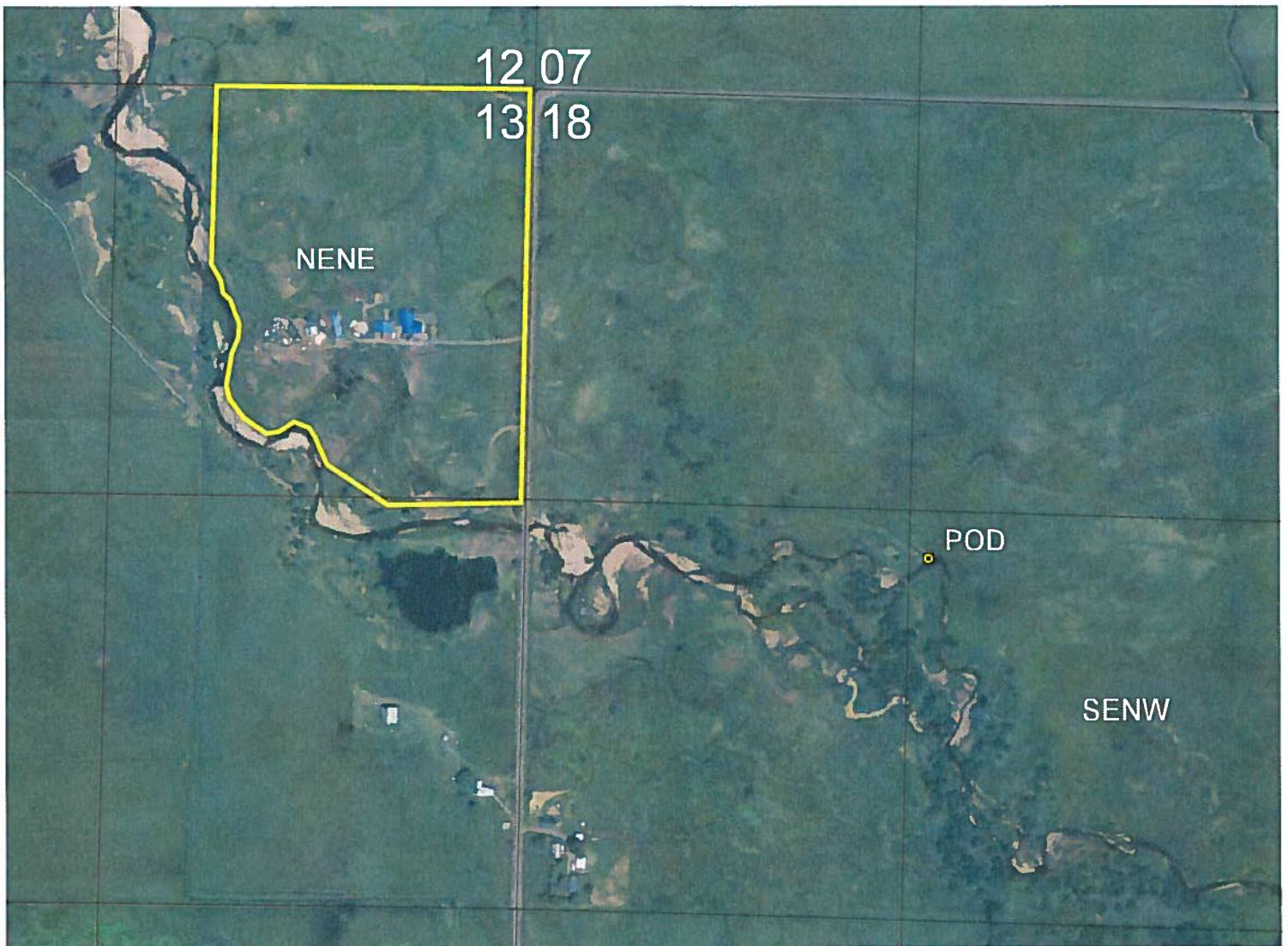


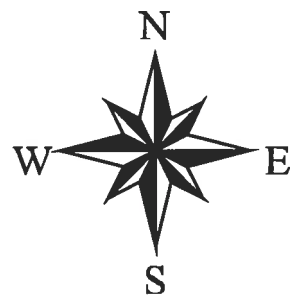
**78-4186 78-12256 78-12258
78-12260 78-12262 & 78-12264**



400 0 400 800 1200 1600 Feet

T19N R01E S13

Map prepared by: Carter Fritschle
Date prepared: 12/16/05
2004 NAIP Photography
Idaho Department of Water Resources



12/19/2005

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

RIGHT NUMBER: 78-4186

NAME AND ADDRESS: BILL MC CARTY
PO BOX 549
NEW MEADOWS ID 83654

GAYLE MC CARTY
PO BOX 549
NEW MEADOWS ID 83654

SOURCE: EAST BRANCH GOOSE CREEK TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.600 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 09/26/1922

Pursuant to a call in times of scarcity, this right is junior to Water Right Nos. 78-2036, 78-2037, 78-2039, 78-2040A, 78-2040B, 78-2042 and 78-2056.

