

11/15/2006

NOTICE OF ERROR
REPLY

RECEIVED

JAN 18 2007

DEPARTMENT OF
WATER RESOURCES

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 78-12172

EARL A BAUMGARTER
5497 HWY 95
NEW MEADOWS ID 83654
Telephone Number: (208)628-3947

JANET A BAUMGARTEN
5497 HWY 95
NEW MEADOWS ID 83654
Telephone Number: (208)628-3947

RECEIVED
JAN 26 2007
IDWR/North

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 1/13/07 SIGNATURE: E. A. Baumgarten
Please print your name: Earl A. Baumgarten

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

06/14/2005

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

RIGHT NUMBER: 78-12172
NAME AND ADDRESS: EARL A BAUMGARTEN
5497 HWY 95
NEW MEADOWS ID 83654

JANET A BAUMGARTEN
5497 HWY 95
NEW MEADOWS ID 83654

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 2,500 gallons per day.

PRIORITY DATE: 07/01/1978

POINT OF DIVERSION:

T22N R01E S22 NWNW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.020 CFS

PLACE OF USE: DOMESTIC Within ADAMS County

T22N R01E S22 NWNW

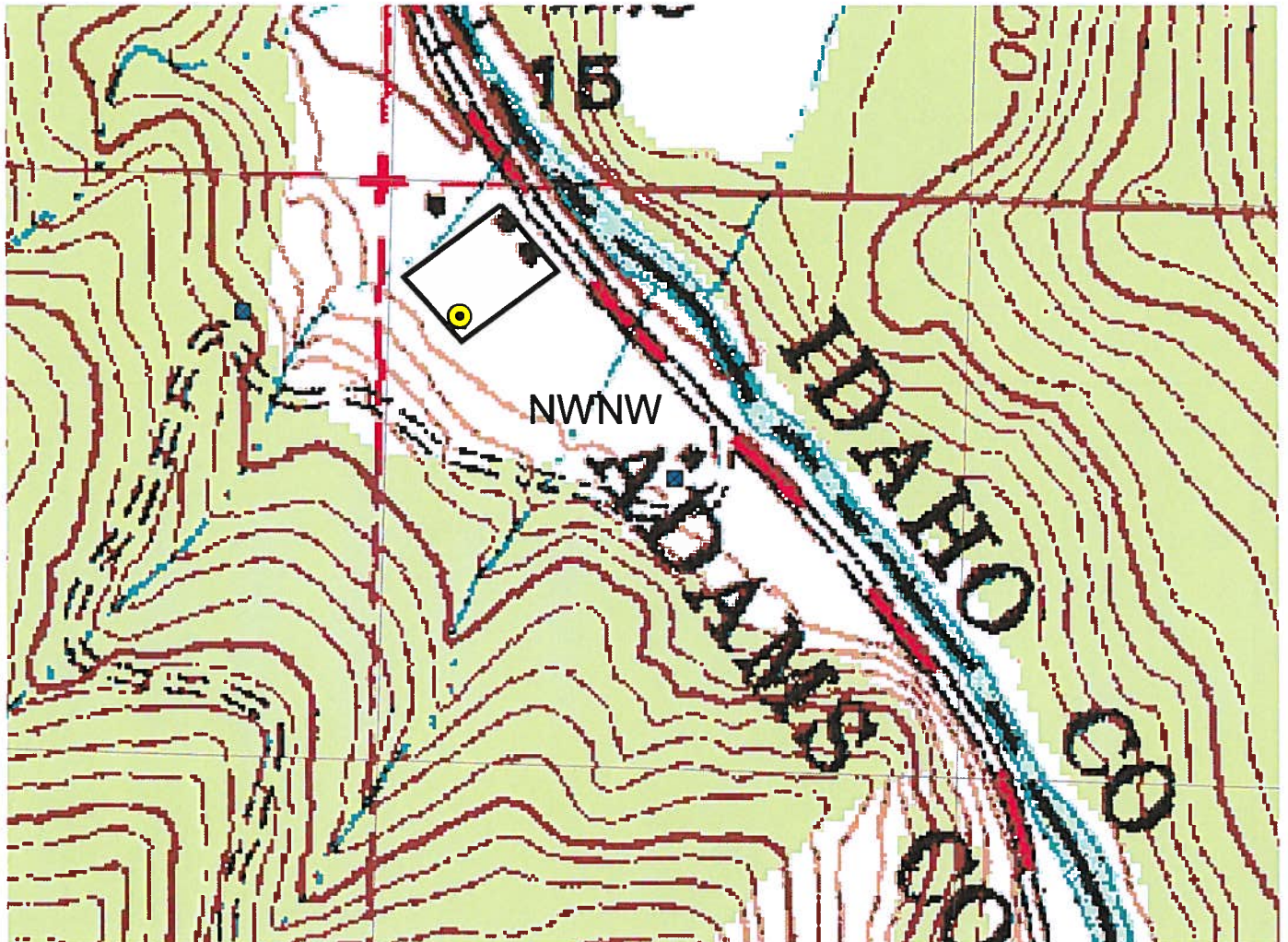
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

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

EXPLANATORY MATERIAL: Beneficial Use

78-12172



0 300 600 Feet

Section 22
T22N R1E



● Point of Diversion

□ Place of Use

Map prepared on June 14, 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 78-12172
Date Received: 5/18/1988
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

EARL A BAUMGARTEN
5497 HWY 95
NEW MEADOWS ID USA 83654

Phone: (208) 628-3947

JANET A BAUMGARTEN
5497 HWY 95
NEW MEADOWS ID USA 83654

Phone: (208) 628-3947

2. Date of Priority: 07/01/1978

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	22	NW NW	ADAMS	

5. Description of diverting works:

6 INCH CASING- 35 FEET DEEP- 3/4 HP. MOTOR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	01/01	12/31	0.02	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
22N	01E	22	NW	NW	DOMESTIC	

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:

NOTE: Agent spoke to Mr. Howard Wallace. He purchased the Ruffridge & Roberts home, sold both to Baumgarten. Baumgarten destroyed one of the homes. The other home, Clausen, now belongs to Fall Cr. Mt. Ranch. Baumgarten has contacted them regarding filing a change of ownership.

