

05/25/2005

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

RIGHT NUMBER: 78-7260
NAME AND ADDRESS: RUBY DARWIN
HC 75 BOX 3760
NEW MEADOWS ID 83654

WILLIAM DARWIN
HC 75 BOX 3760
NEW MEADOWS ID 83654

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.030 CFS
2.300 AFY
PRIORITY DATE: 02/13/1984
POINT OF DIVERSION:

T22N R01E S9 SWSWNE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.030 CFS 2.30 AFY

PLACE OF USE: DOMESTIC Within IDAHO County
T22N R01E S09 SWNE

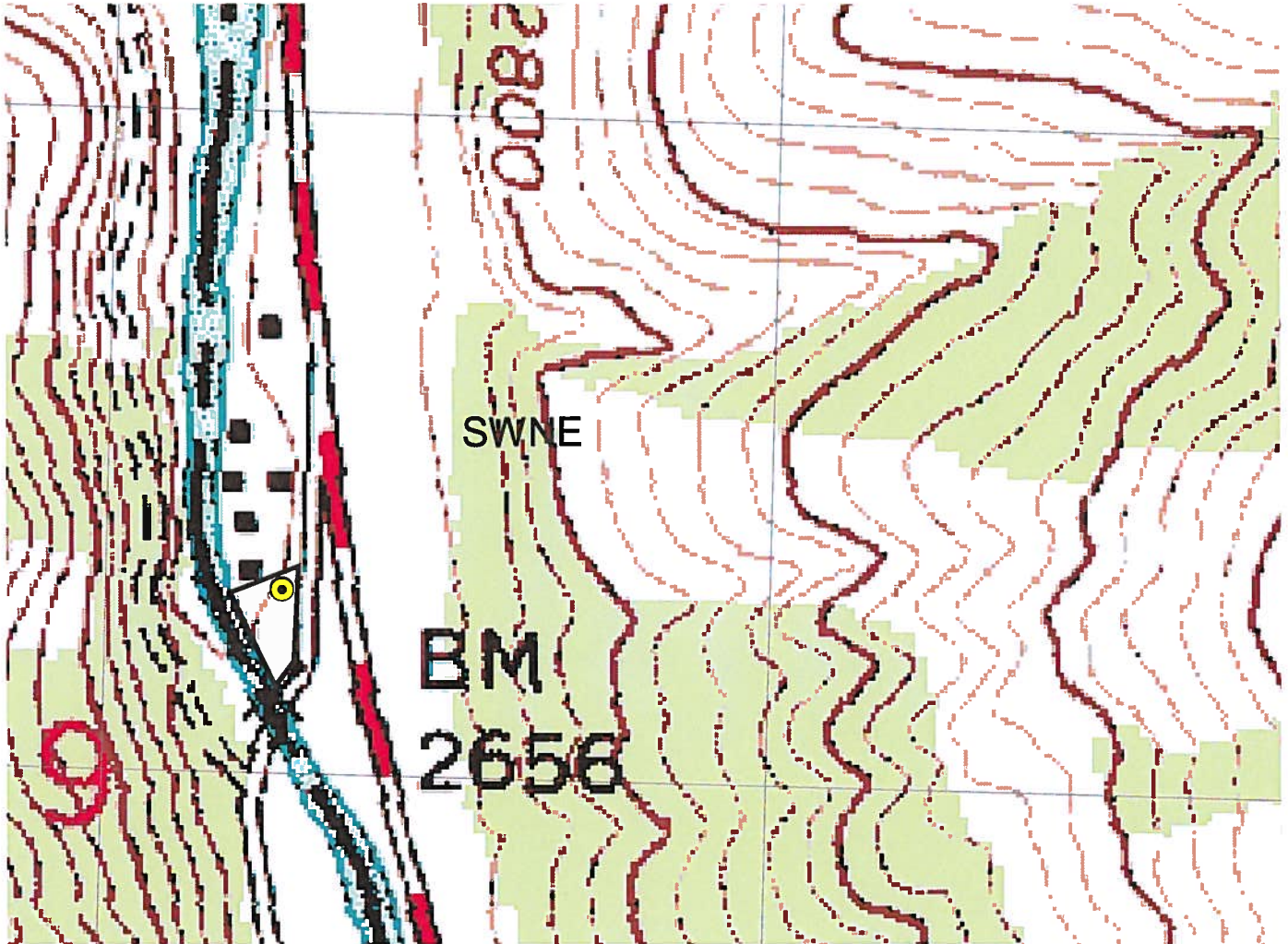
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

