on the centerline of the county road known as the Emmett Highway, said point is referred to as Point "A"; thence
South 08°39'19" West, 303.65 feet along said centerline; thence
South 89°46'00" West, 2304.92 feet to a point on the West line of said Southwest quarter marked by a set 1/2" iron pin with plastic cap PLS 6552; thence
North 00°29'21" West, 1644.28 feet along said West line to the POINT OF BEGINNING.

Except ditch and road rights of way.

TOGETHER WITH AND SUBJECT TO an irrigation easement lying 50.00 feet either side of the following described line:

Beginning at Point "A" described above; thence
North 89°44'51" West, 108.27 feet to the point of terminus of this easement.

ALSO SUBJECT TO an irrigation easement being the Westerly 20.00 feet of that portion of the Southwest quarter of said Section 36 lying 50.00 feet Westerly of the following described line:

Beginning at Point "A" described above; thence
South 08°39'19" West, 303.65 feet to the point of terminus of this easement.

FA-5061

RECEIVED

APR 30 2001

PC12889

WATER RESOURCES
WESTERN REGIONINSTRU. NO. 185109PAGES 1 of 2

WARRANTY DEED

FOR VALUE RECEIVED Jonathan Fredric Lavy, a married man dealing with his sole and separate property and Mark Aaron Lavy, an unmarried man

the Grantors, do hereby grant, bargain, sell and convey unto Elvin Hinnenkamp and Cheryl D. Hinnenkamp, husband and wife

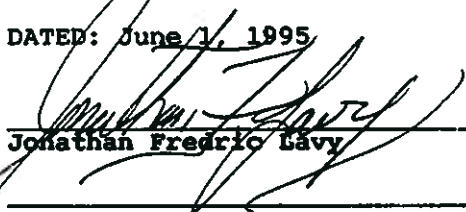
the Grantees, whose address is P O Box 610, Middleton, ID, 83644

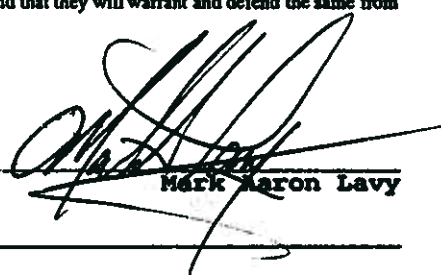
the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part hereof and is comprised of one (1) page.

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 said premises are free from all encumbrances; except for general taxes and assessments for the year 1995 and subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: June 1, 1995


Jonathan Fredric Lavy


Mark Aaron Lavy

STATE OF CALIFORNIA

COUNTY OF Butte

On this 5th day of June in the year 1995, before me, a Notary Public, personally appeared Jonathan Fredric Lavy and Mark Aaron Lavy known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.


Notary Public
Residing at Biggs, California
My commission expires March 18, 1999



PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

INSTRU. NO. 185109PAGES 2 of 2

FA-5061

Your No. LAVY/HINNENKAMP

LEGAL DESCRIPTION

This parcel is a portion of the Southwest quarter of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho and is more particularly described as follows:

Commencing at the Southeast corner of said Southwest quarter; thence
South 89°46'00" West along the Southerly boundary of said Southwest quarter a distance of 492.08 feet to the centerline of Emmett Road, which is the TRUE POINT OF BEGINNING; thence continuing
South 89°46'00" West a distance of 2142.88 feet to the Southwest corner of said Southwest quarter; thence
North 0°29'21" West along the Westerly boundary of said Southwest quarter a distance of 2651.64 feet to the Northwest corner of said Southwest quarter; thence
North 89°51'40" East along the Northerly boundary of said Southwest quarter a distance of 2026.97 feet to a point which lies 620.00 feet Westerly from the Northeast corner of said Southwest quarter; thence
South 0°13'47" East parallel with the Easterly boundary of said Southwest quarter a distance of 826.15 feet (formerly 826.36 feet); thence
North 89°51'40" East parallel with the Northerly boundary of said Southwest quarter a distance of 419.01 feet to the centerline of Emmett Road; thence traversing said centerline as follows:
South 9°20'38" West, a distance of 521.35 feet;
South 8°39'19" West a distance of 1323.24 feet to the TRUE POINT OF BEGINNING.

