

06/14/2005

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

RIGHT NUMBER: 78-4033

NAME AND ADDRESS: CAROL L LEHMANN
HC 2 BOX 620
POLLOCK ID 83547

SOURCE: LITTLE SALMON RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 0.030 CFS

PRIORITY DATE: 06/01/1937

POINT OF DIVERSION:

T22N R01E S4 SWSW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.030 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T22N R01E S04

NWSW

0.3

T22N R01E S04

SWSW

0.7

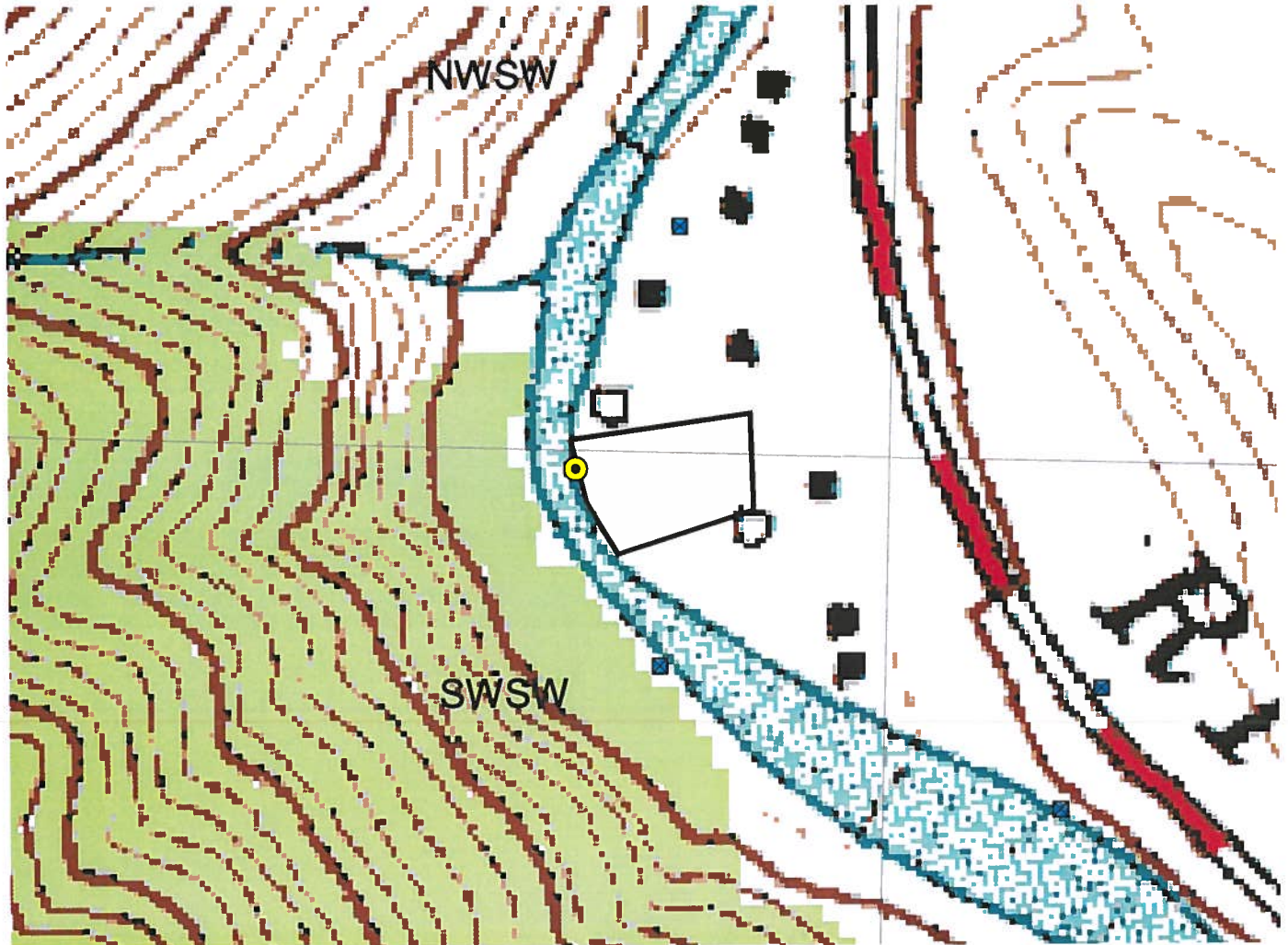
1 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: Beneficial Use

78-4033



0 200 400 Feet

Section 4
T22N R1E



- Point of Diversion
- Place of Use

Map prepared on June 14, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

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

RECEIVED

MAY 19 2005

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
78-4033					

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)

Raymond A & Mary J. Eberth
 HC 2, Box 620, Pollock, ID. 83547

4. New Owner/Claimant(s)

Carol L. Lehmann

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

New Mailing Address

HC 2, Box 620, Pollock, ID. 83547

City, State and ZIP Code

Pollock, ID. 83547

New Telephone Number

208-628-9213

5. Date you acquired the property

2/22/05

OK. to change ownership
 CA 5-27-05

SCANNED

MAY 31 2005

RECEIVED
 MAY 23 2005
 DEPARTMENT OF
 WATER RESOURCES
 RECEIVED
 JUN 03 2005
 IDWR/North

SCANNED

MAY 24 2005

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)

Carol Jean Schumann

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 _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by *AS* AJ Date *5-31-05* WR _____ Date _____

SCANNED

MAY 31 2005

SCANNED

MAY 24 2005

MAY 7 2005

SCANNED

HEATH REALTY "Specializing in Salmon River Property"

VICKIE HEATH, Broker
P.O. BOX 398
318 S. Main
RIGGINS, IDAHO 83549

Phone 208-628-3322
Res. 208-628-3829
www.heathrealty.com

Fax 208-628-3082
Toll Free 1-877-628-3300
vheath@frontiernet.net



R-55 CUSTOM HOME ON THE LITTLE SALMON BEAUTY & QUALITY – INSIDE & OUT!

LOCATION: Pinehurst/ Rainbow Bend area at 2640 elevation- perfect if you want timber, but very little snow. If you want to snow ski, it is just 35 minutes to McCall or go rafting or fishing near Riggins in just 15 minutes.

HOME: Nearly new, 2-story, 2300 sf, 3 bdrms, 2 baths, den, large country kitchen w/ open dining area. Extras galore! Sit & enjoy the beautiful scenery from the front & back covered decks, large master suit w/balcony overlooking the River. Gas range, ref., woodstove & custom window coverings included in sale. Some antiques & other furniture also available.

SHOP: Over 1400 sf. (24' X 60') woodworking shop, storage galore, pantry, 220 power, comes with a 4000 W. generator too!

GARAGE: 20' X 37' building includes a double car garage, lawn equip. storage and wood storage.

OTHER: Heated & insulated pump house is wired for a generator. Irrigation system w/1913 water rights out of Little Salmon River & irr. Pump. New septic system, private well, fabulous landscaping, flowers, rock walls, fruit trees, garden area and **250 Ff. of Little Salmon River Frontage!**

MUST SEE TO APPRECIATE! \$249,000.

This information was obtained from sources deemed to be reliable, but not guaranteed by the Broker/Agent
Prospective Buyers should check data to Their satisfaction

This property is offered subject to prior sale, price change, omissions, corrections or withdrawal

DETA
(L275 document)

A hand-drawn map of the Little Salmon River. The river is depicted with wavy lines and a yellow highlight. The text "LITTLE SALMON RIVER" is written along the river's course. Below "SALMON", the text "(APPROXIMATE LOCATION)" is written in parentheses. A small star is marked on the riverbank, and a yellow rectangular area is highlighted on the right side of the river.

YOUNG

1.15 Ac

7-13

SW4 SW4
SW4 SW4

84/9/2
99742

SUBJECT PRO

571

**NEEDMAN
OLIVER
ACRES**

94-1447

Page 2

0017'94" W

N 0° 28' 45" E

1512 OF 1718 COR. TO 1718 COR.

[illegible]

50

440194

WARRANTY DEED

GRANTOR, RAYMOND A. EBERTH and MARY J. EBERTH, husband and wife, of HC 2 Box 620, Pollock, ID 83547, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to CAROL L LEHMANN, a single man, of P. O. Box 1883, McCall, ID 83638, 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 2005, which are a lien, not yet due and payable.

2. Reservation in Patent, recorded under Instrument No. 94916, Book 59 page 206, in which states, "excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916, (39 Stat., 862). Reserving unto the United States, its permittee or licensee, the right to enter upon, occupy and use any part or all of said lands for the purpose provided in the Act of June 10, 1920, (41 Stat. 1063) and subject to the conditions and limitations of Section 24 of said Act", recorded February 9, 1931, records of Idaho County, Idaho.

3. Right of Way and Restrictions as set forth in Instrument, including the terms and conditions thereof, by and between AMMIEL B. HERRMAN and RUTH L. HERRMAN, Grantors, and THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH CO., Grantee, recorded August 25, 1932, under Instrument No. 99203, Book 60 page 437, records of Idaho County, Idaho.

4. Subject to matters shown on Record of Survey No. S-24, recorded July 6, 1978, under Instrument No. 274266, records of Idaho County, Idaho.

5. Power Line Easement including the terms and conditions thereof by and between THELMA WALLACE, a single person, Grantor, to IDAHO POWER COMPANY, a corporation, Grantee, recorded November 21, 1983, under Instrument No. 309871, records of Idaho County, Idaho.

6. Any adverse claim based on the assertion that the location of the Little Salmon River has moved subsequent to its adoption as a title boundary.

WARRANTY DEED

1

SCANNED

MAY 24 2005

STATE of IDAHO County of Idaho Recorded at _____ IDAHO COUNTY TITLE CO. at 10:20 AM on 2-22-05 ROSE E. GEHRING Recorder

1 TO HAVE AND TO HOLD the said premises, with their appurtenances,
2 unto the said Grantees, their heirs and assigns forever. And the said
3 Grantors do hereby covenant to and with the said Grantees that they are
4 the owners in fee simple of said premises; that they are free from all
5 encumbrances, and that they will warrant and defend the same from all
6 lawful claims whatsoever, except general taxes for the year 2005, and
7 easements, reservations, restrictions and rights-of-way of record or in
8 use.

9 Except as otherwise expressly provided in this instrument, GRANTORS,
10 hereby declare pursuant to Title 5, Chapter 2 of the Idaho Code, that in
11 the event GRANTORS shall have permitted or suffered at any time prior to
12 the making of this instrument, any person or entity to possess, use or
13 occupy the above-described premises, or any portion thereof, for any
14 purpose, with or without the knowledge of GRANTORS, it was not the intent
15 of GRANTORS, by permitting or suffering such possession, use or
16 occupation, to thereby define property boundaries or ownership thereof.

17 In construing this deed, and where the context so requires, the
18 singular includes the plural and the masculine, the feminine and the
19 neuter.

20 IN WITNESS WHEREOF, Grantors have hereunto subscribed their names to
21 this instrument this 17th day of February, 2005.

22 Raymond A. Eberth
23 RAYMOND A. EBERTH

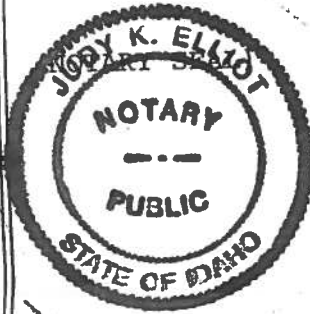
24 Mary J. Eberth
25 MARY J. EBERTH

26 STATE OF IDAHO)
27 ss.
28 County of Idaho)

29 On this 17th day of February, 2005, before me,
30 Judy K Elliot, a Notary for the said County and State,
31 personally appeared RAYMOND A. EBERTH and MARY J. EBERTH, husband and
32 wife, known or identified to me to be the persons whose names are
33 subscribed to the within instrument, and they acknowledged to me that

1 they freely executed the same and that the statements therein contained
2 are true.

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



Judy K. Elliot

Notary Public for State of Idaho.
Residing at Grangesville, therein.
My commission expires on 3.26, 2010.

EXHIBIT A

Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho
Section 4: A part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$, more particularly described as follows:

Commencing at the $\frac{1}{4}$ corner common to Sections 4 and 9
said Township and Range;
thence West 22 links;
thence N 32° W, 200 links;
thence N 40° W, 200 links;
thence N 55° W, 200 links;
thence N 60° W, 400 links;
thence N 49° W, 1000 links;
thence N 37° W, 700 links;
thence S 84° W, 170 links to a certain iron pipe in the
ground;
thence N 02° W, 232 links, to Corner No. 1;
thence S 81° W, 432 links, to Corner No. 2;
thence South along the East bank of the Little Salmon
River, 300 links, to Corner No. 3;
thence N 71° E, 449 links to the said iron pipe, Corner
No. 4 and the Point of Beginning.
Sometimes known as Assessor's Tax No. 13.

SCANNED

MAY 24 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 31, 2005

CAROL L LEHMANN
HC 2 BOX 620
POLLOCK ID 83547

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #78-4033

Dear Claimant:

We have processed your change in ownership of the Notice of Claim to a Water Right referenced above for your property in Idaho County. Thank you for your patience.

Enclosed is a copy of this water right claim. Please retain this copy for your file, and refer to this record number in any future inquiries or correspondence.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claim.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosure:

Copy of Notice of Claim Referenced Above

SCANNED
MAY 31 2005

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: A78-04033
Date Received: 12/17/1988
Receipt No: C004016
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: DONALD G. BURNS
Address: 24585 MILLER CUTOFF
LOS GATOS, CA 95030 408-353-2920

AND

Name: CHARLENE BURNS
Address: 24585 MILLER CUTOFF
LOS GATOS, CA 95030 408-353-2920

2. Date of Priority: JUN 01, 1937

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

4. Point of Diversion:

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

5. Description of diverting works:
800 FT. DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	10/01	0.040		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A78-04033

Page 1

Date: 03/22/90

MICROFILMED
OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
22N	01E	4	NW	SW		IRR	1.0
			SW	SW		IRR	1.0
					Section Acres		2.0
					Total Acres		2.0

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:
NONE

14. Remarks:
COPY OF TITLE LETTER ATTACHED.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

RECEIVED

APR 13 1993

COMPUTER
INDEXED
TRACTED
FILMED
ASSESSOR

368487

WARRANTY DEED

Department of Water Resources

THIS INDENTURE, Made on this 30 day of April, 1993, by
and between DONALD G. BURNS and CHARLENE BURNS, husband and wife,
hereinafter referred to as parties of the first part, and RAYMOND
A. EBERTH and MARY J. EBERTH, husband and wife, hereinafter
referred to as the parties of the second part.

RECEIVED
MAY 02 1995
WATER RESOURCES
WESTERN REGION

W I T N E S S E T H :

That the said parties of the first part, for and in consideration of good and valuable consideration, to them in hand paid by the parties of the second part, the receipt thereof is hereby acknowledged, by these presents do hereby grant, bargain, sell, convey and confirm, unto the said parties of the second part, and to their heirs, successors and assigns forever, the following described real property, situated in the County of Idaho, State of Idaho, to wit:

See Exhibit "A" attached hereto and incorporated herein as if set forth in full.

TOGETHER WITH ALL AND SINGULAR, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances, unto the said parties of the second part, and to their heirs, successors and assigns forever.

And, parties of the first part and their heirs, successors and assigns, hereby covenant to and with said parties of the second part and their successors and assigns the parties of the first part

MICROFILMED

OCT 22 1996

A78-04033 + A78-10195

are lawfully seized in fee simple of the above granted premises free from all encumbrances and that the parties of the first part will warrant and defend the above premises against all and every person and persons whomsoever lawfully claiming or to claim the same.

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

Donald G. Burns
DONALD G. BURNS

Charlene Burns
CHARLENE BURNS

Idaho
STATE OF CALIFORNIA)
County of Idaho) ss.

On this 28 day of April, 1993, before me, the undersigned a Notary Public in and for the State of California, personally appeared DONALD G. BURNS and CHARLENE BURNS, husband and wife, known and acknowledged to me to be the persons whose names are subscribed to the within and foregoing instrument, and acknowledged to me that they executed the same.

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

Nancy Thompson
Notary Public in and for the
State of California; Residing
at Grangeville, Idaho, therein. My
commission expires: 2-21-97

MAIL DEED TO:

RAYMOND A. EBERTH
MARY J. EBERTH

P.O. Box 190
Pelluc, Id 83547

MAIL TAX NOTICES TO:

RAYMOND A. EBERTH
MARY J. EBERTH

Filed and recorded at the request of Inland Title

at 2:08 o'clock P M this 30 day of April 1993

By Patricia Johnson
Deputy

ROSE E. GEHRING

Ex-Officio Auditor and Recorder
Idaho County, Idaho

Fee \$ 9.00
M/Vault

PAGE -2-
WARRANTY DEED

MICROFILME

A78-04033

+ A78-10195

OCT 22 1996

EXHIBIT "A"

Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho
Section 4: Part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ more particularly described as
follows: Commencing at the quarter corner common to Section 4 and 9, Township
22 North, Range 1 East, Boise Meridian,
thence West 22 links;
thence N. 32° West 200 links;
thence North 40° West 200 links;
thence North 55° West 200 links;
thence North 60° West 400 links;
thence North 49° West 1000 links;
thence North 37° West 700 links;
thence South 84° West 170 links to a certain iron pipe in the ground;
thence North 2° West 232 links, to corner no. 1;
thence South 81° West 432 links, to corner no. 2;
thence South along the East bank of the Little Salmon River 300 links,
to corner no. 3;
thence North 71° East 449 links to the said iron pipe, corner no. 4 and
the point of beginning.

MICROFILMED

OCT 22 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

Please print or type

(see instructions on back of page)

APR 13 1995

DATE OF CLOSING: 4/30/93LEGAL DESCRIPTION OF PROPERTY: Township 22 N Range 01 E Department of Water ResourcesSection 04, 1/4 of 1/4 of 1/4, Govt. Lot _____, BM.

Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

See copy of Warranty Deed & full legal description (Exhibit "A")

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

- [] Water Right Number(s)
Assigned by IDWR:

A78-04033 + A78-10195

RECEIVED

MAY 02 1995

- [] Name and Address of Former
Owner/Claimant(s)(Seller):

Donald G. Burns & Charlene Burns24585 Miller Cutoff - Los Gatos, Ca 95030WATER RESOURCES
WESTERN REGION

- [] New Owner/Claimant
(Purchaser):

Raymond A. Eberth & Mary J. Eberth

- [] New Mailing Address:

HC-2 Box 620Pollock, Id 83547-9620

- [] New Telephone Number:

(208) 620-3261

- [] 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:

- [] Attach proof of
ownership, describe
proof attached:

See attached copy of Warranty 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)

Raymond A. Eberth
Mary J. Eberth

Date

Date

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

N/A

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: 5-2-95 By: JAL

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 5-2-95 By: JAL

Claim Numbers of Split, if any:

MICROFILMED

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

MAY 22 1995

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: A78-04033
Date Received: 5/23/1988
Receipt No: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THELMA F. WALLACE 208-343-1780
Address: C/O K. W. GURNSEY
1111 W. HIGHLAND VIEW DR.
BOISE, ID 83702

2. Date of Priority: JUN 01, 1937

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

4. Point of Diversion:

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

5. Description of diverting works:
800 FT. DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	10/01	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
22N	01E	4	NW	SW		IRR	1.0
			SW	SW		IRR	1.0

Section Acres 2.0

A78-04033

Page 1

Date: 05/23/88

MICROFILMED
OCT 05 1992

10. Place of Use: Continued

Total Acres 2.0

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:
 NONE

14. Remarks:
 COPY OF TITLE LETTER ATTACHED.

15. Basis of Claim: STATUTORY CLAIM
 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 Individuals:

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

Signature of Claimant(s): Thelma D. Waller Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 3, 1995

Re: Notices of Claim to a Water Right Nos. A78-04033, A78-10195

Raymond A. Eberth
Mary J. Eberth
HC 2 Box 620
Pollock, ID 83547-9620

Mr. & Mrs. Eberth:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LH:l
Enclosure

cc: Donald & Charlene Burns

MICROFILMED
OCT 22 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

October 26, 1989

Mr. & Mrs. Donald G. Burns
24585 Miller Cutoff
Los Gatos, CA 95030

Re: Snake River Basin Adjudication SRBA
Idaho County, A78-04033, A78-10195

Dear Mr. & Mrs. Burns:

The enclosed computer generated copies of the above referenced claims will acknowledge receipt of your requested change in name and address.

Thank you for keeping us posted of the change in ownership.

Yours Truly,

Donald V. Shaff
Manager, Adjudication Section

DVS:cp:state
Enclosures:

MICROFILMED

OCT 05 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

October 21, 1988

Rep. A. W. Gurnsey
1111 West Highland View Drive
Boise, ID 83702

RE: A78-04033 and A78-10195

Dear Rep. Gurnsey:

After repeated unsuccessful attempts to reach you by telephone, I have chosen to bring an adjudication matter to your attention by letter.

In May I may have failed to give you an accurate cost figure for your mother's claims, A78-04033 and A78-10195. The total fee for these claims is \$77.00 rather than \$72.00. The claim A78-04033 is for \$52.00 plus \$25.00 for A78-10195. Would you please submit an additional check for \$5.00 to this office at my attention?

Thank you for attending to this matter. A receipt for the claims will be issued promptly after the second check is received.

Yours Truly,

Donald V. Shaff
Adjudication Section Supervisor

DVS:db

water right #'s:
A78-04033 +
A78-10195

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RECEIVED

SEP 22 1989

September 20, 1989

Department of Water Resources
STATE OF IDAHO
1301 North Orchard
Boise ID 83706

Department of Water Resources

Attn: Adjudication Section

Ownership of the property located in Idaho County described in the enclosed copy of Warranty Deed (Instrument No. 348784) changed ownership as of August 3, 1989.

Please transfer title to water rights A78-10195 (domestic) and A78-04033 (irrigation) from the former owner, Thelma F. Wallace to new owners,

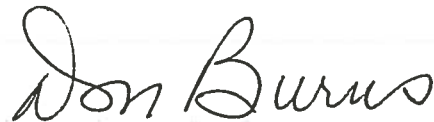
DONALD G. BURNS and CHARLENE BURNS
24585 Miller Cutoff
Los Gatos CA 95030
408 353-2920

Thank you for your assistance. Please feel free to call if you require any additional information.

Very truly yours,



Charlene Burns



enc. Warranty Deed
Water Right #A78-10195
Water Right #A78-04033

Data Entry  10-25-89
Copies Sent  10-26-89
Filed _____

MICROFILMED

OCT 05 1992

348785

WARRANTY DEED

COMPUTER
INDEXED
TRACTED
FILMED
ASSESSOR

THIS INDENTURE, made on this 31st day of July, 1989,
by and between THELMA WALLACE, also known as THELMA F. WALLACE,
a widow, acting through her attorney in fact, KATHLEEN W. GURNSEY,
by virtue of a Power of Attorney dated the 8th day of July,
1986 and recorded on the 3rd day of August, 1989 as instrument
no. 348784, records of Idaho County, Idaho, such person
being referred to herein as the Grantor, and DONALD G. BURNS
and CHARLENE BURNS, husband and wife, of 24585 Miller Cutoff,
Los Gatos, CA 95030, hereinafter referred to as the Grantees.

WITNESSETH:

That the said Grantor, for and in consideration of the
sum of Ten Dollars (\$10), lawful money of the United States of
America, and other good and valuable considerations to her in hand
paid by the said Grantees, the receipt whereof is hereby acknow-
ledged, having granted, bargained, sold and by these presents
does grant, bargain, sell, convey and confirm unto the said
Grantees, their heirs and assigns forever, all the following
described real property situate in the County of Idaho, State
of Idaho, to wit:

Township 22 North, Range 1 East, Boise Meridian
Section 4: Part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ more
particularly described as follows:

Commencing at the quarter corner common to Section
4 and 9, Township 22 North, Range 1 East, Boise
Meridian; thence West 22 links; thence North 32° West
200 links; thence North 40° West 200 links; thence
North 55° West 200 links; thence North 60° West 400
links; thence North 49° West 1000 links; thence North
37° West 700 links; thence South 84° West 170 links
to a certain iron pipe in the ground; thence North 2° West
232 links, to corner no. 1; thence South 81° West 432 links,
to corner no. 2; thence South along the East bank of the
Little Salmon River 300 links, to corner no. 3; thence
North 71° East 449 links to the said iron pipe, corner
no. 4 and the point of beginning.

TOGETHER WITH, all and singular, the tenements, heredita-
ments and appurtenances thereunto belonging or in anywise apper-
taining, the reversion and reversions, the remainder and remain-
ders, rents, issues and profits thereof, and all estate, right,
title and interest in and to the said property as well in law as
in equity of the said Grantor.

the said Grantees, their heirs and assigns forever.

And the said Grantor, for herself, her heirs, executors and administrators, do covenant, grant, bargain, and agree to and with the said Grantees, their heirs and assigns, that at the time of the ensealing and delivery of these presents she was well seized of the premises above conveyed as of good, sure, perfect, absolute, and indefeasible estate of inheritance, in fee simple, and have good right, full power and lawful authority to grant, bargain, sell and convey the same in the manner and form aforesaid, and that the same are free and clear from all and former grants, bargains, liens, taxes, assessments and encumbrances of whatever kind or nature whatsoever, EXCEPT:

1. General taxes for the year 1989, which are a lien, not yet due and payable.
2. Reservation in Patent recorded in Book 59 page 206 "excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916, (39 Stat., 862). Reserving unto the United States, its permittee or licensee, the right to enter upon, occupy and use any part or all of said lands for the purposes provided in the Act of June 10, 1920, (41 Stat. 1063) and subject to the conditions and limitations of Section 24 of said Act." Recorded February 9, 1931, records of Idaho County, Idaho.
3. Right of Way and Restrictions as set forth in instrument including the terms and conditions thereof, by and between Ammiel B. Herrman and Ruth L. Herrman, Grantors and the Mountain States Telephone and Telegraph Co., Grantee and recorded August 25, 1932, under instrument no. 99203 Book 60 page 437, records of Idaho County, Idaho.
4. Conditions as set forth in Correction Deed recorded October 24, 1960 under instrument no. 203355 Book 94 page 444, by and between Ammiel B. Herman and Ruth L. Herman, husband and wife, parties of the first part, and Andrew M. Westerdale, a single man, party of the second part, records of Idaho County, Idaho.
5. Power Line Easement, including the terms and conditions thereof, by and between Thelma Wallace, a single person, Grantor, to Idaho Power Company, a corporation, Grantee, recorded November 21, 1983, under instrument no. 309871, records of Idaho County, Idaho.

And that the above bargained premises, in the quiet and peaceable possession of the said Grantees, their heirs and assigns, against all and every person or persons lawfully claiming or to claim whole or any part thereof, the said Grantor will and shall

WARRANT AND FOREVER DEFEND.

pertain to the real property hereinabove written and described,
but is given for full consideration paid by Grantees to Grantor.

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

Thelma F. Wallace

THELMA F. WALLACE
By Kathleen W. Gurnsey
Attorney in Fact

Kathleen W. Gurnsey

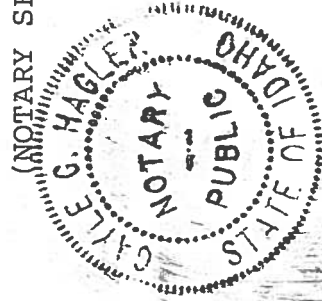
KATHLEEN W. GURNSEY
Attorney in Fact

STATE OF Idaho)
County of Idaho) ss

On this 31st day of July, 1989, before me, a
Notary Public in and for said County and State, personally
appeared KATHLEEN W. GURNSEY, known to me to be the person
whose name is subscribed to the within instrument as the
attorney in fact of Thelma F. Wallace, and acknowledged
to me that she subscribed the name of Thelma F. Wallace there-
to as principal, and her own name as attorney in fact.

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

(NOTARY SEAL)



Kayle G. Hagler
Notary Public for the State of Idaho,
Residing at Biggs, therein.
My commission expires 4-1-92.

Filed and recorded at the request of IDAHO COUNTY TITLE CO
at 11:08 o'clock A M this 3 day of Aug 19 89

By Edith S. Anderson Deputy

ROSE E. GEHRING
Ex-Officio Auditor and Recorder
Idaho County, Idaho Fee \$ 9.00