~~Ownership changed by DB 8/23/2004~~

EXPLANATORY MATERIAL: License

78-7260



0 300 600 Feet

Section 9
T22N R1E



● Point of Diversion

□ Place of Use

Map prepared on May 25, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

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 78-7260
Date Received: 5/17/1988
Receipt No: M000003
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RUBY DARWIN
HC 75 BOX 3760
NEW MEADOWS ID USA 83654

Phone: (208) 628-2363

WILLIAM DARWIN
HC 75 BOX 3760
NEW MEADOWS ID USA 83654

Phone: (208) 628-2363

2. Date of Priority: 02/13/1984

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
22N	01E	9	SW	SW	NE	IDAHO	

5. Description of diverting works:

6" CASING, 42' DEEP WELL WITH SUBMERSIBLE PUMP, 42 GPM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	1/01	12/31	0.06	

7. Total Quantity Appropriated is:
0.06 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
22N	01E	9	SW	NE	DOMESTIC	

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:

14. Remarks:

PROPERTY IS BEING SOLD UNDER CONTRACT BY JOANN KILIAN, FORMERLY JOANN ROCHELEAU. BUYER IS BEVERLY ALEGRIA.
NAME REMOVAL (DECEASED) PER CLAIMANT REQUEST, BY DB 8/24/2000.

Ownership changed by DB 8/23/2004

15. Basis of Claim: Permit

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

RECEIVED

AUG 04 2004

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
<u>78-10152</u>	<u>78-10152</u>	☐	_____	_____	☐
<u>78-4289A</u>	<u>78-4289A</u>	☐	_____	_____	☐
<u>78-7260</u>	<u>78-7260</u>	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐

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)

JoAnn Kilian
2276 A Via Mariposa East, Laguna Woods, CA
92653

4. New Owner/Claimant(s)

William and Ruby Darwin

Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

HC 75 Box 3760

City, State and ZIP Code

New Meadows ID 83654

New Telephone Number

208 628-2363

5. Date you acquired the property

January 9, 2003

SCANNED

AUG 04 2004

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) William A. Darny
(include title if applicable) Ruby Darny

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 DS Date 8-4-04 Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

WARRANTY DEED

GRANTOR, JOANN M. KILIAN, a single woman, of HC 75 Box 3760, New Meadows, ID 83654, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to WILLIAM T. DARWIN and RUBY J. DARWIN, husband and wife, of 41780 Cambridge Ave., Bermuda Dunes, CA 99201, as GRANTEE, and to grantee's heirs and assigns forever, all of the following described real estate located in the County of Idaho, State of Idaho, to wit:

See Exhibit "A" attached hereto and hereby incorporated by this reference.

TOGETHER with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereto.

Subject to:

1. General taxes for the year 2002, which are a lien, now due and payable.

2. Any claim arising from the difference in mean high water line of Little Salmon River and the meander line as shown by Government Survey or the State of Idaho.

3. Power Line Easement, including the terms and conditions thereof, by and between NORMAN ARNESON and ARDELLA ARNESON, his wife, and IDAHO POWER COMPANY, a corporation, recorded August 7, 1961, as Instrument No. 205954, Book 95 page 416, records of Idaho County, Idaho.

4. Matters as shown on Survey S-944, recorded August 1, 1994, under Instrument No. 375607, records of Idaho County, Idaho.

5. County Road right of way as the same now exists.

6. Right and easements in favor of the public for recreational uses of the Little Salmon River.

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 encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever, except general taxes for the year 2002, and easements, reservations, restrictions and rights-of-way of record or in use.

READ & APPROVE

SCANNED

EXHIBIT A

Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho
Section 9: A parcel of land situated in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, more particularly described as follows:

