

05/15/2001

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

RIGHT NUMBER: 78-4082

NAME AND ADDRESS: CHERYL MAC DONALD
DBA CDM ENTERPRISES
PO BOX 181
POLLOCK, ID 83647

ROBERT G DERRICK
PO BOX 181
POLLOCK, ID 83647

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT
EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/11/1975

POINT OF DIVERSION: T23N R01E S20 NESWSE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1-01 12-31	0.04 CFS

PLACE OF USE:

DOMESTIC Within IDAHO County
T23N R01E S20 SWSE

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PARCEL NO. 23N01E208565

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: A78-04082
Adjudication Claim No(s).: _____

2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant KIRK E/DR PATRICIA A. SPAIN
P.O. Box 194, POLLOCK, ID 83547
4. New Owner/Claimant(s) CHERYL MACDONALD DBA CDM ENTERPRISES
and/or ROBERT G. DERRICK
Name Connector (Check one): [] and, [] or, ☒ and/or
New Mailing Address P.O. Box 181
City, State and ZIP Code POLLOCK, ID 83547
New Telephone Number (208) 628-3511
5. Date you acquired the property 2/20/01
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate 13^{ac} Number and type of stock 3-15 head of cows/horse^{cm}
Diversion rate in CFS _____ Number of homes X^{cm} Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Cheryl MacDonald
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

WARRANTY DEED

THIS INDENTURE, made on this 20th day of February, 2001, by and between PATRICIA A. SPAIN, a single person, of P.O. Box 194, Pollock, ID 83547, hereinafter referred to as Grantor, to ^{CH}CHERYL E. MacDONALD, a single person, of P.O. Box ¹¹²~~112~~₁₈₁, Pollock, ID 83547, hereinafter referred to as Grantee.

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 Grantee, the receipt whereof is hereby acknowledged, having granted, bargained, sold, and by these presents does grant, bargain, sell, convey, and confirm unto the said Grantee, her heirs and assigns, all the following described real property situate in the County of Idaho, State of Idaho, to wit:

See Schedule C, which includes two (2) parcels of property, which is attached hereto and hereby incorporated by this reference, together with included right of way, which is referred to as Schedule C1 which is likewise included herewith.

TOGETHER WITH, all and singular, the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, the remainders and remainders, 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.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances unto the said Grantee, her heirs and assigns forever.

And the said Grantor, for herself, her heirs, executors, and administrators, does covenant, grant, bargain, and agree to and with the said Grantee, her heirs and assigns that at the time of the ensealing and delivery of these presents it 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:

- a) General taxes for the year 2001, which are a lien, not yet due and payable.
- b) Rights and easements in favor of the public for recreational uses of the Little Salmon River.
- c) Easement, including the terms and conditions thereof, by and between H. J. POTTER, JENNIE S. POTTER and A. C. KRUEGER to THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH CO., recorded September 6, 1932, under Instrument No. 99332, in Book 60 page 462, records of Idaho County, Idaho.

d) Subject to all rights for railroad right of way as set forth in Patent, recorded October 9, 1934, under Instrument No. 106298, in Book 61 page 642, records of Idaho County, Idaho.

e) Subject to reservation of minerals and restrictive covenants as set forth in the Warranty Deed, including the terms and conditions thereof, by and between AMERICAN RAND MINES CO., a corporation, first party, and ROY L. MORTON, second party, recorded December 16, 1937, under Instrument No. 120401, in Book 67 page 61, records of Idaho County, Idaho.

f) Power Line Easement, including the terms and conditions thereof, by and between H. F. GELLENBECK and ETHEL GELLENBECK, his wife, to IDAHO POWER COMPANY, a corporation, recorded April 24, 1948, under Instrument No. 159354, in Book 80 page 555, records of Idaho County, Idaho.

g) Subject to easement and covenant as set forth in Conveyance and Covenants to Run with Land, including the terms and conditions thereof, by and between H. F. GELLENBECK, also known as HENRY GELLENBECK, first party, and THOMAS TUMELSON and LUCILLE TUMELSON; MARGARET HINKLEY; KATHERINE M. WILDT; KIRK J. SPAIN and PATRICIA A. SPAIN; JACK HERMAN and DONOHA HERMAN; MARK HINKLEY and SONDR A HINKLEY; RICHARD MOLTKE; ROY JENKINS and RACHEL JENKINS; DEL WILLIAMS and PAT WILLIAMS; second parties, recorded July 30, 1979, under Instrument No. 280082, records of Idaho County, Idaho.

h) U. S. Postal Service Facilities Department Lease, including the terms and conditions thereof, by and between KIRK J. SPAIN and PATRICIA A. SPAIN, Lessor, and THE UNITED STATES POSTAL SERVICE, recorded December 9, 1991, under Instrument No. 361410, records of Idaho County, Idaho.

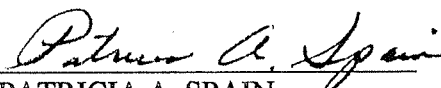
i) Power Line Easement, including the terms and conditions thereof, by and between KIRK J. SPAIN, by and through Patricia A. Spain, Attorney in Fact, and PATRICIA A. SPAIN, Grantors, and IDAHO POWER COMPANY, a corporation, recorded June 14, 1999, under Instrument No. 0406502, records of Idaho County, Idaho.

j) Subject to matters shown by Record of Survey No. S-1714, recorded December 20, 1999, under Instrument No. 409778, records of Idaho County, Idaho.

And that the above bargained premises, in the quiet and peaceable possession of the said Grantee, her 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.

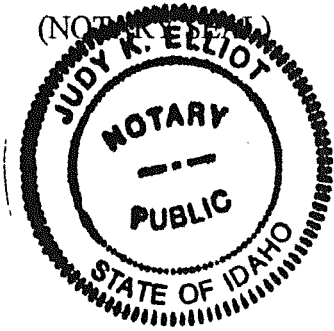
That this deed is given by Grantor to Grantee not on account of any default in any security agreements or arrangements which pertain to the real property hereinabove written and described, but is given for full consideration paid by Grantee to Grantor.

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


PATRICIA A. SPAIN

SS

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



Kody K Elliot
Notary Public for the State of Idaho,
Residing at Grangeville, therein.
My commission expires 3-26-04

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: A78-04082
Date Received: 6/02/1988
Receipt No: W000338
Received By: ERR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PATRICIA A. SPAIN 208-628-3398
Address: BOX 194
POLLOCK, ID 83547

AND/OR

Name: KIRK J. SPAIN 208-628-3398
Address: BOX 194
POLLOCK, ID 83547

2. Date of Priority: APR 11, 1975

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
23N	01E	20	NE	SW	SE		IDAHO

5. Description of diverting works:
DRILLED 57'WELL-6"CASING-1HP PUMP W/PIPELINE TO PLACE OF USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	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:
D/1 HOME W/LAWN & GARDEN IRRIG.; S/NOT DETERMINED.

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	01E	20	SW SE		DOMEST	

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:

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 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 _____

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

A78-04082

Date Received

6/2/88

Receipt Number

W000338

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Filing fee \$25

Department of Water Resources
Western Regional Office

RECEIVED
JUN 2 1988

Please type or print clearly

1. Name of Claimant (s) KIRK J. & PATRICIA A. SPAIN Phone (208) 628-3398Mailing Address Box 194, Pollock, ID Zip 835472. Date of Priority (Only one (1) per claim) APRIL 11, 19753. Source of water supply (a) GROUNDWATER
which is tributary to (b) _____4. Location of point of diversion is: Township 23 N Range 1 ESection 20, NE 1/4 of SW 1/4 of SE 1/4, Govt. Lot _____, B.M.,County of IDAHO

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.DRILLED WELL, 57' DEPTH, 6" CASING WITH ONE H.P. PUMP & PIPELINE TO PLACE
OF USE.

6. Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)

For DOMESTIC purposes from 1/1 (Both dates are inclusive) to 12/31 amount .04 (cfs)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed .04 cfs (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of
livestock) DOMESTIC FOR ONE RESIDENCE, & LAWN & GARDEN, & DOMESTIC STOCK.

MICROFILMED

OCT 06 1992

10. Place a "D" for domestic and "S" for stockwater use in the corresponding place of use below.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
23N	1E	20															D	

11. In which county (ies) are lands listed above as place of use located? IDAHO

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (☒)

14. Remarks: _____

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number 78-4082
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Patricia A Spain Date 5/27/88

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Idaho)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 27 day of May 19 88

SEAL

Notary Public Clair Francis

Residing at Reggio

My Commission Expires 10-10-88

Last Name SPAIN Ident No. A 78-04082

Copies White-State, Yellow-Claimant

MICROFILMED

OCT 06 1992

AJ0749NP
No. R78-04082

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 11/10/98
PAGE: 1

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OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	PATRICIA A SPAIN	04/11/1975	DOMESTIC	01-01 12-31	0.04 CFS	
C	KIRK J SPAIN					
	PO BOX 194			TOTAL DIVERSION:	0.04 CFS	
	POLLOCK ID 83547					
	(208) 628-3398					

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T23N R01E S20 NESWSE

IDAHO County

Place of use Legal Description for: DOMESTIC

	NE				NW				SW				SE			
T R S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac
23N 01E 20	:				:				:				:			

POU County: IDAHO

Non-Irrigation Uses: 1 HOME

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. 23N01E208565

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

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

Audit: 11/10/98 CWALKER

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

[illegible]

Water Source: GROUNDWATER Tributary to: Stage: BENEFICIAL USE

Point(s) of Diversion: T23N R01E S20 NESWSE IDAHO County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE									
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:		
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
23N	01E	2D	:											:											:
								:					:					:					:		
								:					:					:	D				:		

POU County: IDAHO

Non-Irrigation Uses: 1 HOME

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

Remarks: EXP PARCEL NO. 23N01E208565 ✓

Dates: Exam Made Date: Verified Date: 04/21/1998 Objection Filed Date:

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

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: FEB-13-1998
PAGE: A-39

RIGHT NUMBER: 78-04082

NAME & ADDRESS: PATRICIA A SPAIN
KIRK J SPAIN
BOX 194
POLLOCK ID 83547

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

PRIORITY DATE: 04/11/1975

POINT OF DIVERSION: T23N R01E S20 NESWSE Within IDAHO County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC D/1 HOME W/LAWN & GARDEN	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within IDAHO County
T23N R01E S20 SWSE

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

RP 23N01E20 8365- SWSESE

m-03-16-98