Except ditch and road rights of way.

185109

Gem County, IDAHO ss.

Recorded at request of

First American Title Co.Time 3:41 PMDate June 6, 1995Instru. No. 185109Recorded as a DeedTheima R. Kolodziej, Clerk
Ex-officio RecorderBy: Judy L. Bigham
DeputyFees: 6.00 Page 2



WARRANTY DEED

RECEIVED

APR 30 2001

WATER RESOURCES
WESTERN REGION

For Value Received JERRY D. ESTEP, also known as
JERRY ESTEP and SHIRLEY ESTEP, husband and wife,

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

ELVIN H. EMBLY and MARY L. EMBLY, husband and wife, as to an undivided 28% interest;
DALE W. LONG and MARY JUNE LONG, husband and wife, as to an undivided 24% interest;
EDWARD ELVIN EMBLY and JEANNINE EVITA EMBLY, husband and wife, as to an undivided
24% interest; and
LAMMERT GENE DeBOER and BETTY A. DeBOER, husband and wife, as to an undivided
24% interest, whose address is Route 7, Caldwell, Idaho 83605,

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

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 encumbrances, except general taxes for the year 1977,

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

Dated: January 14, 1977

[Signatures of Jerry D. Estep and Shirley Estep]

STATE OF IDAHO, COUNTY OF Gem
On this 21st day of January, 1977,
before me, a notary public in and for said State, personally
appeared JERRY D. ESTEP, also known as
JERRY ESTEP and SHIRLEY ESTEP, husband
and wife,

known to me to be the persons whose names are
subscribed to this instrument, and acknowledged to
me that they executed the same.

[Notary Signature]
Notary Public
Residing at Emmett, Idaho
Comm. Expires continuous

STATE OF IDAHO, COUNTY OF
I hereby certify that this instrument was filed for record at
the request of

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

Ex-Officio Recorder
By _____ Deputy.



Fees \$
Mail to: Lammert Gene DeBoer
Route 7, Caldwell, Idaho 83605

INSTRUMENT NO

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 encumbrances, except general taxes for the year 1977,

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

Dated: January 14, 1977

Jerry D. Estep
Shirley Estep

STATE OF IDAHO, COUNTY OF Gem

On this 21st day of January, 1977, before me, a notary public in and for said State, personally appeared JERRY D. ESTEP, also known as JERRY ESTEP and SHIRLEY ESTEP, husband and wife,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

P. D. ...
Notary Public
Idaho
Residing at Emmett
Comm. Expires continuous

STATE OF IDAHO, COUNTY OF

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

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

Ex-Officio Recorder

By _____

Deputy.

Fees \$

Mail to: Lammert Gene DeBoer
Route 7, Caldwell, Idaho 83605

INSTRUMENT NO

First American Title Company of Idaho

The Southwest Quarter of Section 36, Township 6 North,
Range 3 West, B.M., in Gem County, Idaho

EXCEPT that portion deeded to the Idaho Northern Railway
Company, Limited, by Deed recorded July 21, 1903 in Book 9
of Deeds, at Page 629, records of Gem County, Idaho;

ALSO EXCEPT that portion of the Southwest Quarter of said
Section 36, more particularly described as follows:

Beginning at the South Quarter corner of said Section 36; thence
North along the Center Section line, a distance of 2448.35 feet,
more or less, to the centerline of Little Freezeout Hill
Road, being the Real Point of Beginning; thence
South 22°07'06" West along said road, a distance of 401.04 feet; thence
South 11°04'30" West, along said road, a distance of 260.25 feet; thence
North 89°53'24" West, a distance of 419.01 feet; thence
North a distance of 826.36 feet, more or less, to the North line of
the Southwest Quarter of said Section 36; thence
South 89°53'24" East, along the North line of said Southwest Quarter,
a distance of 620 feet, more or less to the Northeast corner
of said Southwest Quarter; thence
South, along the East line of said Southwest Quarter, a distance
of 199.04 feet, more or less, to the Real Point of Beginning;

ALSO EXCEPT all ditch and road rights-of-way and any and all
rights-of-way in use or of record.