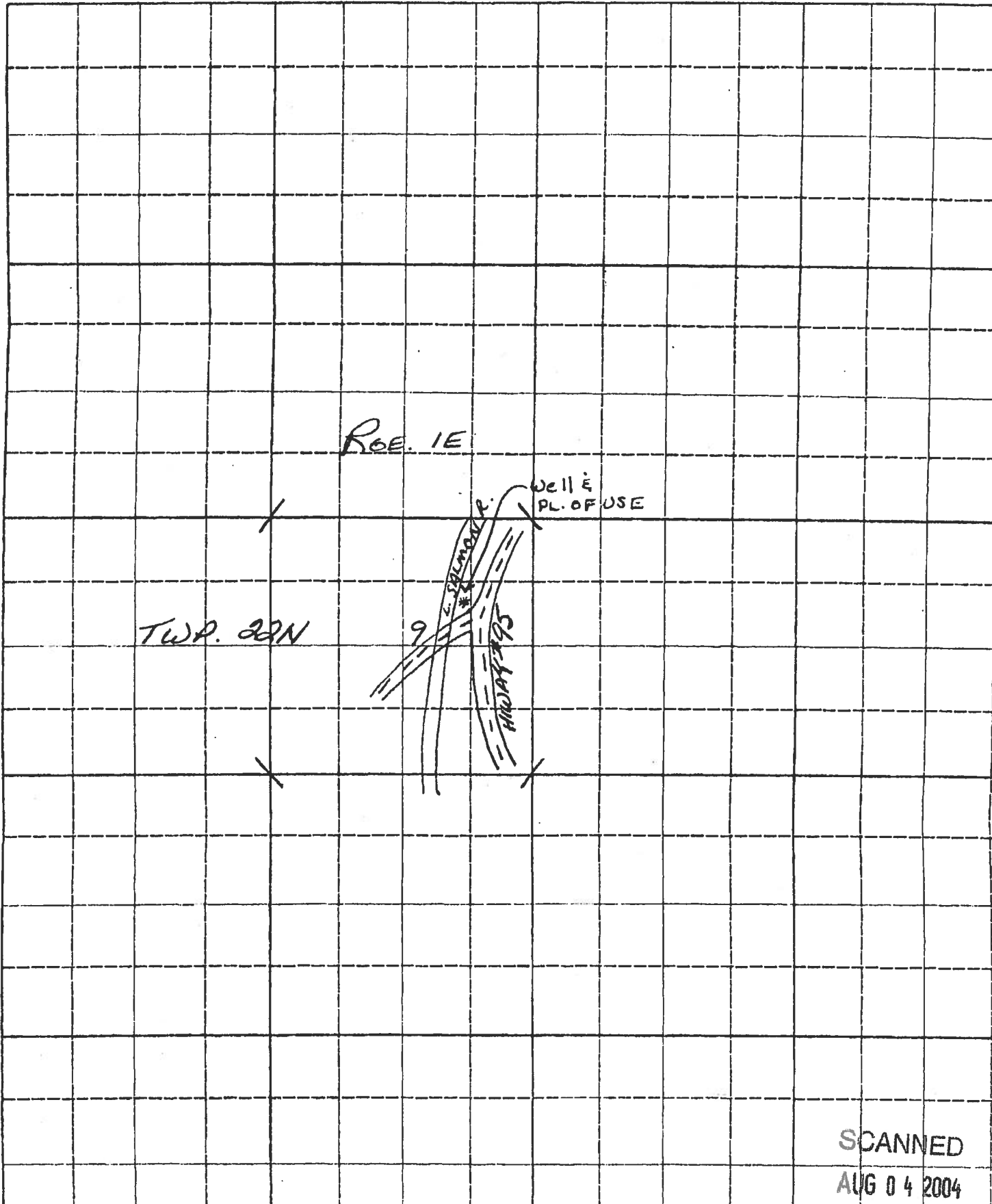
The South end of tax number 52, beginning at highway ROW monument 561+73, from which monument, bench mark x20.1933 bears South 56.0 feet (on the Northeast corner of old US 95 Bridge) and from which monument the Southeast corner of said Section 9 bears South, 2,852 feet and East 2,225 feet;
thence N 17°29' E, 89.6 feet to ROW monument 562+50';
thence N 03°13' E, 104.6 feet to ROW monument 563+50';
thence S 79° W, 135.0 feet to a point 10.0 feet south the Southwest corner of Cabin #4 on the Right Bank of the Little Salmon River;
thence S 24°29' E, 232.0 feet, along said Right Bank to the Westerly line of Old US Hwy. 95;
thence N 30° E, 20.0 feet to the Westerly line of New US Hwy. 95;
thence N 12°10' W, 30.0 feet to the place of beginning.

SCANNED

AUG 04 2004

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

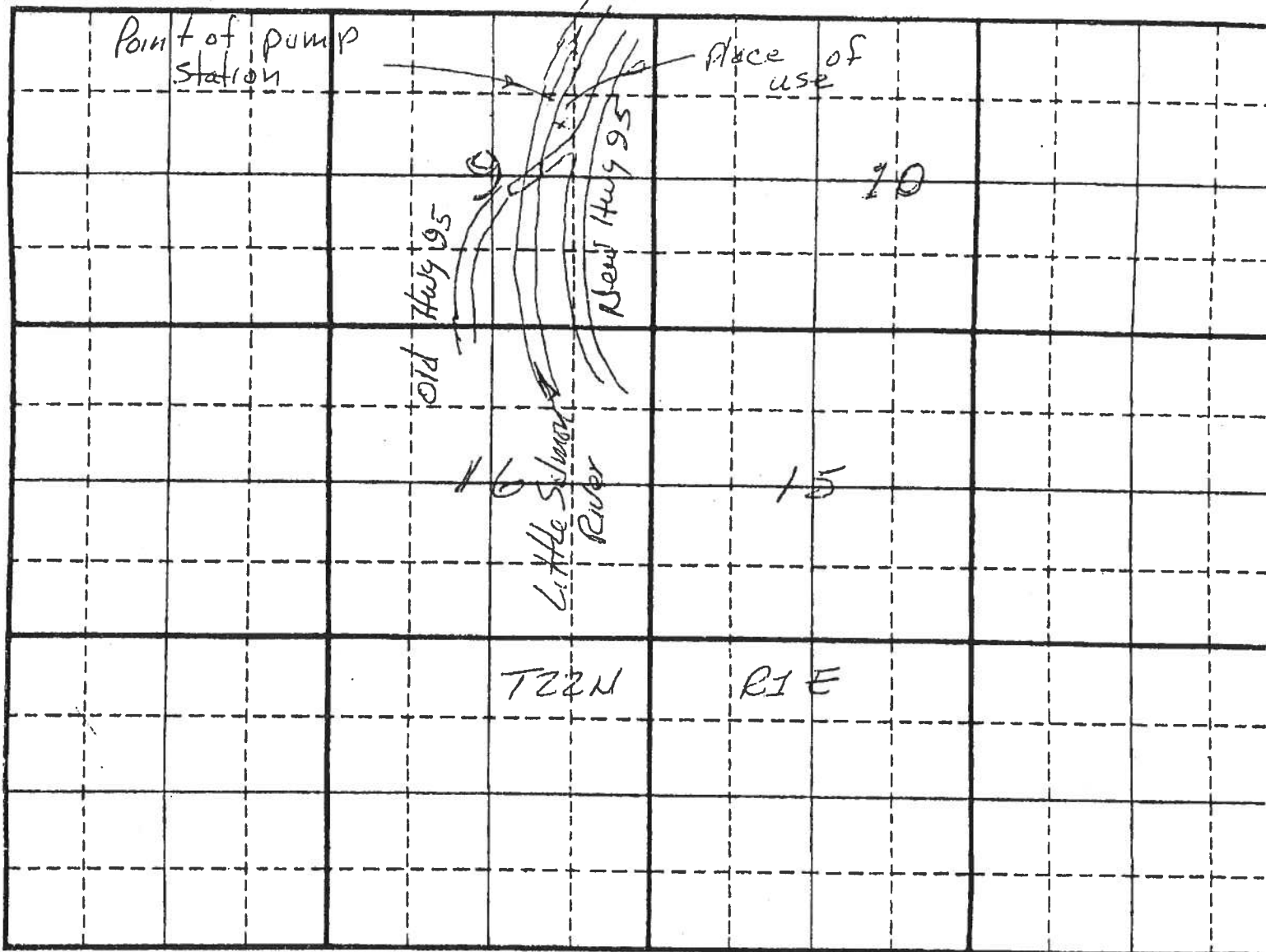
Well - Groundwater



SCANNED
AUG 04 2004

(8) Remarks

Irrigation - Little Salmon River 78-4289A



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 Idaho

ss.

SCANNED

AUG 04 2004

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.

Sworn to before me this 22 day of

June

19 83

(Claimant)