This claim is the result of a split due to change in ownership for a portion of 78-10191. DH 6/24/2002.

15. Basis of Claim: Beneficial Use

RECEIVED

MAY 28 2002

WATER RESOURCES
WESTERN REGION

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
78-255		☒			
78-1091		☐			
		☐			
		☐			
		☐			

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)

See attached

4. New Owner/Claimant(s)

EARL and/or Janet Baumgarten

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

New Mailing Address

5497 HIGHWAY 95

City, State and ZIP Code

New Meadows, Idaho 83654

New Telephone Number

(208) 628-3947

5. Date you acquired the property

See attached

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>78-255</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		<u>See attached</u>
Domestic		
Other		
Total		

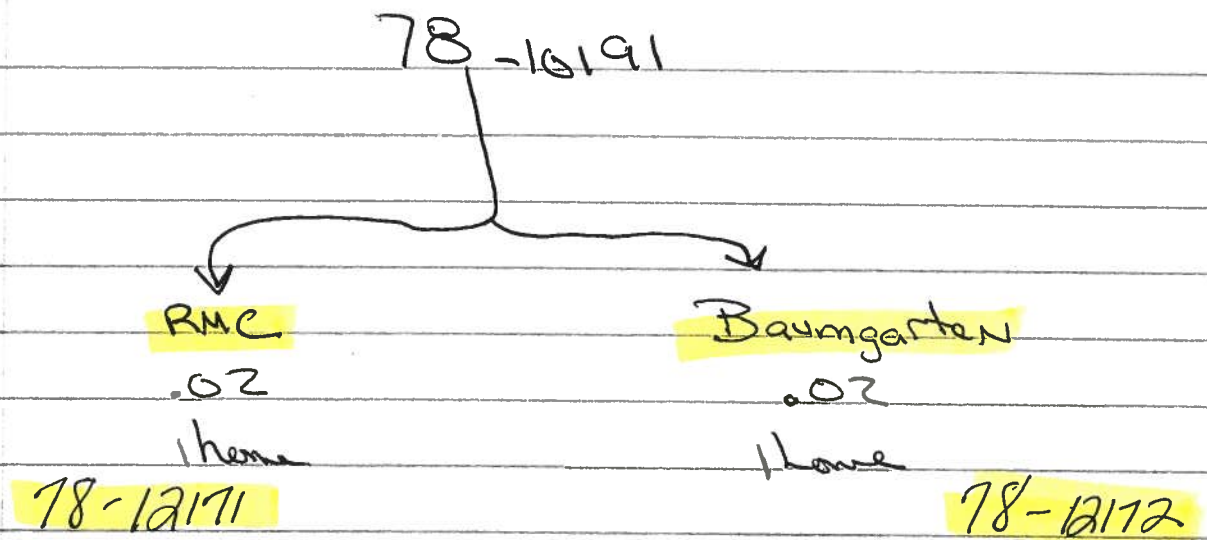
DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other		
Total		

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

Euell A. Baumgartner
Janet A. Baumgartner

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 <u>DH</u>	Date <u>5/28/02</u>	Fee <u>-</u>	
Received by _____	Date _____	Receipt No. _____	
Processed by _____ AJ	Date _____	WR _____	Date _____



- ✓ Comments Spoke to Mr. Howard Wallace.
He purchased the Ruffridge + Roberts home,
sold both to Baumgarten. Baumgarten
destroyed one of the homes.
The other home, Clausen, now belongs
to Fall Creek Ranch. Baumgarten has
contacted them regarding filing a change
of ownership.

5-18-88

DESCRIPTION OF WATER
SYSTEM
WR# 78-255

There is no change to the pod on file with @WR. The original diversion out of Tamarack Creek picks up water out of the stream by a 60 ft. piece of pipe that deposits water into a ditch. The pipe can be removed from the stream entirely, to dry up the ditch. The ditch contours south & redeposits the water into a second unnamed drainage. The water is then picked up & deposited into a small trough. At this point, the water is placed in a 4" PVC pipe that delivers water to the properties described. There are 'T's off of the 4" PVC pipe that each property owner uses to deliver water to their property.

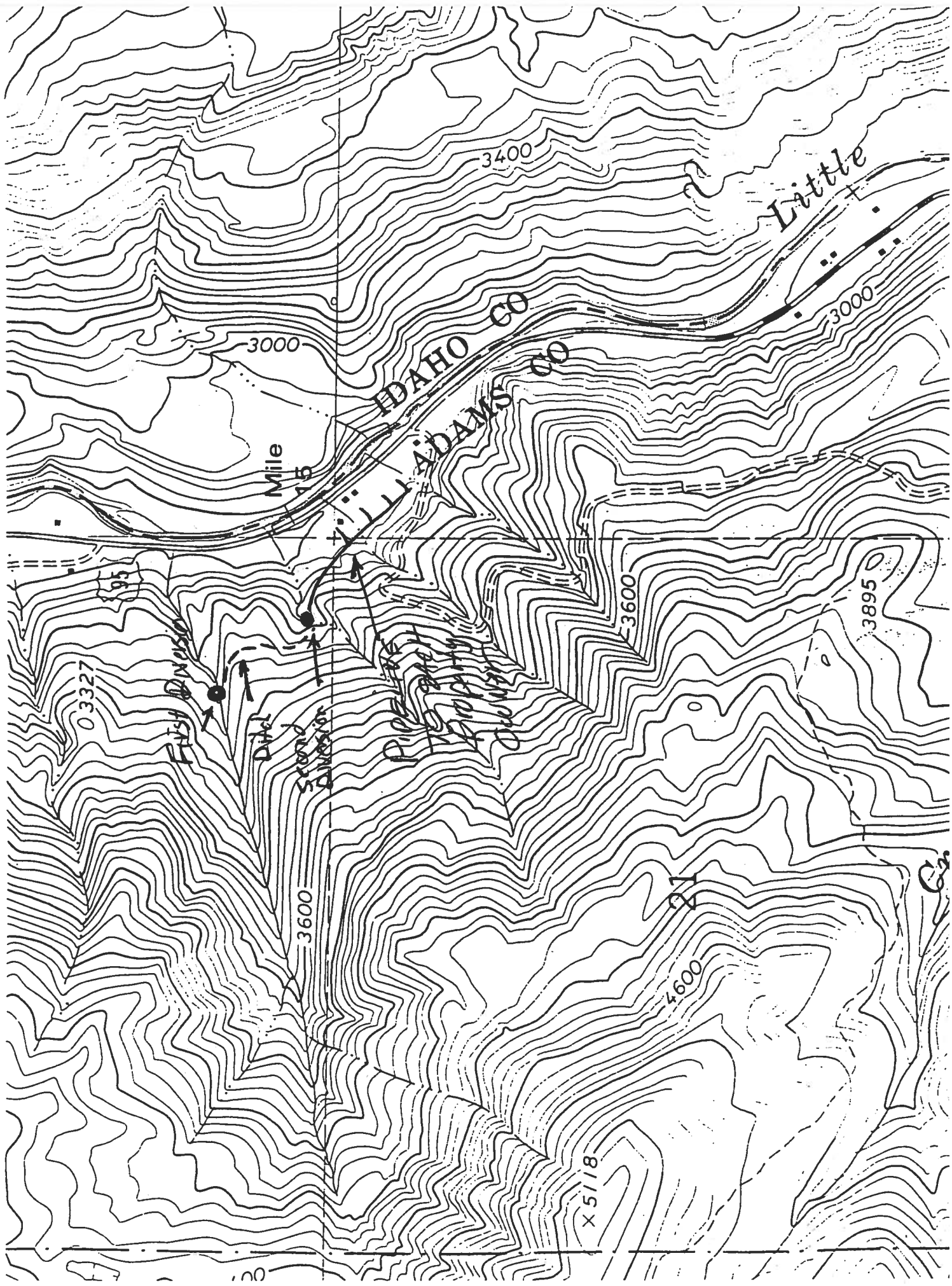
All water used under this water right is for irrigation purposes only.