POINT OF DIVERSION:

T19N R02E S18 SENW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.560 CFS
STOCKWATER	01/01 12/31	0.050 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T19N R01E S13 NENE 28.0 T19N R01E S13 SENE 0.2

STOCKWATER same as IRRIGATION

28.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 28.3 acres in a single irrigation season.

Combined Right Nos.: 78-4186, 78-12256, 78-12258, 78-12260, 78-12262 and 78-12264.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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

Use of this right is combined with water from Brundage Water Users Association.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 27, 2005

Bill McCarty
PO Box 549
New Meadows ID 83654

RE: Snake River Basin Adjudication (SRBA) claims

Dear Mr. McCarty:

I have completed the splitting of the SRBA claims for your property near New Meadows, and I have enclosed copies of the preliminary recommendations. Claim No. 78-4186 was claimed for the land north of the East Branch of Goose Creek, most of which you purchased, so that claim has not been split. The other claims have been split as follows:

Your share of 78-173B is now 78-12256
Your share of 78-196B is now 78-12258
Your share of 78-197B is now 78-12260
Your share of 78-198B is now 78-12262
Your share of 78-199B is now 78-12264

I have also enclosed a GIS layout map showing the outline of the place of use and the location of the point of diversion (POD). If you have any questions, you may contact me by phone at (208) 287-4917 or send an email to Carter.Fritschle@idwr.idaho.gov.

Carter Fritschle


Water Rights Supervisor
Adjudication Bureau

Enclosures:

Copies of preliminary recommendations
GIS layout map

Contacts Data Entry Form

Claim Number: 78-4186

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	BILL MC CARTY	PO BOX 549	NEW MEADOWS	ID	83654	(208)347-2827
Current Owner	GAYLE MC CARTY	PO BOX 549	NEW MEADOWS	ID	83654	(208)347-2827

Date of Field Exam: 8-8-05 Time: 1:30Accompanied By: Bill McCarty Phone Number: (208) 347-2827Relationship to Claimant: Claimant

Directions to Property (if different from above) and/or update owner information:

Left message 8-5-05
North on Farrell Rd. Gray house, blue roof, flag
pole with flag

Reviewer: CFDate: 8-8-05

Priority Date Data Entry Form

Claim Number 78-4186

Claimed Priority Date: 5/1/1895

Claimed Basis: Statutory Claim

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date: 5/1/1895

Water Right Basis: Statutory Claim

Recommended Priority Date 9-26-1922 Recommended Basis Beneficial use

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

POU included in Clay v. Clark.
Can only recommend flood water with
9-26-1922 priority date

Reviewer: CSDate: 12-19-05

Point of Diversion and Source Data Entry Form

Claim Number 78-4186

Claimed Point of Diversion and Source

T19N R02E S18 NWSNW Within ADAMS County Source: GOOSE CREEK LITTLE SALMON RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T19N R02E S18 SENW Within ADAMS County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

_____	_____
_____	_____
_____	_____

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

Other rights from this POD? _____

Document how the POD and Source were verified:

44° 59.275 N, 116° 15.907 W

Tag# A0017601

Tag on Post 5' south of gate.

All of McCarty's water rights are diverted through this POD. The decreed rights need to be split to reflect two different owners.

Reviewer: cdDate: 8-8-05

Place Of Use Data Entry Form

Claim Number 78-4186

Claimed Place Of Use

T19N R01E S13 NENE 30.0

Total Acres 30

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T19N R01E S13 NENE 30.0

Total Acres 30

Recommended Place of Use

☐ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

Claim Number 78-4186

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			
STOCKWATER			

☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			
STOCKWATER			

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Document how the Purpose of Use was verified:

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number 78-4186

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/15	10/15	0.6	
STOCKWATER	1/01	12/31	0.05	

Overall Diversion Rate 0.6

Overall Diversion Volume

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	10/31	0.6	
STOCKWATER	1/01	12/31	0.05	

Overall Diversion Rate 0.6

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Reviewer: _____

Date: _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 2, 2005

78-4186

BILL MC CARTY
PO BOX 549
NEW MEADOWS ID 83654

Re: Field Examination and Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights.

The elements of beneficial use rights need to be verified by an examiner for the Idaho Department of Water Resources (IDWR) before the claim can be recommended to the SRBA Court. The examination of claims in your area will take place during the summer and fall of 2005. An examiner will be contacting you to schedule a time to visit your property to verify your use of the water right claimed.

Also, even though most of the elements of your claim can be verified by the field exam, the date of first use, or priority date can only be verified by documentation of the historic use. If you have not supplied documentation for the priority date and historical beneficial use of the water, please submit your evidence by September 30, 2005. Enclosed you will find a pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: IDWR will recommend the SRBA Court decree the claim disallowed if the priority date and the historic use cannot be documented. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

If you have questions not covered by this letter or the enclosed pamphlet, please contact me by phone at (208) 287-4917 or send an email to Carter.Fritschle@idwr.idaho.gov.

Sincerely,

Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

Enclosure:

Evidence of Priority Date pamphlet

Additional claimant(s) and/or claim(s):

78-4186
GAYLE MC CARTY
PO BOX 549
NEW MEADOWS ID 83654

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOV 26 1982

Department of Water Resources

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Charles M. Rice (Name of Claimant)

Box 92 New Meadows, Ida. 83654 (Mailing Address) Telephone No. 347-2341 (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 5/1/1895

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) East Branch Goose Creek tributary to L.H. Salmon River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>0.6 CFS</u>	Use <u>irrigation</u>	Period of Use From <u>4/1</u>	To <u>10/31</u>
Quantity	<u>0.05 CFS</u>	Use <u>STOCK WATER</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 0.6 CFS TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE 1/4 NW 1/4, Sec. 18 Twp. 19N Rge. 2E B.M., County of ADAMS
Additional points of diversion: N/A

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
Diversion pipe set below water level with Gate valve

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NEX	NW%	SW%	SE%	NEX	NW%	SW%	SE%	NEX	NW%	SW%	SE%	NEX	NW%	SW%	SE%	
19N	1E	13	30																30

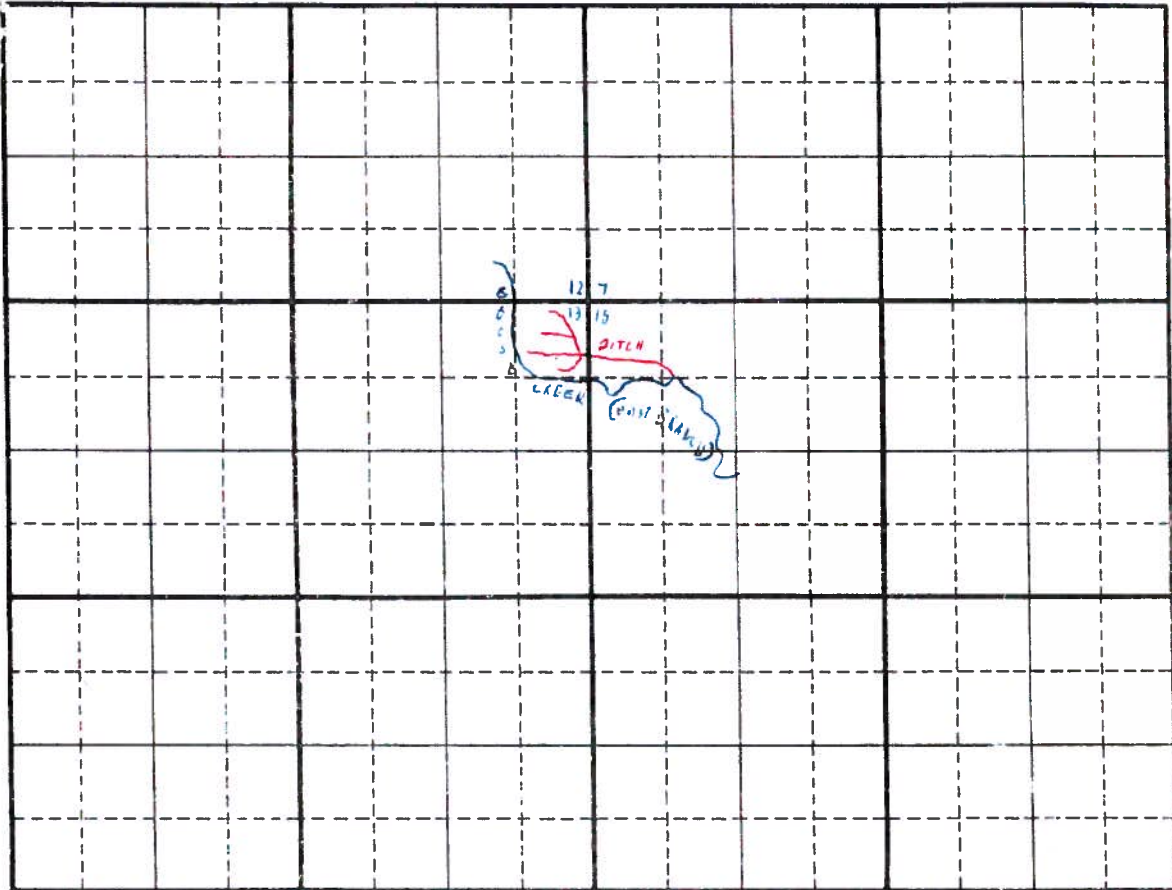
No. of acres 30

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: N/A

NOTE: Include here the type and number of stock watered: 20 to 160 Head Steers

(7) If you are claiming water as a member of an organization, list name of organization: N/A

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Adams) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Signed before me this 18th day of November, 1982.
Charles M. Rice
(Claimant)

Carol Fausett
Notary Public
Residing at New Meadows, Idaho

My commission expires perpetual

11-29-82 FOR DEPARTMENT USE ONLY
Received by ARC Date 11/26/82 Exception filed by: _____ Date _____
Prelim. check by JS Date 12/7/82 Forwarded to claimant by: _____ Date _____
\$20.00 fee received by JS Date 12/3/82 23045
Published in Adams County Leader
Dates 12/30 & 1/6/83

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: **A78-04186**
Date Received: 5/31/1988
Receipt No: C001126
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: BILL MC CARTY 208-347-2827
Address: PO BOX 549
NEW MEADOWS ID 83654
AND
Name: GAYLE MC CARTY 208-347-2827
Address: PO BOX 549
NEW MEADOWS ID 83654
2. Date of Priority: MAY 1, 1895
3. Source: GOOSE CREEK, EAST BRANCH Trib. to: LITTLE SALMON RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
19N	02E	18	NW	SE	NW		ADAMS
5. Description of diverting works:
DIVERSION PIPE & GATE VALVE
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.600		
STOCKWATER	01/01	12/31	0.050		
7. Total Quantity Appropriated is:
0.600 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 60.0 Acre Feet Per Annum.
9. Non-irrigation uses:
S/160 RANGE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
19N	01E	13	NE NE		IRR	30.0
Section Acres						30.0
Total Acres						30.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

A78-00173B -00196B -00197B -00198B -00199B -04068B

14. Remarks:

OWNERSHIP CHANGED BY LH 6/12/95.

ADDRESS CHANGED PER CLAIMANT REQUEST (BY DB) 7/16/98.

15. Basis of Claim: STATUTORY CLAIM

RECEIVED

JUN 02 1998

Department of Water Resources

To Dept. of Water Resources
Attn: Kari Lynn

Ref: Water Rights #s

RECEIVED

JUL 13 1998

WATER RESOURCES
WESTERN REGION

A78-00173B, A78-00196B, A78-00197B

A78-00198B, A78-00199B, A78-04068B

A78-04184, A78-10222

Please note a change of address
for these water rights holders

Bill & Gayle McCarty

Box 549

New Meadows Idaho

83654

ph # 208 347-2827

Thank you

Bee McCarty

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: **A78-04186**
Date Received: 5/31/1988
Receipt No: C001126
Received By: _____

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

1. Name: BILL MC CARTY
Address: PO BOX 193
LAKEFORK ID 83635
AND
Name: GAYLE MC CARTY
Address: PO BOX 193
LAKEFORK ID 83635
2. Date of Priority: MAY 1, 1895
3. Source: GOOSE CREEK, EAST BRANCH Trib. to: LITTLE SALMON RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
19N	02E	18	NW	SE	NW		ADAMS
5. Description of diverting works:
DIVERSION PIPE & GATE VALVE
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.600		
STOCKWATER	01/01	12/31	0.050		
7. Total Quantity Appropriated is:
0.600 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 60.0 Acre Feet Per Annum.
9. Non-irrigation uses:
S/160 RANGE

MICROFILMED
OCT 22 1996

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
19N	01E	13	NE	NE		IRR	30.0
Section Acres							30.0
Total Acres							30.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

A78-00173B -00196B -00197B -00198B -00199B -04068B

14. Remarks:

2WNERSHIP CHANGED BY LH 6/12/95.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

MICROFILMED

OCT 22 1996

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
OCT 22 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

JUN 08 1995

Department of Water Resources

DATE OF CLOSING: 5-20-95

LEGAL DESCRIPTION OF PROPERTY: Township 19 N Range 1 E
 Section 13, NE 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 09 1995

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:
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): TROY & Sharon R. Gerber
2801 MERRITT AVE.
Las Vegas, NV. 89102
- ☐ New Owner/Claimant (Purchaser): Bill & Gayle McCarty
- ☐ New Mailing Address: P.O. Box 193
LAKEFORK ID. 83635
- ☐ New Telephone Number: ()
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X 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
 (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) Bill McCarty
Gayle McCarty

Date 5-19-95Date 5-19-95

- ☐ 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: 6-12-95 By: JD

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 7-13-95 By: JD

MICROFILMED

OCT 22 1996

Original to be mailed to Idaho Department of Water Resources

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

JUN 08 1995

LEGAL DESCRIPTION OF PROPERTY: Township 19 N Range 1 E Department of Water Resources
Section 13, NE 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.

JUN 09 1995

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: _____
- [] Name and Address of Former Owner/Claimant(s)(Seller): TROY & Sharon R. Gerber
2801 MERRITT AVE.
LAS VEGAS, NV. 89102
- [] New Owner/Claimant (Purchaser): Bill & Gayle McCarty
- [] New Mailing Address: P.O. Box 193
LAKE FORK ID. 83635
- [] New Telephone Number: () _____ - _____
- [] Does the change in ownership result in a splitting of the water right owned/claimed? yes X 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
- (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) _____ Date _____
- [] Signature of Former Owner/Claimant(s): Theresa R. Hecker _____ Date 5/17/95

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

Claim Numbers of Split, if any:

MICROFILMED

OCT 22 1950

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

INSTRUMENT NO. 87858
WARRANTY DEED

RECEIVED

JUN 08 1995

Department of Water Resources

RECEIVED

JUN 09 1995

WATER RESOURCES
WESTERN REGION

For Value Received TROY GERBER and SHARON R. GERBER, husband and wife

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

BILL MCCARTY and GAYLE MCCARTY, husband and wife

the grantee, whose current address is, P.O. Box 193, Lakefork, Idaho 83635.

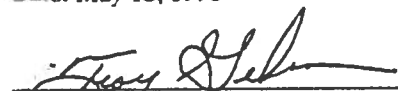
the following described premises, in Adams County, Idaho, to-wit:

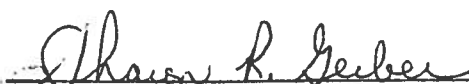
SEE ATTACHED EXHIBIT "A" WHICH IS MADE A PART HEREOF

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 incumbrances SEE EXHIBIT "A" 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: May 15, 1995


Troy Gerber


Sharon R. Gerber

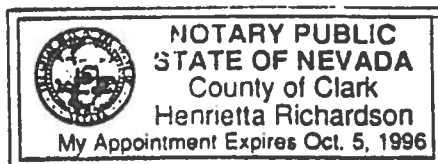
STATE OF NEVADA)
) ss
COUNTY OF Clark)

On this 17 day of May, in the year of 1995, before me a Notary Public, personally appeared
TROY GERBER and SHARON R. GERBER
known or identified to me to be the persons whose names subscribed to the within instrument, and acknowledged to me that they executed the same

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

at 50 minutes past 4 o'clock P.M.
this 19th day of May, 19 95, in my office,
and duly recorded in Book
of Deeds at page


Notary Public
Residing at Las Vegas, NV
Commission expires: 10-5-96



MICHAEL FISK

Ex-Officio Recorder

By: 
Deputy

Fees \$6.00

Mail to: Timberline Title & Escrow

MICROFILMED

OCT 22 1996

RECEIVED

INSTRUMENT NO. 87858

JUN 08 1995

SCHEDULE A

Department of Water Resources

Township 19 North, Range 1 East, Boise Meridian, Adams County, Idaho
Section 13: A parcel of land situated in the NE1/4 of said section more particularly described as follows:

Beginning at the NE corner of Section 13;

Thence South 88 degrees 52'25" West 1018.97 feet to a point;

Thence South 00 degrees 36'32" West 850.89 feet to a point;

Thence North 88 degrees 52'25" East 1029.70 feet to a point;

Thence North 00 degrees 06'48" West 850.64 feet to the POINT OF BEGINNING.

EXCEPTING the right-of-way of the county road known as Farrell Road.

SUBJECT TO:

GENERAL TAXES AND ASSESSMENTS for the year 1995 which are a lien but not yet due or payable.

GENERAL USE EASEMENT for movement of cattle and machinery across land granted to DARRELL L. CAMPBELL and DONNA M. CAMPBELL, husband and wife, as set forth in Warranty Deed recorded August 5, 1985 as Instr. No. 70739.

ALL EASEMENTS AND RIGHTS-OF-WAY existing or of record.

NOTICE OF EASEMENT recorded September 9, 1994 as Instr. No. 86611.

DEED OF TRUST dated August 14, 1992 between TROY GERBER and SHARON R. GERBER, husband and wife. Grantors; TIMBERLINE TITLE AND ESCROW, INC., Trustee; and MARTHA W. SIPE and ROBERT B. SIPE, husband and wife; SUSAN E. PETERSON and JIMMY L. PETERSON, husband and wife, and CHARLES M. RICE, a single man. Beneficiaries, to secure an indebtedness in the original principal sum of \$27,000.00, recorded August 27, 1992 as Instr. No. 82560.

ASSIGNMENT OF INTEREST of CHARLES M. RICE to GEORGE HASTINGS and EILEEN HASTINGS, husband and wife, recorded December 30, 1994 as Instr. No. 87230.

