



Knoblock, Ken

From: Knoblock, Ken
Sent: Monday, September 10, 2007 2:57 PM
To: Fritschle, Carter
Subject: 79-4004A

Carter - On July 25, 1988, we received a claim (79-4004A) from Shewbread Orchards, Inc. for the diversion of 0.27 cfs from the Salmon River for 8 acres of irrigation within Lots 7 & 10 S12 T26N R1E.

On September 22, 1999, we received a change of ownership from James Carlson. He lists 8 acres of irrigation to be changed. The warranty deed states that 13.2 acres were transferred minus 4.2 acres on the North and 4 acres on the South. This leaves 5 acres. (Attach1)

We changed the ownership of 79-4004A to James Carlson (0.27 cfs for 8 acres).

We sent a preliminary recommendation for 0.16 cfs for 8 acres on August 18, 2006.

We received a Notice of Error stating that the diversion rate should be 0.27 cfs and we changed the amount. On September 15, 2006. (Attach2)

We receive a letter stating that he sold property to Charles Terry and Phillip Moulton and submitted a survey. He also submitted a change of ownership for 0.27 cfs to be used on 2 acres, on animals and 3 homes & 1 RV hookup. (Attach3)

We received a change of ownership from Moulton for the irrigation of .43 acres on September 21, 2006. (Attach4)

On August 13, 2007, we received a change of ownership from Charles Terry. We have not processed this ownership change. (Attach5)

It appears that we made a mistake regarding the change of ownership fro Shewbread Orchards to Carlson. The right should have been split to 5 acres to Carlson and 3 left with Shewbread. Carlson only owns 2 acres. There is an owner to the North (Norma Moore) that appears to be irrigating.

Any suggestions on this?

Ken



Attach1.pdf



Attach2.pdf



Attach3.pdf



Attach4.pdf



Attach5.pdf

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. CT78701
Receipt By: [Signature]
Date Received: 7-28-05
RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

JUL 28 2005

DEPARTMENT OF
WATER RESOURCES

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 95-09190 Telephone No. (208) 687-2814
2. Name of Permit Holder(s): Roger J. Lewis
3. Mailing Address: PO Box 889
City Rathdrum State ID. Zip 83858-0889
4. Source of Water: Ground Water If **GROUNDWATER** (well), Date Drilled: mo. 05 / yr. 2005
Well Driller: McCarty Drilling & Pump Inc. Drilling Permit Number: D 0040163
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock): 6 Mules/Horses
Irrigation (No. of acres): 15 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.20 cfs OR _____ acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes _____ or No ✓
Has the measuring device been installed? Yes _____ or No ✓
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Roger & Ruth Lewis Telephone Number (208) 687-2814
Address: P.O. Box 889 Rathdrum, ID. 83858-0889
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.
Signature of permit holder: [Signature: Roger J. Lewis] Date: 7/25/05
(include your title, if on behalf of company or organization)

3.00	64	~~7.5~~	44
17	38	~~38~~	38
6			6
<u>102</u>			
	64	13	44
	44	~~45~~	38
	<u>20</u>	~~38~~	<u>26</u>

13 acres

Claim 8 acres Sherwood?
 Carlson - change of ownership
 Warranty Deed lists

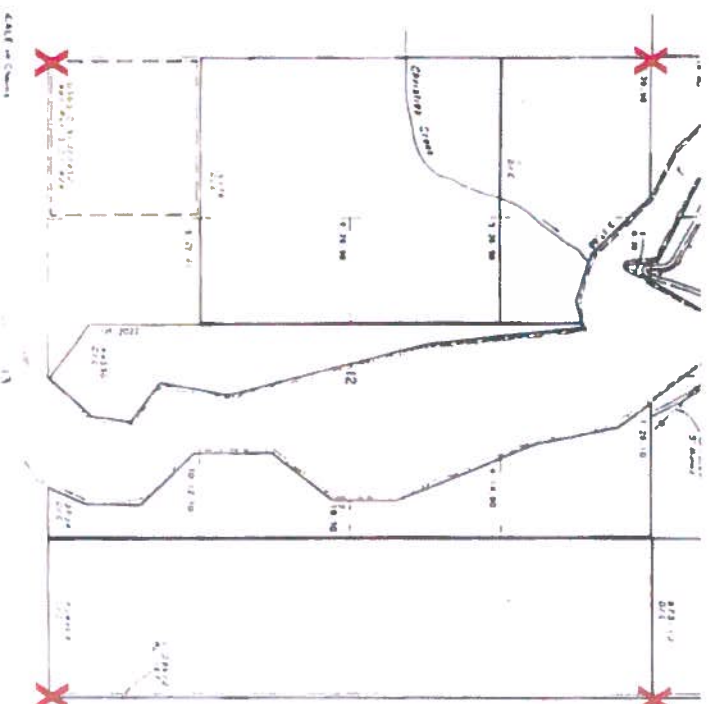
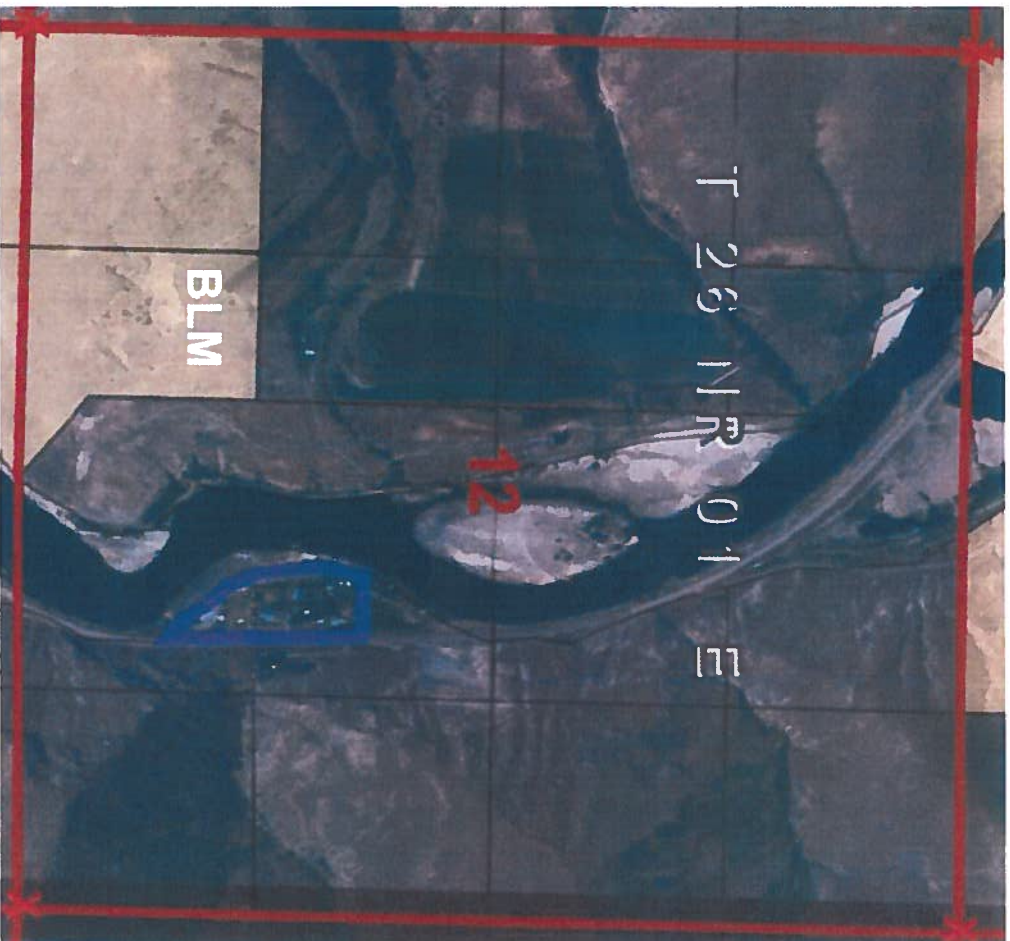
13.2 acres
 - 4 acres
 - 4.2 acres
5.0 acres for Carlson