See attached map.

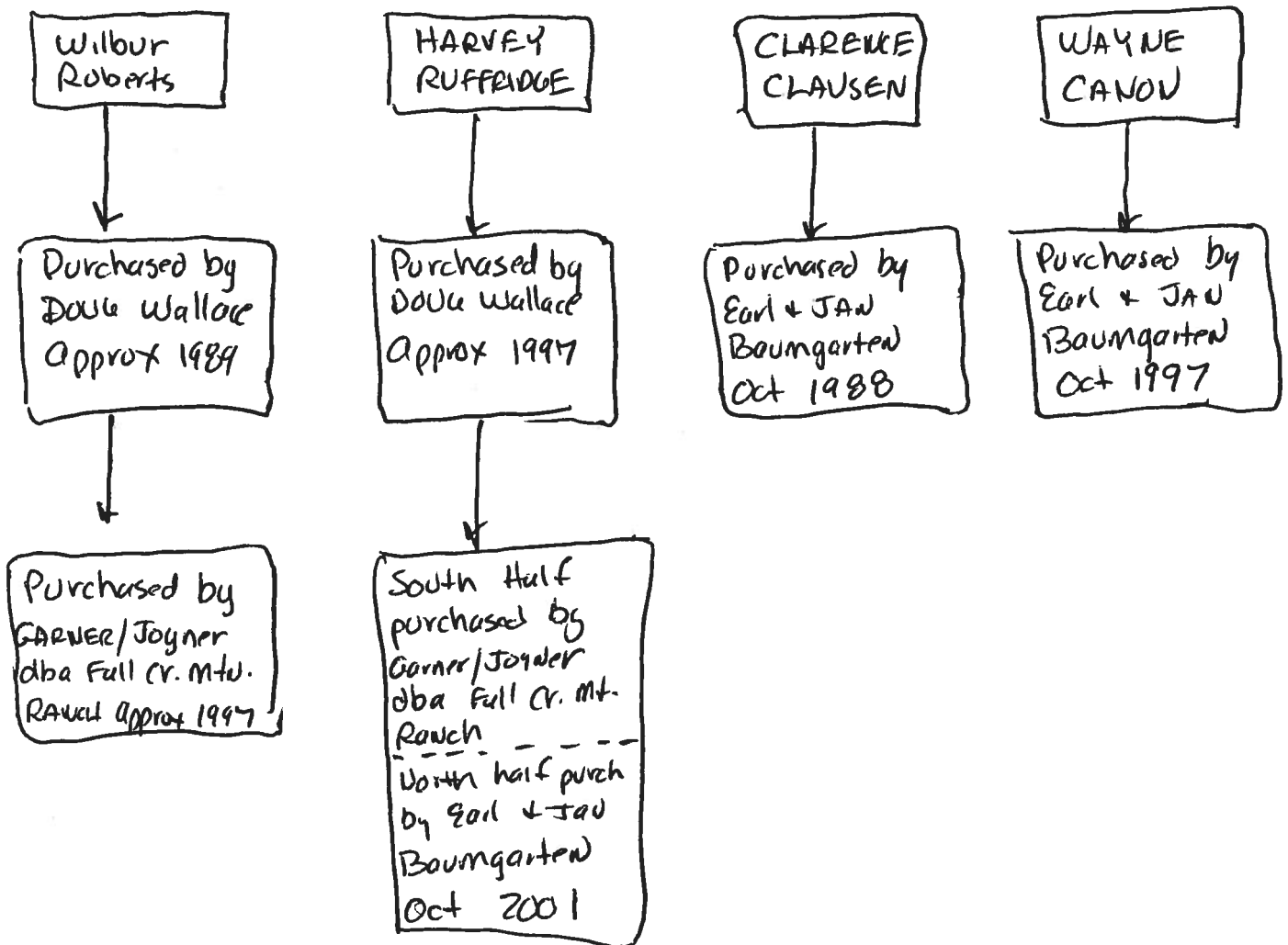
This is basically ~~to~~ a community system used to serve Baumgartner and Fall Cr. Mtn. Ranch properties.

As near as I can determine by property descriptions, of the 8 acres shown on the water right data sheet, approx 7 acres are associated with property now owned by Earl and Jan Baumgartner, and 1 acre is for property owned by Joyner/Corner dba Fall Cr. Mtn. Ranch.