MICROFILM
SYSTEMS



118865

✓ Estep, Jerry D. et ux ✓
(Shirley)

To

✓ Embly, Elvin H. et ux (Mary L.)
✓ Long, Dale W. et ux (Mary June)
✓ Embly, Edwin Elvin et ux ✓
(Jeannine Evita)
✓ DeBoer, Lammert Gene et ux ✓
(Betty A.)

STATE OF IDAHO { ss.
COUNTY OF CASS

I hereby certify that this Instrument
was filed for record at request of
First American Title Co..

at .50... 2
o'clock ... P.m. 21st
day of January 1977. in my
office and duly recorded as a

Deed under
Instrument No. 118865

Thelma R. Kolodziej

By ... *Don Durrey* ...
Ex-officio Recorder
Deputy

Fees \$2.00



WARRANTY DEED

RECEIVED
APR 30 1987

WATER RES
WESTERN

For Value Received ^{on} Elvin H. Embly and Mary L. Embly, husband and wife,
Edward Elvin Embly and Jeannine Evita Embly, husband and wife, Dale W. Long and
Mary June Long, husband and wife, & Lammert Gene DeBoer and Betty A. DeBoer, husband and wife,
the grantors, do hereby grant, bargain, sell and convey unto
Jonathan Fredric Lavy and Mark Aaron Lavy of P.O. Box 403, Gridley, California 95948

the grantees, the following described premises, situated in Gem
County, State of Idaho, to-wit:

This parcel is a portion of the SW $\frac{1}{4}$ of Section 36, Township
6 North, Range 3 West of the Boise Meridian and is more particu-
larly described as follows:

COMMENCING at the Southeast corner of said SW $\frac{1}{4}$; thence South
89°46'00" West along the Southerly boundary of said SW $\frac{1}{4}$ a dis-
tance of 492.08 feet to the centerline of Emmett Road, which
is the TRUE POINT OF BEGINNING; thence continuing South 89°46'00"
West a distance of 2142.88 feet to the Southwest corner of said
SW $\frac{1}{4}$; thence North 0°29'21" West along the Westerly boundary
of said SW $\frac{1}{4}$ a distance of 2651.64 feet to the Northwest corner
of said SW $\frac{1}{4}$; thence North 89°51'40" East along the Northerly
boundary of said SW $\frac{1}{4}$ a distance of 2026.97 feet to a point which
lies 620.00 feet Westerly from the Northeast corner of said
SW $\frac{1}{4}$; thence South 0°13'47" East parallel with the Easterly bound-
ary of said SW $\frac{1}{4}$ a distance of 826.15 feet (formerly 826.36 feet);
thence North 89°51'40" East parallel with said Northerly boundary
of said SW $\frac{1}{4}$ a distance of 419.01 feet to the centerline of Emmett
Road; thence traversing said centerline as follows: South
9°20'38" West a distance of 521.35 feet; South 8°39'19" West
a distance of 1323.24 feet to the TRUE POINT OF BEGINNING.

TOGETHER With all and singular the tenements, hereditaments,
appurtenances and easements of record thereunto belonging or
in anywise appertaining.

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 said premises are free from
all incumbrances except for those of record in the office of the County Recorder.

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

Dated: August 18, 1987

Elvin H. Embly / Mary L. Embly
Elvin H. Embly / Mary L. Embly
Dale W. Long / Mary June Long
Dale W. Long / Mary June Long

Edward Elvin Embly / Jeannine Evita Embly
Edward Elvin Embly / Jeannine Evita Embly
Lammert Gene DeBoer / Betty A. DeBoer
Lammert Gene DeBoer / Betty A. DeBoer

STATE OF IDAHO, COUNTY OF

On this day of , 19 , before me, a notary public
in and for said State, personally appeared Elvin H. Embly, Mary L. Embly
Edward Elvin Embly, Jeannine Evita Embly, Dale W. Long, Mary June Long,
Lammert Gene DeBoer and Betty A. DeBoer

known to me to be the persons whose names are subscribed to the within
instrument, and acknowledged to me that they executed the same.

