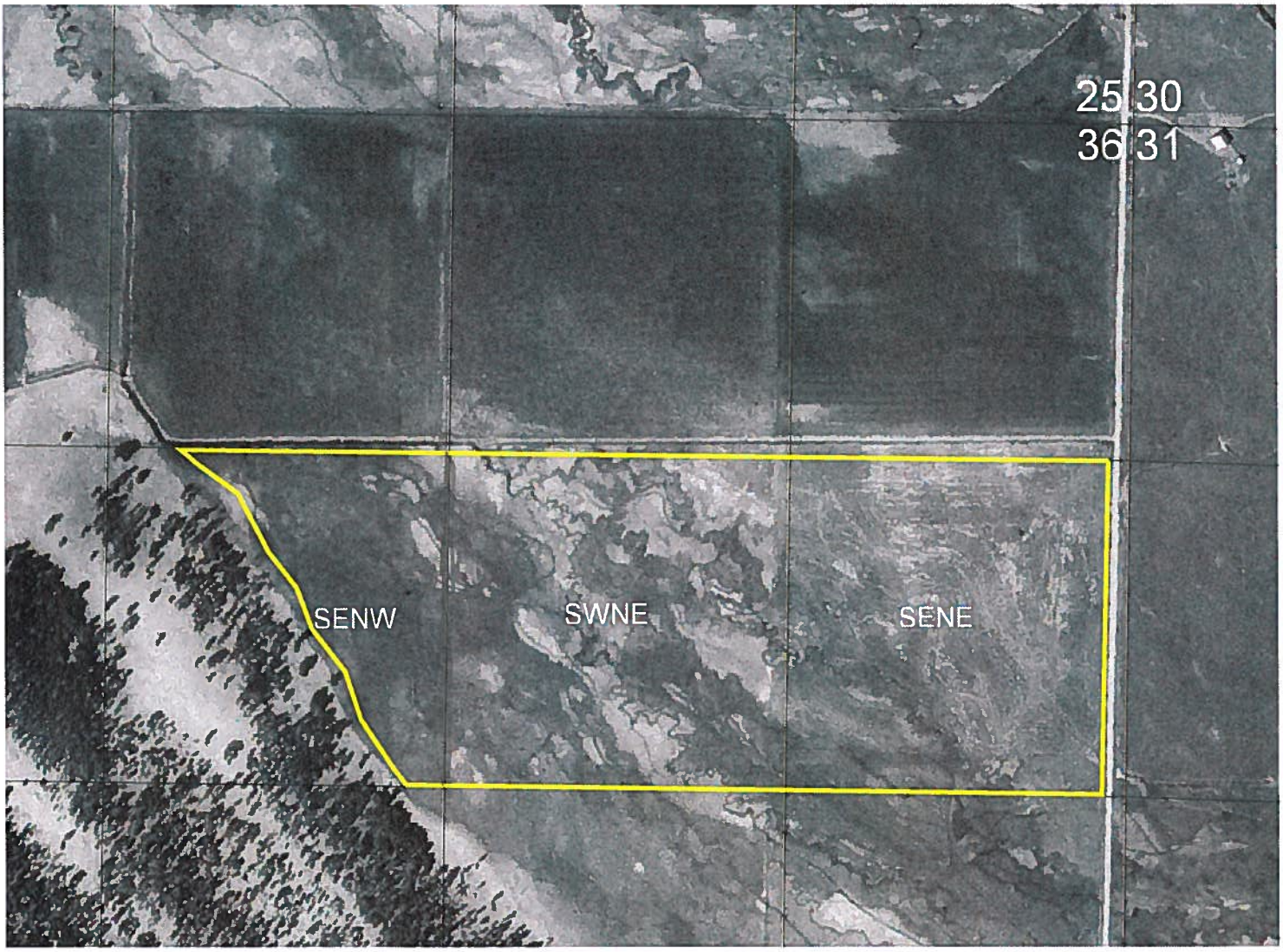
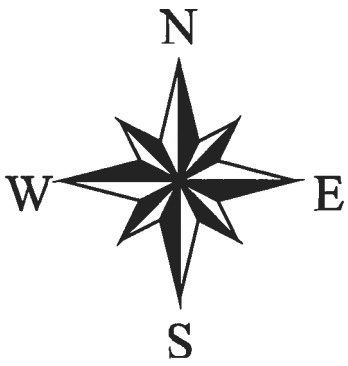
78-128B 78-10181B & 78-10182B



1000 0 1000 2000 Feet

T19N R01E S36



Map prepared by: Carter Fritschle
Date prepared: 04/20/05
Digital Orthophotoquad - 1992 Photography
Idaho Department of Water Resources

RECORD OF SURVEY

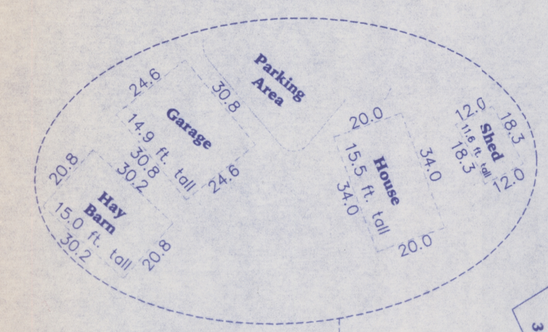
for

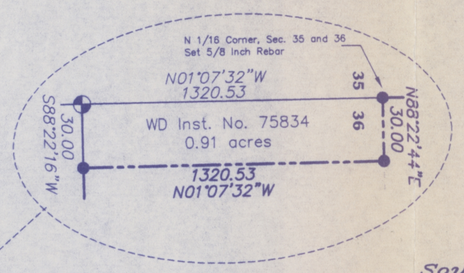
Don Eberle

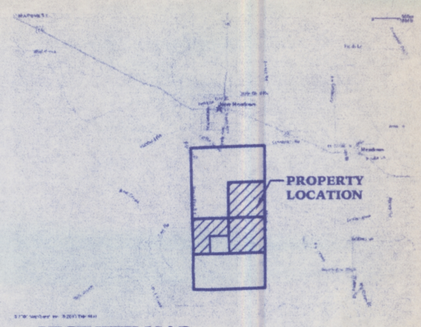
An ALTA/ACSM Land Title Survey Located in the SE1/4 of Section 25 and the N1/2 of Section 36 T. 19 N., R. 1 E., B.M., Adams County, Idaho

