

**Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098**

78-12169 ✓✓
12163

SHAWN E ENDICOTT
PO BOX 351
5529 HWY 95
RIGGINS ID 83549

RECEIVED
JAN 10 2007
DEPARTMENT OF
WATER RESOURCES

FIRST CLASS



UNITED STATES
PRIVACY BOWERS
\$ 00.870
02 1A
0004310839
JAN05 2007
MAILED FROM ZIP CODE 83702

03/01/2006

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

RIGHT NUMBER: 78-12168

NAME AND ADDRESS: GEORGE KRIVDA
5525 HWY 95
NEW MEADOWS ID 83654

ROSALIE KRIVDA
5525 HWY 95
NEW MEADOWS ID 83654

SOURCE: UNNAMED STREAM

TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.030 CFS

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

PRIORITY DATE: 06/09/1960

POINT OF DIVERSION:

T22N R01E S16 NWSESE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.030 CFS
STOCKWATER	01/01 12/31	0.020 CFS
DOMESTIC	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T22N R01E S16 NESE 1.50

STOCKWATER Within ADAMS County

T22N R01E S16 NESE

DOMESTIC Within ADAMS County

T22N R01E S16 NESE

1.5 ACRES TOTAL

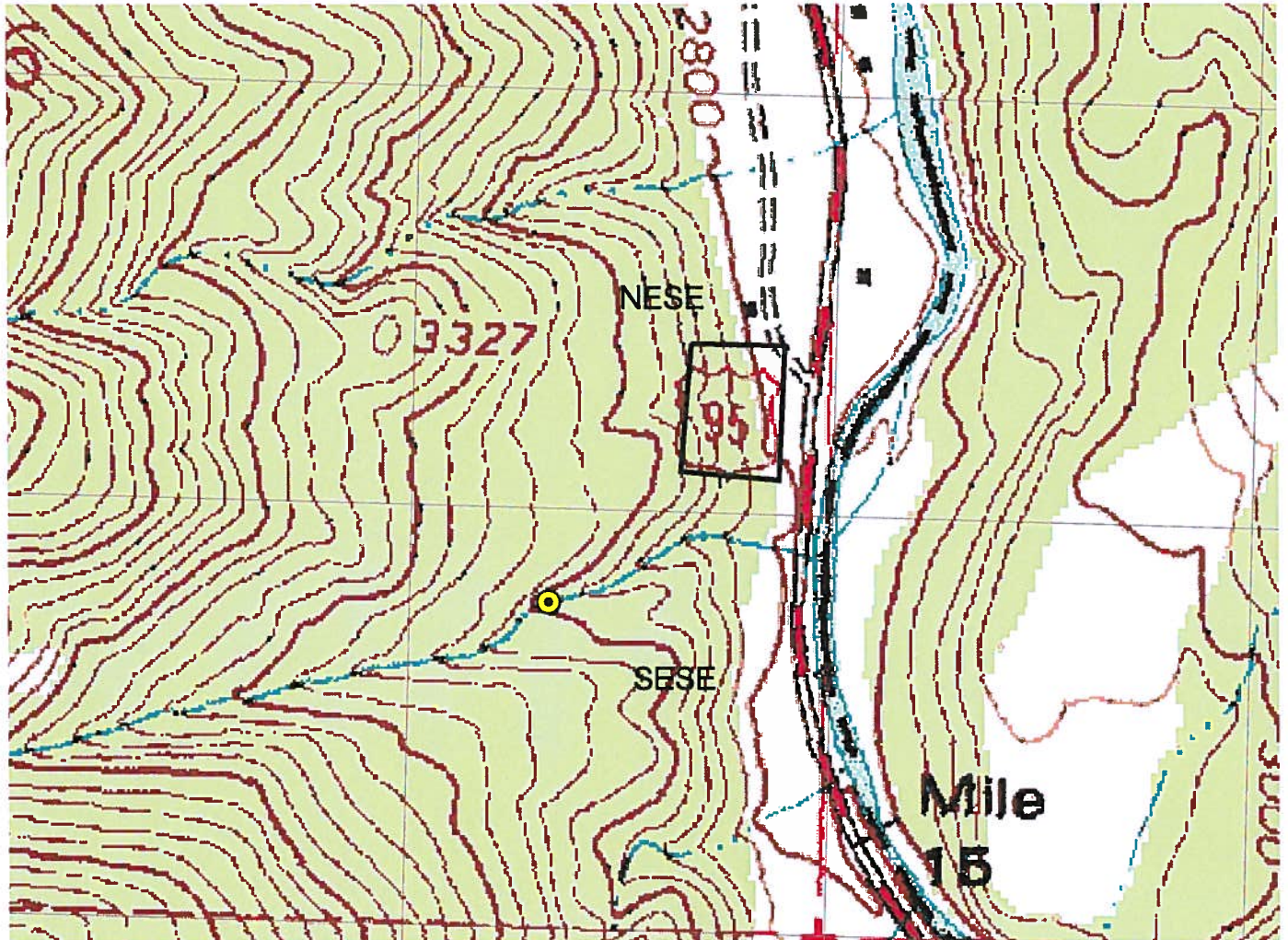
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

78-12168



0 100 200 Feet

Section 16
T22N R1E



● Point of Diversion

□ Place of Use

Map prepared on June 15, 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 SRBA
Case No. 39576

A. Subcase Number: 78-12168
(Insert water right number)

STANDARD FORM 1 OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: State of Idaho,
Department of Lands
Address: 954 W. Jefferson
P. O. Box 83720
Boise, Idaho 83720-0050
Daytime Phone: (208) 334-0200

Name and Address of Attorney, if any:

Attorney Name: LAWRENCE G. WARDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER (ISB # 2597)
Deputy Attorney General

Attorney Address: Office of the Attorney General
700 W. Jefferson, Room 210
P.O. Box 44449
Boise, ID 83711-4449

Attorney Phone No. (208) 334-2400

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: George Krivda
Rosalie Krivda
Address: 5525 Hwy 95
New Meadows, ID 83654

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Points of Diversion**
Should be: The Idaho Department of Lands, hereinafter "IDL," owns the SESE of section 16, Twp. 22 N, Rge. 01 E, B.M. The claimants have no authorization to divert water from the described point of diversion.
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The IDL acquired on November 25, 1903 the SESE of section 16, Twp. 22 N, Rge. 01 E, B.M. The claimants have no authorization to divert water from the described point of diversion.