State of California
County of San Diego

On August 18, 1987, before me a Notary Public

in and for said State, personally appeared Elvin H. Embly, Mary L. Embly, Dale W. Long,
Mary June Long, known to me to be the persons whose names are subscribed to the within

Notary Public

Residing at , Idaho

OFFICIAL SEAL
VICKIE L. BUCKLES
NOTARY PUBLIC-CALIFORNIA

wife,

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18

Embly
Boer
r

lic

in

daho

g.

3001 (6/82) (Individual) First American Title Company

STATE OF CALIFORNIA
COUNTY OF RIVERSIDE

ss.

On AUGUST 24, 1987

before me, the undersigned, a Notary Public in and for

said State, personally appeared

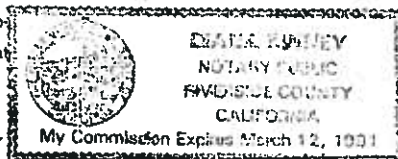
LAMMERT GENE DE BOER AND
BETTY A. DE BOER

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

WITNESS my hand and official seal.

Signature

DIANA KINNEY



(This area for official notarial seal)

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

ss.

On AUGUST 19, 1987

before me, the undersigned, a Notary Public in and for

said State, personally appeared ***EDWARD ELVIN EMBLY AND JEANNINE EMBLY***

personally known to me ~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~ to be the person(s) whose name(s)
~~XXXX~~ are subscribed to the within instrument and acknowledged
to me that ~~XXXX~~ they executed the same.

WITNESS my hand and official seal.

Signature

Kathy E. Kilcrease



(This area for official notarial seal)

SP-423-4 (REV. A-7/82) (CA) (INDIVIDUAL)

169923

1st Deputy, IDABO) as
1st Deputy of request of
First American Title Co.

Time 1:21 PM

Date August 12, 1991

Index No. 169923

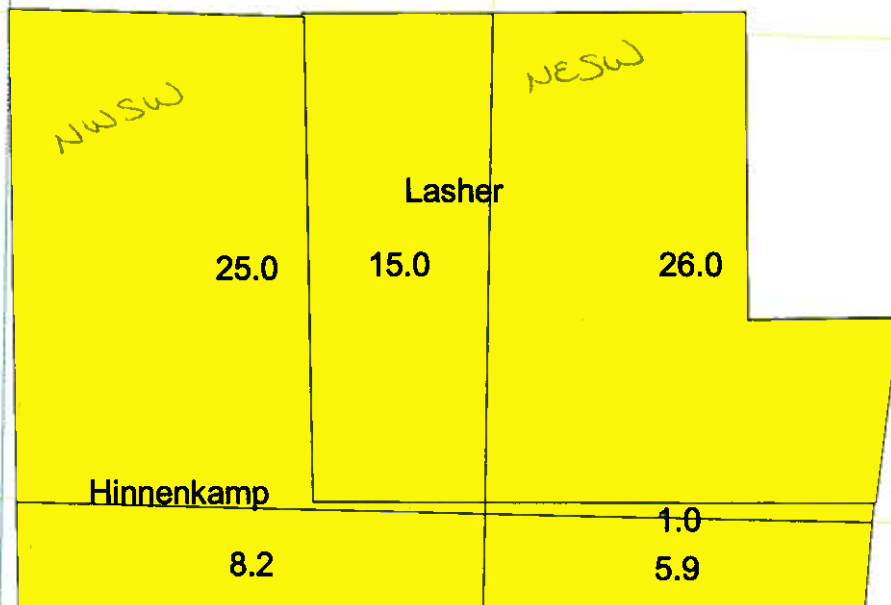
Recorded as a Deed

Witness R. Kolodziej, Clerk

3rd Deputy Recorder

By *Judy Carlson*
Deputy

Fee \$ 6.00



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: A63-08269
Date Received: 7/16/1999
Receipt No: W025470
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: JOHN LUKRICH 208-454-2341
Address: 6505 LITTLE FREEZEOUT RD
CALDWELL ID 83607
OR
Name: SUSAN LUKRICH 208-454-2341
Address: 6505 LITTLE FREEZEOUT RD
CALDWELL ID 83607

2. Date of Priority: FEB 24, 1976

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	03W	36	SE	SW			GEM

5. Description of diverting works:
WELL, PUMP & SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	09/01	0.070		45.00

7. Total Quantity Appropriated is:
0.070 C.F.S. (and/or) 45.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	03W	36	SE	SW		IRR	10.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	10.0
					Total Acres	10.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:
DOMESTIC WELL FOR HOME.

