

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 63-19762
Date Received: 12/1/1989
Receipt No: C013120
Received By:

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

1. Name of Claimant(s)

SCOTT SMITH Phone: (208)454-2082
21445 CHICAGO
CALDWELL ID USA 83607

REBECCA J SMITH Phone: (208)454-2082
21445 CHICAGO ST
CALDWELL ID USA 83605

2. Date of Priority: 03/15/1931

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	03W	16	SE NE SE	CANYON	

5. Description of diverting works:

PUMP, PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.038	

7. Total Quantity Appropriated is:
0.038 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
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04N	03W	16	NE	SE	IRRIGATION	1.2
					Section Acres	1.2
					Total Acres	1.2

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

THIS POINT OF DIVERSION AND SYSTEM IS ALSO USED TO IRRIGATED ADJACENT PROPERTY OWNED BY LARRY AND GAIL CONWAY.
ACTUAL IRRIGATED ACRES = 1.29 ACRES

CHANGE IN OWNERSHIP LG- 7-24-2006 REVIEWED BY KB

15. Basis of Claim: Beneficial Use

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

RECEIVED

APR 24 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
63-19762	A63-19762				

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) Alma C. Wagner
4. New Owner/Claimant(s) 21445 Chicago Caldwell, ID 83605
Mr Scott / Rebecca Smith
 Name Connector (Check one): ☐ and, ☒ or ☐ and/or
- New Mailing Address 21445 Chicago
- City, State and ZIP Code Caldwell, Idaho 83607
- New Telephone Number 208 454-2082
5. Date you acquired the property 1-14-1992

OK

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) Rebecca J. Smith

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 KLB Date 4/24/06 Fee 0
 Received by _____ Date _____ Receipt No. _____
 Processed by LG AJ Date 7-24-06 WR _____ Date _____
 Reviewed by KLB 7/24/06

INSTRUMENT NO. 9200962

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made by THEODORE WAGNER, as Personal Representative of the Estate of ALMA C. WAGNER, Deceased, Grantor, to SCOTT T. SMITH and REBECCA J. SMITH, Husband and Wife, Grantees, whose address is P O Box 565, Payette, ID 83661

WHEREAS, Grantor is the qualified Personal Representative of said Estate, filed as Probate Number SP-91-01581, in Canyon County, Idaho;

THEREFORE, for valuable consideration received, Grantor sells and conveys to Grantee the following described real property in Canyon County, Idaho:

SEE EXHIBIT "A" ATTACHED HERETO

with all appurtenances, it any.

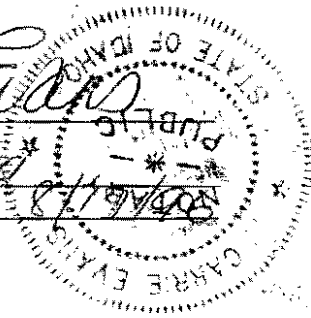
EXECUTED this 14th day of Jan. 1992 ~~December, 1991~~.

Theodore R Wagner
Personal Representative of the
Estate of ALMA C. WAGNER,
Deceased

STATE OF IDAHO)
COUNTY OF Canyon } SS:

On the 14th day of Jan. 1992 ~~December, 1991~~, before me, a Notary Public, personally appeared THEODORE WAGNER, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the Estate of ALMA C. WAGNER, and acknowledged to me that he executed the same as such Personal Representative.

Carrie Eads
Notary Public for Idaho
Residing at: Idaho
My Commission Expires: 8/1/99



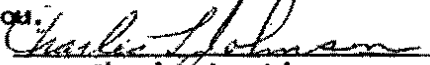
CANYON COUNTY ASSESSOR'S OFFICE
P.O. BOX 1095
CALDWELL, IDAHO 83606
(208) 454-7431

SALES VERIFICATION

Dear Property Owner:

The Assessor is required by Idaho Code to obtain information on property in order to compare assessed value to market value. This information is important for all property owners to insure equity and uniformity of value. Please complete the information requested and return to this office in the enclosed envelope.

Thank you.


Charles L. Johnson
Assessor

R34931-000- -0 121-00 G 04N03W165250
SMITH, SCOTT T & REBECCA J-H/W 05/15/92

P O BOX 565
PAYETTE

ID 83661

15-4N-3W SW
TAX 23-A IN SW1/4 LESS HWY

SALES VERIFICATION

1. TYPE OF PROPERTY: Commercial ☐ Residential ☒ Agricultural ☐
Bare Ground ☐ Other: ☐
2. TOTAL SALE PRICE: \$ 51,900 DATE OF SALE: Month 01 Year 92
3. DOWN PAYMENT: \$ 7,130.82 LOAN AMOUNT: \$ 44,769.18 INTEREST RATE: 7 % YEARS: Adjustable
FINANCING: Conventional ☒ VA ☐ FHA ☐ IHA ☐ Cash ☐ Private ☐ Other ☐
4. IF PERSONAL PROPERTY (Furniture, Fixtures, Etc.) WAS INCLUDED IN THE TOTAL PRICE, PLEASE ESTIMATE THE VALUE AND LIST TYPE OF ITEMS INCLUDED.
VALUE: \$ 15,000 ^{approx.} ITEMS: FURNITURE, Appliances, Clothing, Jewelry
5. THIS SALE WAS: An Ordinary Transaction ☒ A Trade ☐ An Estate Sale ☐
Between Family ☐ An Easement ☐ A Condemnation ☐ Other ☐
6. MOTIVE FOR OWNERSHIP: Personal Use ☒ Investment ☐ Other ☐
7. REMARKS CONCERNING SALE: _____
8. MAILING ADDRESS (For Future Correspondence):
21445 Chicago St. Caldwell, Idaho 83605
SIGNATURE Rebecca J. Smith OWNER ☒ AGENT ☐
WORK PHONE: 454-7240 HOME PHONE: 454-2082 DATE: 09-10-92

Form No. 1402-87 (4-6-90)
ALTA Owner's Policy

SCHEDULE A

Order No.: PC 04325
Policy No.: H 847414

Amount of Insurance: \$51,900.00
Premium: \$ 344.00

Date of Policy: January 15, 1992 as of 4:17 p.m.

1. Name of Insured:
SCOTT T. SMITH and REBECCA J. SMITH, husband and wife
2. The estate or interest in the land which is covered by this policy is: Fee simple
3. Title to the estate or interest in the land is vested in:
SCOTT T. SMITH and REBECCA J. SMITH, husband and wife
4. The land referred to in this policy is described as follows:
See attached Exhibit "A"

PC 04325

EXHIBIT "A"

N1390548.76 E 2282952.52

A part of Government Lot 8, which is in the East Half of the Southeast Quarter of Section 16, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described, to-wit:

COMMENCING at the East Quarter corner of Section 16, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho; thence

South $0^{\circ} 17'$ West 772.75 feet along the East line of the said Government Lot 8 to the INITIAL POINT of this description; thence continue

South $0^{\circ} 17'$ West 508.07 feet; thence

South $77^{\circ} 56' 20''$ West 119.10 feet (formerly South 78° West); thence

North $0^{\circ} 17'$ East 453.43 feet parallel to the said East line to a point on the Southerly bank of the Boise River Slough; thence

North $39^{\circ} 42'$ East 103.68 feet along the said Southerly bank; thence

South $89^{\circ} 43'$ East 50.51 feet to the INITIAL POINT of this description.

AND ALSO

A part of Government Lot 9, which is a part of the Southwest Quarter of Section 15, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described, to-wit:

COMMENCING at the West Quarter corner of Section 15, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho; thence

South $0^{\circ} 17'$ West 660.82 feet along the West line of the said Section 15 to a meander corner monument; thence continue

South $0^{\circ} 17'$ West 620 feet to the INITIAL POINT of this description; thence

North $0^{\circ} 17'$ East 158.60 feet along the said West line; thence

South $88^{\circ} 47'$ East 15.60 feet; thence

South $7^{\circ} 14'$ East 153.83 feet; thence

South $81^{\circ} 00'$ West 36.20 feet to the INITIAL POINT of this description.

EXCEPTING THEREFROM

A parcel of land being on the Northerly side of the centerline of the Frontage Road No. 2 Survey as shown on the plans of Interstate 80N, Project No. I-80N-1(67)27 Highway Survey now on file in the office of the Idaho Transportation Department, Division of Highways, and being a portion of Government Lot 9 of Section 15 and Government Lot 8 of

(continued)

Section 16, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, described as follows, to-wit:

COMMENCING at the West Quarter corner of Section 15, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho; thence

South $0^{\circ} 17'$ West along the West line of said Section 15 a distance of 1,280.82 feet to the Southwest corner of the tract of land as described in that certain Quitclaim Deed dated April 5, 1974, recorded April 26, 1974 as Instrument No. 727900, records of Canyon County, Idaho, and being the REAL PLACE OF BEGINNING; thence

North $78^{\circ} 14' 14''$ East (shown of record to be North $81^{\circ} 00'$ East) along the South line of said tract of land 36.20 feet to the Southeast corner of said tract of land; thence

North $6^{\circ} 37' 24''$ West (shown of record to be North $7^{\circ} 14'$ West) along the Easterly line of said tract of land 20 feet, more or less, to a point in a line parallel with and 25 feet Northerly from the centerline and bears

North $9^{\circ} 38' 59''$ West from Station 41+03.80 of the Frontage Road No. 2 Survey as shown on the plans of said Interstate 80N, Project No. I-80N-1(67)27 Highway Survey; thence along said parallel line as follows:

Westerly along a 5,754.58-foot radius curve left 121.36 feet to a point opposite Station 42+24.63 of said Frontage Road No. 2 Survey;

South $79^{\circ} 08' 31''$ West 36 feet, more or less, to a point in the Easterly line of the tract of land as described in that certain Warranty Deed dated May 23, 1974, recorded May 24, 1974 as Instrument No. 729951, records of said Canyon County; thence

South $0^{\circ} 53' 36''$ West (shown of record to be South $0^{\circ} 17'$ West) along said Easterly line 15 feet, more or less, to a point in the Northerly line of the tract of land as described in that certain Warranty Deed dated September 15, 1959, recorded as Instrument No. 477726, records of said Canyon County; thence

North $78^{\circ} 14' 14''$ East (shown of record to be North $78^{\circ} 00'$ East) along said Northerly line 121 feet, more or less, to the REAL PLACE OF BEGINNING.

Frontage Road No. 2 Survey Station Reference: 41+03.80 to 42+60.

The bearings as shown in the above land description, unless otherwise noted, are from the Idaho Plane Coordinate System, based on the transverse mercator projection for the West Zone of Idaho.

SCHEDULE B

Order No.: PC 04325
Policy No.: H 847414

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

PART I
SECTION I

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims or easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

SECTION 2

1. General taxes for the year 1992, which are a lien, payable on or before December 20 of said year and not delinquent until after said date.
2. Assessments for water for irrigation, and the rights and powers of any water or ditch company. Paid current.
3. Rights of way for irrigation and drainage ditches and canals and roads.
4. Any claim arising from the difference in the mean high water line of the Boise River and the meander line as shown by the Government Survey.

(continued)

5. A portion of this property appears to have been acquired by accretion or avulsion in the changes of the mean high water line of the Boise River. This Report is issued and accepted upon the assumption that title to the alluvion follows that of the abutting property and liability thereon is excepted.
6. Power Line Easement as granted to IDAHO POWER COMPANY, a corporation, by instrument recorded August 22, 1934 as Instrument No. 205395, records of Canyon County, Idaho...including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system.
7. Power Line Easement as granted to IDAHO POWER COMPANY, a corporation, by instrument recorded October 19, 1952 as Instrument No. 381642, records of Canyon County, Idaho...including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system.
8. Restrictions in Warranty Deed dated May 21, 1979 and recorded July 24, 1979 as Instrument No. 868623, records of Canyon County, Idaho. See copy attached.
9. Easement dated May 21, 1979 by ALMA C. WAGNER, also known as ALMA CECIL WAGNER, to STATE OF IDAHO, recorded July 24, 1979 as Instrument No. 868624, records of Canyon County, Idaho. See copy attached.
10. A Deed of Trust with Adjustable Rate Rider to secure an indebtedness in the amount shown below, and any other obligations secured thereby

Amount:	\$46,700.00
Dated:	January 14, 1992
Trustor/Grantor:	SCOTT T. SMITH and REBECCA J. SMITH, husband and wife
Trustee:	PIONEER TITLE COMPANY OF CANYON COUNTY
Beneficiary:	HOME FEDERAL SAVINGS & LOAN ASSOCIATION OF NAMPA
Recorded:	January 15, 1992 as Instrument No. 9200963

INSTRUMENT NO 868623

93851

DH-351 4-75

WARRANTY DEED



Project No. I-80N-1(67)27

Parcel No. 115

Access Rights

Negative Easements ☒

THIS INDENTURE, Made this 21 day of May, 1979,
between

ALMA C. WAGNER also known as ALMA CECIL WAGNER, a widow,

Grantor, and the STATE OF IDAHO, by and through the IDAHO TRANSPORTATION BOARD for the
DIVISION OF HIGHWAYS, 3311 West State Street, Boise, Idaho 83703, Grantee.

WITNESSETH: That the Grantor, for and in consideration of One and No/100ths
(\$1.00) Dollars, paid to her, receipt whereof is acknowledged, has granted, bar-
gained, sold, and conveyed and by these presents does grant, bargain, sell and convey
unto the Grantee, its successors and assigns forever, in fee simple, the land described
in Schedule A attached hereto and made a part hereof and situated in the County of
Canyon, State of Idaho.

~~TOGETHER with all rights of access between the right of way of the said project~~
~~and the remaining contiguous real property belonging to the Grantor, except for~~

Grantor conveys unto the Grantee the right to prohibit the erection or con-
struction of any buildings or structures except irrigation or drainage structures within
twenty feet (20') of the real property above described.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said
Grantee and its successors and assigns forever. And the Grantor does hereby covenant
to and with the said Grantee, that she is the owner in fee simple of said
premises; that they are free from all encumbrances and that she will warrant and
defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, Grantor has hereunto set her hand and seal the
day and year first above written.

Alma C. Wagner
Alma C. Wagner

STATE OF IDAHO)
County of Canyon) ss.

On this 21 day of May, 1979 before me, the undersigned, a
Notary Public in and for said State, personally appeared

ALMA C. WAGNER also known as ALMA CECIL WAGNER, a widow,

known to me to be the person whose name she subscribed to the foregoing instrument,
and acknowledged to me that she executed the same.

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

(SEAL)

Notary Public for IDAHO
Residing at Canyon, Idaho

DH-357 10/74

SCHEDULE ASheet 1 of 1Project No. I-80N-1(67)27Parcel No. 115

Land situated in Canyon County

A parcel of land being on the Northerly side of the centerline of the Frontage Road No. 2 Survey as shown on the plans of Interstate 80N, Project No. I-80N-1(67)27 Highway Survey now on file in the office of the Idaho Transportation Department, Division of Highways, and being a portion of Government Lot 9 of Section 15 and Government Lot 8 of Section 16, Township 4 North, Range 3 West, Boise Meridian, described as follows, to-wit:

Commencing at the West quarter corner of Section 15, Township 4 North, Range 3 West, Boise Meridian;

thence South 0°17' West along the West line of said Section 15 a distance of 1,280.82 feet to the Southwest corner of the tract of land as described in that certain Quitclaim Deed dated April 5, 1974 recorded April 26, 1974 as Instrument No. 727900 records of Canyon County, Idaho and being the REAL PLACE OF BEGINNING;

thence North 78°14'14" East (shown of record to be North 81°00' East) along the South line of said tract of land 36.20 feet to the Southeast corner of said tract of land;

thence North 6°37'24" West (shown of record to be North 7°14' West) along the Easterly line of said tract of land 20.0 feet, more or less, to a point in a line parallel with and 25.0 feet Northerly from the centerline and bears North 9°38'59" West from Station 41+03.80 of the Frontage Road No. 2 Survey as shown on the plans of said Interstate 80N, Project No. I-80N-1(67)27 Highway Survey;

thence along said parallel line as follows:

Westerly along a 5,754.58 foot radius curve left 121.36 feet to a point opposite Station 42+24.63 of said Frontage Road No. 2 Survey,

South 79°08'31" West - 36.0 feet, more or less, to a point in the Easterly line of the tract of land as described in that certain Warranty Deed Dated May 23, 1974 recorded May 24, 1974 as Instrument No. 729951 records of said Canyon County;

thence South 0°53'36" West (shown of record to be South 0°17' West) along said Easterly line 15.0 feet, more or less, to a point in the Northerly line of the tract of land as described in that certain Warranty Deed dated September 15, 1959 recorded as Instrument No. 477726 records of said Canyon County;

thence North 78°14'14" East (shown of record to be North 78°00' East) along said Northerly line 121.0 feet, more or less, to the REAL PLACE OF BEGINNING.

Frontage Road No. 2 Survey Station Reference: 41+03.80 to 42+60.

The area above described contains approximately .042 acres.

The bearings as shown in the above land description, unless otherwise noted, are from the Idaho Plane Coordinate System, based on the transverse mercator projection for the West Zone of Idaho.

Any Right of Way fencing to be constructed is not necessarily intended to designate the property line between Grantor and the State, and any variance between the location of Right of Way fencing and the actual property line as herein described shall not be construed as a modification or alteration of this description.

8 6 8 6 2 3

FILED

JUN 24 1 22 PM '79

U.S. DEPT. OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Change

CANYON ADST & TITLE CO

Dude
4.00

Wagner, Anna C
ada

State of Idaho
1.00
Ward

Tacoma

INSTRUMENT NO.

868 624

Project No. I-80N-1(67)27
Parcel No. 115-E-1

EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That ALMA C. WAGNER also known as ALMA CECIL WAGNER, a widow, Grantor, for and in consideration of One and No/100ths Dollars (\$1.00), and other good and valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant unto the STATE OF IDAHO, by and through the Idaho Transportation Board for the Division of Highways, Grantee, 3311 West State Street, Boise, Idaho 83703, and its successors and assigns, the right to go upon, occupy, and use a portion of Government Lot 8 of Section 16, Township 4 North, Range 3 West, Boise Meridian, in Canyon County, Idaho, described as follows, to-wit:

A strip of land 10.0 feet wide adjacent and contiguous to and on the Northerly side of the Right of Way boundary of the Frontage Road No. 2 Survey as shown on the plans of Interstate 80N, Project No. I-80N-1(67)27 Highway Survey now on file in the office of the Idaho Transportation Department, Division of Highways, and as described in that certain Warranty Deed to the State of Idaho executed by the Grantor herein, on the day of May, 1974, and lying between the East line of said Section 16, and the Easterly line of the tract of land as described in that certain Warranty Deed dated May 23, 1974 recorded May 23, 1974 as Instrument No. 729951 records of said Canyon County.

FOR THE PURPOSE OF CONSTRUCTING THEREON an irrigation pipe line by the Idaho Transportation Department, Division of Highways, or its agents or contractors.

The aforesaid facility shall remain in place as constructed or installed for its intended purpose and shall not be removed or relocated by the Grantor, her heirs or assigns, without the prior approval of the Idaho Transportation Department, Division of Highways, or its assigns.

The Idaho Department of Transportation, Division of Highways, its agents or transferees, shall have the right to perform any maintenance they may deem necessary or wish to exercise in connection with the aforesaid facility (including but not restricted thereto, the right to make necessary repairs, alterations, removals or replacements thereof).

Together with the right and privilege of ingress and egress

to and from said property for said purposes.

It is expressly intended that these burdens and restrictions shall run with the land and shall forever bind the Grantor, her heirs and assigns.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 12 day of July, 1977.

Alma C. Wagner (SEAL)

STATE OF _____)
County of _____) ss.

On this 12 day of July, 1977, before me, the undersigned, a Notary Public in and for said State, personally appeared ALMA C. WAGNER, a widow, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

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

Notary Public for _____
Residing at _____

(SEAL)

868624

FILED

JUL 24 1 22 PM '79

Wagner

RECORDED
AT THE REQUEST OF

CLERK OF DISTRICT COURT

Wagner
4.00

Wagner
Alma C.

State of Idaho
Notary Public

Wagner
Alma C.

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: A63-19762
Date Received: 12/01/1989
Receipt No: COJ 3120
Received By: KAT

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALMA C. WAGNER 208-459-8019
Address: 21445 CHICAGO ST.
CALDWELL, ID 83605

2. Date of Priority: MAR 15, 1931

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	03W	16	SE	NE	SE		CANYON

5. Description of diverting works:
PUMP, PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.038		

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

8. Total consumptive use is 4.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	03W	16	NE	SE		IRR	1.2

Section Acres 1.2

Total Acres 1.2

A63-19762

Page 1

Date: 12/01/89

MICROFILMED

SEP 02 1992

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS POINT OF DIVERSION AND SYSTEM IS ALSO USED TO IRRIGATED
ADJACENT PROPERTY OWNED BY LARRY AND GAIL CONWAY.
ACTUAL IRRIGATED ACRES = 1.29 ACRES

15. Basis of Claim: BENEFICIAL USE

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: 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): X Alma C. Wagner Date: Dec. 1 89

Date: _____

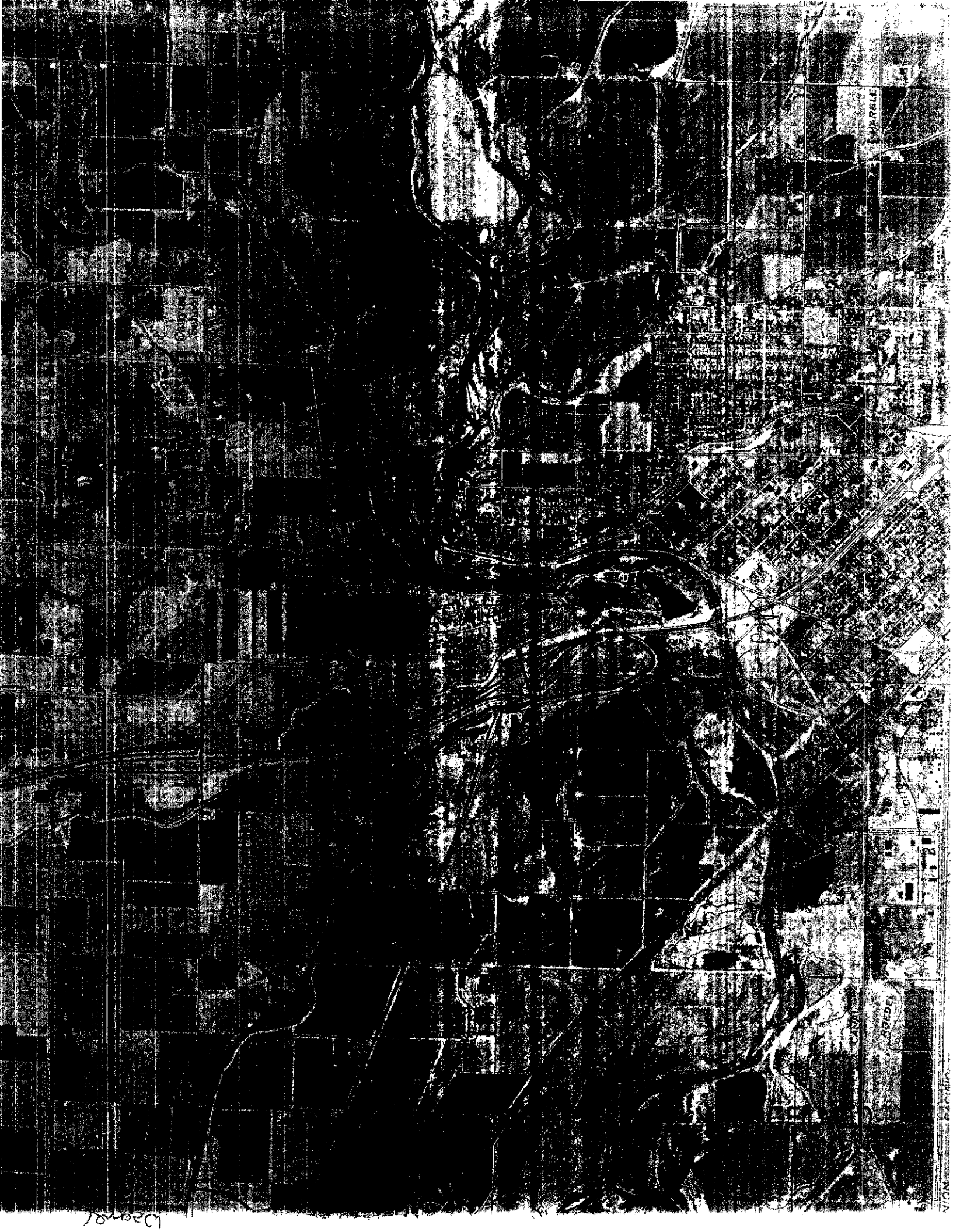
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 1st day
of December 19 89

Helen Harrington
Notary Public

Seal

Residing at Helen Harrington, Notary Public
My Commission Expires Residing at Boise, Idaho
~~My Commission Expires December 1, 1994~~



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

RIGHT NUMBER: 63-19762

NAME AND ADDRESS: SCOTT SMITH
21445 CHICAGO
CALDWELL ID 83607

REBECCA J SMITH
21445 CHICAGO ST
CALDWELL ID 83605

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.030 CFS
4.500 AFY

PRIORITY DATE: 03/01/1952

POINT OF DIVERSION:

T04N R03W S16 SENESE Lot 8 Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.030 CFS
4.50 AFY

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE: IRRIGATION Within CANYON County

T04N R03W S16 Lot 8 NESE 1.00

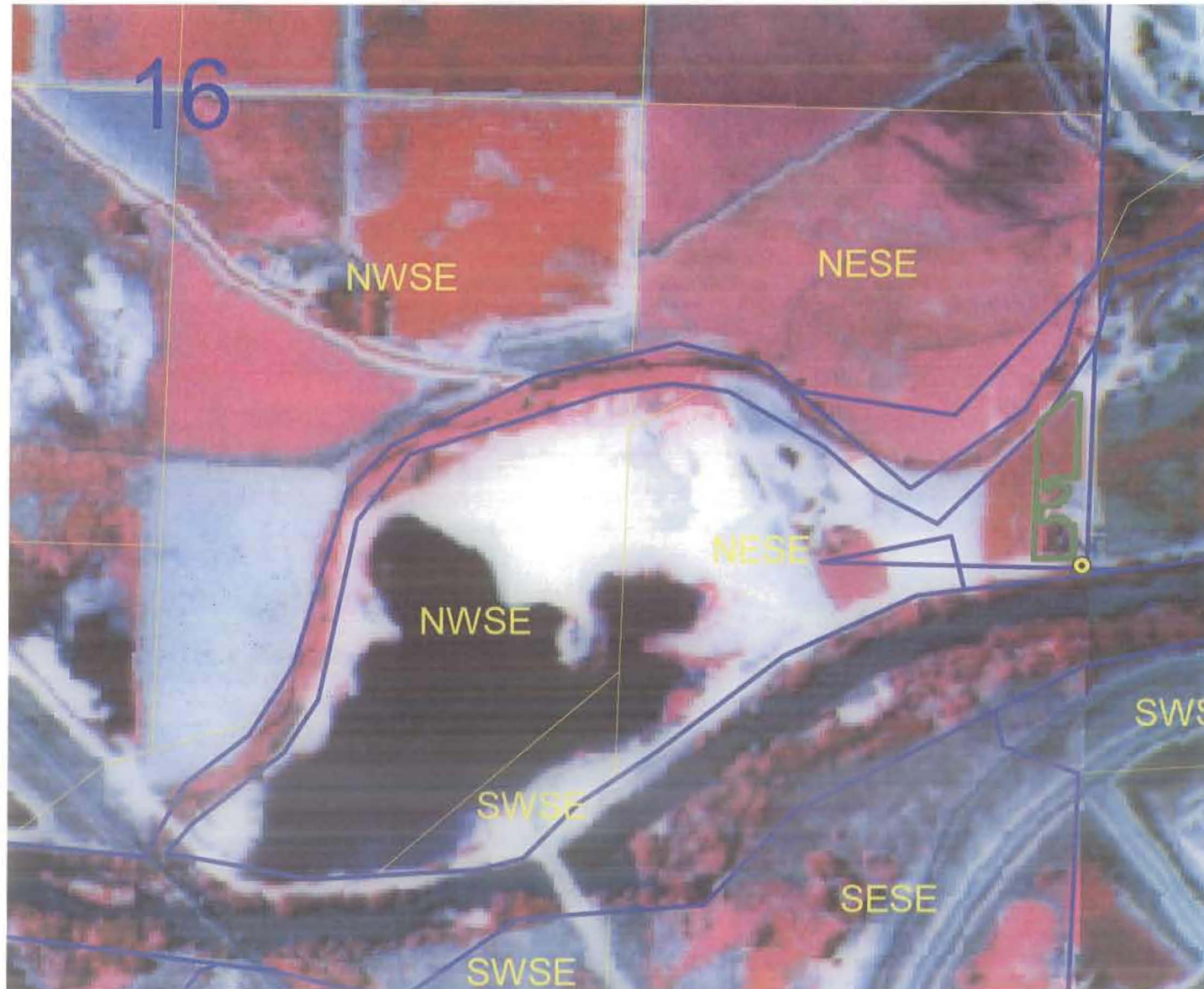
1 ACRES TOTAL

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

Idaho Department of Water Resources



**T04N, R03W,
SEC 16**

Claim No: 63-19762

Prepared By: Kimberly Brown

Date: May 10, 2006

 Place of Use

 Section Lines

 1/4 1/4

 Point of Diversion

Irrigated Acres = 1.0



0 0.06 Miles


1987 NAPP

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-19762

WATER RIGHT NUMBER: 63-19762 ✓

Owner Type

Current Owner

Name and Address

ALMA C WAGNER ✓
 21445 CHICAGO ST
 CALDWELL, ID 83605
 (208)459-8019

Current Owner:

Scott T. Smith
 21445 Chicago St.

Priority Date: 03/16/1991 ✓ 1952

Basis: Beneficial Use ✓

Status: Active

Source

BOISE RIVER ✓

Tributary

SNAKE RIVER ✓

Beneficial Use

IRRIGATION ✓

change to 3/1

From To

3/15 to 11/15 ✓

Diversion Rate0.03 ~~0.038 CFS~~ ✓Total Diversion: ~~0.038 CFS~~ ✓

0.03

Annual Volume

4.5 AF

4.5 AF

Location of Point(s) of Diversion

BOISE RIVER

CANYON County ✓

SE1/4NE1/4SE1/4 ✓

Sec. 16, Twp 04N, Rge 03W, B.M. ✓

Govt. lot 8

Place of Use

IRRIGATION ✓

Twp	Rge	Sec	NE				NW				SW				SE				Totals
✓ 04N	03W	16	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	1.0
Total Acres: 1.29																			1.0
																			1.0

L8

(0.97 AC)

Conditions of Approval:

1.

THIS POINT OF DIVERSION AND SYSTEM IS ALSO USED TO IRRIGATED ADJACENT PROPERTY OWNED BY LARRY AND GAIL CONWAY.
 ACTUAL IRRIGATED ACRES = 1.29 ACRES

Comments:Remarks:Comments:

ADD S49 - Period of Use Condition
 for Boise River

Parcel No: R3495800000. (1.29-1.3 AC)

(in-office review)

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid \$51.⁰⁰
- ☐ Well logs (if needed)
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☒ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) A63-19762Owner: Alma C. Wagner Phone No. 459-8019Current Address: 21445 Chicago St., Caldwell 83605

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER Scott T. Smith
- ☒ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property? _____

Accompanied by: N/A**PRIORITY DATE**

- ☐ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☒ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 3/15/1931

(If priority date, based on your exam, seems questionable, explain below.)

An affidavit, signed by William M. Shipley, was submitted on 4/20/66 that substantiates use of March 1952. Therefore, the recommended date will be 3/01/1952. The Quit Claim Deed submitted by

Source: Boise River Tributary to Snake

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☐ No change
- ☒ POD found is different than claimed: ADD: Govt. lot 8
- ☐ If different, when did POD change? _____

Rebecca Smith is not sufficient to substantiate use of Boise River water.

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
	8								

Description of diverting works

Pump & pipe.

OVERLAP REVIEW

Other water rights with the same point of diversion: 63-19763

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

shares same point of diversion

WATER USES

Season of use is 3/1 to 11/15.

☐ No change

☐ Different Uses

Use Irrigation From 3/1 To Amount 0.03 CFS 4.5 AFA

Use From To Amount CFS AFA

Use From To Amount CFS AFA

$$1 \text{ AC} \times 4.5 \text{ af/acre} = 4.5 \text{ af/annum} \quad \textcircled{v} \quad 0.03 \text{ cfs} \times 1.9835 \times 260 \text{ days} = 15.47 \text{ af/annum}$$

TOTAL VOLUME - Groundwater only

☒ Incomplete on claim, the total is, Amount 4.5 CFS AFA

☒ Changes found, the new total is, Amount 0.03 CFS AFA

☒ More than 1" per Acre? Yes (claimant must complete excess flow sheet)

IDWR allows 0.03 cfs/acre when acres are less than 5 AC.

NON-IRRIGATION USES:

☒ No change None

☐ Changes Exam found: Domestic # of homes Stock #

Types Additional comments:

PLACE OF USE:

☐ No Change

☒ Changes shown below:

ADD: Govt lot 8

Parcel No: R34958 00000. (1.29-1.3 AC)

[illegible]

no overlap - separate Polls

Pipe.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS: N/A

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

[illegible]

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 5.10.06 (in-office review)

FIELD EXAMINER: Kimberly Brown



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

July 24, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Scott & Rebecca Smith
21445 Chicago St
Caldwell, ID 83605

Notice of Claim to a Water Right No. 63-19762
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".

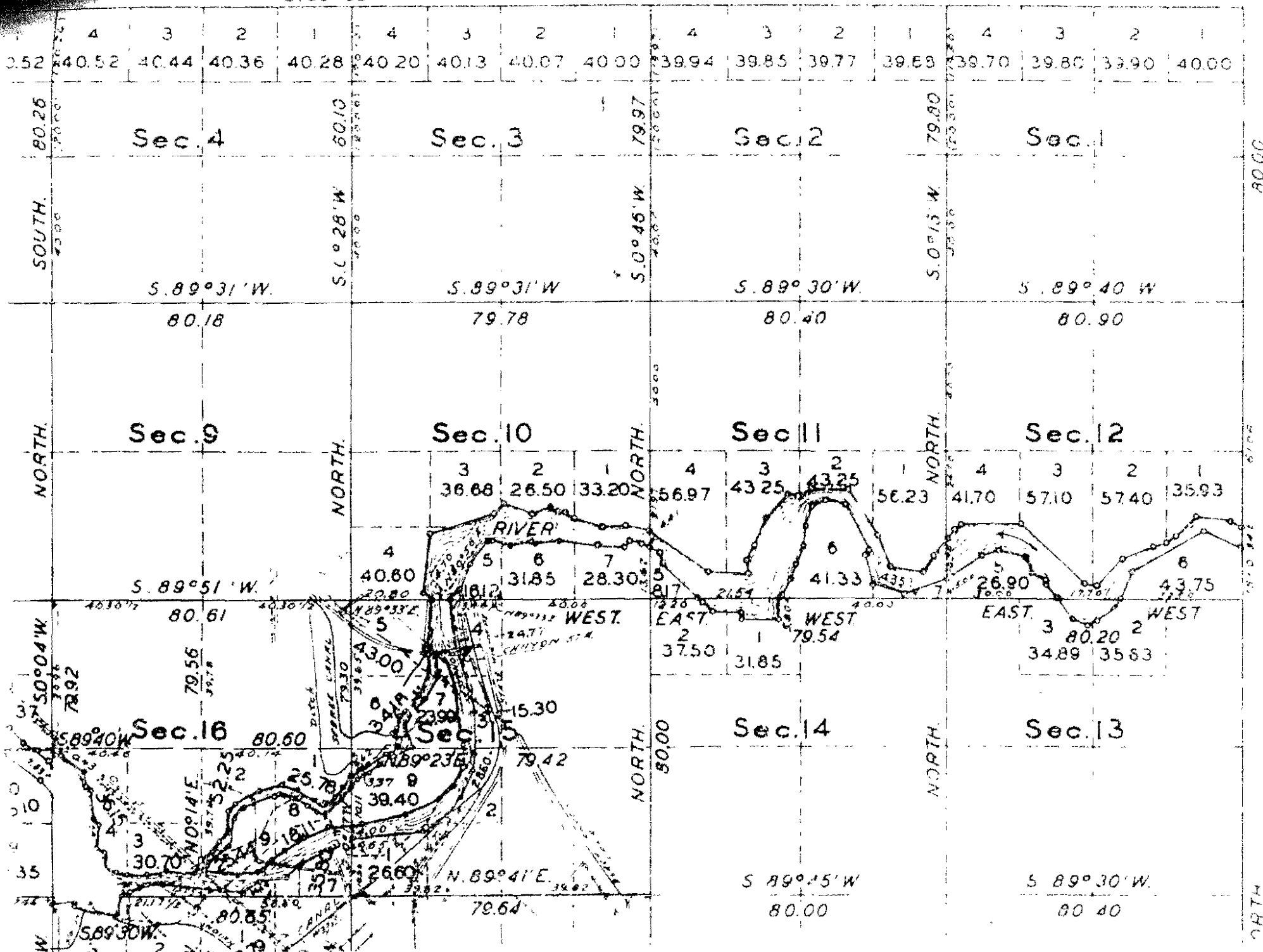
Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure

4n 3W

S. 89° 35' W.



#63-19762
1987 NAPP
NESE

NESE



IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-19762

03/23/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
138E	Claim	04N	03W	16	NE	SE		IRRIGATION	25/964	CANYON DITCH CO
233E	Claim	04N	03W	16	NE	SE		IRRIGATION		CANYON DITCH CO
-252	Claim	04N	03W	16	NE	SE		IRRIGATION	25/964	CANYON DITCH CO
-369	Claim	04N	03W	16	NE	SE		IRRIGATION	25/964	CANYON DITCH CO
~~19762~~	~~Claim~~	~~04N~~	~~03W~~	~~16~~	~~NE~~	~~SE~~		~~IRRIGATION~~	~~1.2/1.2~~	~~ALMA C WAGNER~~
19763	Claim	04N	03W	16	NE	SE		IRRIGATION	6.7/6.7	GAIL CONWAY
233E	Water Right	04N	03W	16	NE	SE		IRRIGATION		CANYON DITCH CO
19760	Water Right	04N	03W	16	NE	SE		DOMESTIC		SCOTT T SMITH
19761	Water Right	04N	03W	16	NE	SE		DOMESTIC		GAIL CONWAY

no overlap -
separate POU's

REAL PROPERTY INQUIRY

```

+++++
01 6R34958-000- -0 122-00 G SCH132+ 12 30,000 1.00
+++++
2A 2,600 .29
SMITH, SCOTT T + 32 1,500
& SMITH, REBECCA J H/W + 34 69,500
+
+
+
21445 CHICAGO ST +
CALDWELL ID 83605 +
+++++
16-4N-3W SE + TOTAL 103,600 1.29
LT 8 LESS TAX 1,2,6,7 & 8 & +
LESS HWY + SURVEY INST 9200962
+ DRAIN DR VALUE APPR TAM
+ CLASS 2 REAP 05 MAN 04 UNIT 1
21445 CHICAGO ST, CA + PARCEL 6R04N03W167275 H/O N C/B N
+ PRIOR ACCOUNT 5R34958-000- -0
+ 02 MH on Property NO

```

MODE:F ACTION: TRAITS INQUIRY TRQK318

ACCOUNT NUMBER R34958000 0 UNIT 001 TOTAL UNITS 1

```

SITE 21445 CHICAGO ST CA SEC/TWN/RNG 16-4N-3W
ASSESSED VALUE 103,600 ACREAGE 1.29
SUB/PARK NAME YEAR/MAKE
CLASS 2 OWNER / OCCUPIED HOUSE CLASS ' 2 ' SPACE LOT BLOCK

```

```

+++++
YR BUILT 1945 AIR COND CARPORT
STORY 1 STORY HEATING GAS FA CARPORT SQ FT
FIRST SQ FT 1384 EXTERIOR STUCCO DECK/PATIO? Y
SECOND SQ FT 384 ROOF COMP POOL?
BEDS 2 BSMT SQ FT SPA?
BATHS 1.75 % BSMT FIN LOT SIZE
FRPLC 0 GARAGE D2 NEIGHBORHOOD 0
GARAGE SQ FT 400

```

```

+++++
COMMENTS MOBILE HOME ONLY
WIDTH/LENGTH
EXPANDO

```

Receipt Details for ID C013120

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
12/1/1989 10:04:33 AM	12/1/1989	State	\$76.00	Check
Payer	WAGNER, ALMA C.			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
5038			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$76.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	19760		\$25.00	Claim
63	19762		\$51.00	Claim

✓

Print Report

RECEIVED

INDIVIDUAL ACKNOWLEDGMENT

APR 24 2006

WATER RESOURCES
WESTERN REGION

State/Commonwealth of Idaho }
County of Canyon } ss.

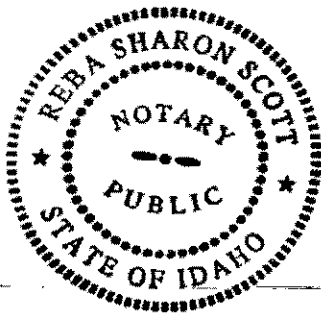
On this the 19th day of April, 2006, before
me, Reba Sharon Scott, the undersigned Notary
Public, personally appeared B. William M. Shipley,
Name(s) of Signer(s)

☐ 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 he/she/they
executed the same for the purposes therein
stated.

WITNESS my hand and official seal.



John A. Shewell
Signature of Notary Public

Exp. 5-15-06
Other Required Information (Printed Name of Notary, Residence, etc.)
Reba Sharon Scott

Place Notary Seal and/or Any Stamp Above

OPTIONAL

Although the information in this section is not required by law, it may prove valuable to
persons relying on the document and could prevent fraudulent removal and reattachment
of this form to another document.

Description of Attached Document

Title or Type of Document: Claim of Water Rights

Document Date: 4-19-06 Number of Pages: 1

Signer(s) Other Than Named Above: N/A

Right Thumbprint
of Signer

Top of thumb here

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))

AFFIDAVIT

State of Idaho)
County of)

deposes and says: My Parents, Frank & Gladys Shipley purchased property adjacent to the Wagner property in March of 1952, in Caldwell, Canyon Co, Idaho. My Parents and I have owned & occupied our property since 1952. At the time we purchased our property there was a Parma Water Lifter pump in the Boise River which was used to pump water from the Boise river for irrigation of Farm Land for the Wagner Property. The pump has remained in the river & has been used for irrigation purposes.

William M. Shipley -

~~William M. Shipley~~
(Signature)

4-19-06

21459 Chicago Street
Caldwell, ID 83607
Phone (208) 459-8275

Idaho Department of Water Resources

1987 Napp Photo

Claim Number: 63-19762

Legal
Review

4-10-06

These appear to be the place of
use boundary and point of diversion

RECEIVED

APR 24 2006

WATER RESOURCES
WESTERN REGION

Rebecca J. Smith

NESE

Quarter Quarter Lines

RECEIVED

APR 24 2006

WATER RESOURCES
WESTERN REGION

Please review this
aerial photo. Is the
place of use boundary
and the location of
the point of diversion
correct. Please make
any corrections and
return this with your
evidence of priority.

0

0.25 Miles

(*) You may draw any
corrections you need
on this map —
Please return with your evidence.

Fannie Mae Form 1004 10/86

QUIT CLAIM DEED

Instrument No. 189991

THIS INDENTURE, Made this 9th day of October, in the year of our Lord one thousand nine hundred and thirty-one, between C. E. Lee and Sadie Lee, his wife and Callie Lee, divorced wife of C. E. Lee, W. A. Perkins and Amelia Perkins, husband and wife, of Caldwell, County of Canyon, State of Idaho, the parties of the first part, and R. W. Wagner, of Caldwell, County of Canyon, State of Idaho, the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One and no/100----- DOLLARS, lawful money and other valuable considerations of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do--by these presents remise, release and forever QUITCLAIM, unto the said party of the second part, and to his heirs and assigns, all those certain lot a, pieces or parcels of land, situate, lying and being in the County of Canyon, State of Idaho, bounded and particularly described as follows, to-wit:

Lots Eight (8) and Nine (9) in Section Sixteen (16), Township Four (4) North of Range Three (3) West of the Boise Meridian, containing 43.55 acres according to the government survey thereof; together with all water, water rights, ditches and rights of way for ditches thereunto belonging or in anywise appertaining.

RECEIVED

APR 24 2006

WATER RESOURCES
WESTERN REGION

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

C. E. Lee (SEAL)
Sadie Lee (SEAL)
Callie Lee (SEAL)
W. A. Perkins (SEAL)
Amelia Perkins.

STATE OF IDAHO, }
COUNTY OF Canyon }

On this 10th day of October, in the year 1931, before me,

HUGH N. CALDWELL, Notary Public in and for said State, personally appeared C. E. Lee and Sadie Lee, his wife and Callie Lee, divorced wife of C. E. Lee, W. A. Perkins and Amelia Perkins, husband and wife, known to me to be the person whose name are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(SEAL) (SEAL)

Hugh N. Caldwell
Notary Public, Residing at Caldwell, Idaho

STATE OF IDAHO, }
County of Canyon }

I hereby certify that this instrument was filed for record at the request of Hugh N. Caldwell, at 40 minutes past 9 o'clock A. M., this 15 day of Dec., A.D. 1931.

By Marie K. Eustace

Deputy

Fees \$ 1.00

COMPARED

INDIVIDUAL ACKNOWLEDGMENT

State/Commonwealth of Idaho } ss.
County of Canyon }

On this the 19th day of April, 2006, before
me, Reba Sharon Scott, the undersigned Notary
Public, personally appeared William M. Shipley

☐ 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 he/she/they executed the same for the purposes therein stated.

WITNESS my hand and official seal.

Reba Sharon Scott
Signature of Notary Public
Exp. 5-15-06
Other Required Information (Printed Name of Notary, Residence, etc.)
Reba Sharon Scott

Place Notary Seal and/or Any Stamp Above

OPTIONAL

Although the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Claim of Water Rights
Document Date: 4-19-06 Number of Pages: 1
Signer(s) Other Than Named Above: N/A

Right Thumbprint
of Signer

Top of thumb here

RECEIVED

APR 20 2006

WATER RESOURCES
WESTERN REGION

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
63-19763)

AFFIDAVIT

State of Idaho)
County of Caldwell)

deposes and says: My Parents, Frank & Gladys
Shipley purchased property adjacent to
the Wagner property in March of 1952, in
Caldwell, Canyon Co, Idaho. My Parents
and I have owned & occupied our
property since 1952. At the time we
purchased our property there was a
Parma Water Lifter pump in the Boise
River which was used to pump water
from the Boise river for irrigation of Farm
Land for the Wagner Property. The pump
has remained in the river & has been used for
irrigation purposes.

William M. Shipley -

William M. Shipley
(Signature)

4-19-06

21459 Chicago Street
Caldwell, ID 83607
Phone (208) 459-8275

4

CONVERSATION MEMORANDUM

**RE: Snake River Basin Adjudication Water Right Nos. A63-19762
Evidence of Priority**

April 10, 2006

Rebecca Smith came into the office to submit evidence of priority. The Findings of Fact document that she handed me, unfortunately, only refers to use of an artesian well; not surface water. Mrs. Smith will try to contact Alma Wagner's son, Theodore, or one of her other children. Or she may try to find a neighbor with personal knowledge of the water use.

Kimberly Brown
Senior Water Resource Agent
Western Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 28, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ALMA C WAGNER
21445 CHICAGO ST
CALDWELL ID 83605

APR 27 2006

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-19762

Dear Claimants,

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out. You indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled. **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date."**

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by April 26, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area. In the near future, you may be receiving a call from us in order to set-up an appointment for a field exam.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

Respectfully Submitted,

Kimberly Brown

Kimberly Brown
Water Resource Agent
Adjudication Bureau

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-19762

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.