600 300 0 600 1200

HORIZONTAL SCALE IN FEET

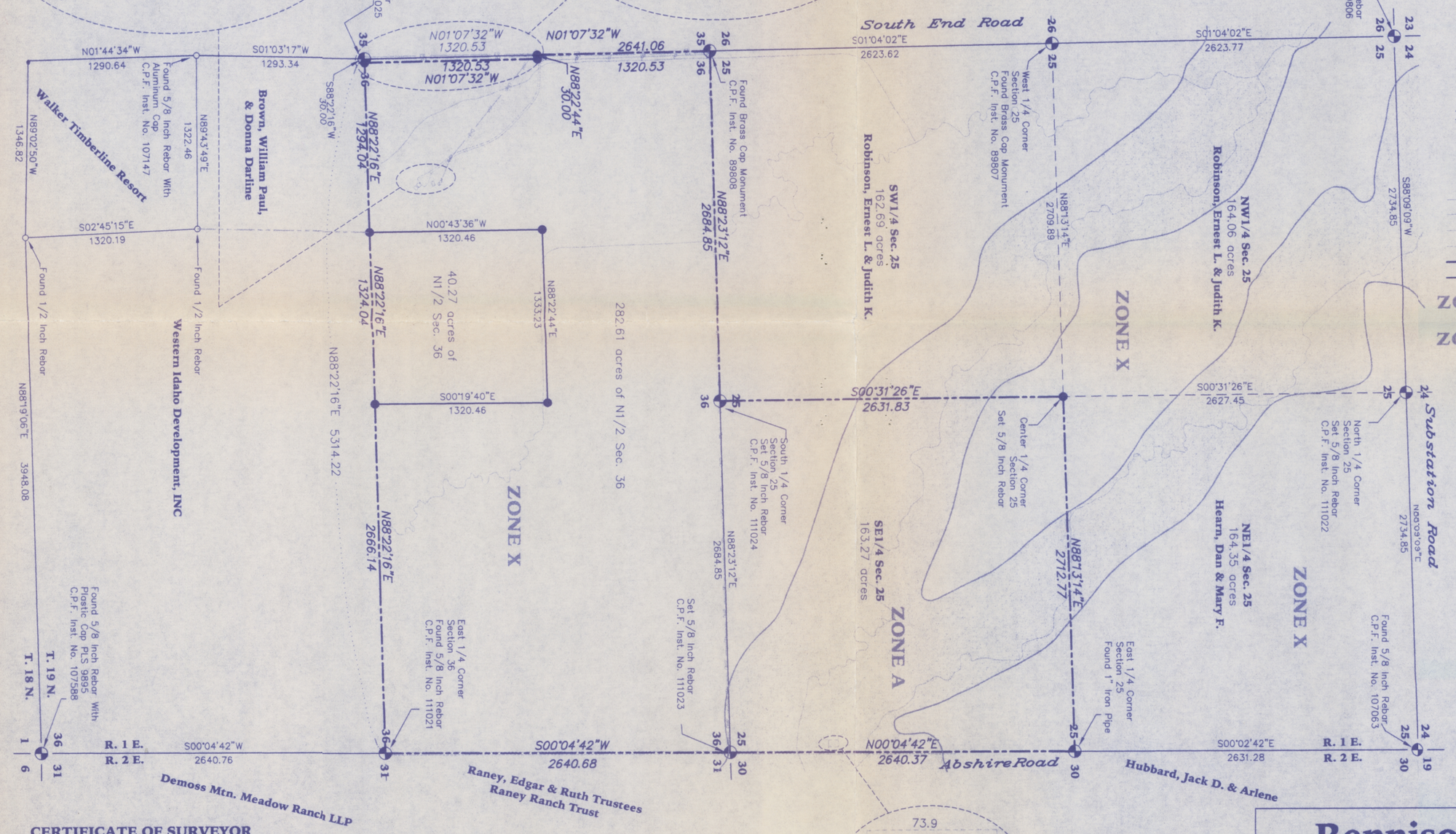






VICINITY MAP

No Scale



LEGEND

- Section or Quarter Corner as Noted
- Set 5/8 Inch Rebar
- Found Rebar As Noted
- Overhead Powerline
- Overhead Telephone Line
- Edge of Pavement
- Edge of Gravel Road
- Boundary Line
- Parcel Line

ZONE X Areas determined to be outside 500 year flood plain

ZONE A No base flood elevations determined

NOTES

Refer to plat of Walker Timberline Resort Subdivision Book 1, Page 43.

Refer to ROS INST NO 84998.

Refer to ROS INST NO 107589.

Refer to ROS INST NO 86628.

Building heights measured from tallest point of roof to adjacent ground directly below tallest point.

Bearings from GPS.

Building setbacks are 80 feet from the centerline of streeets, and 20 feet from all other lines.