14. Remarks:

15. Basis of Claim: LICENSE

RECEIVED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE JUL 16 1999
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

WATER RESOURCES
WESTERN REGION

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 AL63-08269
Date Received 7/16/99
Receipt Number W025470 Kb

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) John or Susan Lukrich Phone (208) 454-2341
Mailing Address 6505 Little Freezeout Rd. Zip 83607

2. Date of Priority (Only one (1) per claim) 2-24-1976

3. Source of water supply (a) groundwater
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 6N Range 3W Section 36,
_____ 1/4 of SE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Gem

Additional points of diversion if any: _____

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

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

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.

sprinklers. Well & pump &

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/15 to 9/1 amount 0.07 or 45.0

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.07 (cfs) and/or (b) 45. (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

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

10. 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.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>6N</u>	<u>3W</u>	<u>36</u>												<u>10</u>					<u>10</u>

Total number of acres irrigated 10

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

12. 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.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Have domestic well for home. or None ()

14. Remarks:

Last Name LUKrich Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

[illegible]

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____

Decree _____
If applicable provide IDWR Water Right Number 63-08269
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) [Signature] Date 7-15-99

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title _____
of _____, that I have signed the foregoing
Organization

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 _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 15th day of July 19 99



Notary Public Debbie L. Norgard

Residing at Canyon County

My Commission Expires 7-2004

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on 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 _____

Address _____

Date _____

Last Name LUKrich Ident. Number _____

06/28/2006

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

RIGHT NUMBER: 63-8269B

NAME AND ADDRESS: JOHN BURGESS
6445 LITTLE FREEZOUT RD
CALDWELL ID 83606

GERALDINE BURGESS
6445 LITTLE FREEZE OUT
CALDWELL ID 83607

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.570 CFS
364.500 AFY

PRIORITY DATE: 02/24/1976

POINT OF DIVERSION:

T06N R03W S36 SESW Within GEM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 09/01

0.570 CFS
364.50 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 15 and after September 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 GEM County

T06N R03W S36	NESW	27.00	T06N R03W S36	NWSW	40.00
T06N R03W S36	SWSW	8.00	T06N R03W S36	SESW	6.00

81 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.