Carlson sells Terry 2.1 acres
 Houlson .46

Carlson owns 1.9

.44
 5.72/acre

79-04004A James and Carol Carlson



attach 1

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: A79-04004A
Date Received: 7/25/1988
Receipt No: MO00577
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SHEWBREAD ORCHARDS, INC. 208-628-3944
Address: HIGHWAY 95
LUCILE, ID 83542

2. Date of Priority: JUN 15, 1952

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
26N	01E	12	NW	SW	SE	10	IDAHO

5. Description of diverting works:
7.5 HP PUMP IN RIVER WITH 4" PIPELINE TO SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	12/01	0.270		

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

8. Total consumptive use is 24.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
26N	01E	12	NW	SE	7	IRR	4.0
			SW	SE	10	IRR	4.0
Section Acres							8.0

A79-04004A

Page 1

Date: 07/25/88

MICROFILMED
OCT 06 1992

10. Place of Use: Continued

Total Acres 8.0

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:

DOMESTIC CLAIM NO. A79-10199, GROUNDWATER.

14. Remarks:

THIS CLAIM IS A PORTION OF CLAIM NO. 79-4004.

CORPORATION OFFICERS: PHILIP D. MOULTON, PRES., LOLA N. GORDON,
SEC., CAROL L. ABRAMS, TREAS., SAME ADDRESS AS CLAIMANT.

15. Basis of Claim: BENEFICIAL USE

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 X 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 Philip D. Moulton of Shrubland Orchards Inc that I have signed the foregoing document in the space below as President of Shrubland Orchards and that the statements contained in the foregoing document are true and correct.

Philip D. Moulton
Signature of Authorized Agent

President
Title and Organization

7-25-88
Date

State of Idaho)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 25 day

of July 19 88

Seal

Joe Dale Carter
Notary Public

Residing at Bain Id

My Commission Expires 6/2/91

553 554 555 17' 30" 556 R 2 E 3700 FEET 116



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: **A79-04004A**
Date Received: 7/25/1988
Receipt No: M000577
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: JAMES E CARLSON 208-628-3569
Address: HC 01 BOX 14A
LUCILE ID 83542

AND/OR

Name: CAROL L CARLSON 208-628-3569
Address: HC 01 BOX 14A
LUCILE ID 83542

2. Date of Priority: JUN 15, 1952

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
26N	01E	12	NW	SW	SE	10	IDAHO

5. Description of diverting works:
7.5 HP PUMP IN RIVER WITH 4" PIPELINE TO SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	12/01	0.270		

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

8. Total consumptive use is 24.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
26N	01E	12	NW	SE	7	IRR	4.0
			SW	SE	10	IRR	4.0
Section Acres							8.0
Total Acres							8.0

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:

DOMESTIC CLAIM NO. A79-10199, GROUNDWATER.

14. Remarks:

THIS CLAIM IS A PORTION OF CLAIM NO. 79-4004.

CORPORATION OFFICERS: PHILIP D. MOULTON, PRES., LOLA N. GORDON, SEC., CAROL L. ABRAMS, TREAS., SAME ADDRESS AS CLAIMANT.

OWNERSHIP CHANGED BY DB 10/21/99.

15. Basis of Claim: BENEFICIAL USE

RECEIVED

SEP 16 1999

Department of Water Resources

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.

RECEIVED

SEP 22 1999

WATER RESOURCES
WESTERN REGION

1. Water Right No(s).: A79-04004A + 79-10199
 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** showing the location of the place of use of the water right(s) or claim(s).
 (These are usually attached to your deed or on file with the county.)
 - OR
 - C. If your water right or adjudication claim 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 Shewbread Orchards, Inc.
Hwy 95, Lucile, ID 83542
4. New Owner/Claimant(s) James E. Carlson and/or Carol L. Carlson
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
 New Mailing Address HCI, Box 14A
 City, State and ZIP Code Lucile, ID 83542
 New Telephone Number (208)-628-3569
5. Date you acquired the property 1/2 on 12/28/1998 and 1/2 on 1/29/99
6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. 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.