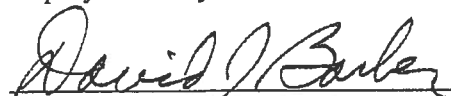
F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

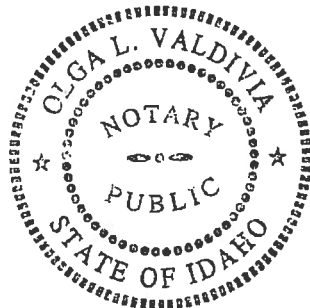
DAVID J. BARBER, Deputy Attorney General, duly sworn, upon oath, deposes and says:

That the State of Idaho, Department of Lands, in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, Department of Lands, which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER
Deputy Attorney General


By Attorney signing in representative capacity

Subscribed and sworn to before me on: May 7, 2007
(Insert Date)




Notary Public for IDAHO
Residing at: BOISE, ID
My commission expires: 2/8/2012

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on May 8, 2007 I caused the original and the copies of this objection, including all attachments, to be served on the following persons by the method designated:

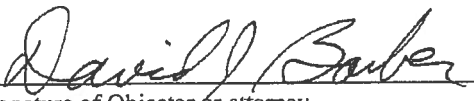
1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
Twin Falls, Idaho 83303
FEDERAL EXPRESS
2. One copy to the owner of the water right at the following address:
George Krivda
Rosalie Krivda
5525 Hwy 95
New Meadows, ID 83654
U.S. MAIL
3. Copies to:
State of Idaho,
Department of Lands
954 W. Jefferson
P. O. Box 83720
Boise, ID 83720—0050
STATEHOUSE MAIL

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098
STATEHOUSE MAIL

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724
U.S. MAIL

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

(not applicable)



Signature of Objector or attorney
Mailing on Objector's behalf

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 78-12168
Date Received: 4/11/1988
Receipt No:
Received By:

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

1. Name of Claimant(s)

DONALD S BROWN
HC 75 BOX 3632
NEW MEADOWS ID USA 83654

Phone: (208)628-3376

MURIEL L BROWN
HC 75 BOX 3632
NEW MEADOWS ID USA 83654

Phone: (208)628-3376

2. Date of Priority: 06/09/1960

3. Source: UNNAMED STREAM Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
22N	01E	16	NW SE SE	ADAMS	

5. Description of diverting works:

HEADGATE AND CHECKS IN CREEK, INTO 8" PLASTIC PIPE TO P/U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.045	
STOCKWATER	01/01	12/31	0.02	
DOMESTIC	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.045 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 3 HEAD HORSES

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
22N	01E	16	NE	SE		IRRIGATION	2.25
			NE	SE		STOCKWATER	
			NE	SE		DOMESTIC	
						Section Acres	2.25
						Total Acres	2.25

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:

14. Remarks:

SPRING FOR DOMESTIC USE.

SPRINKLER IRRIGATED.

This claim is the result of a split due to change in ownership for a portion of 78-2064. DH 5/30/2002

Actual irrigation is 2 1/4 acres.

15. Basis of Claim: License

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

RECEIVED**MAY 08 2002****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
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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 & Laveta Brown
2609 Sunnybrook Dr.

4. New Owner/~~Claimant~~(s)

Nampa, Id. 83686-6332

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

New Mailing Address

George & Rosalie Krivda
5525 Hwy 95 - New Meadows, Id.
83654

City, State and ZIP Code

New Telephone Number

(208) 628-3645

5. Date you acquired the property

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) _____

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 DB Date 5-8-02 Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

WARRANTY DEED

For Value Received

DONALD S. BROWN and LAVETA O. BROWN, husband and wife
the Grantors, do hereby grant, bargain, sell and convey unto

GEORGE KRIVDA and ROSALIE KRIVDA, husband and wife
the grantees, whose current address is 15535 Romar St., Mission Hills, CA 91345
the following described premises, to-wit:

Township 22 North, Range 1 East, Boise Meridian, Adams County, Idaho
Section 16: A parcel in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ described as follows:

Commencing at a point on the South line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said point being the intersection of the South line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ with the Westerly right of way boundary of U.S. Highway 95, as established and located on or before November 6, 1967, pursuant to Highway Survey FAP 9-C(2);

thence Northerly 125 feet on and along the said Westerly right of way boundary to a point, the PLACE OF BEGINNING, said point being further described as the NE corner of the Wolford parcel;

thence West 300 feet, parallel to the South line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ to a point;

thence due North 405 feet to a point;

thence Easterly 300 feet, more or less, parallel to the South line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ to the Westerly right of way boundary of U.S. Highway 95;

thence Southerly along the said Westerly right of way boundary to the POINT AND PLACE OF BEGINNING.

EXCEPTING the right of way of U.S. Highway 95.

TOGETHER with irrigation water of 0.030 C.F.S. or 3 acre ft. per annum, from unnamed creek, ID#A78-02064 (6-9-60), together with an access and maintenance easement across grantors property to the source.

RESERVING a 20 foot wide easement for existing pipe line from domestic spring as per attached Exhibit.

ALSO RESERVING unto the grantors a 25 foot wide joint access across the existing approach from U.S. Highway 95 to a point on the North boundary of the parcel, as per attached exhibit.

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 owner in fee simple of said premises; that said premises are free from all encumbrances except easements of record, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated this _____ day of January, 1991.

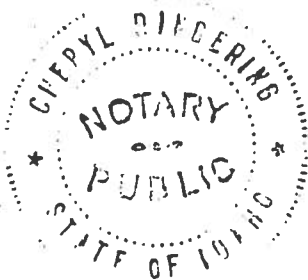
Donald S. Brown
Donald S. Brown

Laveta O. Brown
Laveta O. Brown

STATE OF IDAHO, County of Adams

On this 16th day of January, 1991, before me, a notary public in and for said State, personally appeared Donald S. Brown and Laveta O. Brown, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

WITNESS my hand and seal.



[Signature]
Notary Public for Idaho
Residing at Fruitvale
Commission Expires: 7/93

Form 42-148/42-149(6) July, 2000

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
A78-02069		1/4	(already split just change in		
A78-10006		1/3	name		← withdrawn
					filed new
					claim
					SEE LTR
					DATED
					4-11-02

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)

Wesley Henske or Doris Henske
8357 Bloomfield Boise, ID 83704

4. New Owner/Claimant(s)

Shawn E. Endicott
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

P.O. Box 351 5529 Highway 95

City, State and ZIP Code

Riggins, ID 83549

New Telephone Number

208 628-3729

5. Date you acquired the property

9-9-94

Form 42-1484(2-1409(5) July, 2000

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 <u>A78-10006</u>		
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	<u>1/3 INT. 2 GPM</u>	<u>1 home</u>
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 <u>A78-02064</u>		
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	<u>1/4 INT.</u>	<u>2 acres = 3/4 Acre</u>
Stock		<u>PRORATED AS ACRES</u>
Domestic		<u>TOTAL WAS 3</u>
Other		<u>SEE EXHIBIT "A"</u>
Total		

7.

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Sharon E. Swales

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 _____	Date _____	Pce _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____	Date _____	WR _____ Date _____

withdrew ownership
change
FILED
NEW
CLAIM

78-12163
SINCE SHE
DOESN'T
OWN
EITHER

HOME
PER COMU
WITH

SUE
BOCK

SEE
ATTACHED
NOTE
FROM

SUE BOCK

SEE ORIGINAL
SIGNED
OWNERSHIP
CHANGE
ATTACHED
RECEIVED
NOV 8, '94

SPLIT TREE

CLAIMS 78-02064

AGENT: Ron Howerton

Date: 4/17/02

78- Brown 12168 = IRR FACTOR CFS @ 2- $\frac{1}{4}$ ACRES = 0.045 CFS

78- Endicott 12169 = IRR FACTOR CFS @ $\frac{3}{4}$ ACRES = 0.015 CFS = $\frac{1}{4}$ interest

TOTALS = 3 ACRES @ 0.06 CFS = 0.02 FACTOR

Irrigation: Chain of title shows Brown to Henske then Henske to Endicott, Exhibit "A" shows Endicott got $\frac{1}{4}$ interest = $(.25) (3) = .75$ acre = $\frac{3}{4}$ acre

- Domestic: She did not get the home, per conversation memo thus, stays in original Browns split.
- Stock water: May stay on both splits because ambiguous license did not define domestic purposes, but the total of the stock water splits must be de minimus amounts when the combined total stock is recommended.
- Ambiguous license: Did not clarify domestic use, which may include these claimed purposes, but these amounts are not additive they are only inclusive based upon the total prorated split of irrigation, these uses can be no more than the irrigation maximum split base amount.

ORIGINAL Claimant OWNER: Brown
78-02064

Irrigation: 0.06 CFS 3 acres
Domestic 1 home: 0.02 CFS •
Stock water, 3 Horses: 0.02 CFS •

78- 12168
Brown (Remainder)
IRR: 2- $\frac{1}{4}$ ACRES
CFS: 0.045 CFS
Domestic 1 Home:
0.02 CFS
Stock water: 0.02 CFS
3 Horses

78- 12169
Endicott (New)
IRR: $\frac{3}{4}$ ACRE
CFS: 0.015
Stock water 0.015 CFS
3 Horses

Notes
3/4 acre
7812286



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

RECEIVED

DATE OF CLOSING: 9/9/94

NOV 08 1994

LEGAL DESCRIPTION OF PROPERTY: Township 23N Range 01E
 Section 16, 1/4 of 1/4 of 1/4, Govt. Lot _____ Department of Water Resources

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) RECEIVED
 NOV 08 1994

[] Water Right Number(s) Assigned by IDWR: # A78-02064 & # A78-10006 WATER RESOURCES
 WESTERN REGION

[] Name and Address of Former Owner/Claimant(s)(Seller): Wesley Henske or Doris Henske
8357 Bloomfield

[] New Owner/Claimant (Purchaser):

Boise, ID 83704
Shawn E. Endicott

[] New Mailing Address:

P.O. Box 351
Riggins, ID 83549

[] New Telephone Number: () _____

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

1/3 interest in #A78-10006 & withdrawn 4-11-02
1/4 interest in #A78-02064

[] Attach proof of ownership, describe proof attached:

copy of recorded Deed

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

[] Signature of New Owner/Claimant(s)

Shawn E. Endicott

Date 9-9-94

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

COPY

INSTRUMENT NO. **86616**
WARRANTY DEED

PARCEL #
RP22N01E167300A

For Value Received **WESLEY HENSKE**, aka **WESLEY C. HENSKE**, and **DORIS E. HENSKE**, aka **DORIS HENSKE**, husband and wife

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

SHAWN E. ENDICOTT, an unmarried woman

the grantee, whose current address is, *P.O. Box 351, Riggins Id. 83544* Department of Water Resources

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

SEE ATTACHED EXHIBIT "A" MADE A PART HEREOF.

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantee her heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee , that they are the owners in fee simple of said premises; that they are free from all incumbrances excepting for all easements of record, rights of way, matters visible, and all matters of record and title.

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

Date: September 9, 1994

Wesley Henske
Wesley Henske, aka Wesley C. Henske

Doris E Henske
Doris E. Henske, aka Doris Henske

STATE OF IDAHO)
) ss
COUNTY OF *Adams*)

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

On this *9th* day of *Sept*, in the year of 1994, before me
a Notary Public, personally appeared **WESLEY HENSKE**,
aka **WESLEY C. HENSKE** & **DORIS E. HENSKE**, aka
DORIS HENSKE
known or identified to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me
that they executed the same

at 10 minutes past 1 o'clock p.M.
this 12th day of Sept, 19 94. in my
office, and duly recorded in Book -----

of Deeds at page -----

Vickie S. Heath
Notary Public
Residing at *Riggins*
Commission expires: *8-19-98*

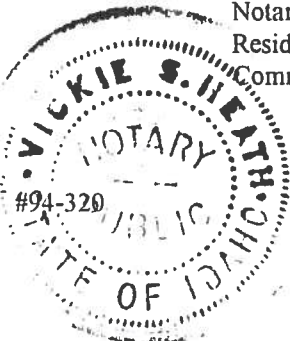
MICHAEL FISK

Ex-Officio Recorder

By: *Peggy Linkal*
Deputy

Fees \$9.00

Mail to: Timberline Title & Escrow



NOV 08 1994

A parcel of property located within the NE1/4 SE1/4 of section 16, T 22 N, R 1 E, B.M., Adams County, ID, and being more particularly described from a survey as follows: Beginning at the East 1/4 Corner of said section 16, thence S 0 degrees 18' 31" E 384.005' along the section line to a point which is 940' North of the South 1/16 Corner, thence S 89 degrees 02' 50" W 94.041' to a point on the Westerly R.O.W. line of U.S. 95, project F-4113(12) R/W, which is the initial point of beginning,

thence along a R.O.W. curve as follows:

Delta= 1 degree 40' 33"

R= 5128.70719',

L= 150.01210'

T= 75.01140'

Chord= 150.00675'

Bearing= S 1 degree 29' 47" E,

thence S 89 degrees 02' 50" W, 403.110', parallel to the south line of NE1/4 SE1/4, thence N 0 degrees 18' 31" W, 210.213', thence N 87 degrees 19' 35" E, 397.255', to a point on the Westerly R.O.W. of U.S. 95, thence along a R.O.W. Curve as follows:

Delta= 0 degrees 48' 22"

R= 5128.70719,

L= 72.16620'

T=36.08370',

Chord= 72.16561'

Bearing= S 2 degrees 44' 15"

E, back to the initial point
of beginning,

E 1/4 CORNER (START)

S 0 d 18 m 31 s E 384.005

S 89 d 2 m 50 s W 94.041

S 1 d 29 m 47 s E 75.01140

S 89 d 2 m 50 s W 403.11

N 0 d 18 m 0 s W 210.213

N 87 d 19 m 35 s E 397.255

S 2 d 44 m 15 s E 36.0837

SUBJECT TO THE FOLLOWING:

GENERAL TAXES AND ASSESSMENTS for the year 1994 which are a lien but not yet due or payable.

AN EASEMENT for the purpose of public utilities and rights incidental thereto as set forth in a document granted to Mountain States Telephone and Telegraph Company (no representation is made as to the present ownership of said easement). Recorded August 13, 1932 in Book 3M of Misc., page 349, records of Adams County, Idaho.

A RIGHT OF WAY, including the terms and conditions, granted to the State of Idaho, recorded June 11, 1936 in Book 14 of Deeds at page 486, records of Adams County, Idaho.

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ANY RIGHTS, INTERESTS or claims to a certain spring and pipeline together with a reserved right to use all waters, as set forth in a document recorded August 26, 1960 in Book 25 of Deed at page 247, and also June 18, 1992 as Instrument No. 82172.

AN EASEMENT for the purpose of public utilities and rights incidental thereto as set forth in a document granted to Idaho Power Company, a corporation (no representation is made as to the present ownership of said easement). Recorded August 7, 1961 in Book 6M of Misc., at page 23.

TERMS AND CONDITIONS OF A WARRANTY DEED, granted to the State of Idaho, recorded August 28, 1961 in Book 25 of Deeds at page 470.

Search by Last Name & T-R-S

<u>Basin</u>	<u>Sequ</u>	<u>Split</u>	<u>Basis</u>	<u>Status</u>	<u>Priority</u>	<u>Diversio</u>	<u>Source List</u>	<u>Water Use List</u>	<u>Owner List</u>	<u>Source Table</u>
78	12168		License	Active	6/9/1960	0.05	UNNAMED DOMESTIC	IRR BROWN, DONALD S	(CwrAdjudicationClaim	
~~78~~	~~2064~~		~~License~~	~~Active~~	~~6/9/1960~~	~~0.06~~	~~UNNAMED DOMESTIC~~	~~IRR BROWN, DONALD S~~	~~(CwrWaterRight~~	

78-12168 is a portion of -2064. (split 5/02)

Page 1 of 3

April 15, 2002

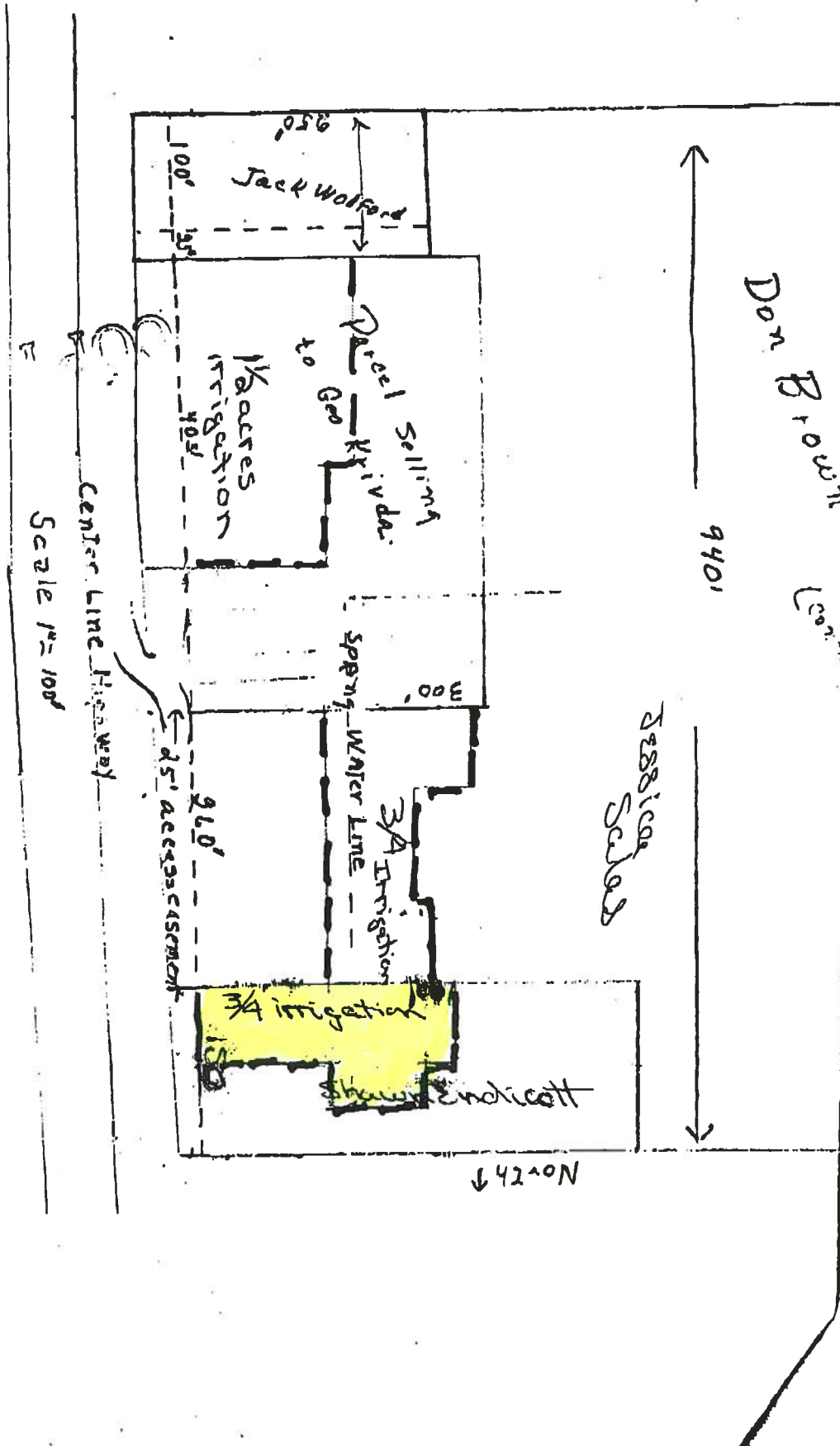
ATTEN: Ron Howerton,

regarding: Water easement for
Shawn Endicott, George and Rosalie
Kivda and Jessica Salas.

Shawn asked me to FAX
a map and schedule B-Section 2
Exceptions of Rosalie and George
Kivda's. Shawn was hoping exception
#11 might help.

For Shawn Endicott
Thank you
Richard Brand

2



3

SCHEDULE B - Section 2 - Exceptions - Continued

11. An Easement, including terms and conditions thereof, adjacent to the highway right of way for relocation of irrigation and/or drainage ditches and structures and such surface drain ditches as may be necessary to the proper construction of the highway, executed by FRED W. HARDIN and DOLLY HARDIN, husband and wife, to the STATE OF IDAHO, recorded June 11, 1936, in Book 14 of Deeds, page 486, Adams County records.
12. Conditions, Covenants and Restrictions contained in Warranty Deed executed by DONALD S. BROWN and LAVETA O. BROWN, husband and wife, to the STATE OF IDAHO as recorded in Book 25 of Deeds, page 468, Adams County records.

Page 1 of 11

To. IDWR
attn: Sue Bock

From: Shawn E. Endicott
P.O. Box 351 5529 Highway 95
Riggins, ID 83549
208 628-3724

This is in regard to a change
in name of water right
ownership

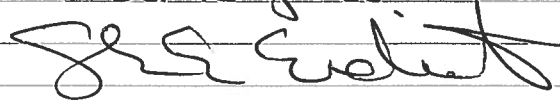
Thank you
Shawn Endicott

April 11, 2002

Attention: IDWR Ron Howerton

Please withdraw my change
of ownership request regarding
AT8-10006. This claim will
be replacing that.

Thank you



Shawn E. Endicott

P.O. Box 351

Riggins ID 83549

208 628-3724

**INDORSEMENT**

Attached to Commitment No. 100-94-320

Issued by

FIRST AMERICAN TITLE INSURANCE COMPANY

This indorsement is made a part of said Commitment, including any prior indorsements, and is subject to the schedules, terms, provisions and conditions and stipulations therein, except as modified by the provisions hereof:

1. Schedule A of the above Commitment is hereby amended in the following particulars:
 - (a) The effective date of the Commitment including extensions is: SAME

The premium is amended as follows:
Premium: \$440.00 extra charge is for an additional chain of title
 - (b) The title to the estate or interest in the land is at the extended effective date hereof vested in:

WESLEY HENSKE, aka WESLEY C. HENSKE AND DORIS E. HENSKE, aka DORIS HENSKE, husband and wife
2. Schedule B of the above Commitment, including any prior indorsements, is hereby amended in the following particulars:
 - (a) The exceptions at the following numbered paragraphs are hereby deleted: None
 - (b) The exceptions at the following numbered paragraphs are hereby added:
 14. ANY RIGHTS, INTERESTS or claims to a certain spring and pipeline together with a reserved right to use all waters, as set forth in a document recorded August 26, 1960 in Book 25 of Deed at page 247, and also June 18, 1992 as Instrument No. 82172.
 15. AN EASEMENT for the purpose of public utilities and rights incidental thereto as set forth in a document granted to Idaho Power Company, a corporation (no representation is made as to the present ownership of said easement). Recorded August 7, 1961 in Book 6M of Misc., at page 23.

CONTINUED



100-94-320 CONTINUED

16. TERMS AND CONDITIONS OF A WARRANTY DEED, granted to the State of Idaho, recorded August 28, 1961 in Book 25 of Deeds at page 470.
17. FINANCING STATEMENT, whereas Wesley C. and Doris E. Henske appear as debtors and Idaho First National Bank appears as secured party, recorded March 9, 1988 as Instrument No. 75557.

Schedule B - Section 1 Requirements
ADD TO THE NOTE SECTION

RP22NO1E162000A: \$50.04 (includes other lands)

FIRST AMERICAN TITLE INSURANCE COMPANY

Countersigned

Julie E. Wilson
Assistant Secretary

Commitment Indorsement
Form No. WA-5C



SCHEDULE C

A parcel of property located within the NE1/4 SE1/4 of section 16, T 22 N, R 1 E, B.M., Adams County, ID, and being more particularly described from a survey as follows: Beginning at the East 1/4 Corner of said section 16, thence S 0 degrees 18' 31" E 384.005' along the section line to a point which is 940' North of the South 1/16 Corner, thence S 89 degrees 02' 50" W 94.041' to a point on the Westerly R.O.W. line of U.S. 95, project F-4113(12) R/W, which is the initial point of beginning,

thence along a R.O.W. curve as follows:

Delta= 1 degree 40' 33"

R= 5128.70719',

L= 150.01210'

T= 75.01140'

Chord= 150.00675'

Bearing= S 1 degree 29' 47" E,

thence S 89 degrees 02' 50" W, 403.110', parallel to the south line of NE1/4 SE1/4, thence N 0 degrees 18' 31" W, 210.213', thence N 87 degrees 19' 35" E, 397.255', to a point on the Westerly R.O.W. of U.S. 95, thence along a R.O.W. Curve as follows:

Delta= 0 degrees 48' 22"

R= 5128.70719,

L= 72.16620'

T= 36.08370',

Chord= 72.16561'

Bearing= S 2 degrees 44' 15" E, back to the initial point of beginning,

WARRANTY DEED

COPY

For Value Received WESLEY HENSKE, aka WESLEY C. HENSKE, and DORIS E. HENSKE, aka DORIS HENSKE, husband and wife

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

SHAWN E. ENDICOTT, an unmarried woman

the grantee, whose current address is, P.O. Box 351 Riggins, ID 83540

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

SEE ATTACHED EXHIBIT "A" MADE A PART HEREOF.

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantee her heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee , that they are the owners in fee simple of said premises; that they are free from all incumbrances excepting for all easements of record, rights of way, matters visible, and all matters of record and title.

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

Date: September 9, 1994

Wesley Henske, aka Wesley C. Henske

Doris E. Henske, aka Doris Henske

STATE OF IDAHO)
) ss
COUNTY OF)

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

On this day of , in the year of 1994, before me
a Notary Public, personally appeared WESLEY HENSKE,
aka WESLEY C. HENSKE & DORIS E. HENSKE, aka
DORIS HENSKE
known or identified to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me
that they executed the same

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

Notary Public
Residing at
Commission expires:

Ex-Officio Recorder

By: Deputy

Fees \$
Mail to:

#94-320

EXHIBIT "A"

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Bearing= S 1 degree 29' 47" E,

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L= 72.16620'

T=36.08370',

Chord= 72.16561'

Bearing= S 2 degrees 44' 15"

E, back to the initial point
of beginning,

SUBJECT TO THE FOLLOWING:

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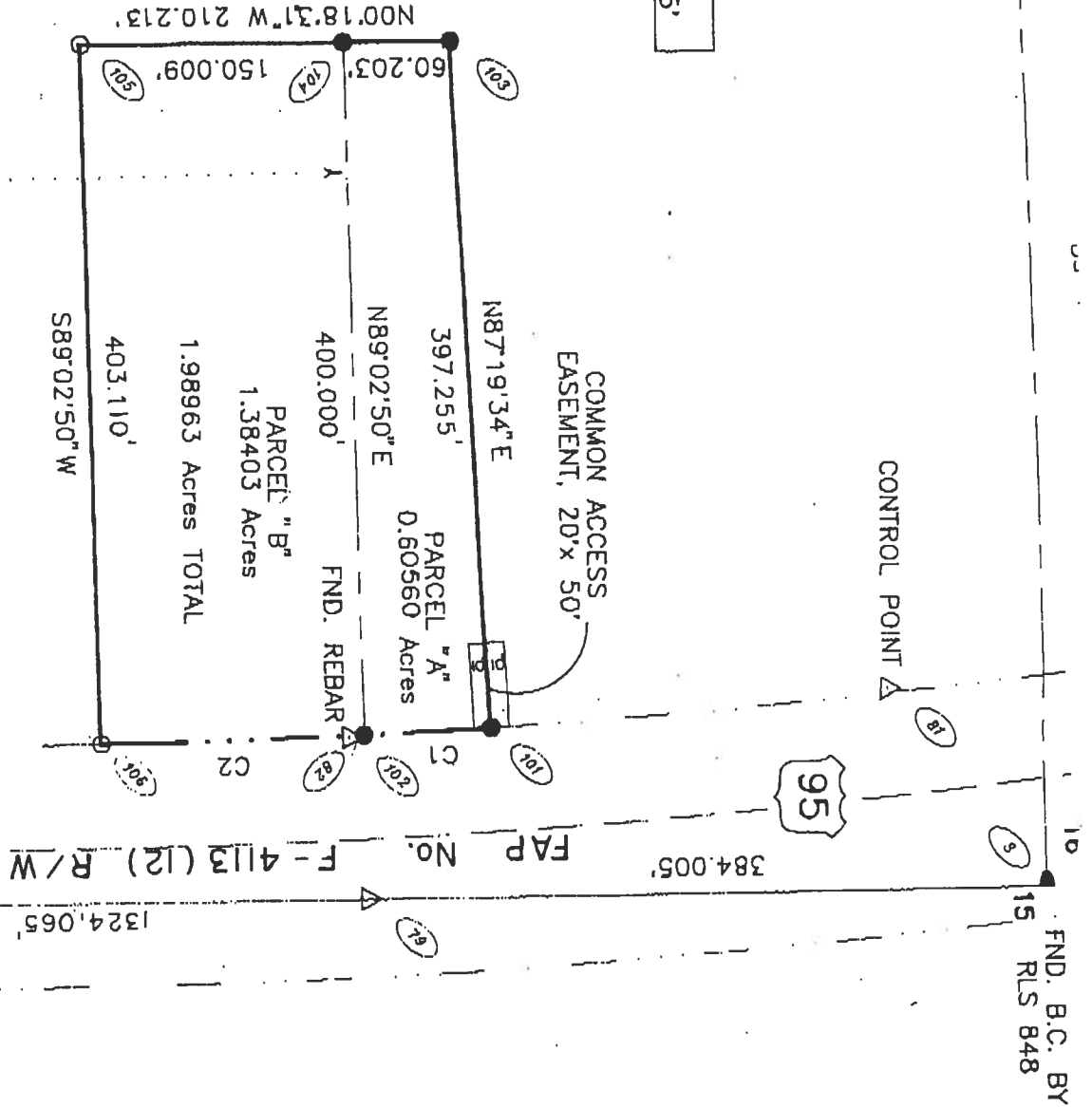
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TERMS AND CONDITIONS OF A WARRANTY DEED, granted to the State of Idaho, recorded August 28, 1961 in Book 25 of Deeds at page 470.

STATION	CHORD
14.15"W	72.16561'
29.47"W	150.00675'



C.V.E.	DWG. No. G - 51 - 94
BY: R.L.L.	SCALE: 1 = 100'
DATE: 10 / 5 / 1994	



C E ENGINEERING
Engineers / Surveyors / Planners

238 E. South Street Phone 983-2666
 GRANGEVILLE, IDAHO 83530

QUITCLAIM DEED

RECEIVED

COPY

NOV 08 1994

Department of Water Resources

For Value Received DONALD S. BROWN and MURIEL L. BROWN, husband and wife

do hereby convey, release, remise and forever quitclaim unto
WESLEY HENSKE and DORIS HENSKE, husband and wife

whose current address is 8357 Bloomfield, Boise, ID 83704

the following described premises, to-wit:

SEE ATTACHED EXHIBIT "A" MADE A PART HEREOF.

together with their appurtenances.

Dated: SEPTEMBER 9, 1994

Donald S. Brown
DONALD S. BROWN
DonaldMuriel L. Brown
MURIEL L. BROWN

INSTRUMENT NO. 86683

State of Idaho)

County of Adams) ss.

Filed for record at the request of

Timberline Title & Escrow

30 min. past 3 o'clock P.M.

this 21st day of Sept., 1994

MICHAEL FISK, RECORDER

by Leah Fisk

Deputy

Fee \$ 6.00

Return to:

Timberline Title & Escrow
In Person

STATE OF IDAHO)

) ss

COUNTY OF Canyon)

On this 12 day of September, 1994
before me, a Notary Public in and for said State,

personally appeared

DONALD S. BROWN & MURIEL L. BROWN

known or identified to me to be the persons whose
names are subscribed to within instrument, and
acknowledged to me that they executed the same.

NOTARY

* - *

NOTARY PUBLIC

My Comm. Expires: 4/28/2000

INSTRUMENT NO. 86683
EXHIBIT "A"

Township 22 North, Range 1 East, Boise Meridian, Adams County, Idaho
Section 16: A parcel of land lying and being in the South 940 feet of
all that part of the NE1/4SE1/4 lying Westerly of the Westerly
boundary of the right of way of U.S. Highway 95, as now established,
and more fully described as follows:

COMMENCING at the Northeast corner of said tract of land above
described;

thence West along the North Boundary line of said tract, 400 feet to a
point;

thence South 150 feet to a point;

thence East 400 feet, more or less, to a point on the West line of
said highway right of way;

thence in a Northerly direction, paralleling the West boundary line of
said highway right of way to the POINT AND PLACE OF BEGINNING.