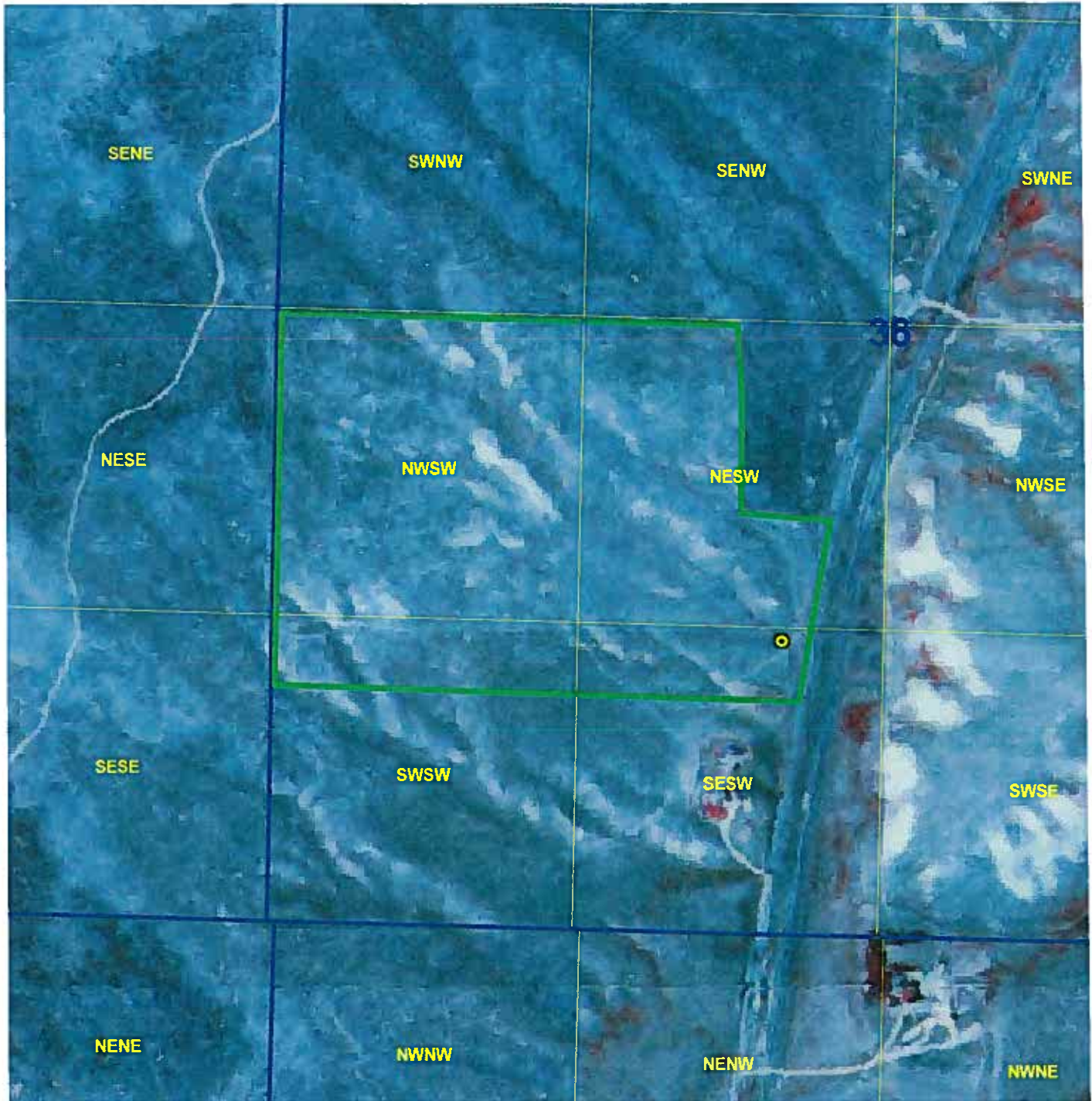
EXPLANATORY MATERIAL: BASIS OF CLAIM - License



Idaho Department of Water Resources

63-8269B

T06N R03E S36



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

Total irrigated
acres = 81



500 0 500 1000 Feet

IDWR
Prepared by: Sandy Egbert
Date: June 28, 2006
1987 NAAP Photography

Idaho Dept. of Water Resources Place of Use Comparison Report

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	06N03W36												X			X		0
Rec	63 2322	UNITED STATES OF AMERICA ACTING THROUGH,	ELIJAH SLOUGH, WILSON SLOUGH	06N03W36												X			X		0
Claim	63 31845	CARLES MONTE POST,	GROUND WATER	06N03W36	X	X	X	X									X		X		0
Claim	63 31845	CARLES MONTE POST,	GROUND WATER	06N03W36	34	7	26	40									28		10		0
Claim	63 8269B	JOHN BURGESS, GERALDINE BURGESS,	GROUND WATER	06N03W36									27	40	8	6					81
Claim	63 9179D	LINDA HACKETT, TONY HACKETT,	GROUND WATER	06N03W36		25															25
Rec	63 31845	CARLES MONTE POST,	GROUND WATER	06N03W36	X	X	X	X									X		X		0
Rec	63 31845	CARLES MONTE POST,	GROUND WATER	06N03W36	34	7	26	40									28		10		145
Rec	63 8269B	JOHN BURGESS, GERALDINE BURGESS,	GROUND WATER	06N03W36									27	40	8	6					81
Rec	63 9179D	LINDA HACKETT, TONY HACKETT,	GROUND WATER	06N03W36		25															25
Right	63 8269	EDWARD EMBLEY,	GROUND WATER	06N03W36									30	40	40	30					140
TClaim	63 31494		GROUND WATER	06N03W36	34	7	26	40									40	5	35	35	222
TClaim	63 31494		GROUND WATER	06N03W36	X	X	X	X									X	X	X	X	0
Rec	65 2433	UNITED STATES OF AMERICA ACTING THROUGH,	PAYETTE RIVER	06N03W36												X			X		0
Rec	65 2900	BLACK CANYON IRRIGATION DIST,	TUNNEL NO 2 DRAIN	06N03W36												X			X		0