11.8-5 11.11

Darwin

22N 1E
Sec. 9

Section Line



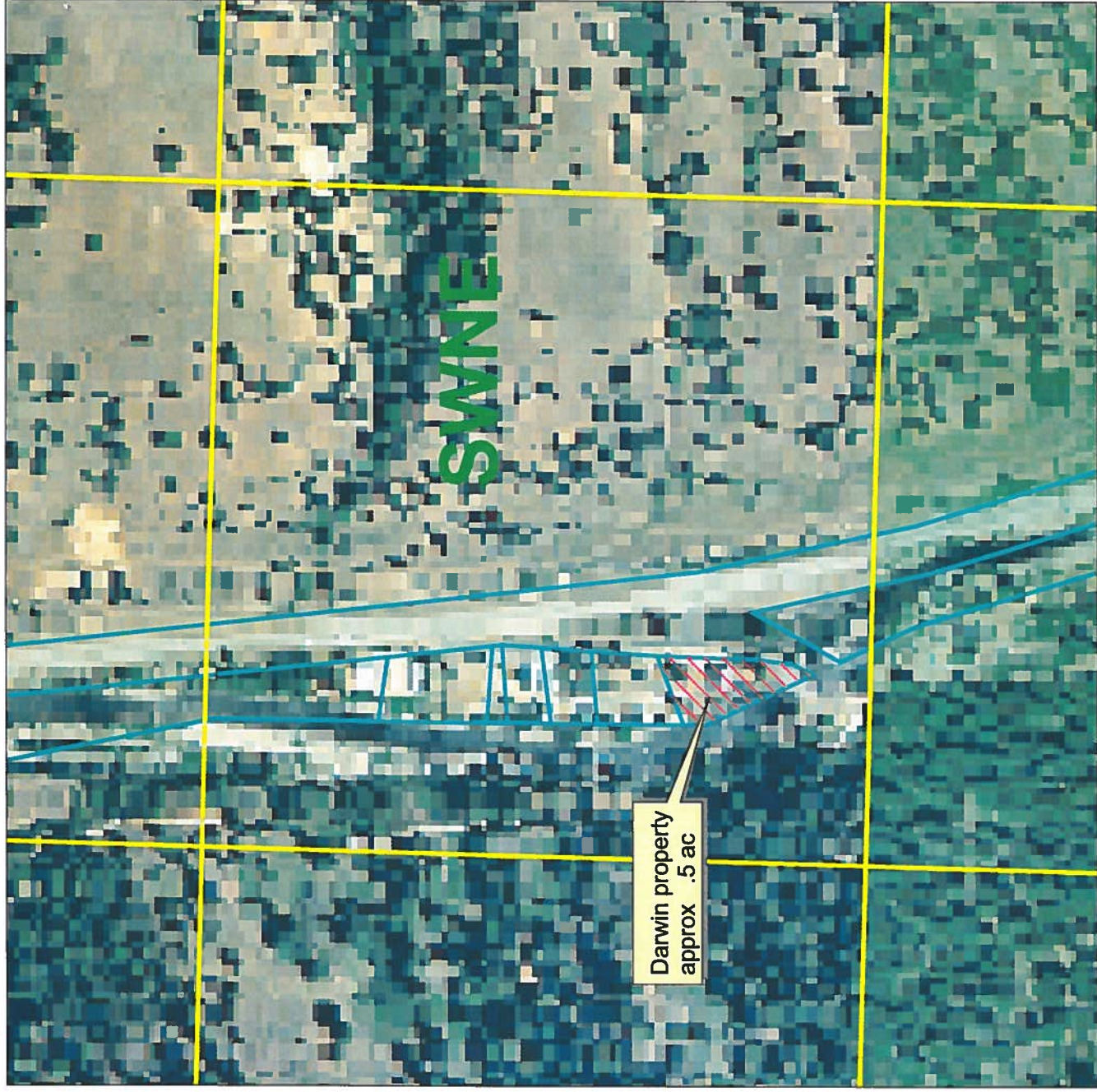
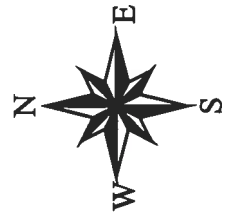
QQ Lines



Tax Lot Data



Darwin property lines



0.07 0 0.07 0.14 Miles



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: 78-7260
Date Received: 5/17/88
Receipt No: M000003
Received By:

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

1. Name of Claimant(s): JOANN KILIAN
Address: HC 75 BOX 3760
NEW MEADOWS ID USA 83654
Phone: (208) 628-3764

2. Date of Priority: 02/13/1984

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
22N	01E	9	SW SW NE	IDAHO

5. Description of diverting works:

6" CASING, 42' DEEP WELL WITH SUBMERSIBLE PUMP, 42 GPM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	1/01	12/31	0.06	

7. Total Quantity Appropriated is:
0.06 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
22N	01E	9	SW NE		DOMESTIC	

11. Place of use in counties: IDAHO

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

PROPERTY IS BEING SOLD UNDER CONTRACT BY JOANN KILIAN, FORMERLY JOANN ROCHELEAU. BUYER IS BEVERLY ALEGRIA
NAME REMOVAL (DECEASED) PER CLAIMANT REQUEST, BY DB 8/24/2000.

15. Basis of Claim: Permit

16. Signature(s) N / A

Aug 21 '00
IDWR Western Regional Office

RECEIVED

AUG 23 2000

WATER RESOURCES
WESTERN REGION

Dear Sir,

Gerald C Kilian passed away
July 8, 1999. Do you want to
correct the name to just
JoAnn Kilian.

Thank you,

JoAnn Kilian

JoAnn M. Kilian
HC 75 Box 3760
New Meadows, ID 83654

A78-07260

A78-04289A

78-10152

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: A78-07260
Date Received: 5/17/1988
Receipt No: M000003

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOANN KILIAN 208-628-3764
Address: HC 75 BOX 3760
NEW MEADOWS, ID 83654

OR
Name: GERALD C. KILIAN 208-628-3764
Address: HC 75 BOX 3760
NEW MEADOWS, ID 83654

2. Date of Priority: FEB 13, 1984

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
22N	01E	9	SW	SW	NE		IDAHO

5. Description of diverting works:
6" CASING, 42' DEEP WELL WITH SUBMERSIBLE PUMP, 42 GPM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.060		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
HALFWAY INN, 4 UNIT MOTEL AND CAFE WITH LIVING QUARTERS.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
22N	01E	9	SW	NE		DOMEST	

11. Place of use in counties: IDAHO

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:
PROPERTY IS BEING SOLD UNDER CONTRACT BY JOANN KILIAN, FORMERLY
JOANN ROCHELEAU. BUYER IS BEVERLY ALEGRIA.

15. Basis of Claim: PERMIT
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): John K. Hillman Date: May 17 '88
Gerald C. Hillman Date: May 17 '88

State of Idaho)
County of Adams) SS.

Subscribed and sworn (or affirmed) before me this 17th day

of May 19 88

Seal

Carter Fritschle
Notary Public

Residing at Eagle, Id

My Commission Expires 3-21-94



State of Idaho
Department of Water Resources

JUN - 3 1982
Department of Water Resources
Western Regional Office

WATER RIGHT LICENSE

WATER RIGHT NO. 78-07260

Priority: February 13, 1984

Maximum Diversion Rate:
Maximum Diversion Volume:

0.03 CFS
2.3 AF

This is to certify, that JO ANN KILIAN
HALF WAY INN
HC 75 BOX 3760
NEW MEADOWS ID 83654

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 13, 1984; and has submitted Proof of Beneficial Use on January 1, 1900. An examination indicates that the works have a diversion capacity of .030 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.03 CFS	2.3 AF

LOCATION OF POINT(S) OF DIVERSION: SWNE , Sec. 9, Township 22N, Range 01E
IDAHO County

PLACE OF USE: DOMESTIC
TWN RGE SEC

22N 01E 9 SWNE

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for 1 home, 1 cafe and 5 motel units.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 16TH day of MAY, 1982

Acting for R. Keith Higginson, Director

MICROFILMED

OCT 10 1982



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 24, 2000

JO ANN KILIAN
HC 75 BOX 3760
NEW MEADOWS ID 83654

RE: Water Right No. 78-10152

Dear Property Owner:

Enclosed is a copy of the above referenced water right, which reflects the removal of Gerald C Kilian from this water right. 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.

Please note, his name has also been removed from claim numbers A78-04289A and A78-07260, and copies of those claims are enclosed.

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,

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

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region

DB:db

Enclosures

State of Idaho
Department of Water Resources

AMENDED

WATER RIGHT LICENSE

AMENDED

WATER RIGHT NO. 78-07260

Priority: February 13, 1984

Maximum Diversion Rate:
Maximum Diversion Volume:

0.03 CFS
2.3 AF

This is to certify, that JO ANN KILIAN

HALF WAY INN
HC 75 BOX 3760
NEW MEADOWS ID 83654

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 13, 1984; and has submitted Proof of Beneficial Use on July 24, 1984. An examination indicates that the works have a diversion capacity of .030 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.03 CFS	2.3 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 9, Township 22N, Range 01E
IDAHO County

PLACE OF USE: DOMESTIC

TWN RGE SEC

22N 01E 9

SWNE

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for 1 home, 1 cafe and 5 motel units.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 28TH day of DECEMBER, 1992.


Acting for R. Keith Higginson, Director

MICROFILMED

AUG 08 1994