Number of acres you irrigate with this water right <u>8</u>	Number and type of stock <u>(1) Horse, (100) Chickens (maybe goats soon)</u>
Diversion rate in CFS _____	Number of homes you acquired <u>4</u> Other uses _____

7. Signature of New Owner(s) or Claimant(s) James E. Carlson
Carol L. Carlson
 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.

RECEIVED

SEP 16 1999

Department of Water Resources

0407435

DEED OF GIFT

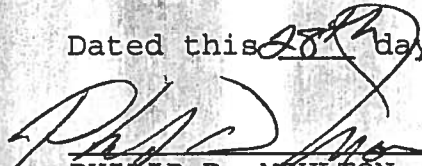
IN CONSIDERATION of the familial relationship of the parties which is hereby acknowledged,

We, PHILIP D. MOULTON and JOYCE A. MOULTON as trustees for the PHILIP AND JOYCE MOULTON LIVING TRUST, do hereby convey to JAMES E. CARLSON and CAROL L. CARLSON, husband and wife, whose address is HC 01, Box 13, Lucille, Idaho 83549, an undivided one-half (1/2) interest in that certain real property situated in Idaho County, Idaho, more particularly described as follows:

A portion of Lot 7 and 10, in Section 12, Township 26 North, Range 1 East, B.M., lying between the West right of way line of U.S. Highway 95, and the high water line on the East bank of the Main Salmon River, such portion being more particularly described in Schedule "A", attached hereto, the words and figures of which are incorporated herein by reference as though expressly set forth.

together with their appurtenances.

Dated this 28th day of December, 1998.


PHILIP D. MOULTON, Trustee


JOYCE A. MOULTON, Trustee

STATE OF WASHINGTON

ACKNOWLEDGEMENT

)

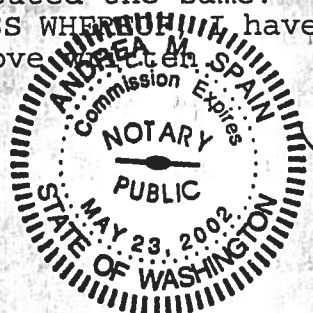
) SS

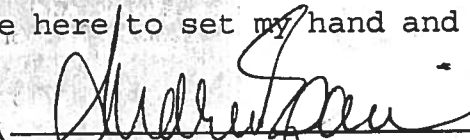
COUNTY OF ASOTIN

)

On this 28th day of December, 1998, before me, a notary public in and for said State, personally appeared PHILIP D. MOULTON and JOYCE A. MOULTON, known to me to be the persons whose names are subscribed to the within instrument, and known to me to be the trustees of the PHILIP AND JOYCE MOULTON LIVING TRUST dated the 14 day of June, 1995, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have here to set my hand and seal on the date first above written.




Notary Public for State of wa
Residing at: CLARKSTON, WASHINGTON
My Commission Expires: MAY 23, 2002

DEED OF GIFT

0407436

DEED OF GIFT

IN CONSIDERATION of the familial relationship of the parties which is hereby acknowledged,

We, PHILIP D. MOULTON and JOYCE A. MOULTON as trustees for the PHILIP AND JOYCE MOULTON LIVING TRUST, do hereby convey to JAMES E. CARLSON and CAROL L. CARLSON, husband and wife, whose address is HQ 61, Box 13, Lucille, Idaho 83549, an undivided one-half (1/2) interest in that certain real property situated in Idaho County, Idaho, more particularly described as follows:

A portion of Lot 7 and 10, in Section 12, Township 26 North, Range 1 East, B.M., lying between the West right of way line of U.S. Highway 95, and the high water line on the East bank of the Main Salmon River, such portion being more particularly described in Schedule "A", attached hereto, the words and figures of which are incorporated herein by reference as though expressly set forth.

together with their appurtenances.

Dated this 29th day of January, 1999.

Philip D. Moulton
PHILIP D. MOULTON, Trustee

Joyce A. Moulton
JOYCE A. MOULTON, Trustee

ACKNOWLEDGEMENT

STATE OF Washington

)
) SS
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COUNTY OF Clark

On this 29th day of January, 1999, before me, a notary public in and for said State, personally appeared PHILIP D. MOULTON and JOYCE A. MOULTON, known to me to be the persons whose names are subscribed to the within instrument, and known to me to be the trustees of the PHILIP AND JOYCE MOULTON LIVING TRUST dated the 14 day of June, 1995, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have here to set my hand and seal on the date first above written.



Amanda J. Severson
Notary Public for State of Washington
Residing at: Scott Co., Vancouver
My Commission Expires: 05/28/03

DEED OF GIFT

COUNTY OF Clark

1 SCHEDULE "A"

2
3 DESCRIPTION OF REAL PROPERTY:

4 A portion of Lots 7 and 10, West of Highway, LESS road, in
5 Section 12, Township 26 North, Range 1 East, B.M., such lots orig-
6 inally containing approximately 13.2 acres, more or less, Idaho
7 County, State of Idaho, SUBJECT to an easement, recorded February
8 11, 1931, in Book 59 of Deeds, at Page 213; a Warranty Deed to
9 State of Idaho, SUBJECT to restrictions and conditions as set forth
10 in Book 92 of Deeds, at Page 25; and an agreement, dated September
11 17, 1959, recorded September 20, 1959, in Book 93 of Deeds, at Page
12 298, all records of Idaho County, State of Idaho,

13 LESS the following described tract:

14 Commencing at the intersection of the North line of Lot 7,
15 in Section 12, Township 26 North, Range 1 East, B.M., and the West
16 right of way line of U.S. Highway 95, to the true point of begin-
17 ning; thence Southerly along such right of way line, 733 feet to a
18 point thereon marked by a steel bar; thence Westerly at an obtuse
19 angle, 373 feet, more or less, to the high water line on the East
20 bank of the Salmon River, at a point 28 feet South of the point
21 which is on such river bank on a line at a right angle from such
22 highway right of way line; thence Northerly along such high water
23 line to its intersection with the North line of Lot 7; thence East-
24 erly along such North line of Lot 7, back to the true point of be-
25 ginning, being a portion of Lot 7, lying between U.S. Highway right
26 of way line and the Main Salmon River, Idaho County, State of Idaho
27 containing 4 acres, more or less.