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-8269 Priority February 24, 1976 Amount 1.0 cfs

THIS IS TO CERTIFY, that Edward Embley
of Caldwell, Idaho, has complied with the terms and conditions of Permit
No. 63-8269 issued pursuant to Application for Permit dated February 24, 1976,
and has submitted proof to the Department of Water Resources on December 21, 1976,
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 1.0 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Term of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 15</u> to <u>September 1</u>	<u>1.0</u> cfs and	<u>630</u> acre feet
	from _____	cfs and	
	from _____	cfs and	

(month dates inclusive)

Subject, however, to the condition that no more than 1.0 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 for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
630 acre feet per year, said waters to be diverted within the SE 1/4, Sec. 36, 1
township 6N, range 3W, E.M. in the County of Gem

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	3W	36									30	40	30		140

Total number of acres irrigated 140

Condition: A measuring device of a type approved by the Department shall be
maintained as a part of the diversion 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 14 day of

March, 19 76.

[Signature]
Director

FIELD REPORT

Person to contact _____ Phone _____

Tributary to _____

3. Water will be used for the following purposes:

AF/Annum (nature of use)

(mo.-day) inclusive (mo.-day)

_____ AF/Annum (nature of use)

(mo.-day) inclusive (mo.-day)

AF/Annum	(nature of use)
1950	...
1951	...
1952	...
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1954	...
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2098	...
2099	...
2100	...

(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 2.00 cubic feet per second and annual volume AF/Annum

5. Location of Point(s) of Diversion:

County

County

County:

Other Points of Diversions: _____

Description of diverting works: 14" well, 75 hp pump

Measuring device required: yes ☐ no ☐ Not yet installed

6. Lands to be irrigated or place of use.

[illegible]