Zone A and Zone X are FEMA designations taken from National Flood Insurance Program Flood Insurance Rate Map (FIRM), for Adams County, Map No. 16003C0330 B, Effective Date: 1/20/2000.

PROFESSIONAL LAND SURVEYOR REGISTERED 5618 2/9/06 STATE OF IDAHO ROBERT W. FODREA

CERTIFICATE OF SURVEYOR

This is to certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA, ACSM and NSPS in 1999, and includes items 1, 4, 11 a &b, and 13 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA, ACSM, and NSPS and in effect on the date of this certification, undersigned further certifies that the Positional Uncertainties resulting from the survey measurements made on the survey do not exceed the allowable Positional Tolerance.

Date: 2-9-06

Robert W. Fodrea, P.L.S. 5618

SCANNED OCT 17 2006

Rennison Fodrea, Inc.

Engineers • Surveyors • Planners

Cascade Office
105 N. Main Street, P.O Box 188
Cascade, Idaho 83611
Office: 208.382.4902
Fax: 208.382.3410

Eagle Office
128 S. Eagle Rd., Suite B
Eagle, Idaho 83616
Office: 208.938.2440
Fax: 208.938.2441

78-128B

JOB NO. 1691	DRAWN BY. CB	DATE. 2/06	SHEET 1 of 1

04/20/2005

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 78-128B

NAME AND ADDRESS: SELMA ANN EBERLE
PO BOX 1389
MC CALL ID 83638-2509

DONALD R EBERLE
PO BOX 1389
MC CALL ID 83638-2509

SOURCE: BIG CREEK TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 1.180 CFS

Right Nos. 78-128B, 78-10181B and 78-10182B are limited to a total combined diversion rate of 3.06 cfs.

Right Nos. 78-128B and 78-10182B are limited to a total combined diversion rate of 1.88 cfs.

PRIORITY DATE: 05/01/1907

POINT OF DIVERSION:

T18N R02E S8 SENW Within ADAMS County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	1.180 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T19N R01E S36	SWNE	40.0	T19N R01E S36	SENE	37.0
T19N R01E S36	SENW	17.0			

94 ACRES TOTAL

Right Nos. 78-128B, 78-10181B and 78-10182B are limited to the irrigation of a combined total of 94 acres in a single irrigation season.

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: Decreed

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

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: **A78-00128B**
Date Received: 5/17/1988
Receipt No: X777777
Received By: _____

COPY FOR YOUR FILES | **NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW** | **COPY FOR YOUR FILES**

1. Name: DONALD R EBERLE 208-634-2092
   Address: PO BOX 1389
   MCCALL ID 83638-2509
   AND/OR
   Name: SELMA ANN EBERLE 208-634-2092
   Address: PO BOX 1389
   MCCALL ID 83638-2509

2. Date of Priority: MAY 1, 1907

3. Source: BIG CREEK Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
18N	02E	8	SE NW		ADAMS

5. Description of diverting works:
   CEMENT HEADGATE 2 MILE DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/15	09/01	1.170		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
19N	01E	36	SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			SE	NW		IRR	14.0
						Section Acres	94.0
						Total Acres	94.0

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:
A78-10181 & A78-10182.

14. Remarks:
THIS WATER IN THE J. C. LEVANDER DITCH.
|
ADDRESS CHANGE BY CLAIMANT LETTER.
ADDRESS CHANGED PER CLAIMANT LETTER. DB 5/10/99
2ND PHONE NUMBER - PER CLAIMANT - (208) 355-2625

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ROSE SCHIELER
Decree Plaintiff

vs

CHARLES A. WYMAN ET. AL.
Decree Defendant

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY 10 1999
WATER RESOURCES
WESTERN REGION

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[/] Water Right Number(s): 65-13785, 7F-10255,
See attachment for add'l #'s. 67-11199B, 67-11200,
67-11198, 67-11197

[/] Claimant Name(s): DONALD R + JELMA ANN EBERLE

[/] Old Mailing Address: P.O. Box J
McCall, Idaho

[/] New Mailing Address: P.O. Box 1389
McCall, Idaho

Telephone Number: (208) 634-2092 (FAX also)
" 355-2625

[ ] Signature of Claimant(s): D. R. Eberle

Date: 5-4-99

5-10-99

Donald R + Selma Ann Eberle
Address Change

- 65-13785 - no claim required - sent to S.O.

- 67-11197, -11198, -11199B + -11200 already done by Sally 5-4-99.

- All B-78 #'s changed 5-10-99 DZ

78-10258 (NCAP)
A78-04020C
A78-06128B
A78-10156B
A78-10182B
A78-10181B
A78-02086D
A78-10255
A78-10256

- A67-07019 changed 5-10-99 By DZ

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED
NOV 17 1998
Department of Water Resources

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 5, 1998

DONALD AND SELMA ANN EBERLE
PO BOX J
MC CALL ID 83638-2509

Re: Snake River Basin Adjudication (SRBA)
Water Right A78-00128B, A78-02086D, A78-04020C, A78-10156B, ~~A78-10181B~~, ~~A78-10182B~~, ~~A78-10255~~, ~~A78-10256~~ & A78-10258
Change of Address

+R' previously changed.

Dear Claimants: Records changed 11-27-98. ss

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right(s) can be sent only to the address on your water right(s) or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary **and list any other water rights you may have** before returning this letter by November 24, 1998. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water right(s) referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

Sincerely,

Sally

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#######

The address is correct as shown above ~~or as otherwise changed~~.