MATTERS DISCLOSED ON A RECORD OF SURVEY recorded October 2, 1992 as Instr. No. 82964.

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: **A78-04186**

Date Received: 5/31/1988

Receipt No: _____

Received By: _____

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

1. Name: TROY GERBER 702-367-6726
Address: 2801 MERRITT AVE
LAS VEGAS NV 89102

AND

Name: SHARON R GERBER 702-367-6726
Address: 2801 MERRITT AVE
LAS VEGAS NV 89102

2. Date of Priority: MAY 1, 1895

3. Source: GOOSE CREEK, EAST BRANCH Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
19N	02E	18	NW	SE	NW		ADAMS

5. Description of diverting works:
DIVERSION PIPE & GATE VALVE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.600		
STOCKWATER	01/01	12/31	0.050		

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

A.F.A.

8. Total consumptive use is 60.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/160 RANGE

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AUG 08 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
19N	01E	13	NE	NE		IRR	30.0
Section Acres							30.0
Total Acres							30.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

A78-00173B -00196B -00197B -00198B -00199B -04068B

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

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AUG 08 1994

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

MICROFILMED
AUG 08 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

NOV 23 1992

Department of Water Resources

DATE OF CLOSING: 8-20-92

LEGAL DESCRIPTION OF PROPERTY: Township 19N Range 1E
Section 13, NE 1/4 of 1/4 of 1/4 Govt. Lot BM
Lot , Block , Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet.

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

☐ Water Right Number(s)
Assigned by IDWR: A78-00173B, 00196B, 00197B, 00198B, 00199B,
04068B, 04186, 10222

☐ Name and Address of Former Owner/Claimant(s)(Seller): Martha Sipe, Charles Rice, Jensen Peterson
2450 Millway Dr., Boise, ID 83709

☒ New Owner/Claimant (Purchaser): TROY & SHARON R. GERBER

☒ New Mailing Address: 2801 MERRITT AVE
LAS VEGAS, NV 89102

☒ New Telephone Number: (702) 367-6726

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes Xno
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 Warranty Deed (Recorded Cop 4)

(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) Troy Gerber Date 8/21/92

Sharon R. Gerber Date 8/21/92

☐ Signature of Former Owner/Claimant(s): _____ Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 12-8-92 By:

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 12-8-92 By:

Claim Numbers of Split, if any:

MICROFILMED

AUG 08 1994

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



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 8-20-92

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

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

☐ Water Right Number(s)
Assigned by IDWR: _____

☒ Name and Address of Former Owner/Claimant(s)(Seller): Martha Sipe, Charles Rice, Susan Peterson
2450 Millwood Dr. Boise, ID 83709

☐ New Owner/Claimant
(Purchaser): _____

☐ New Mailing Address: _____

☐ New Telephone Number: () _____ - _____

☐ 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

(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) _____ Date _____

☒ Signature of Former Owner/Claimant(s): Martha N. Sipe, Robert P. Rice Date 8-18-92
Susan E. Peterson Date 8-18-92

Charles M. Rice by Susan E. Rice Peterson 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:

MICROFILMED

AUG 08 1994

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

WARRANTY DEED

For Value Received MARTHA W. SIPE, aka Martha Winifred Rice Sipe and ROBERT B. SIPE, wife and husband AND SUSAN E. PETERSON, aka SUSAN ELAINE RICE PETERSON, and JIMMY L. PETERSON, wife and husband AND CHARLES M. RICE, aka CHARLES MACK RICE, A Single person
the grantor s, do hereby grant, bargain, sell and convey unto

TROY GERBER and SHARON R. GERBER, husband and wife
the grantee s, whose current address is 2801 Merritt Ave., Las Vegas, Nevada
the following described premises, in Adams County, Idaho, to-wit:

A parcel of land situated in the NE 1/4 OF Section 13, Township 19 North, Range 1 East, Boise Meridian, Adams County, Idaho, more particularly described as follows:

Beginning at the Northeast corner of Section 13, noted above, thence
S. 88 degrees 52' 25" W., 1018.97 feet to a point; thence
S. 0 degrees 36' 32" W., 850.89 feet to a point; thence
N. 88 degrees 52' 25" E., 1029.70 feet to a point; thence
N. 0 degrees 06' 48" W., 850.64 feet to the point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantees, that they the owner s in fee simple of said premises; that they are free from all incumbrances except for all easements of record, rights of way, matters visible, and all matters of record and title.

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

Dated: Susan E. Peterson
Susan E. Peterson

Jimmy L. Peterson
Jimmy L. Peterson

Martha W. Sipe
Martha W. Sipe

Robert B. Sipe
Robert B. Sipe

Charles M. Rice by Susan Elaine Rice Peterson, Attorney-in-fact
Charles M. Rice by Susan Elaine Rice Peterson, his attorney in fact

STATE OF IDAHO
COUNTY OF Ada

On this 18th day of August, in the year 1992, before me, a Notary Public, personally appeared MARTHA W. SIPE and ROBERT B. SIPE known or identified to me to be the person whose name subscribed to the within instrument, and acknowledged to me that he executed the same.