TOTAL ACREAGE _____ **150**

MICROFILMED

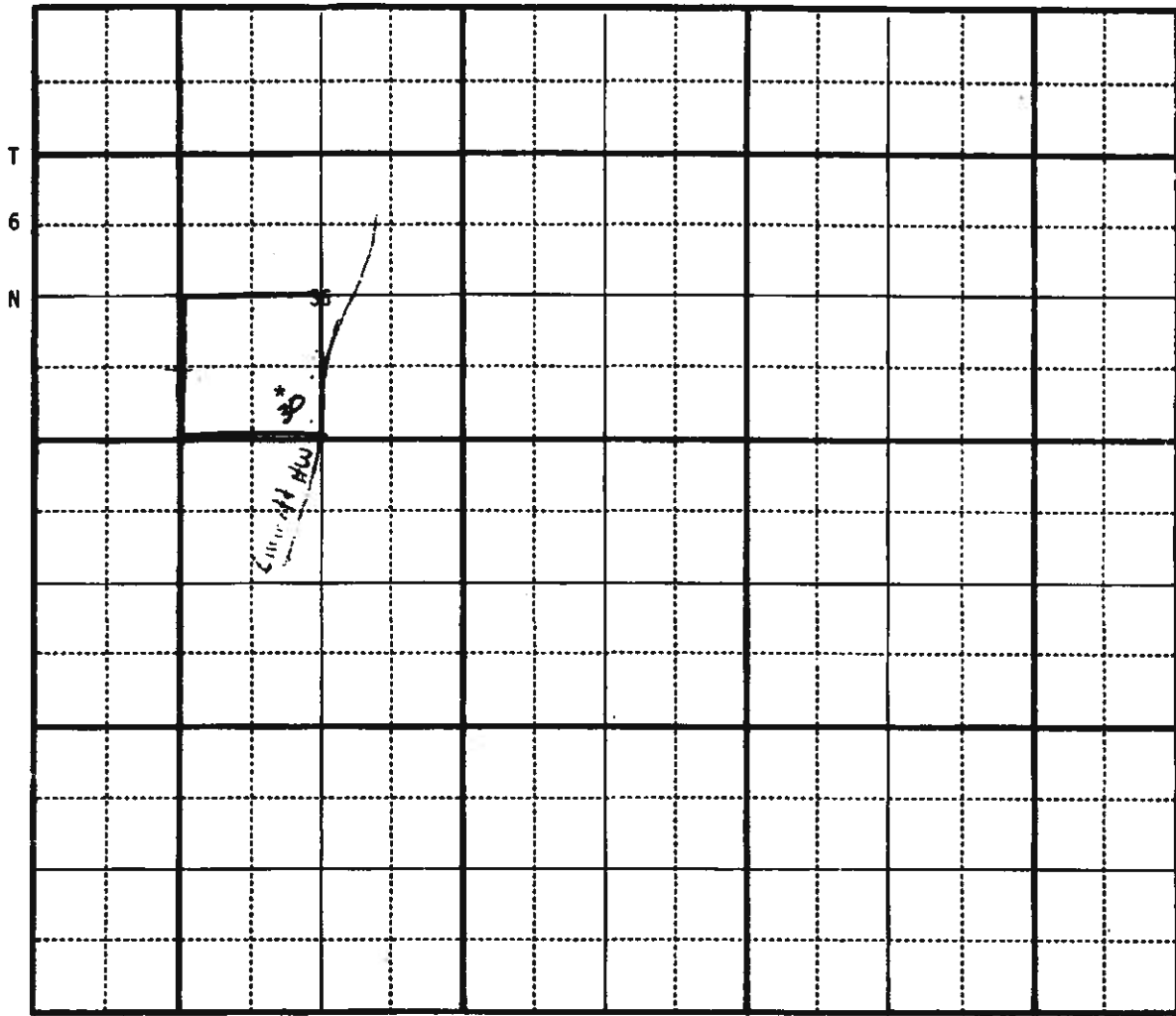


Diagram of System



DATE OF EXAM 23 June 77

ACREAGE

Found 140
Recommended 140

Irrigation Requirement 4.5 Ac Ft/Ac

USE

Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Domestic Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: _____
Twp. N/S Rge. E/W B.M. Sec Sub 1/4 1/4 County _____

Exchanged? yes _____ no ☒

Name source exchanged with: _____
Twp. N/S Rge. E/W B.M. Sec Sub 1/4 1/4 County _____

Point of injection: _____
Twp. N/S Rge. E/W B.M. Sec Sub 1/4 1/4 County _____

Point of exchange: _____
Twp. N/S Rge. E/W B.M. Sec Sub 1/4 1/4 County _____

Total Q measured 450 gpm = 1.0 cfs Method of measurement GPM

Total Q recommended 1.0 cfs Meter No. 228605 Type McCombs Condition New

Total V recommended 630 AF/Ann

Recommended Amendments:

P.D.: _____
Place of Use OK
Other _____
None ☒

MEASUREMENT CALCULATION:

450 gpm

Total reading at 11:50 AM June 27 13,630,0100

SYSTEM DESCRIPTION:

14" well deep w/ 75 HP slurry pump Tired with 5' old
25' 4107 w/ 75 HP 46 RPM motor Type B4 SN# 9502224
discharge into 8" main line w/ 3" laterals for sprinkler
system

REMARKS:

system operating at time of exam -
New ground no photo available

Examiner's Signature Chris Ballou Date 23 June 77

Checked by TH Date 7-5-77

Approved by _____ Date _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

February 23, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

John and Geraldine Burgess
6445 Little Freezeout Rd
Caldwell, ID 83607

Notice of Claim to a Water Right No. 63-8269B

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflect the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed information, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Liberty Gagnon".

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure