

10/17/2006

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

RIGHT NUMBER: 79-14192

NAME AND ADDRESS: EDITH M GUISTO
PO BOX 331
LUCILE ID 83542

CARL WAYNE HUNSUCKER
PO BOX 331
LUCILE ID 83542

SOURCE: SALMON RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.130 CFS

PRIORITY DATE: 05/01/1962

POINT OF DIVERSION:

T25N R01E S2 SWNW Lot 5 Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	02/15 11/30	0.130 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T25N R01E S02 Lot 5 SWNW 2.10

2.1 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 - Beneficial Use

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 79-14192
Date Received: 6/20/1988
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

EDITH M GUISTO
PO BOX 331
LUCILE ID USA 83542

Phone: (208)628-3254

CARL WAYNE HUNSUCKER
PO BOX 331
LUCILE ID USA 83542

Phone: (208)628-3254

2. Date of Priority: 05/01/1962

3. Source: SALMON RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot				County	Type
25N	01E	2	SW	SW	NW	5	IDAHO	

5. Description of diverting works:

CENRIFUGAL PUMP WITH SUCTION HOSE AND PIPE IN RIVER, SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	12/01	0.09	

7. Total Quantity Appropriated is:
0.09 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot			Use	Acres
25N	01E	2	SW	NW	5	IRRIGATION	2.11
Section Acres							2.11
Total Acres							2.11

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 79-4099 .

15. Basis of Claim: Statutory Claim

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
SEP 18 2006
IDWR/North

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
	79-4099	Y			

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)

(Kenny Hurd) (Larry Hartzog)
HCG9 Box 168A Rigby ID 83547

4. New Owner/Claimant(s)

Carl W. Hunsucker Edith M. Guisto
Name Connector (Check one): [] and, [] or, [X] and/or

New Mailing Address

Po Box 331

City, State and ZIP Code

Lucile ID 83542

New Telephone Number

208 628-3254

5. Date you acquired the property

July 30, 2001

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>79-4099 Y</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>79-4099</u>	<u>2.11⁹⁵³ acres</u>
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)

Jul M Guisto

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 _____

417993

WARRANTY DEED

THIS INDENTURE, made on this 30 day of July, 2001, by and between LARRY S. HARTZOG, also known as LARRY HARTZOG, a single man, of P.O. Box 361, Lucile, ID 83542, hereinafter referred to as Grantor, to CARL WAYNE HUNSUCKER and EDITH M. GUISTO, husband and wife, of 2419 North 24th Street, Boise, ID 83702, hereinafter referred to as Grantees.

WITNESSETH:

That the said Grantor, for and in consideration of the sum of Ten Dollars (\$10), lawful money of the United States of America, and other good and valuable considerations, to him in hand paid by the said Grantees, the receipt whereof is hereby acknowledged, having granted, bargained, sold, and by these presents do grant, bargain, sell, convey, and confirm unto the said Grantees, their heirs and assigns, all the following described real property situate in the County of Idaho, State of Idaho, to wit:

See Schedule C, which is attached hereto and hereby incorporated by this reference.

TOGETHER WITH, all and singular, the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, the remainder and remainders, rents, issues, and profits thereof, and all estate, right, title, and interest in and to the said property as well in law as in equity of the said Grantor.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances unto the said Grantees, their heirs and assigns forever.

And the said Grantor, for himself, his heirs, executors, and administrators, does covenant, grant, bargain, and agree to and with the said Grantees, their heirs and assigns that at the time of the ensealing and delivery of these presents it was well seized of the premises above conveyed as of good, sure, perfect, absolute, and indefeasible estate of inheritance, in fee simple, and have good right, full power, and lawful authority to grant, bargain, sell, and convey the same in the manner and form aforesaid, and that the same are free and clear from all and former grants, bargains, liens, taxes, assessments, and encumbrances of whatever kind or nature whatsoever, EXCEPT:

WITNESSETH:

That the said Grantor, for and in consideration of the sum of Ten Dollars (\$10), lawful money of the United States of America, and other good and valuable considerations, to him in hand paid by the said Grantees, the receipt whereof is hereby acknowledged, having granted, bargained, sold, and by these presents do grant, bargain, sell, convey, and confirm unto the said Grantees, their heirs and assigns, all the following described real property situate in the County of Idaho, State of Idaho, to wit:

See Schedule C, which is attached hereto and hereby incorporated by this reference.

TOGETHER WITH, all and singular, the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, the remainder and remainders, rents, issues, and profits thereof, and all estate, right, title, and interest in and to the said property as well in law as in equity of the said Grantor.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances unto the said Grantees, their heirs and assigns forever.

And the said Grantor, for himself, his heirs, executors, and administrators, does covenant, grant, bargain, and agree to and with the said Grantees, their heirs and assigns that at the time of the ensealing and delivery of these presents it was well seized of the premises above conveyed as of good, sure, perfect, absolute, and indefeasible estate of inheritance, in fee simple, and have good right, full power, and lawful authority to grant, bargain, sell, and convey the same in the manner and form aforesaid, and that the same are free and clear from all and former grants, bargains, liens, taxes, assessments, and encumbrances of whatever kind or nature whatsoever, EXCEPT:

- a) General taxes for the year 2001, which are lien, not yet due and payable.
- b) Right of Way Easement to the Pacific Telephone and Telegraph Co., as the same may appear.
- c) Subject to matter as shown by Record of Survey No. S-1523, recorded July 27, 1998, under Instrument No. 401128, records of Idaho County, Idaho.

And that the above bargained premises, in the quiet and peaceable possession of the said

SCHEDULE C

A parcel of property located within Government Lot 5 of section 2, T 25 N, R 1 E, B.M., Idaho County, Idaho, and being more particularly described from a survey as follows:

Beginning at the brass cap monument section corner between sections 2 and 3, thence N 89°54'10" E 1350.028' along the line between sections 2 and 35 to the NE corner of Lot 5, thence S 0°21'14" E 1260.201' along the East line of Lot 5 to the SW corner of Lot 4, thence S 62°15'55" W 1020.620' to a found property pin on the North Right-of-Way line of Cow Creek Road, thence N 1°48'51" E 182.201' along an existing Right-of-Way line to the initial point of beginning,

thence N 49°00'31" W 60.105'

thence N 22°03'52" W 41.777'

thence S 59°36'16" W 117.367'

thence N 32°17'37" W 66.772'

thence N 4°32'57" W 100.835'

thence N 83°59'46" W 266.000'

to a point on the meander line of the Salmon River,

thence N 15°04'05" W 18.424'

along said meander line,

thence N 14°57'33" E 133.941'

along said meander line,

thence S 83°59'46" E 435.386'

to a point on the Westerly Right-of-Way line of old U.S. 95,

thence along a Right-of-Way curve to the right with the following data:

Delta = 18°11'40" RT.

Length = 201.944'

Chord length = 201.096'

Radius = 635.939'

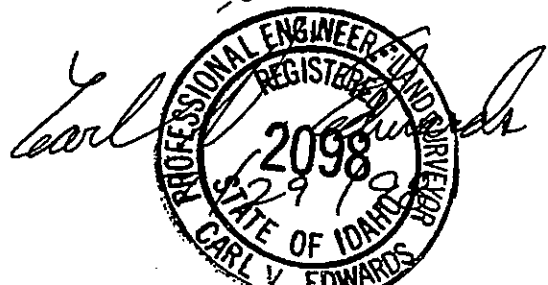
Tangent = 101.829'

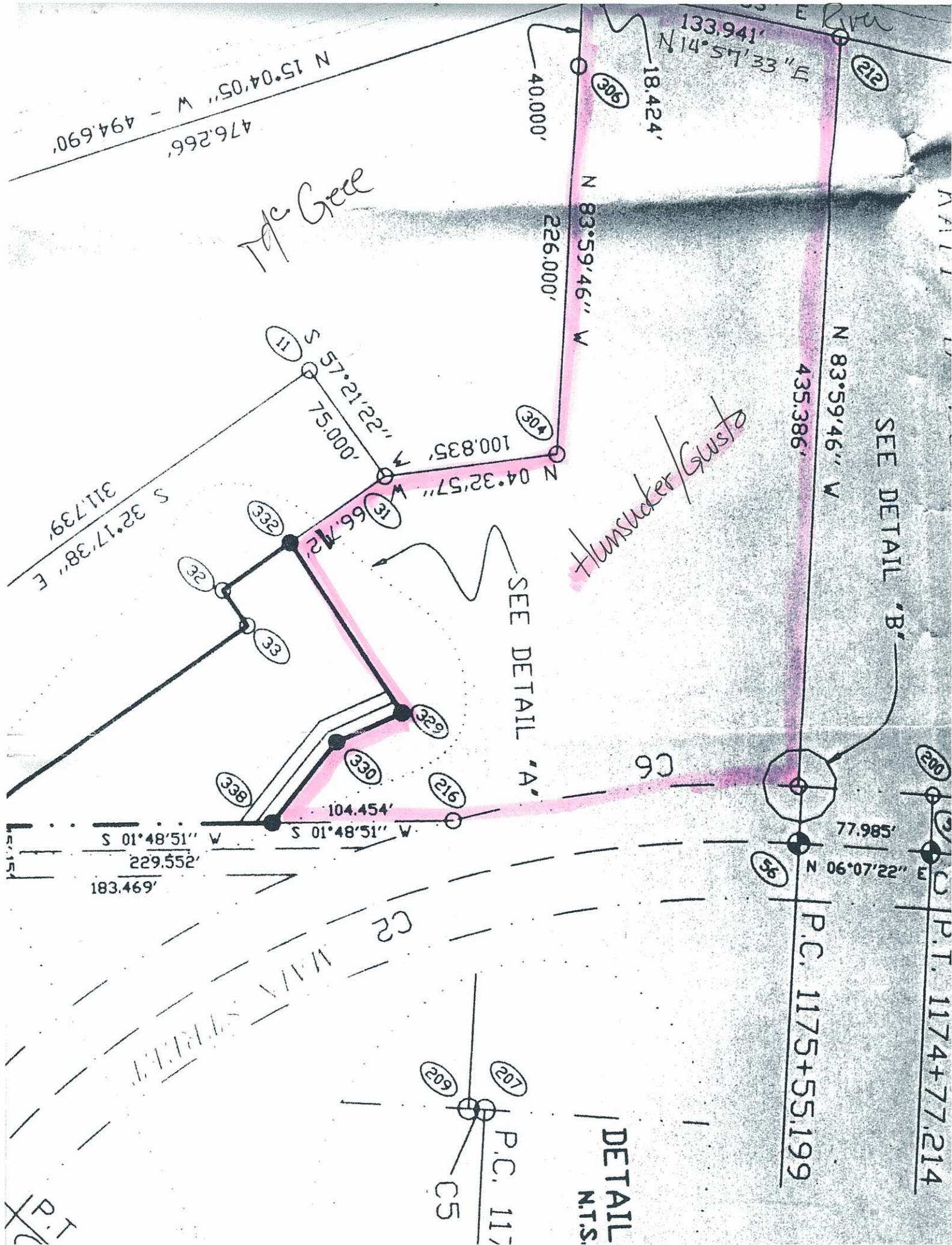
Ch. bearing = S 3°08'42" E

to a point where the Westerly Right-of-Way line of the Cow Creek Cut-of Road intersects,

thence S 1°48'51" W 104.454'

back to the initial point of beginning,





N 15°04'05" W - 494.690'
476.266'

Top Greel

133.941'
N 14°57'33" E

18.424'
40.000'
N 83°59'46" W
226.000'

N 83°59'46" W
435.386'

SEE DETAIL 'B'

Hunsaker/Gustafson

SEE DETAIL 'A'

57°21'22" S
75.000'
100.835'
N 04°32'57" W
66.712'
332
26
33
329
330
338
104.454'

S 01°48'51" W
229.552'
183.469'

77.985'
N 06°07'22" E

P.C. 1175+55.199

P.T. 1174+77.214

207
209
P.C. 117
C5

DETAIL
N.T.S.