Earl Baumgartner 5/4/2



CHAIN OF OWNERSHIP
WATER RIGHT
78-255



In Summary: All property originally attached to water right 78-255 is now in the ownership of two parties

- 1) Earl & Jan Baumgarten
- 2) Garner/Joyner dba Full Cr. Mt. Ranch

The enclosed information relates to property purchases of Earl & Jan Baumgarten only. I have notified Garner/Joyner of the need to update their portion of this water right with the Water Resources Dept.

Earl A Baumgarten 5/4,

Purchase of Cawon Property



First American Title Insurance Company

INFORMATION

The Title Insurance Commitment is a legal contract between you and the company. It is issued to show the basis on which we will issue a Title Insurance Policy to you. The Policy will insure you against certain risks to the land title, subject to the limitations shown in the Policy.

The Company will give you a sample of the Policy form, if you ask.

The Commitment is based on the land title as of the Commitment Date. Any changes in the land title or the transaction may affect the Commitment and the Policy.

The Commitment is subject to its Requirements, Exceptions and Conditions.

THIS INFORMATION IS NOT PART OF THE TITLE INSURANCE COMMITMENT.

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SCHEDULE A	
1. Commitment Date	2
2. Policies to be Issued, Amounts and Proposed Insureds	2
3. Interest in the Land and Owner	2
4. Description of the Land	2
SCHEDULE B-1 — Requirements	3
SCHEDULE B-2 — Exceptions	4
CONDITIONS	other side of 1

YOU SHOULD READ THE COMMITMENT VERY CAREFULLY.

If you have any questions about the Commitment, please contact the issuing office.

COMMITMENT FOR TITLE INSURANCE

ISSUED BY

First American Title Insurance Company



AGREEMENT TO ISSUE POLICY

We agree to issue a policy to you according to the terms of this Commitment. When we show the policy amount and your name as the proposed insured in Schedule A, this Commitment becomes effective as of the Commitment Date shown in Schedule A.

If the Requirements shown in this Commitment have not been met within six months after the Commitment Date, our obligation under this Commitment will end. Also, our obligation under this Commitment will end when the Policy is issued and then our obligation to you will be under the Policy.

Our obligation under this Commitment is limited by the following:

- The Provisions in Schedule A.
- The Requirements in Schedule B-1.
- The Exceptions in Schedule B-2.
- The Conditions on the other side of this page 1.

This Commitment is not valid without SCHEDULE A and Sections 1 and 2 of SCHEDULE B.



First American Title Insurance Company

BY *Parker S. Kennedy* PRESIDENT

ATTEST *Mark R. Arneson* SECRETARY

BY *Dana P. Mihal* COUNTERSIGNED



ALTA Plain Language Commitment
Form No. 1344-A (1982)

SCHEDULE A

Order No. 100-97-507

1. Commitment Date: October 7, 1997 at 8:30 a.m.

2. Policy or Policies to be issued:

Owner's Policy Form No. 1402-92 (10/17/92)

Policy Amount: \$50,000.00

Premium: \$380.00

Proposed Insured: EARL A. BAUMGARTEN & JANET A. BAUMGARTEN

3. Fee simple interest in the land described in this Commitment is owned, at the Commitment Date, by

WAYNE A. CANON, a widower, as to a life estate interest

WAYNE A. CANON as Trustee of the WAYNE A. CANON TRUST under Trust Agreement dated February 27, 1997 and his substitutes and successors as Trustee thereunder, as to the remainder

4. The land referred to in this Commitment is described as follows:

Township 22 North, Range 1 East, Boise Meridian, Adams County, Idaho Sections 15, 21 and 22: A tract of land situated in the SW1/4SW1/4 of Section 15, in the NE1/4NE1/4 of Section 21, and in the NW1/4NW1/4 of Section 22, more particularly described as follows:

Commencing therefor at the section corner common to Sections 15, 16, 21 and 22, said Township and Range;

Thence North on the Section line common to said Sections 15 and 16 a distance of 368 feet to its intersection with the Westerly line of the right-of-way of U.S. Highway, as said Highway existed on October 30, 1973;

Thence Southeasterly on the highway right-of-way line approximately 415 feet to its intersection with the Section line common to said Sections 15 and 22;

Thence continuing Southeasterly on the right-of-way line 74 feet to the Northerly corner of the George R. Matteson residence tract (as described in Book 23 Deeds page 11 recorded May 14, 1954 in the office of the Adams County Recorder;

Thence South 52° West 272 feet to the Westerly corner of said Matteson residence tract;

Thence Westerly to a point on the Section line common to Sections 21 and 22 that is 250 feet South of the point of beginning;

Thence Northwesterly approximately 350 feet to a point on the North line of said Section 21 which point is 250 feet West of the point of beginning;

Thence East 250 feet to the REAL POINT OF BEGINNING.

FIRST AMERICAN

ALTA Commitment
1344-B1 (1982)

Order No. 100-97-507

Schedule B - Section 1
REQUIREMENTS

The following requirements must be met:

- (a) Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
- (b) Pay us the premiums, fees and charges for the policy.
- (c) Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded.
- (d) You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.
- (e) Release(s) or Reconveyance(s) of item(s)
- (f) We require a copy of the trust agreement and any amendments to the WAYNE A. CANON TRUST UNDER TRUST AGREEMENT DATED FEBRUARY 27, 1997.
- (g) You must give us the following information:
 - 1. Any off-record leases, surveys, etc.
 - 2. Statement(s) of identity, all parties.
 - 3. Other

NOTE: General taxes and assessments for the year 1996, according to the Adams County Tax Assessor, are:
Parcel No. RP22N01E223000A - \$417.76 with homeowner's exemption

(Given for informational purposes only; no liability assumed)

FIRST AMERICAN

ALTA Commitment
1344-B2 (1982)

Order No. 100-97-507

SCHEDULE B - Section 2
EXCEPTIONS

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

Part 1:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or by any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Unpatented mining claims: reservations or exceptions in patents or in acts authorizing the issuance thereof: water rights, claims, or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
7. GENERAL TAXES AND ASSESSMENTS:
1997: full year which are a lien but not yet due

CONTINUED

FIRST AMERICAN

ORDER NO. 100-97-507

8. UTILITY RIGHT-OF-WAY granted to MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY recorded August 12, 1932 in Book 3 Misc. page 347.
9. UTILITY RIGHT-OF-WAY granted to MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY recorded August 12, 1932 in Book 3M Misc. page 350.
10. POWER LINE EASEMENT granted to MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY recorded May 25, 1956 in Book 5M Misc. page 368.
11. RESERVATION IN DEED for pipeline and ingress and egress recorded May 14, 1954 in Book 23 Deeds page 11.
RELEASE AND TERMINATION OF EASEMENT releasing the easement for ingress and egress recorded November 24, 1978 as Instr. No. 58166.
12. SUBJECT TO all existing easements and rights-of-way of use and/or of record.
13. RESERVATION of life estate by WAYNE A. CANON to improvements on above described land as set forth in deed recorded March 10, 1997 as Instr. No. 91629.

A. TIMERLINE TITLE & ESCROW, Inc.		B. TYPE OF LOAN	
SETTLEMENT STATEMENT U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT C.O.P.		1. FHA	2. FMHA
		3. CONV. UNINS.	
		4. VA	5. CONV. INS.
		6. File Number: 97-507	
		7. Loan Number:	
		8. Mortgage Insurance Case Number:	
C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.p.c)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals. WARNING: It is a crime to knowingly make false statements to the United States on this or any other similar form. Penalties upon conviction can include a fine and imprisonment. For details see: Title 18 U.S. Code Section 1001 and Section 1010. PREVIOUS EDITION IS OBSOLETE			
D. NAME OF BORROWER: BAUMGARTEN, EARL A.		BAUNGARTEN, JANET A.	
ADDRESS: 5497 HWY 95			
NEW MEADOWS, ID 83654			
E. NAME OF SELLER: CANON, WAYNE A.			
ADDRESS: 5499 HWY 95			
NEW MEADOWS, ID 83654			
F. NAME OF LENDER:			
ADDRESS:			
G. PROPERTY LOCATION: 5499 HWY 95			
NEW MEADOWS, ID 83654			
H. SETTLEMENT AGENT: TIMBERLINE TITLE & ESCROW, INC.		I. SETTLEMENT DATE	
ADDRESS: 204 ILLINOIS AVE.			
COUNCIL, ID. 83612			
PLACE OF SETTLEMENT: TIMBERLINE TITLE & ESCROW, INC.		10/22/97	
ADDRESS: 204 ILLINOIS AVE.			
COUNCIL, ID 83612			

J. SUMMARY OF BORROWER'S TRANSACTION		K. SUMMARY OF SELLER'S TRANSACTION	
100. GROSS AMOUNT DUE FROM BORROWER		400. GROSS AMOUNT DUE TO SELLER	
101. Contract Sales Price	50000.00	401. Contract Sales Price	50000.00
102. Personal property		402. Personal property	
103. Settlement charges to borrower	269.50	403.	
104.		404.	
105.		405.	
Adjustments for items paid by seller in advance		Adjustments for items paid by seller in advance	
106. City/town taxes to		406. City/town taxes to	
107. County taxes to		407. County taxes to	
108. Assessments to		408. Assessments to	
109.		409.	
110.		410.	
111.		411.	
112.		412.	
120. GROSS AMOUNTS DUE FROM BORROWER	50269.50	420. GROSS AMOUNT DUE TO SELLER	50000.00
200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER:		500. REDUCTIONS IN AMOUNT DUE TO SELLER:	
201. Deposit or earnest money		501. Excess deposit (see instructions)	
202. Principal amount of new loan(s)		502. Settlement charges to seller (line 1400)	269.50
203. Existing loan(s) taken subject to		503. Existing loan(s) taken subject to	
204. DEPOSIT	265.00	504. Payoff of first mortgage loan	
205.		505. Payoff of second mortgage loan	
206.		506.	
207.		507.	
208.		508.	
209.		509.	
Adjustments for items unpaid by seller		Adjustments for items unpaid by seller	
210. City/town taxes to		510. City/town taxes to	
211. County Taxes to 10/22/97	337.64	511. County taxes to 10/22/97	337.64
212. Assessments to		512. Assessments to	
213.		513.	
214.		514.	
215.		515.	
216.		516.	
217.		517.	
218.		518.	
219.		519.	
220. TOTAL PAID BY/FOR BORROWER	602.64	520. TOTAL REDUCTIONS AMOUNT DUE SELLER	607.14
300. CASH AT SETTLEMENT FROM/TO BORROWER		600. CASH AT SETTLEMENT TO/FROM SELLER	
301. Gross amounts due from borrower (line 120)	50269.50	601. Gross amounts due to seller (line 420)	50000.00
302. Less amounts paid by/for borrower (line 220)	602.64	602. Less reductions in amount due seller (line 520)	607.14
303. CASH (x FROM) (TO) BORROWER	49666.86	603. CASH (FROM) (xTO) SELLER	49392.86

Purchase of Canon Property
 By EARL & JAN Baumgarten
 Oct. 1997

SETTLEMENT CHARGES

700. TOTAL SALES/BROKER'S COMMISSIONS		PAID FROM BORROWER'S FUNDS AT SETTLEMENT	PAID FROM SELLER'S FUNDS AT SETTLEMENT
Division of commission (line 700) as follows:			
701. \$	to		
702. \$	to		
703. Commission paid at settlement			
704.			
800. ITEMS PAYABLE IN CONNECTION WITH LOAN			
801. Loan Origination Fee	0.000 %		
802. Loan Discount	0.000 %		
803. Appraisal Fee	to		
804. Credit Report	to		
805. Lender's Inspection Fee	to		
806. Mortgage Insurance Application fee	to		
807. Assumption Fee			
808.			
809.			
810.			
811.			
900. ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE			
901. Interest from	to \$ /day		
902. Mortgage Insurance Premium for	months to		
903. Hazard Insurance Premium for	years to		
904.	years to		
905.			
1000. RESERVES DEPOSITED WITH LENDER			
1001. Hazard Insurance	month \$ per month		
1002. Mortgage Insurance	month \$ per month		
1003. City Property Taxes	month \$ per month		
1004. County Property Taxes	month \$ per month		
1005. Annual Assessments	month \$ per month		
1006.	month \$ per month		
1007.	month \$ per month		
1008.			
1100. TITLE CHARGES			
1101. Settlement or Closing Fee	to TIMBERLINE TITLE	75.00	75.00
1102. Abstract or Title Search	to		
1103. Title Examination	to		
1104. Title Insurance Binder	to		
1105. Document Preparation	to		
1106. Notary Fees	to		
1107. Attorney Fees	to		
(includes above items numbers:			
1108. Title Insurance	to TIMBERLINE TITLE	190.00	190.00
(includes above items numbers:			
1109. Lender's Coverage	\$		
1110. Owner's Coverage	\$ 50000.00		
1111. Assignment Fees	to		
1112. Escrow Fees	to		
1113.			
1200. GOVERNMENT RECORDING AND TRANSFER CHARGES			
1201. Recording Fees: Deed \$ 9.00 :Mortgage \$ 0.00 : Releases \$ 0.00		4.50	4.50
1202. City/County/Tax/Stamp: Deed \$ 0.00: Mortgage \$ 0.00			
1203. State Tax/Stamp: Deed \$ 0.00: Mortgage \$ 0.00			
1204.			
1205.			
1300. ADDITIONAL SETTLEMENT CHARGES			
1301. Survey	to		
1302. Pest Inspection	to		
1303.			
1304.			
1305.			
1306.			
1307.			
1400. TOTAL SETTLEMENT CHARGES (enter on line 103, Section J and 502, Section K)		269.50	269.50

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.

To the Seller: You are required by law to provide the settlement agent with your correct taxpayer identification number. If you do not provide the settlement agent with your correct taxpayer identification number you may be subject to civil or criminal penalties provided by law.

Under penalties of perjury, I certify that the number shown on this statement is my correct taxpayer identification number.

Borrower E. A. Brionte Seller Thayne A. Brown TIN _____

Borrower David A. Brionte Seller _____ TIN _____

To the best of knowledge, the HUD-1 Settlement Statement which I have prepared is a true and accurate account of the funds which were received and have been or will be distributed by the undersigned as part of the settlement of this transaction.

Settlement Agent Christy L. Hury Date _____

INSTRUMENT NO. **100501**
PAGE 1 OF 2 WARRANTY DEED

PURCHASE OF NORTH
HALF OF WALLACE LOT
OCT 2001

For Value Received, HOWARD D. WALLACE and COLLEEN R. WALLACE as Co-Trustees of THE WALLACE TRUST UNDER TRUST AGREEMENT DATED MAY 21, 1990 AS AMENDED TO DATE AND THEIR SUBSTITUTES AND SUCCESSORS AS TRUSTEE THEREUNDER

the grantor, do hereby grant, bargain, sell and convey unto
EARL BAUMGARTEN and JAN BAUMGARTEN, husband and wife

the grantees, whose current address is 5497 Highway #95, Riggins, ID 83549

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 Grantees, their heirs and assigns forever. And the said Grantor does 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 excepting for all easements of record, rights of way, matters visible, and all matters of record and title and that they will warrant and defend the same from all lawful claims whatsoever.

Date: October 1, 2001

HOWARD D. WALLACE and COLLEEN R. WALLACE, as Co-Trustee of THE WALLACE TRUST UNDER TRUST AGREEMENT DATED MAY 21, 1990 AS AMENDED TO DATE AND THEIR SUBSTITUTES AND SUCCESSORS AS TRUSTEE THEREUNDER

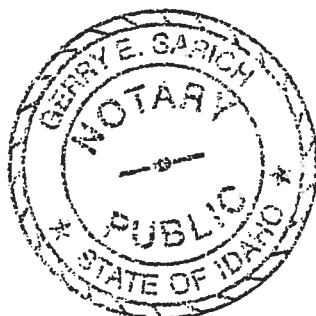
BY: Howard D. Wallace
HOWARD D. WALLACE, Co-Trustee

BY: Colleen R. Wallace
COLLEEN R. WALLACE, Co-Trustee

STATE OF)
COUNTY OF) : ss

On this _____ day of October, in the year of 2001, before me, a Notary Public in and for said State, personally appeared
HOWARD D. WALLACE and COLLEEN R. WALLACE

Known or identified to me to be the persons whose names are subscribed to the within instrument as Co- Trustees of THE WALLACE TRUST UNDER TRUST AGREEMENT DATED MAY 21, 1990 AS AMENDED TO DATE AND THEIR SUBSTITUTES AND SUCCESSORS AS TRUSTEE THEREUNDER and acknowledged to me that they executed the same as Co-Trustees of THE WALLACE TRUST UNDER TRUST AGREEMENT DATED MAY 21, 1990 AS AMENDED TO DATE AND THEIR SUBSTITUTES AND SUCCESSORES AS TRUSTEE THEREUNDER.



Gerry E. Sarich
Notary Public
Residing at: PARMA, ID 83660
Commission expires: 4-9-2005

#01-441

Instrument # **100501**

COUNCIL, ADAMS, IDAHO

2001-10-10

10:14:03

No. of Pages: 2

Recorded for : TIMBERLINE TITLE & ESCROW

MICHAEL FISK

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: DEED

EXHIBIT 'A'

INSTRUMENT NO. 100501
PAGE 2 OF 2

Township 22 North, Range 1 East, Boise Meridian, Adams County, Idaho

Section 22: A parcel of land situated in the NW1/4NW1/4 of said Section, Township and Range, more particularly described as follows:

Commencing at the Right Of way brass cap marked "471 + 22.6 PC 3° RT" on the Westerly right of way line of U.S. Highway 95;

Thence North 43° 27' West 26.0 feet along the tangent of said right of way to a 1/2 inch X 24 inch steel rebar;

Thence North 43° 27' West 55.0 feet to the REAL POINT AND PLACE OF BEGINNING;

Thence North 43° 27' West 55.0 feet along said tangent to a 1/2 inch X 24 inch steel rebar;

Thence South 54° 10' West 272.0 feet to a 1/2 inch X 24 inch steel rebar;

Thence South 43° 27' East 55.0 feet;

Thence North 54° 10' East 272.0 feet to the POINT OF BEGINNING.

88158 RECORDED AT THE REQUEST OF: Heath Realty, Box 362, Riggs, ID 83549
PLEASE MAIL RECORDED DOCUMENT TO: Same

WARRANTY DEED

GRANTOR, LOUISE E. CLAUSEN, a widow, of H.C. 75, Box 3620, New Meadows, Idaho, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto EARL A. BAUMGARTEN and JANET A. BAUMGARTEN, husband and wife, of 3855 Kirkway, Baker, Oregon, as GRANTEE, and to grantee's heirs and assigns forever, all of the following described real estate located in the County of Adams, State of Idaho, to wit:

Township 22 North, Range 1 East, Boise Meridian, Adams County, Idaho, Section 22: A parcel in the NW 1/4 NW 1/4 described as follows:

Commencing at a right of way brass cap on the Westerly right of way line of U.S. Highway 95 marked 471+22.6 PC 3° RT;

thence North 43°27' West 136.0 feet along the tangent of said right of way to a point, the REAL POINT OF BEGINNING;

thence North 43°27' West 110.0 feet along said tangent to a point;

thence South 54°10' West 272.0 feet to a point;

thence South 43°27' East 110.0 feet to a point;

thence North 54°10' East 272.0 feet to the POINT OF BEGINNING.

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

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

Subject to:

1. General taxes for the year 1988, which are a lien, not yet payable.
2. An easement, including terms and conditions thereof, from SUSAN A. DICKEY to MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, recorded August 13, 1932 in Book 3 of Miscellaneous page 347, Adams County records.
3. An easement, including terms and conditions thereof, from SUSAN A. DICKEY to THE STATE OF IDAHO, recorded March 6, 1937 in Book 15 of Deeds page 467, Adams County records.

WARRANTY DEED

Purchase of Clausen Property by
Earl & Janet Baumgarten
Oct 1988

1 Grantor, for herself, her heirs and assigns, does hereby
2 covenant, warranty and shall defend the quiet and peaceable
3 possession of said premises by the Grantee, his heirs and assigns
4 forever against the lawful claims of all persons.

5 In construing this deed, and where the context so requires,
6 the singular includes the plural and the masculine, the feminine
7 and the neuter.

8 IN WITNESS WHEREOF, Grantor has hereunto subscribed her name
9 to this instrument this 7th day of October, 1988.

10
11 Louise E. Clausen
12 LOUISE E. CLAUSEN
13
14

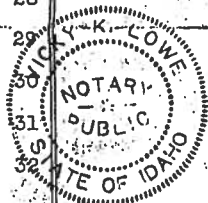
15 STATE OF IDAHO)
16 County of Idaho) ss.

17 On this 7th day of October, 1988, before me,
18 Vicky K. Lowe, a Notary for the said County and
19 State, personally appeared LOUISE E. CLAUSEN, a widow, known or
20 identified to me to be the person whose name is subscribed to the
21 within instrument, and she acknowledged to me that she freely
22 executed the same and that the statements therein contained are
23 true.

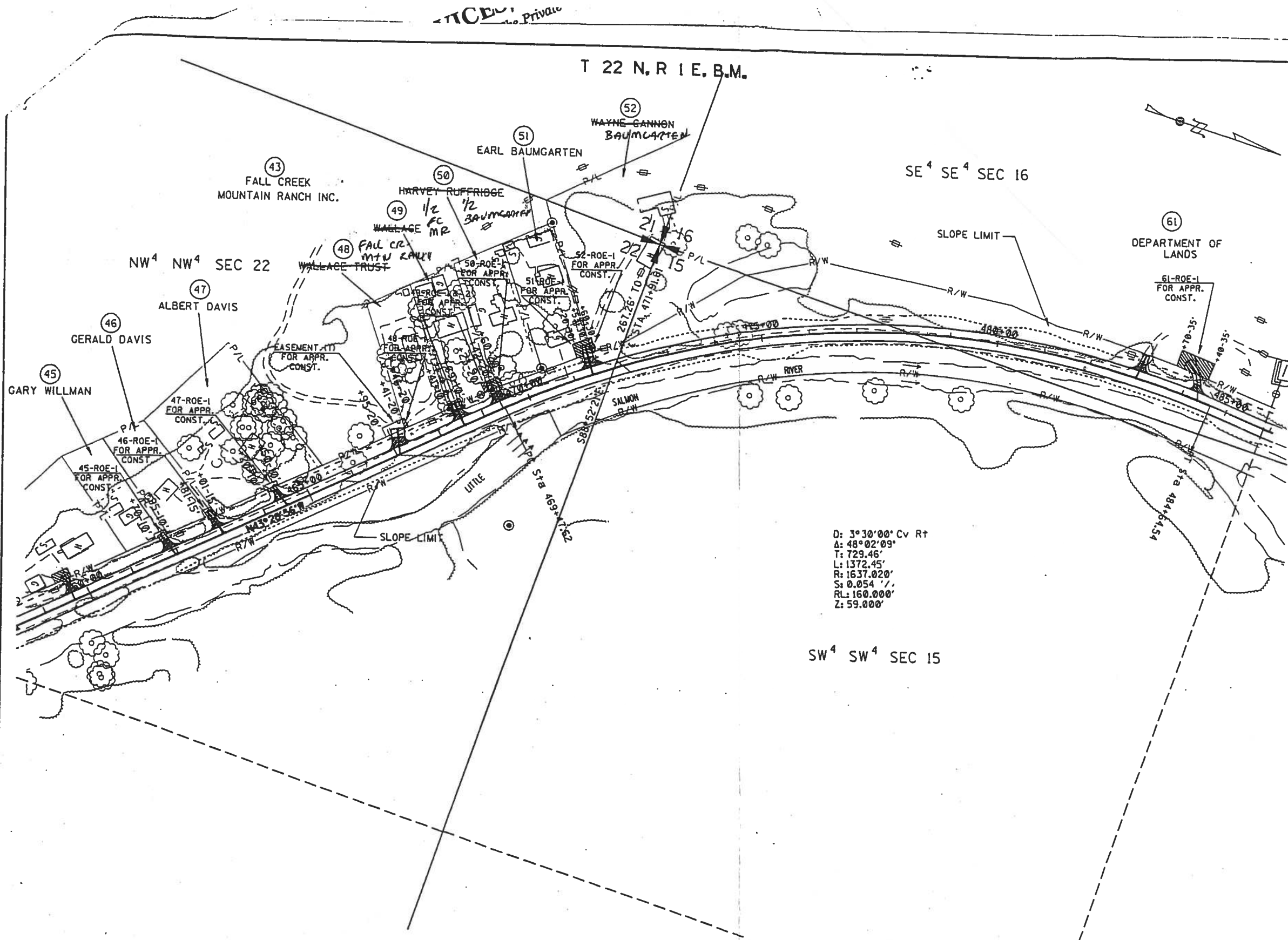
24 IN WITNESS WHEREOF, I have hereunto set my hand and affixed
25 my official seal the day and year first above written.

26
27 (NOTARY SEAL)

28 Vicky K. Lowe
Notary Public for State of Idaho,
Residing at Boise, therein.
My commission expires on April 27, 19 88.



WARRANTY DEED



ALL PROPERTY LINES SHOWN ON THE FACE OF THESE PLAN SHEETS ARE CONSIDERED DEED LINES FOR THE SOLE PURPOSE OF R/W ACQUISITION. ALL SUCCEEDING LINES WERE DRAWN AND DIMENSIONED BASED UPON FIELD TIES OF EXISTING PUBLIC LAND CORNER MONUMENTATION AND DOCUMENTS OBTAINED AS A MATTER OF PUBLIC RECORD. IN NO WAY SHOULD THEY BE CONSTRUED TO REPRESENT A VALID PROPERTY LINE AS DEFINED BY TITLE 54 AND 55 OF IDAHO CODE.

- 405-J Approaches (9)
- 1 Ea., Res., Sta. 461+95 Lt., W=15' Skew = -12°54'03"
 - 1 Ea., Res., Sta. 463+05 Lt., W=12' Skew = -14°13'37"
 - 1 Ea., Res., Sta. 464+50 Lt., W=12' Skew = -15°37'41"
 - 1 Ea., Res., Sta. 467+06.36 Lt., W=23' Skew = +18°50'08"
 - 1 Ea., Res., Sta. 468+55 Lt., W=18' Skew = -10°08'45"
 - 1 Ea., Res., Sta. 469+43 Lt., W=20' Skew = +4°45'12"
 - 1 Ea., Field, Sta. 483+00 Lt., W=15' Skew = -8°08'45"
 - 1 Ea., Field, Sta. 484+35 Lt., W=15' Skew = -22°15'18"

D: 3°30'00" Cv Rt
 Δ: 48°02'09"
 T: 729.46'
 L: 1372.45'
 R: 1637.020'
 S: 0.054 %
 RL: 160.000'
 Z: 59.000'

OFFICIAL
 JUL 9 1 1997
 R/W PLANS

REVISIONS			DESIGNED KEVIN DAMMON	SCALES SHOWN ARE FOR 22" X 34" PRINTS ONLY CADD FILE NO. 4181rwl0.dgn	IDAHO TRANSPORTATION DEPARTMENT DISTRICT TWO DESIGN	FEDERAL AID PROJECT NO. ER-3110 (117)	REGION 10 IDAHO	PLAN HAZARD CREEK TO PINEHURST	FORM CATALOG NO. 26-0182100 COUNTY ADAMS KEY NUMBER 6866
NO.	DATE	BY	DESCRIPTION						
Δ				DESIGN CHECKED KEN HELM	DRAWING DATE: JUL 1997				
Δ				DETAILED DOUG WILHELM					
Δ				DWG. CHECKED KEVIN DAMMON					
Δ									

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: A78-10191
Date Received: 5/18/1988
Receipt No: 2000708

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: R.M.C. WATER COMPANY 208-628-3364
Address: HC. 75 BOX 3618
NEW MEADOWS, ID 83654

2. Date of Priority: JUL 01, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
6 INCH CASING- 35 FEET DEEP- 3/4 HP. MOTOR

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:
3- DOMESTICS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
22N	01E	22	NW	NW		DOMEST	

11. Place of use in counties: ADAMS

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

A78-10191

Page

1

Date: 05/18/88

~~MICROFILMED~~

~~NOT A F 1000~~

13. Other Water Rights Used:
NONE

14. Remarks:
3 OWNERS- CLARENCE CLAUSEN, HARVEY RUFFRIDGE, WILBUR ROBERTS

15. Basis of Claim: BENEFICIAL USE
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: _____

For Organizations:

I do solemnly swear or affirm that I am Member of
Title
R.M.C. Water Co, that I have signed the foregoing
Organization
document in the space below as Member of
Title
R.M.C. WATER Co and that the statements contained in the
Organization
foregoing document are true and correct.

Wilbur M. Roberts Member
Signature of Authorized Agent

Member - R.M.C. WATER Co
Title and Organization

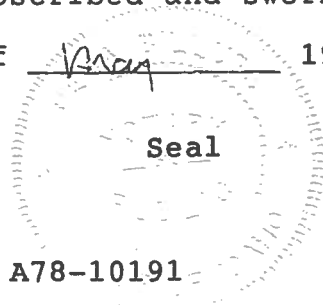
May 18, 1988
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 18th day

of May 19 88

Dena Kullin
Notary Public



Residing at Caldwell, Id

My Commission Expires 3/21/94
2 Date: 05/18/88

A78-10191

Page

~~MICROFILMED~~

RECEIVED

MAY 28 2002

WATER RESOURCES
WESTERN REGION

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082

May 20, 2002

To Whom It May Concern:

The enclose information should clarify the existing ownership of water right 78-255. I have provided a copy of this information to the second party on this water right system, Bob Joyner and Don Garner, DBA Fall Creek Mtn. Ranch. I have asked that they also submit to your office proof of ownership of their associated property.

If you have any questions on the information I have provided, please feel free to contact me at the address listed below, or at any of the following telephone numbers:

Work: (208) 628-3916
Home: (208) 628-3947

Thank you.

Sincerely,



EARL A. BAUMGARTEN
5497 Highway 95
New Meadows, ID 83654

78-10191