D. A. Eberle 634/2092 (also fax)
Claimant Signature Telephone No.

355/2625

(ocrd)

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: **A78-00128B**
Date Received: 5/17/1988
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DONALD R EBERLE 208-634-3092
   Address: PO BOX 1091
   MCCALL ID 83638
   AND/OR
   Name: SELMA ANN EBERLE 208-634-3092
   Address: PO BOX 1091
   MCCALL ID 83638

2. Date of Priority: MAY 1, 1907

3. Source: BIG CREEK Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
18N	02E	8	SE NW		ADAMS

5. Description of diverting works:
   CEMENT HEADGATE 2 MILE DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/15	09/01	1.170		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
19N	01E	36	SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			SE	NW		IRR	14.0
						Section Acres	94.0
						Total Acres	94.0

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:
A78-10181 & A78-10182.

14. Remarks:
THIS WATER IN THE J. C. LEVANDER DITCH.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ROSE SCHIELER — Decree Plaintiff

vs

CHARLES A. WYMAN ET. AL. — Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

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 _____

Form 42-1409(7)

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: N/A

LEGAL DESCRIPTION OF PROPERTY: Township 19N Range 1E
Section 36, SENW ~~1/4 of~~ S½ ~~1/4~~ of NE 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: 47B-00128, 47B-10181, 47B-10182

[ ] Name and Address of Former Owner/Claimant(s)(Seller): DONALD J & BARBARA WALKER
320 JENKINS
WEISER, ID 83672

[ ] New Owner/Claimant (Purchaser): DONALD R &/OR VELMA ANN EBERLE

[ ] New Mailing Address: PO BOX 1091
MC CALL ID
83638

[ ] New Telephone Number: (208) 634-3092 (SON) 355-2625

[ ] Does the change in ownership result in a splitting of the water right owned/claimed? X yes ___ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
PER ATTACHED WARRANTY DEED.
SE¼NW¼, S½NE¼, S. 36, T. 19N, R. 1E.
120 ACRES.

[ ] Attach proof of ownership, describe proof attached: WARRANTY DEED - COPY

(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.)

[X] Signature of New Owner/Claimant(s) _____ Date 9-18-95
_____ Date _____

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

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

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: **By:**
Further Action Needed:

Further Action Taken
Date: **By:**
Final Review and Data-Entry
Date: **By:**
Claim Numbers of Split, if any:

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

This Blank Furnished By Central Idaho Title, Inc.

DK 12

WARRANTY DEED

For Value Received

Donald J. Walker and Barbara Walker, husband & wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Donald R. Eberle and Selma Ann Eberle, husband & wife
and Glen Richard Eberle, a single man
P.O. Box 1091
McCall, ID 83638

Hereinafter called the Grantee, the following described premises situated in Adams County, Idaho, to-wit:

120 acres; $SE\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, T19N, R1E, Section 36

Subject to current years taxes, irrigation district assessment, public utility easements, subdivision restriction & U.S. patents reservations.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: Dec. 19, 1988

Donald J. Walker

Donald J. Walker

Barbara Walker

Barbara Walker

STATE OF IDAHO COUNTY OF VALLEY

On this 19TH day of DECEMBER, 1988, before me, a notary public in and for said State, personally appeared

DONALD J. WALKER and BARBARA WALKER

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

Michael R. Anderson

Notary Public

Residing at McCall, Idaho.

My Commission expires: [illegible]

STATE OF IDAHO, COUNTY OF Adams

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

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

Ex-Officio Recorder

By Deputy.

Fees $

Mail to:

Instrument No.

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: **A78-00128**
Date Received: 5/17/1988
Receipt No: M0000006

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DONALD J. WALKER 208-549-1154
   Address: 720 JENKINS CREEK RD.
   WEISER, ID 83672
   OR
   Name: BARBARA WALKER
   Address:
   WEISER, ID

2. Date of Priority: MAY 01, 1907

3. Source: BIG CREEK Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
18N	02E	8	SE NW		ADAMS

5. Description of diverting works:
   CEMENT HEADGATE 2 MILE DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/15	09/01	2.028		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE

MICROFILMED
OCT 05

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
19N	01E	36	SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			SE	NW		IRR	14.0
			NE	SE		IRR	40.0
			NW	SE		IRR	15.0
			SE	SE		IRR	13.3
						Section Acres	162.3
						Total Acres	162.3

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:
787077,787263, AND FLOOD WATER FROM GOOSE CREEK

14. Remarks:
THIS WATER IN THE J. C. LEVANDER DITCH.

15. Basis of Claim: DECREED
Water Right Number:
Case Number:
Court :
Decree date:

ROSE SCHIELER
Decree Plaintiff

vs

CHARLES A. WYMAN ET. AL.
Decree Defendant

MICROFILMED
OCT 05 1992

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): Donald J Walker Date: 5/17/88

_____ Date: _____

State of Idaho)
) SS.
County of Adams)

Subscribed and sworn (or affirmed) before me this 17th day of May 19 88

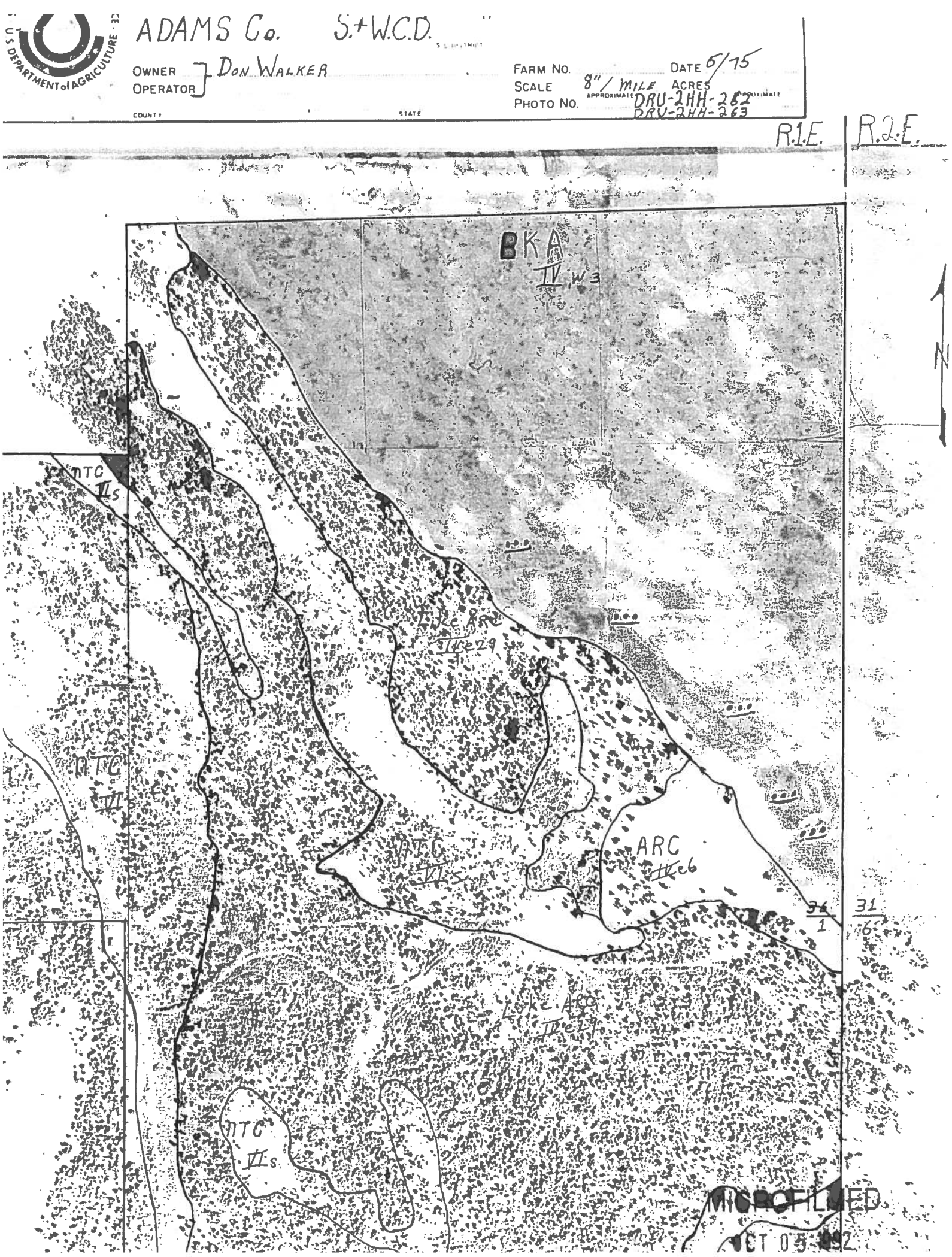
Carlin Fintacher
Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
OCT 05 1992


ADAMS Co. S.+W.C.D.
OWNER
OPERATOR
DON WALKER
COUNTY
STATE
FARM NO.
DATE 6/75
SCALE 8" / MILE
ACRES
PHOTO NO. DRU-2HH-262
DRU-2HH-263
R.1.E.
R.2.E.
BKA
IV W3
N
MTC
IIs
Lake ARC
IIIe29
MTC
VI
MTC
VIs
ARC
IIIe6
Lake ARC
IIIe29
MTC
VIs
31
6
MICROFILMED
OCT 05 '82

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

May 11, 1999

RE: Water Right No. 78-10258

Donald R Eberle
Selma Ann Eberle
PO Box 1389
Mc Call ID 83638

Dear Property Owners:

Enclosed is a copy of the above referenced water right which reflects your change in address. Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

The address has also been changed on the following claim numbers:
A67-07019, A78-00128B, A78-02086D, A78-04020C, A78-10156B, A78-10181B, A78-10182B, A78-10255, A78-10256.

Thank you for your patience and cooperation. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

Denise Buffington

Denise Buffington
Records Clerk
Adjudication Section
Western Region

DB:db

Enclosures

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	DONALD R EBERLE	05/01/1907	IRRIGATION	05-15	09-01	1.17 CFS	
C	SELMA ANN EBERLE						
	PO BOX J			TOTAL DIVERSION:		1.17 CFS	
	MCCALL ID 836382509						
	(208) 634-2092						

Water Source: BIG CREEK Tributary to: LITTLE SALMON RIVER Stage: DECREED

Point(s) of Diversion: T18N R02E S08 SENW ADAMS County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
19N	01E	36			40	40				14									94.0
																		TOTAL ACRES	94.0

POU County: ADAMS

Non-Irrigation Uses: NONE

Other Rights: A78-10181 & A78-10182.

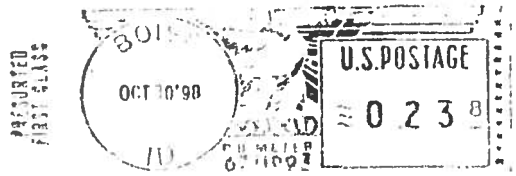
Remarks: GEN THIS WATER IN THE J. C. LEVANDER DITCH.
ADDRESS CHANGE BY CLAIMANT LETTER.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested



RECEIVED
NOV 0 4 1998
Department of Water Resources

+ A78-00128B
-02086D
-04020C
-10156B
-10181B
-10182B
-10256
-10258

A78-10255
SELMA ANN EBERLE
DONALD R EBERLE
PO BOX 1091
MC CALL

EBER091 836382007 1797 06 11/02/98
FORWARD TIME EXP RTN TO SEND
EBERLE
PO BOX J
MC CALL ID 83638-2509

12/09/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 78-12294

NAME AND ADDRESS: SELMA ANN EBERLE
PO BOX 1389
MC CALL ID 83638-2509

DONALD R EBERLE
PO BOX 1389
MC CALL ID 83638-2509

SOURCE: BIG CREEK TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.210 CFS

Right Nos. 78-12294 and 78-12296 are limited to a total combined diversion rate of 0.34 cfs.

PRIORITY DATE: 05/01/1907

POINT OF DIVERSION:

T18N R02E S8 SENW Within ADAMS County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.210 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T19N R01E S36 SENW 16.00

16 ACRES TOTAL

Right Nos. 78-12294, 78-12296 and 78-12298 are limited to the irrigation of a combined total of 17 acres in a single irrigation season.

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 - Decreed

This right is a split from former right 78-128B.

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

Water is delivered through the South End Ditch.

12/09/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 78-12295

NAME AND ADDRESS: DANA PURDY
5926 W FLOATING FEATHER RD
EAGLE ID 83616

VIKI PURDY
5926 W FLOATING FEATHER RD
EAGLE ID 83616

SOURCE: BIG CREEK TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.970 CFS

Right Nos. 78-12295 and 78-12299 are limited to a total combined diversion rate of 1.54 cfs.

PRIORITY DATE: 05/01/1907

POINT OF DIVERSION:

T18N R02E S8 SENW Within ADAMS County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.970 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T19N R01E S36	SWNE	40.00	T19N R01E S36	SENE	37.00

77 ACRES TOTAL

Right Nos. 78-12295, 78-12297 and 78-12299 are limited to the irrigation of a combined total of 77 acres in a single irrigation season.

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.

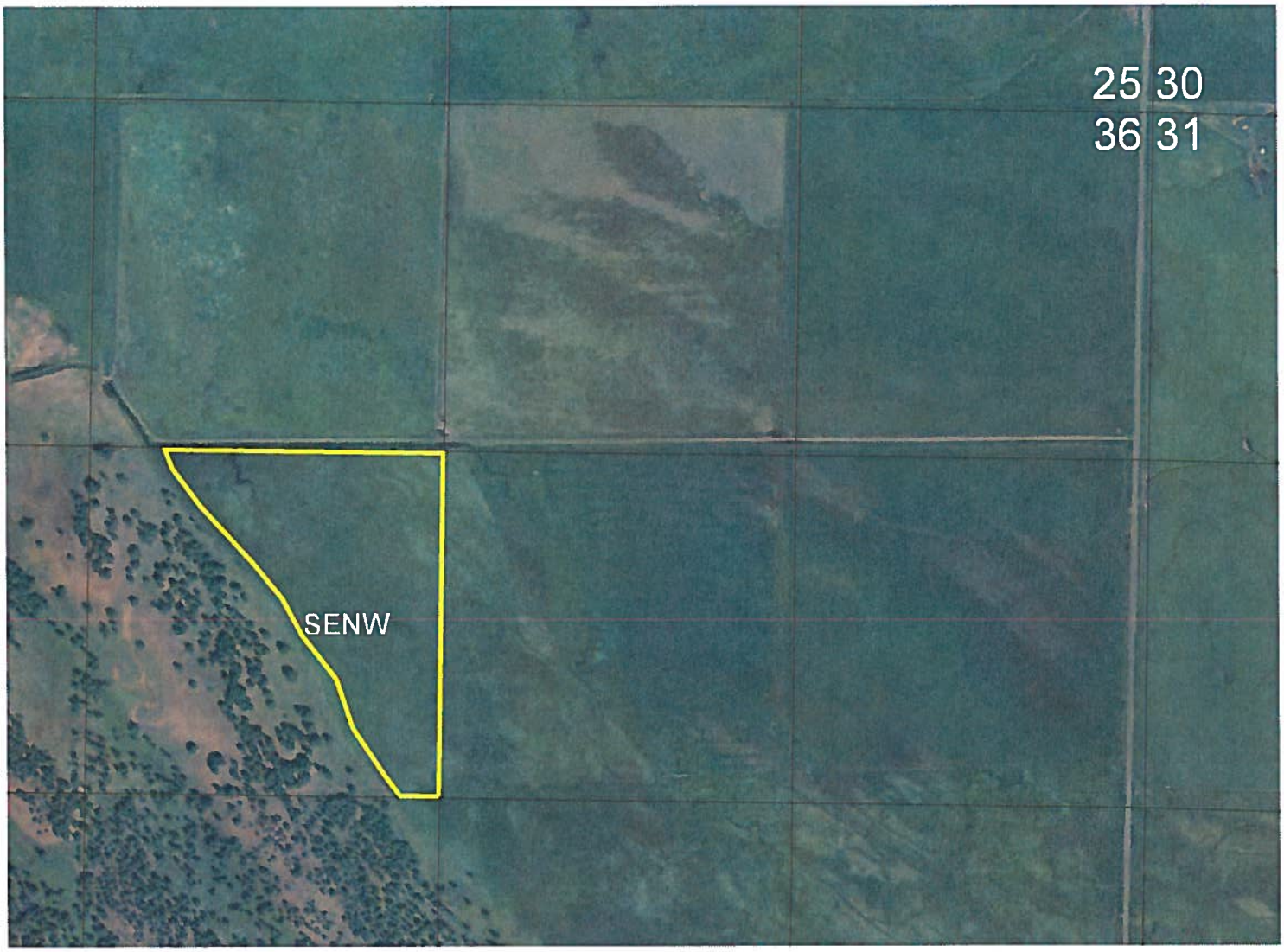
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 78-128B.

