

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 78-4071

WATER RIGHT NUMBER: 78-4071

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JONATHON MARK BUTLER ATTN ED SANDERS 9280 E OLD VAIL RD TUCSON, AZ 85747 (570) 574-7374
Current Owner	LAURIE S BUTLER ATTN ED SANDERS 9280 E OLD VAIL RD TUCSON, AZ 85747 (570) 574-7374
Original Owner	GWENLYN D GOODMAN PO BOX 35 NEW MEADOWS, ID 83654 (208)347-2213
Original Owner	JOHN E A GOODMAN PO BOX 35 NEW MEADOWS, ID 83654

Priority Date: 06/01/1898

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	EAST BRANCH GOOSE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.100 CFS	
IRRIGATION	4/15 to 10/15	1.600 CFS	
	<u>Total Diversion:</u>	1.600 CFS	

Location of Point(s) of Diversion

WASTE WATER	NE1/4NW1/4SW1/4	Sec. 17, Twp 19N, Rge 02E, B.M.
ADAMS County		

WASTE WATER	NW1/4NE1/4SW1/4	Sec. 17, Twp 19N, Rge 02E, B.M.
ADAMS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	02E	17																	18.0

Total Acres: 18

STOCKWATER same as IRRIGATION

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Conditions of Approval:

1. 78-0236, 78-0237, 78-0238, 78-0239, 78-0232, 78-0233, 78-4069, AND 78-4119 ARE USED ON THESE LANDS. 150 SHARES OF BRUNDAGE RESERVOIR WATER ALSO USED ON THESE LANDS.

Remarks:

Comments:

Dates and Other Information:

Claim Received Date: 4/7/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

CONVERSATION MEMO

TO: Files 78-232A, 78-233A, 78-236, 78-237, 78-238, 78-239, 78-4069
78-4071 & 78-4119
FROM: Denise Hatfield
DATE: July 2, 2003
SUBJECT: Legal description on deed for Parcel 2

In reviewing this change of ownership, it was discovered that the "starting point" for the metes and bounds description for Parcel 2 is recorded incorrectly on the deed. The actual outline of the property matches the tax lot data in ArcView and the POUs on the claims; however, the shape comes out in the wrong $\frac{1}{4}$ $\frac{1}{4}$'s.

I called Timberline Title & Escrow to let them know of the problem. They are going to review the deed and fix it as soon as possible. In the mean time, they are going to send us copies of the property tax notices, as another form of proof of ownership; in order to further process the ownership change for these claims.

Timberline Title is supposed to send the corrected deed when completed.

Ø Response as of 7-22-03
Files put back on shelf



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

DATE OF CLOSING: 10/29/96**legal on attached Deed*LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.

Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

RECEIVED

JUN 30 2003

WATER RESOURCES
WESTERN REGION

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR:

A78-04071

☐ Name and Address of Former
Owner/Claimant(s)(Seller):

Gwenlyn GoodmanP.O. Box 35New Meadows, ID 83654

☐ New Owner/Claimant
(Purchaser):

Jonathon Mark Butler or Laurie S. Butler

☐ New Mailing Address:

9280 E OLD VAIL RD.MT. ED SANDSTUCSON, AZ 85747

☐ New Telephone Number:

(520) 574-7374

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

☐ Attach proof of
ownership, describe
proof attached:

copy of recorded Warranty Deed attached

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

☐ Signature of New
Owner/Claimant(s)

Laurie S. ButlerDate 10-26-96Date 10-26-96

☐ Signature of Former
Owner/Claimant(s):

Date _____

Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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

INSTRUMENT NO. 91022

WARRANTY DEED

For Value Received GARY TYCE GOODMAN and PAMELA SUE HECKMAN, Trustees under that declaration of trust dated March 9, 1992, also shown of record as GARY TYCE GOODMAN, Trustee of the GWENLYN GOODMAN TRUST DATED MARCH 9, 1992

the grantor , does hereby grant, bargain, sell and convey unto JONATHON MARK BUTLER and LAURIE S. BUTLER, husband and wife

the grantees, whose current address is, 4310 N. Soldier Tr., Tucson, AZ 85749

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

SEE ATTACHED EXHIBIT "A" MADE A PART HEREOF.

RECEIVE

JUN 30 201

WATER RESOURC
WESTERN REGIO

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 they are the owner in fee simple of said premises; that they are free from all encumbrances excepting for all easements of record, rights of way, matters visible, and all matters of record and title.

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

Date: October 22, 1996

GWENLYN GOODMAN TRUST

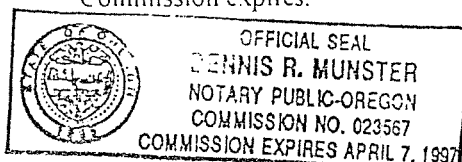
DATED MARCH 9, 1992

BY: [Signature]
Gary Tyce Goodman, Trustee

STATE OF Oregon)
) ss
COUNTY OF Adams

On this 23rd day of October in the year of 1996. before me a Notary Public, personally appeared GARY TYCE GOODMAN known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of the GWENLYN GOODMAN TRUST DATED MARCH 9, 1992. and acknowledged to me that he executed the same as Trustee Of the GWENLYN GOODMAN TRUST DATED MARCH 9, 1992.

[Signature]
Notary Public
Residing at
Commission expires:



#96-504

STATE OF IDAHO, COUNTY OF ADAMS
I hereby certify that this instrument was filed for record at the request of Timberline Title & Escrow

at 45 minutes past 10 o'clock AM.
this 30 day of Oct . 19 96. in my
office, and duly recorded in Book
of Deeds at page

MICHAEL FISK

Ex-Officio Recorder

By: [Signature]
Deputy

Fees \$ 12.00

Mail to: Timberline Title & Escrow

PARCEL 1

Township 19 North, Range 2 East, Boise Meridian, Adams County, Idaho
 Section 17: A parcel located in the SW1/4SW1/4 more particularly described as follows:
 Commencing at a 5/8 inch diameter iron pin marking the Southwesterly corner of said
 SW1/4SW1/4 from which a 5/8 inch diameter iron pin marking the Northwesterly corner of
 said SW1/4 bears North 00°41'37" East a distance of 2638.24 feet;

Thence North 00°41'37" East along the Westerly boundary of said SW1/4SW1/4 a distance of
 1006.11 feet to a 5/8 inch diameter iron pin and the POINT OF BEGINNING;

Thence continuing North 00°41'37" East (of record as North) a distance of 273.00 feet to a
 5/8 inch diameter iron pin;

Thence leaving said Westerly boundary South 89°24'54" East (of record as East) a distance
 of 160.00 feet to a 5/8 inch diameter iron pin;

Thence South 00°41'37" West (of record as South) a distance of 273.00 feet to a 5/8 inch
 diameter iron pin;

Thence North 89°24'54" West (of record as West) a distance of 160.00 feet to the POINT OF
 BEGINNING.

SUBJECT TO any easements existing or in use.

PARCEL 2

Township 19 North, Range 2 East, Boise Meridian, Adams County, Idaho
 Section 17: A parcel located in the S1/2 more particularly described as follows:
 Beginning at a 5/8 inch diameter iron pin marking the Northwesterly corner of said S1/2
 from which a 5/8 inch diameter iron pin marking the Southwesterly corner of said S1/2
 bears South 00°41'37" West a distance of 2638.24 feet;
 Thence South 89°26'18" East along the Northerly boundary of said S1/2 a distance of
 4987.44 feet to a 5/8 inch diameter iron pin;
 Thence leaving said Northerly boundary South 11°25'59" West a distance of 196.71 feet (of
 record as North 11°09'53" East a distance of 195.38 feet) to a 5/8 inch diameter iron pin;

Thence South 47°05'57" East a distance of 157.49 feet (of record as North 47°22'02" West a
 distance of 157.49 feet) to a 5/8 inch diameter iron pin;

Thence South 32°41'05" West a distance of 191.30 feet (of record as North 32°24'59" East a
 distance of 191.30 feet) to a 5/8 inch diameter iron pin;

Thence South 03°52'15" West a distance of 172.99 feet (of record as North 03°36'09" East a
 distance of 172.99 feet to a 5/8 inch diameter iron pin;

Thence South 27°14'37" East a distance of 74.99 feet (of record as North 27°30'42" West a
 distance of 74.99 feet) to a 5/8 inch diameter iron pin;

Thence North 86°21'37" East a distance of 254.15 feet (of record as South 86°05'31" West a
 distance of 254.15 feet) to a 5/8 inch diameter iron pin on the Easterly boundary of said
 S1/2;

Thence South 00°22'30" West a distance of 1960.86 feet to a brass cap monument marking the
 Southeasterly corner of said S1/2;

Thence North 89°23'29" West along the Southerly boundary of said S1/2 a distance of
 2627.99 feet to a 5/8 inch diameter iron pin marking the Southwesterly corner of the
 SW1/4SE1/4 of said Section 17;

Thence North 00°32'03" East along the Westerly boundary of said SW1/4SE1/4 a distance of
 1320.19 feet to a 5/8 inch diameter iron pin marking the Southwesterly corner of the
 N1/2SW1/4 of said Section 17;

Thence North 89°24'54" West along the Southerly boundary of said N1/2SW1/4 a distance of
 812.52 feet to a 5/8 inch diameter iron pin;

Thence leaving said Southerly boundary North 01°00'42" East a distance of 147.60 feet to a
 5/8 inch diameter iron pin;

Thence North 89°24'54" West a distance of 613.23 feet to a 5/8 inch diameter iron pin;

Thence South 55°00'44" West a distance of 253.72 feet to a 5/8 inch diameter iron pin on
 last said Southerly boundary;

Thence North 89°24'54" West along said Southerly boundary a distance of 993.29 feet to a
 5/8 inch diameter iron pin marking the Southwesterly corner of said N1/2SW1/4;

SWSW -

does not
 apply to
 these claims.

Thence North 00°41'37" East along the Westerly boundary of said N1/2SW1/4 a distance of 1319.12 feet to the POINT OF BEGINNING.

SUBJECT TO any easements existing or in use.

PARCEL 3

Township 19 North, Range 2 East, Boise Meridian, Adams County, Idaho

Section 17: A parcel located in the NE1/4NE1/4 more particularly described as follows:

Beginning at a brass cap monument marking the Northeasterly corner of said NE1/4NE1/4 from which a brass cap monument marking the Southeasterly corner of said NE1/4NE1/4 bears South 00°22'30" West a distance of 2642.54 feet;

Thence North 89°26'18" West along the Northerly boundary of said NE1/4NE1/4 a distance of 253.83 feet (of record as East a distance of 254.09 feet) to a 5/8 inch diameter iron pin;

Thence leaving said Northerly boundary South 11°25'59" West a distance of 196.71 feet (of record as North 11°09'53" East a distance of 195.38 feet) to a 5/8 inch diameter iron pin;

Thence South 47°05'57" East a distance of 157.49 feet (of record as North 47°22'02" West a distance of 157.49 feet to a 5/8 inch diameter iron pin;

Thence South 32°41'05" West a distance of 191.30 feet (of record as North 32°24'59" East a distance of 191.30 feet) to a 5/8 inch diameter iron pin;

Thence South 03°52'15" West a distance of 172.99 feet (of record as North 03°36'09" East a distance of 172.99 feet to a 5/8 inch diameter iron pin;

Thence South 27°14'37" East a distance of 74.99 feet (of record as North 27°30'42" West a distance of 74.99 feet to a 5/8 inch diameter iron pin;

Thence North 86°21'37" East a distance of 254.15 feet (of record as South 86°05'31" West a distance of 254.15 feet) to a 5/8 inch diameter iron pin on the Easterly boundary of said NE1/4NE1/4;

Thence North 00°22'30" East a distance of 681.68 feet (of record as South 00°06'24" West a distance of 681.68 feet) to the POINT OF BEGINNING.

SUBJECT TO any easements existing or in use.

SUBJECT TO THE FOLLOWING:

GENERAL TAXES AND ASSESSMENTS for the year 1996 which are a lien but not yet due or payable.

FENCING AGREEMENTS between JOHN E. A. GOODMAN, HOWARD DRYDEN, and MARSHALL L. DRYDEN; JOHN E. A. GOODMAN, EDWARD H. CLAY and FRANK W. CLAY; and JOHN E. A. GOODMAN and HENRY WILSON, recorded January 16, 1956 in Book 5 Misc. pages 354-355, and June 20, 1955 in Book 5 Misc. page 312, respectively.

LICENSE AGREEMENT, including terms and conditions therein, between JOHN E. GOODMAN and GWENLYN GOODMAN, Licensors, and MEADOWS VALLEY CEMETERY, Licensee, recorded October 5, 1982 as Instr. No. 64993.

AGREEMENT, including terms and conditions therein, between MEADOWS VALLEY CEMETERY, and JOHN AND GWENLYN GOODMAN, recorded October 5, 1982 as Instr. No. 64992.

TERMS, CONDITIONS AND RESERVATIONS of Deeds recorded December 4, 1918 in Book 7 Deeds page 10 and June 4, 1985 as Instr. No. 70455.

POWER LINE EASEMENT granted to IDAHO POWER COMPANY recorded in Book 4 Misc. page 584. (Affects NE1/4SE1/4)

NENE -
does not
apply to
these claims.

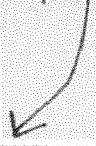
EXHIBIT "A" CONTINUED INSTRUMENT NO. 91022

POWER LINE EASEMENT granted to IDAHO POWER COMPANY recorded April 23, 1948 in book 4 Misc. page 572. (Affects N1/2SW1/4 and NW1/4SE1/4)

ANY PRESENT OR DEFERRED TAX LIEN on the herein described property arising under or by virtue of the Forest Products Yield Tax as provided by Idaho Code 63-1701 or 63-1706 as amended.

9

Starting point
should be
here to make sense.



Started here



17

16

NWSW

NESW

NWSE

NESE

SWSW

SESW

SWSE

SESE

20

21

Tax lot
lines

17

NWSW

NESW

NWSE

NE
SE

Butler

Goodman

Cemetery

SWSW

SESW

SWSE

SESE

Goodman

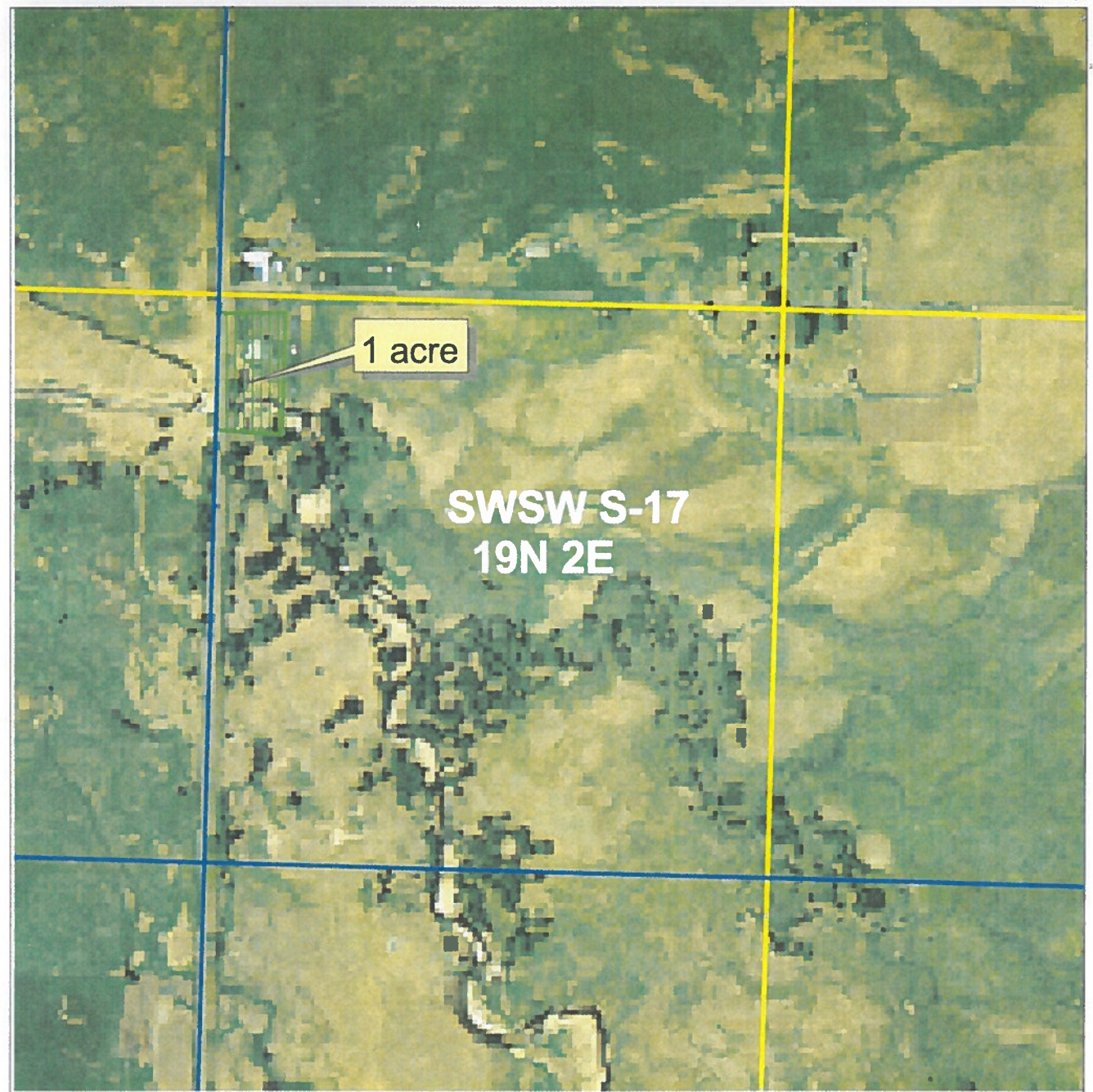
20

Butler Change of Ownership

Basin 78

-  Section Line
-  QQ Line
-  Parcel 1 Shape

SWSW - not on
any of the claim
#'s listed.



0.03 0 0.03 0.06 Miles