EXCEPTING DITCH AND ROAD RIGHTS OF WAY

TOGETHER WITH 1/3 interest in the spring water, ID#A78-10006, and a
1/4 interest in the creek water, ID#78-02064, as filed on in the Snake
River Basin Water Adjudication Case #39576, Idaho Fifth Judicial
District, Twin Falls County, together with proportionate ditch and
ditch rights, if any, appurtenant thereto or in anywise appurtenant.

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: A78-02064
Date Received: 4/11/1988
Receipt No: C000325

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DONALD S. BROWN 208-628-3376
Address: HC 75 BOX 3632
NEW MEADOWS, ID 83654
AND/OR
Name: MURIEL L. BROWN 208-628-3376
Address: HC 75 BOX 3632
NEW MEADOWS, ID 83654
2. Date of Priority: JUN 09, 1960
3. Source: UNNAMED STREAM Trib. to: LITTLE SALMON RIVER
4. Point of Diversion:

Township	Range	Section	1/4	of	1/4	of	1/4	Lot	County
22N	01E	16	NW		SE		SE		ADAMS
5. Description of diverting works:
HEADGATE AND CHECKS IN CREEK, INTO 8" PLASTIC PIPE TO P/U.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.060		
DOMESTIC	01/01	12/31	0.020		
STOCKWATER	01/01	12/31	0.020		
7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 6.0 Acre Feet Per Annum.
9. Non-irrigation uses:
1 DOMESTIC, 3 HEAD HORSES.

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
22N	01E	16	NE		SE		IRR	3.0
			NE		SE		DOMEST	
			NE		SE		STOCK	

Section Acres 3.0

Total Acres	3.0
-------------	-----

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:
SPRING FOR DOMESTIC USE.

14. Remarks:
SPRINKLER IRRIGATED

15. Basis of Claim: LICENSE
Water Right Number: 28784

~~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: 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 Donald A. Brown Date: 4-11-88
x _____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 11th day

of April 19 88

Carter Fritschle
Notary Public

Seal

Residing at Eagle, Id
My Commission Expires 3-21-94

**RETURN SERVICE
REQUEST**

JUN 03 2002

WATER RESOURCES
WESTERN REGION

ON CES
the
orderly.

~~DONALD S BROWN
MURIEL L BROWN
HC 35 BOX 3632~~

NEW MEADOWS ID-63994

Φ Fund

MAY 30 02

For Deliverable As Addressed

Unbuckle Toward
Foward

insufficient address

removed, Left No Address

per year. ☐ Permitted. ☐ Not Permitted.

THE NEW YORK TIMES

Percent ☐ Electric ☐ 1470718

Math Recounts

Box Closed-No On

turned For Better Address

Stage Two

80121-86

552

7110094
METER

U.S. POSTAGE

100
 90
 80
 70
 60
 50
 40
 30
 20
 10
 0

(Faint vertical text or bleed-through from the reverse side)

54



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

May 30, 2002

DONALD S BROWN
MURIEL L BROWN
HC 75 BOX 3632
NEW MEADOWS ID 83654

Re: Original Notice of Claim to a Water Right No. 78-2064

Renumbered to Notice of Claim to a Water Right No. 78-12168

Dear Claimant(s):

We have received and processed a Change of Ownership for a portion of your original Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of your original claim.

When a portion of the original water right claim has been conveyed to another and the original right has been split, then the original claim number is renumbered by issuing a new water right number to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new water right number reflects your remaining portion of the original claim after the change of ownership. Enclosed is a copy of this new claim for your records. Please refer to your new claim number when corresponding with our office.

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

Sincerely,

Adjudication Section
Western Region Office

DH: dh

Enclosure

CONVERSATION MEMORANDUM



SUBJECT OWNERSHIP CHANGES

WITH Shawn Endicott

Claim/WR # 78-2064 / 78-10006

Agent: Ron Howerton

Date: 4-11-02

Shawn says portions of 78-2064 have been sold off from original owner Brown. They have provided chain of title from Brown to Heuske to her (Endicott). The irrigation right shows on Exhibit "A" where Heuske got $\frac{1}{4}$ interest from Brown then they acquired the same property. $\frac{1}{4}$ interest = $\frac{3}{4}$ ACRE of irrigation. She said they didn't acquire either home covered in request of ownership change. (SEE ALSO NOTE by Sue Bock in her conversation with Shawn stating same) SEE SPLIT TREE DATED 4/12/02 for promoting the split of 78-2064. SPLIT PARCEL GIS Shape MAP IS MORE THAN $\frac{3}{4}$ ACRE AND THIS OK FOR SPLIT. -SEE ENDICOTT split claim MAP IN FILE... 78-10006 - SINCE Shawn said that neither home was home covered under those rights I advised her to file a SEPARATE claim for the Shared Spring. We now have a copy of her request to withdraw 78-10006 AND A NEW claim 78-12163 has been filed in place of ownership change.

NOTE: no other owners have come forth with their prorated interest, it should be $\frac{1}{4}$ - $\frac{1}{4} \frac{1}{2}$ per Shawn - SEE MAP PROVIDED by her showing

Ron

Shawn Endicott needs the ownership on these changed ASAP.

However she indicated to me that she does not own either domestic home that was served by these rights, but supposedly the owners "gave" her the water right.

I told her that we don't look at it that way.

Now she needs to know if either of her 2 acres are covered under the 3 acres licensed.

Thanks
Joe

P.S. I'm giving these to you because you have the claims.