Jim Fraley
Notary Public

Residing at Boise, Idaho.

STATE OF IDAHO, COUNTY OF ADAMS

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

Timberline Title & Escrow
at 37 minutes past 11 o'clock AM.,
this 27 day of August
1992, in my office, and duly recorded in Book _____
of Deeds at page _____

Michael Fisk

Ex-Officio Recorder

By Sarah J. Wilson

Deputy.

Fees \$ 6.00

Mail to:

INSTRUMENT NO. 060059

ph

STATE OF Idaho)
County of ~~Idaho~~ Washington) ss

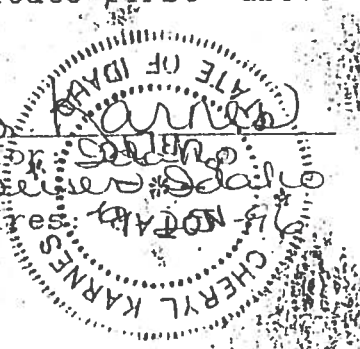
On this 18th day of August, 1992, before me a Notary Public in and for the said State personally appeared

SUSAN ELAINE RICE PETERSON
as the true and lawful attorney in fact for
CHARLE MACK RICE
and acknowledge to me that SHE executed the same in

capacity as the true and lawful attorney in fact for
CHARLES MACK RICE

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

Cheryl S. Karnes
Notary Public for Idaho
Residing at: Weiser, Idaho
Commission expires: 9-25-94

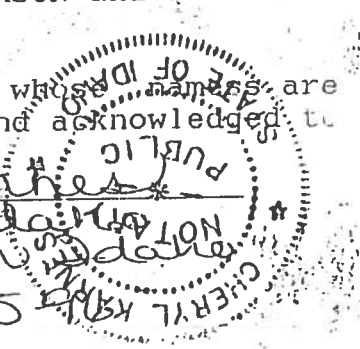


STATE OF Idaho)
County of Washington) ss

On this 18 day of August, in the year 1992, before me Cheryl S. Karnes, a Notary Public, in and for said State personally appeared SUSAN E. PETERSON and JIMMY L. PETERSON,

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.

Cheryl S. Karnes
Notary Public for: Idaho
Residing at: Weiser, Idaho
Commission expires: 9-25-94



MICROFILMED
AUG 08 1994

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: A78-04186
Date Received: 5/31/1988
Receipt No: C001126

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARTHA SIPE
Address: 2450 MILLWAY
BOISE, ID 83709 208-322-8679
OR
Name: CHARLES M. RICE
Address: 440 W. IDAHO ST.
WEISER, ID 83672 208-549-2443
OR
Name: SUSAN E. PETERSON
Address: 1340 WEST SECOND
WEISER, ID 83672 208-549-1903
2. Date of Priority: MAY 01, 1895
3. Source: GOOSE CREEK, EAST BRANCH Trib. to: LITTLE SALMON RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 19N | 02E | 18 | NW | SE | NW | | ADAMS |
5. Description of diverting works:
DIVERSION PIPE & GATE VALVE
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 0.600 | | |
| STOCKWATER | 01/01 | 12/31 | 0.050 | | |
7. Total Quantity Appropriated is:
0.600 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 60.0 Acre Feet Per Annum.
9. Non-irrigation uses:
S/160 RANGE

A78-04186

Page 1

Date: 05/31/88

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OCT 06 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
19N	01E	13	NE	NE	IRR	30.0
Section Acres						30.0
Total Acres						30.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

A78-00173B -00196B -00197B -00198B -00199B -04068B

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM
Water Right Number:

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: 1

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): Martha W. Lipe Date: 6-3-88

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 3rd day
of June 19 88

Connie J. Mello
Notary Public

Seal

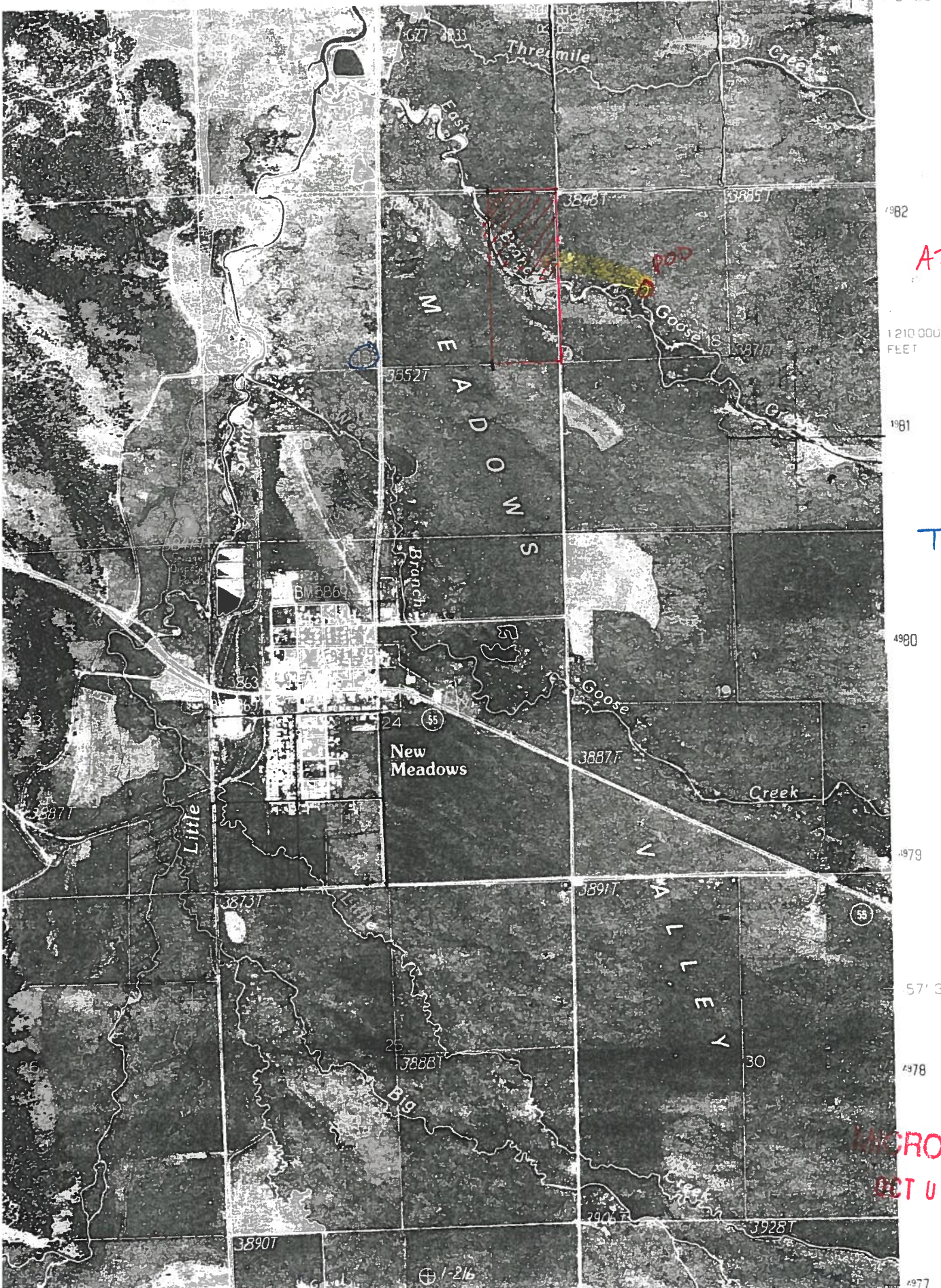
Residing at Boise
My Commission Expires 8/9/90

RIE

57

-58

116° 15' 15° 00'



A78-04186

T19N

MACROFILMED
OCT 06 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

July 16, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Re: Notice of Claim to a Water Right No. A78-00173B, A78-00196B, A78-00197B,
A78-00198B, A78-00199B, A78-04068B, A78-04186, A78-10222

Bill Mc Carty
Gayle Mc Carty
PO Box 549
New Meadows ID 83654

Dear Mr. & Mrs. Mc Carty:

Enclosed is a copy of the above referenced claim which reflects the change in address of the land and appurtenant water rights covered under the original filing.

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

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

Sincerely,

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

Denise Buffington
Records Clerk
Adjudication Section
Western Region Office

DB:d

Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 13, 1995

Re: Notices of Claim to a Water Right Nos. A78-00173B, A78-00196B,
A78-00197B, A78-00198B, A78-00199B, A78-04068B, A78-04186,
A78-10222

Bill Mc Carty
Gayle Mc Carty
P.O. Box 193
Lakefork, ID 83635

Mr. & Mrs. Mc Carty:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

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

If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LH:1
Enclosure

MICROFILMED
OCT 22 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 8, 1992

Re: Notices of Claim to a Water Right No. A78-00173B, A78-00196B,
A78-00197B, A78-00198B, A78-00199B, A78-04068B, A78-04186, A78-10222

Troy Gerber
Sharon R. Gerber
2801 Merritt Ave.
Las Vegas, NV 89102

Mr. & Mrs. Gerber:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

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

If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LH:1
Enclosure

MICROFILMED

AUG 08 1994