Water is delivered through the South End Ditch.

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

78-12294 78-12296 & 78-12298



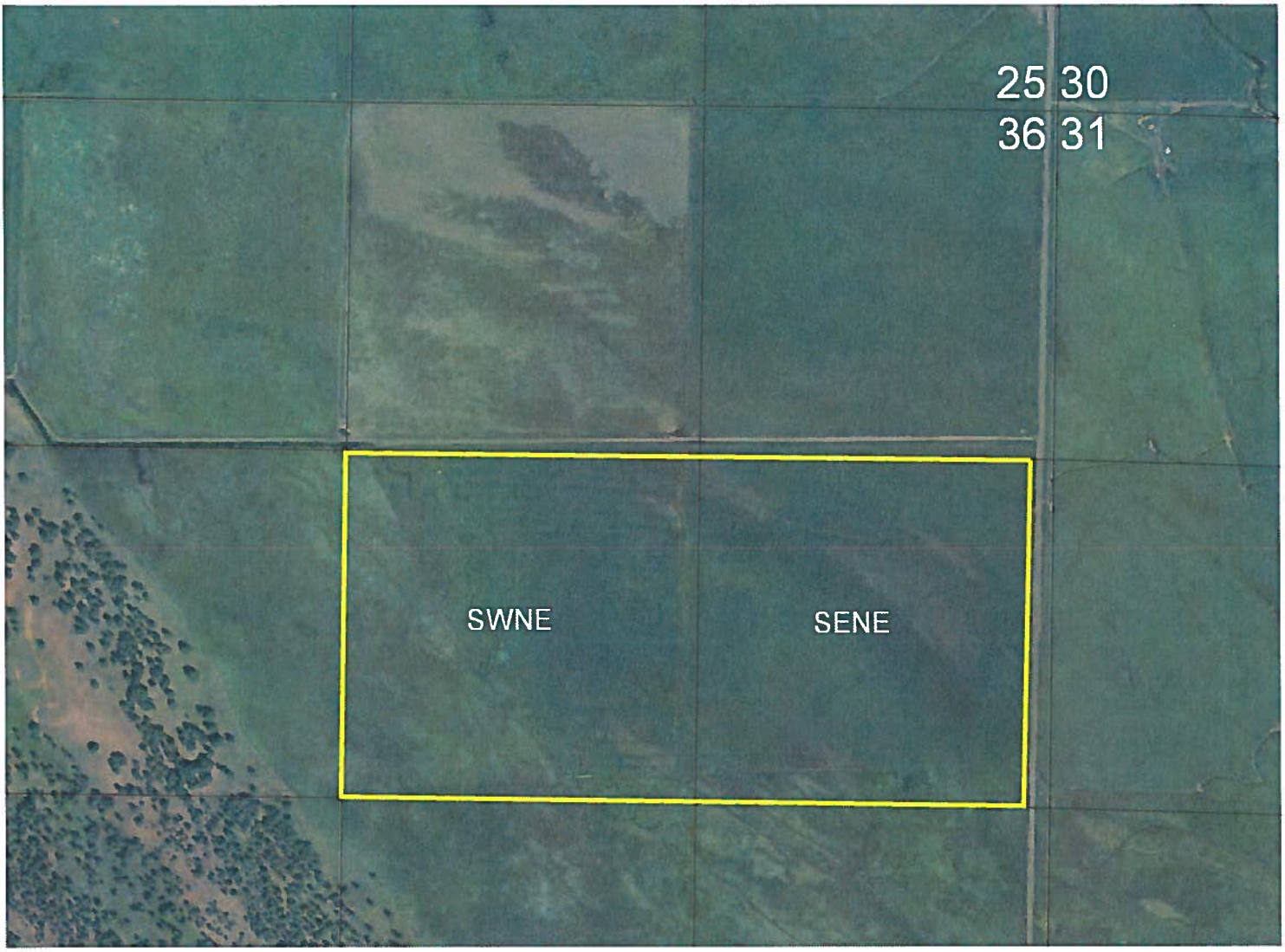
1000 0 1000 2000 Feet

T19N R01E S36

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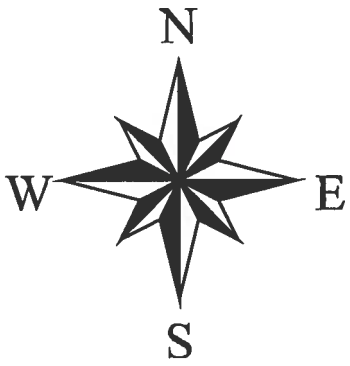
Map prepared by: Carter Fritschle
Date prepared: 12/09/06
2004 NAIP Photography
Idaho Department of Water Resources

78-12295 78-12297 & 78-12299



1000 0 1000 2000 Feet

T19N R01E S36



Map prepared by: Carter Fritschle
Date prepared: 11/25/06
2004 NAIP Photography
Idaho Department of Water Resources

Form 42-248/42-1409(6) July, 2000

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FEB 27 2006
DEPARTMENT OF WATER RESOURCES

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

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
AS 78-10182B V1	78-10182B	X		78-10156B	
	78-10181B	X		78-10255	
	78-128B	X	78-10258		
	78-10256				
	78-2086D				