28 SUBJECT to an easement, recorded February 11, 1931, in Book
29 59 of Deeds, at Page 213; a Warranty Deed to State of Idaho, sub-
30 ject to restrictions and conditions as set forth in Book 92 of Deeds
31 at Page 25; and an Agreement, dated September 17, 1959, recorded
32 September 20, 1959, in Book 93 of Deeds, at Page 298, all records
of Idaho County, State of Idaho.

33 AND LESS the following described tract:

34 This parcel is a portion of Government Lot 10, Section 12,
35 Township 26 North, Range 1 East of the Boise Meridian and is more
36 particularly described as follows:

37 COMMENCING at the Southwest corner of the SE1/4 of said
38 Section 12; thence North 88°36'53" East along the Southerly bound-
39 ary of said SE1/4, a distance of 796.18 feet to a meander corner on
40 the Easterly bank of the Salmon River; thence North 12°05'43" East
41 a distance of 806.67 feet to a highway right of way monument on the
42 Westerly right of way boundary of Highway 95, which point is also
43 on the high water line of the Salmon River and is the true point of
44 beginning; thence Northwesterly along said right of way boundary,
45 a distance of 259.13 feet along the arc of a curve on the left of
46 set 75.00 feet inward from a Talbot Spiral, having a length of 259.13
47 feet, a spiral angle of 30°28'35" and a long chord which bears North
48 102°41'29" West, a distance of 259.09 feet; thence North 202°4'09"
49 West along said right of way boundary (said right of way boundary
50 is not tangent to said Talbot Spiral curve), a distance of 104.70
51 feet; thence North 88°54'09" West, a distance of 263.70 feet to
52 the high water line of said Salmon River; thence South 36°39'39"
East along said high water line, a distance of 459.58 feet to the
true point of beginning.

SCHEDULE "A"

Page One

1 TOGETHER with an easement for sanitary drain field purposes
2 over a parcel of land in Lot 10, 20 ft. x 30 ft. in dimension, ly-
3 ing immediately adjacent to the Northeast corner of the tract as
4 hereinabove described, on that portion of Lot 10 which immediately
5 abuts the hereinabove described parcel of land on the North side
6 thereof.

7 SUBJECT to the above mentioned easement for sanitary drain
8 field and all other easements and rights of way of record in the
9 records of Idaho County, State of Idaho.

10 The tract of land described above contains 4.2 acres, more
11 or less.

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STATE of IDAHO	
County of Idaho	
Recorded at request of <u>James Carlson</u>	
at <u>2:45 p m</u>	on <u>8-4-99</u>
ROSE E. GEHRING	
By <u>Sandy Stone</u>	Recorded
Fees \$ <u>9.00</u>	Deputy

m/HCI Box 14A
Lucille, Idaho
83542

attached

12/27/2004

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

RIGHT NUMBER: 79-4004A

NAME AND ADDRESS: JAMES E CARLSON
HC 01 BOX 14A
LUCILE ID 83542

CAROL L CARLSON
HC 01 BOX 14A
LUCILE ID 83542

SOURCE: SALMON RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.160 CFS

PRIORITY DATE: 05/14/1954

POINT OF DIVERSION:

T26N R01E S12 SWSE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
02/15 11/30

QUANTITY
0.160 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T26N R01E S12 0.6

T26N R01E S12 Lot 7 NWSE 5.3

T26N R01E S12 Lot 10 SWSE 2.1

8 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

7 garden hoses @ .02 cfs/ac. 62
12 sprinklers x 5 gpm 60
120 gpm
27 cfs

08/18/2006

NOTICE OF ERROR
REPLY

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: September 22, 2006

Water right number: 79-4004A

JAMES E CARLSON
HC 01 BOX 14A
LUCILE ID 83542
Telephone Number: (208)628-3569

CAROL L CARLSON
HC 01 BOX 14A
LUCILE ID 83542
Telephone Number: (208)628-3569

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

The quantity of water recommended is not enough for our needs (see letter attached). Instead of 0.160 CFS, it should remain at the previous quantity appropriated of 0.270 CFS.

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

See Above

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

We pump water out of the river with a 7.5 HP electric motor into a 4" pipe, using 12 sprinkler heads & 7 garden hoses. We need more water than 0.160 CFS to give us the water we need.

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

DATE: 9/19/06 SIGNATURE: James E. Carlson
Please print your name: James E. Carlson

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (208) 287-4800

09/15/2006

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

RIGHT NUMBER: 79-4004A

NAME AND ADDRESS: JAMES E CARLSON
HC 01 BOX 14A
LUCILE ID 83542

CAROL L CARLSON
HC 01 BOX 14A
LUCILE ID 83542

SOURCE: SALMON RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.270 CFS

PRIORITY DATE: 05/14/1954

POINT OF DIVERSION:

T26N R01E S12 SWSE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

02/15 11/30

0.270 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T26N R01E S12 0.60

T26N R01E S12 Lot 7 NWSE 5.30

T26N R01E S12 Lot 10 SWSE 2.10

8 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: BASIS OF CLAIM - Beneficial Use

9/19/06
attach 3

Greg Taylor
Idaho Dept. of Water Resources
7600 Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

Dear Greg,

Perhaps you may recall our visit together after the SRBA informational meeting in Riggins, Idaho. You might remember that we already had water rights (#79-4004A), but had sold off 2 parcels in recent years - one to Charles & Edna L. Terry & the other to ^{the} Phillip & Joyce Moulton Family Trust. (see copy of survey map enclosed). Our point of diversion remains in the same location along the Salmon River, & we do also irrigate the Moulton property from this same point of diversion (the Moulton's are close relatives). Am also enclosing our new legal description (Parcel B).

Please recall that the preliminary recommendation of the amount of water rights by IDWR was for a quantity of 0.160 CFS, but that I contended we needed the ^(or prior) previous quantity appropriated of 0.270 CFS. You did some figuring, based on the 12 sprinkler headers & 7 garden hoses that we use to irrigate our place, & concluded that we did need ^{amount of} the 0.270 CFS ^{in fact,} to meet our needs.

Please see that the amount of water appropriated to us agrees with your conclusion at the time of our meeting.

Sincerely,
James E. Carlson
James E. Carlson

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
79-4004A	79-4009A	✓			

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)

James E. Carlson +/or Carol L. Carlson
 HCI, Box 14A, Lucile, ID 83542

4. New Owner/Claimant(s)

James E. Carlson +/or Carol L. Carlson

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

New Mailing Address

City, State and ZIP Code

New Telephone Number

5. Date you acquired the property

(208) 628-3569

1/2 on 12/28/98 + 1/2 on 1/29/99 (our ownership of the property was already previously established)

See Letter Attached

Note: We sold two parcels off of our original property one to Charles + Edna L. Terry + one to The Phillip Joyce Moulton Family Trust, & we wanted to inform you of the split

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>79-4004 A</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>.270 C.F.S.</u>	<u>Approx. 2 acres with 1ge orchard</u>
Stock		<u>Chickens, ducks, Rabbits, Goats</u>
Domestic		<u>3 Homes + 1 RV Hookup</u>
Other		
Total	<u>.270 C.F.S.</u>	

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)
- James E. Carlson
Donald L. Carlson

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

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>79-4004 A</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>.270 C.F.S.</u>	<u>Approx. 2 acres with 1 ge orchard</u>
Stock		<u>Chickens, ducks, Rabbits, Goats</u>
Domestic		<u>3 Homes + 1 RV Hookup</u>
Other		
Total	<u>.270 C.F.S.</u>	

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) James E. Carlson
(include title if applicable) James E. Carlson

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 _____ AJ Date _____ WR _____ Date _____

CERTIFICATE OF RECORD

INSTRUMENT No. **438395**
STATE OF IDAHO, SS
COUNTY OF IDAHO, SS

AT THE REQUEST OF HUNTER J. EDWARDS, THE FOREGOING SURVEY WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF IDAHO COUNTY, IDAHO ON THE **29** DAY OF **October**, 2004, AT **1:30 PM** FEE \$ **5.00**

DEPUTY RECORDER

EX-OFFICIO RECORDER

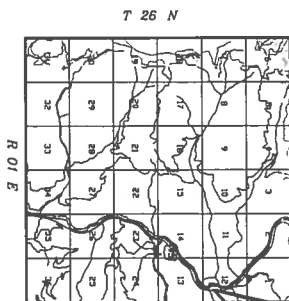
NOTES:

1. IN PREPARING THIS SURVEY, NO ATTEMPT HAS BEEN MADE TO OBTAIN OR SHOW DATA CONCERNING EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY OR LOCATION OF SEWER, DRAINAGE, OR PUBLIC UTILITY, OR 2. NO ABSTRACT OF TITLE, NOR TITLE COMMITMENT, OR RESULTS OF A TITLE SEARCH WERE FURNISHED TO THE CLIENT. THE SURVEYOR HAS NO KNOWLEDGE OF ANY UNRECORDED EASEMENTS, RIGHTS, OR INTERESTS THAT MAY AFFECT THIS SURVEYED PARCEL. THIS SURVEY IS FOR INFORMATIONAL PURPOSES ONLY. THE SURVEYOR HAS NO KNOWLEDGE OF ANY UNRECORDED EASEMENTS, RIGHTS, OR INTERESTS THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY. FEATURES OF THE PROPERTY OR EASEMENTS, RECORDED OR UNRECORDED.

LEGEND

- SECTION CORNER, FOUND MONUMENT AS NOTED
- QUARTER CORNER, FOUND MONUMENT AS NOTED
- PROPERTY CORNER, SET PREVIOUS SURVEY
- PROPERTY CORNER, SET MONUMENT AS NOTED
- CORNER, MONUMENT NOT SET THIS SURVEY
- PROPERTY CORNER, FOUND MONUMENT AS NOTED
- R.O.W. MONUMENT, FOUND MONUMENT AS NOTED
- CONTROL POINT, MONUMENT AS NOTED
- COMPUTER POINT NUMBER
- ORIGINAL G.D. OR B.L. DISTANCE CALL IN CHAINS

VICINITY MAP



COORDINATES

#	NORTHING	EASTING	INSTR. #	DESCRIPTION
1	1434158.5721	2491176.4020		R.O.W. MONUMENT, FOUND AN I.D.T. B.C. MONUMENT
2	1434171.6153	2491171.6794		PROPERTY CORNER, FOUND 1/2" REBAR (NO CAP)
3	1434522.2461	2491171.6794		PROPERTY CORNER, FOUND 1/2" REBAR (NO CAP)
4	1434528.7666	2490994.0542		PROPERTY CORNER, FOUND 1/2" REBAR (NO CAP)
5	1435101.5688	2491176.6038		PROPERTY CORNER, FOUND 1/2" REBAR (NO CAP)
6	1435101.5688	2491176.6038		PROPERTY CORNER, FOUND 1/2" REBAR (NO CAP)
7	1434922.0479	2491156.7689		PROPERTY CORNER, SET A 5/8" x 30" REBAR W/ PLASTIC CAP.
8	1434922.0479	2491156.7689		PROPERTY CORNER, SET A 5/8" x 30" REBAR W/ PLASTIC CAP.
9	1434922.0479	2491156.7689		PROPERTY CORNER, SET A 5/8" x 30" REBAR W/ PLASTIC CAP.
10	1434922.0479	2491156.7689		PROPERTY CORNER, SET A 5/8" x 30" REBAR W/ PLASTIC CAP.
11	1434922.0479	2491156.7689		PROPERTY CORNER, SET A 5/8" x 30" REBAR W/ PLASTIC CAP.
12	1434922.0479	2491156.7689		PROPERTY CORNER, SET A 5/8" x 30" REBAR W/ PLASTIC CAP.
13	1434922.0479	2491156.7689		PROPERTY CORNER, SET A 5/8" x 30" REBAR W/ PLASTIC CAP.
14	1434922.0479	2491156.7689		PROPERTY CORNER, SET A 5/8" x 30" REBAR W/ PLASTIC CAP.
15	1434922.0479	2491156.7689		PROPERTY CORNER, SET A 5/8" x 30" REBAR W/ PLASTIC CAP.
16	1434922.0479	2491156.7689		PROPERTY CORNER, SET A 5/8" x 30" REBAR W/ PLASTIC CAP.
17	1434922.0479	2491156.7689		PROPERTY CORNER, SET A 5/8" x 30" REBAR W/ PLASTIC CAP.
18	1434922.0479	2491156.7689		PROPERTY CORNER, SET A 5/8" x 30" REBAR W/ PLASTIC CAP.
19	1434922.0479	2491156.7689		PROPERTY CORNER, SET A 5/8" x 30" REBAR W/ PLASTIC CAP.
20	1434922.0479	2491156.7689		PROPERTY CORNER, SET A 5/8" x 30" REBAR W/ PLASTIC CAP.
21	1434922.0479	2491156.7689		PROPERTY CORNER, SET A 5/8" x 30" REBAR W/ PLASTIC CAP.
22	1434922.0479	2491156.7689		PROPERTY CORNER, SET A 5/8" x 30" REBAR W/ PLASTIC CAP.

CERTIFICATION

THIS IS TO CERTIFY THAT I, HUNTER J. EDWARDS, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO, PLS 9166, HAD RESPONSIBLE CHARGE FOR THIS SURVEY OF THE LANDS AND CORNERS AS INDICATED ON THIS 'RECORD OF SURVEY' AND THAT THIS IS A TRUE REPRESENTATION OF SAID SURVEY.

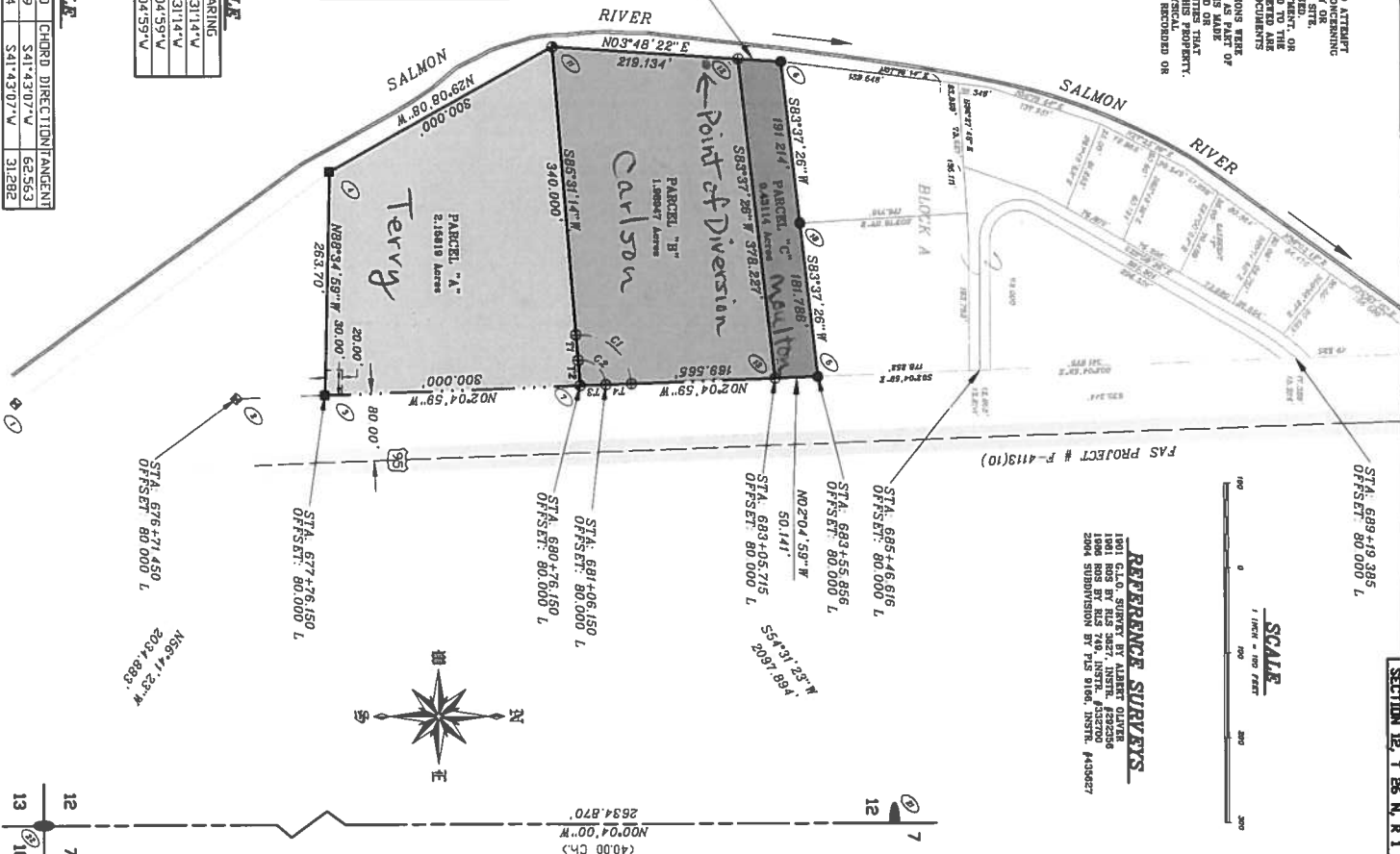


TANGENT TABLE

LINE	LENGTH	BEARING
T1	30.000	S85°31'14" W
T2	30.000	S85°31'14" W
T3	30.000	N02°04'59" W
T4	30.000	N02°04'59" W

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD DIRECTION	TANGENT
C1	96.757	60.000	92°23'47"	86.609	S41°43'07" W	62.563
C2	48.379	30.000	92°23'47"	43.304	S41°43'07" W	31.282



12 7
13 18

RECORD OF SURVEY
FOR: **MOUNTAIN LAKES REALTY**
SECTION 12, T. 26 N., R. 1 E., B.M.
IDAHO COUNTY, IDAHO

DESIGN :	FILE No. :
H.J.E.	GPS-049-04
DRAWN BY :	DATE :
J.C.C.	OCTOBER 2004
DRAWING NAME :	SCALE :
CARLSON.DWG	1" = 100'

GEOMATIC PROFESSIONAL SERVICES, PLLC
238 E. South Street
GRANGEVILLE, IDAHO 83730-2264
Phone (208) 983-2666
surveyor@connectwireless.us

Attached c1

RECEIVED
SEP 21 2006
IDWR/North

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
79-4004A	79-4004A	✓			

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)

James Carlson
HC 1 Box 14A Lucile ID 83542

4. New Owner/Claimant(s)

Philip D +/or Joyce A. Newton

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

New Mailing Address

HC 69 Box 63

City, State and ZIP Code

Riggins ID 83549

New Telephone Number

808 628 3181

5. Date you acquired the property

9-22-2004

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>79-4004A</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>?</u>	<u>43 Acres - Fruit Trees, Large garden Irrigation, HAWKS</u>
Stock	<u>Ø</u>	
Domestic	<u>Ø</u>	
Other		
Total	<u>?</u>	

— Per Greg Taylor Advice

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)

[Signature]

MR Greg Taylor advised there would be no fees due at this time 9/20/2006
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. Telephone conversation

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

RECEIVED
SEP 21 2006
IDWR/North

~~CARLSON~~

PARCEL "C"

Phillip & Joyce
Moulton

A parcel of property located between the Easterly mean high water line (MHWL) of the Salmon River and the Westerly R.O.W. of U.S. Highway 95 F.A.S. Project # F-4113(10) all within Section 12, T 26 N, R 1 E, B.M., Idaho County, Idaho. This parcel is more particularly described as follows:

Beginning at the SE corner of said Section 12, thence N 0°04'00" W - 2634.870' to the ¼ corner common to Sections 7 & 12, thence S 54°31'23" W - 2097.894' to a 5/8" rebar by PLS 9166 on the said R.O.W, thence N 02°04'59" W - 229.565' to a point on the said R.O.W. This point is the initial point of beginning.

Thence	S 83°37'26" W	378.227'	leaving said R.O.W. to a point on the said MHWL.
Thence	N 03°48'22" E	50.800'	along the said MHWL to the SW corner of the 2004 River Front Gardens Estates subdivision, monumented with a 5/8" rebar by PLS 9166,
Thence	N 83°37'26" E	373.000'	leaving said MHWL and going along the Southerly boundary to the SE corner of the subdivision on the said R.O.W., monumented with a 5/8" rebar by PLS 9166,
Thence	S 02°04'59" E	50.141'	along said R.O.W. back to the initial point of beginning.

This said parcel contains some 0.43114 acres.

Note: This is the new simplified legal description, based on a recent survey.



Carlson
Parcel "C"
10/27/2004

1 of 1

Geomatic Professional Services, PLLC
Grangeville, ID 83530

INSTRUMENT NO. 600-2-72
$$\left\{ \begin{array}{l} 2193.4 \\ 2200.7 \\ 2207.9 \\ 2215.2 \\ 2222.5 \end{array} \right. \quad \begin{array}{l} 4.34 \\ 4.37 \\ 4.40 \\ 4.43 \\ 4.46 \end{array} \quad \begin{array}{l} 2.41 \\ 2.44 \\ 2.47 \\ 2.50 \\ 2.53 \end{array}$$

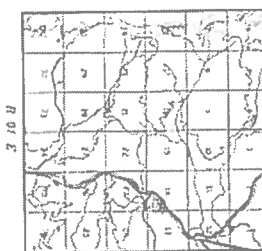
AT THE REQUEST OF WALTER J. EDWARDS, THE PETITIONING AGENT WAS FILED
FOR RECORD IN THE OFFICE OF THE RECORDER OF DEEDS COUNTY, IDAHO ON
29th DAY OF October, 2009, AT 1:30 PM. REC'D & RECORDED

EMULSION

EX-1871512 RELEASED

VICINITY MAP

5371



ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

10. 10. 2010

- [illegible]

[illegible]

COORDINATORS

[illegible]

CERTIFICATION

THIS ISN'T CERTAINLY NOT I, HOMER J. SHERMAN, A REPUTABLE PROFESSIONAL LAND SURVEYOR IN THE STATE OF IOWA. THE 1966 AND 1967 SURVEY OF COASTS FOR THE SURVEY OF THE LANDS AND TREASURES AS INDICATED ON THE RECORD IN "SHERMAN" AND THAT THIS IS A TOTAL REPRESENTATION OF SAID SURVEY.