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): Donald R. and Selma A. Eberle
   PO BOX 1389, McCall, ID 83638-2509

4. New Owner/Claimant(s): Dana Purdy Viki Purdy
   Name Connector (Check one): [ ] and, [ ] or, [✓] and/or

   New Mailing Address: 5926 West Floating Feather Road

   City, State and ZIP Code: Eagle, Idaho 83616

   New Telephone Number: (208) 286-9701

5. Date you acquired the property: Feb. 15, 2006

SCANNED
OCT 17 2006

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)
X Dana Purdy
X Vicki Purdy

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 ML Date 2-27-06 Fee $ 25.00 CK
Receipted by _____ Date _____ Receipt No. C080413
Processed by _____ AJ Date _____ WR _____ Date _____

SCANNED
OCT 17 2006

Idaho Department of Water Resources Receipt

Receipt ID C080413

Payment Amount: $25.00
Date Received: 2/27/2006 11:33:50 AM
Region: State
Status:
Payment Type: Check
Check Number: 2569

Payer: MURPHY LAW OFFICE PLLC
Comment: OWNERSHIP CHANGE FOR #78-10182B V1

Fee Detail

Amount	Description	Fund	FD	PCA	SO
$25.00	OWNERSHIP CHANGES/SECURITY INTERESTS	0229	21	56140	1155

Signature Line (Dept. Representative)

RECEIVED
FEB 27 2006
DEPARTMENT OF
WATER RESOURCES

AmeriTitle
Part Of The JELD-WEN Family

WARRANTY DEED

For Value Received, **M & J Investments, LLC** the Grantors,
do hereby grant, bargain, sell and convey unto
Dana Purdy and Viki Purdy, husband and wife
whose address is **5926 W. Floating Feather, Eagle, ID 83616,**
the Grantee, the following described premises, to-wit:

See legal attached as Exhibit "A"

Subject to taxes and assessments for the year 2006 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record to any existing tenancies to all zoning laws and ordinances and to any state of facts an accurate survey or inspection of the premises would hshow.

This conveyance shall include any and all apputrenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR/GRANTEE

TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the 2006 taxes and assessments and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 2-13-06

M & J Investments, LLC

BY: _____
Jesse Hamilton, Managing Member

STATE OF IDAHO)
)ss
COUNTY OF ADA

On this 13th day of February, 2006, before me, Alicia Reinhard the undersigned, a Notary Public in and for said State, personally appeared Jesse Hamilton as Manager of M & J Investments a Limited Liability Company, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same in such capacity.

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

_____
Notary Public for
Residing at: Boise Id
Commission Expires: 9-9-09

ALICIA REINHARD NOTARY PUBLIC STATE OF IDAHO

SCANNED
OCT 17 2006

SCHEDULE 'A' CONTINUED
ORDER NO. 100-06-148

Township 19 North, Range 1 East, Boise Meridian, Adams County, Idaho
Section 25: SE1/4
Section 36: A parcel of land located in the N1/2 of said section being more particularly described as follows:
Commencing at the east ¼ corner of said Section 36, a found 5/8 inch rebar, C.P.F. Instr. No. 111021, records of said Adams County being the TRUE POINT OF BEGINNING.
Thence a bearing of S 88° 22'16" W., a distance of 2666.14 feet on the South boundary of said N1/2 of Section 36 to a set 5/8 inch rebar;
Thence a bearing of N 00° 19'40" W., a distance of 1320.46 feet to a set 5/8 inch rebar;
Thence a bearing of S 88° 22'44" W., a distance of 1333.23 feet to a set 5/8 inch rebar;
Thence a bearing of S 00° 43'36" E., a distance of 1320.46 feet to a set 5/8 inch rebar on said South boundary;
Thence a bearing of S 88° 22'16" W., a distance of 1294.04 feet on said South boundary to a set 5/8 inch rebar;
Thence a bearing of N 1° 07'32" W., a distance of 1320.53 feet on the East boundary of a parcel of land described by Warranty Deed Instr. No. 75834 records of said Adams County to a set 5/8 inch rebar;
Thence a bearing of S 88° 22'44" W., a distance of 30.00 feet on the North boundary of said parcel of land described by Warranty Deed Instr. No. 75834 to a set 5/8 inch rebar;
Thence a bearing of N 1° 07'32" W., a distance of 1320.53 feet on the West boundary of said N1/2 of Section 36 to a found brass cap monument marking the Northwest Section corner of said Section 36, C.P.F. Instr. No. 89808 records of said Adams County;
Thence a bearing of N 88° 23'12" E., a distance of 2684.85 feet on the North boundary of said N1/2 of Section 36 to a set 5/8 inch rebar marking the North ¼ corner of said Section 36, C.P.F. Instr. No. 111024 records of said Adams County;
Thence a bearing of N 88° 23'12" E., a distance of 2684.85 feet on said North boundary of the N1/2 of Section 36 to a set 5/8 inch rebar marking the Northeast corner of said Section 36, C.P.F. Instr. No. 111023 records of Adams County;
Thence a bearing of S 0° 04'42" W., a distance of 2640.68 feet on the east boundary of said Section 36 to the POINT OF BEGINNING.

BEARINGS FOR THE ABOVE DESCRIBED PARCELS OF LAND ARE MORE PARTICULARLY SHOWN ON THE CERTAIN RECORD OF SURVEY RECORDED _____ AS INSTR. NO. _____, ON FILE IN THE COUNTY RECORDER'S OFFICE, ADAMS COUNTY, IDAHO.

SCANNED
OCT 17 2006