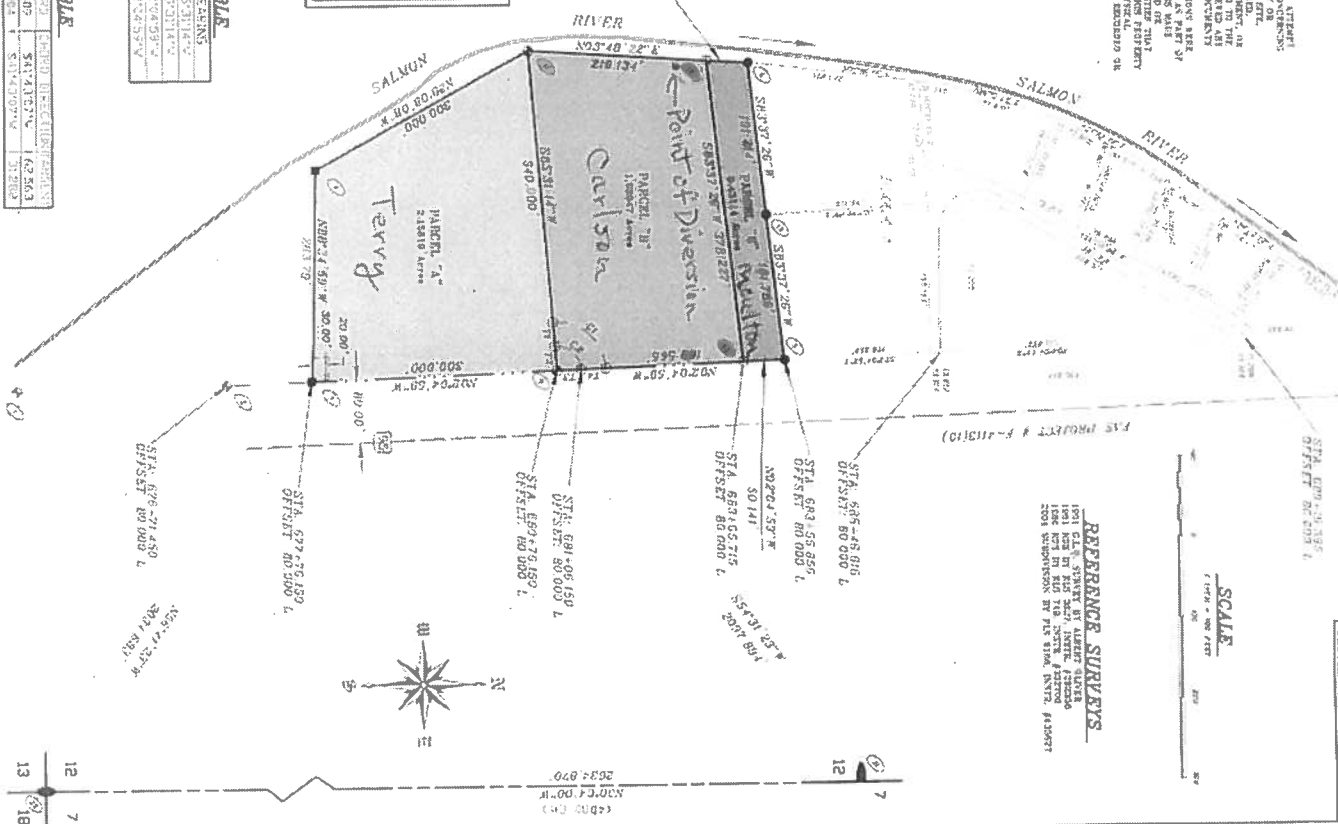


TANGENT TABLES

LINE	UNIT	LOADING
1	20.00	\$05.3142
2	20.00	\$05.31142
3	20.00	\$05.304592
4	20.00	\$05.24552

CURVE TABLE

CURVE NUMBER	200105	05/16	04/02	04/02	04/02	04/02
C1	54.757	60.040	72.2347	66.607	54.716776	62.563
C2	48.079	36.020	02.7147	43.204	54.430776	31.202



REFERENCE SURVEYS

1991 K25 IN FLS 247, INTR. #102210
1986 K79 IN FLS 712 INTR. #121200
2001 22-00001520X BY FLS 8106, INTR. #125673

RECORD OF SURVEY

FOR: MOUNTAIN LAKES REALTY
SECTION 12, T. 26 N., R. 1 E., B.M.
IDAHO COUNTY, IDAHO

DESIGN	FILE NO.
H.I.E.	GPS-049-04
DRAWN BY	DATE
J.C.G.	OCTOBER 2004
CREATING NAME	SCALE
CARLSON DAY	1" = 100'



GEOMATIC PROFESSIONAL
SERVICES, PLLC

208 E. South Street
BRIDGEVILLE, 10400 Phone (208) 463-2446
83500-2264 surveyor@connectwired.com

437824

QUITCLAIM DEED

THIS INDENTURE, made on this 22nd day of September, 2004,
and between JAMES E. CARLSON and CAROL L. CARLSON, husband and
wife, of Lucile, ID 83542, Parties of the First Part, and PHILIP
MOULTON and JOYCE MOULTON, Living Trust, of HC 69 Box 63, Riggins,
ID 83549, Parties of the Second Part.

WITNESSETH:

That the said Parties of the First Part, for and in
consideration of the sum of Ten Dollars (\$10), lawful money of the
United States of America, and other valuable considerations, to
them in hand paid by the Parties of the Second Part, the receipt
whereof is hereby acknowledged, do by these presents remise,
release and forever QUITCLAIM unto the said Parties of the Second
Part, their heirs and assigns, the following described real
property, situated in the County of Idaho, State of Idaho, to-wit:

The North 50 feet of the property described in Exhibit
"A" attached hereto and hereby incorporated by this
reference.

Together with any easement for ingress and egress over
and across the existing driveway on the remaining
property described in Exhibit "A".

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

QUITCLAIM DEED

1

STATE OF IDAHO
County of Blaine
Recorded by <u>11-30-04</u>
<u>2-23-04</u>
ROSE E. GEHRING
Notary Public
Exp. 5-15-08

TO HAVE AND TO HOLD, all and singular, the said premises with
the appurtenances unto the said Parties of the Second Part, their
heirs and assigns forever.

IN WITNESS WHEREOF, the said Parties of the First Part have
hereunto set their hand and seal the day and year first above
written.

James E. Carlson
JAMES E. CARLSON

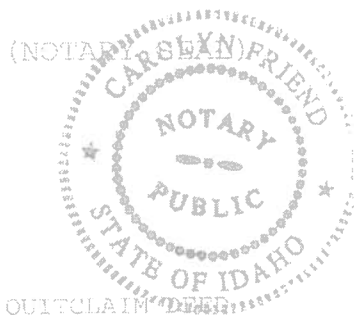
STATE OF IDAHO)

ss.

County of Idaho)

On this 22nd day of September 2004, before me,
Carolyn Friend a Notary for the said County and
State, personally appeared JAMES E. CARLSON and CAROL L. CARLSON,
husband and wife, known or identified to me to be the persons whose
names are subscribed to the within instrument, and they
acknowledged to me that they freely executed the same and that the
statements therein contained are true.

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



Carolyn Friend
Notary Public for State of Idaho,
Residing at 144444, therein.
My commission expires on 08-25-10

DESCRIPTION OF REAL ESTATE

A portion of 104.00 acres, more or less, of Boise River, EPSS road, in Section 12, Township 26 North, Range 1 East, B.M., which 104.00 originally containing an easement for a right of way, more or less, Idaho County, State of Idaho, was conveyed to an easement, recorded February 11, 1931, in Book 59 of Deeds, at Page 213; a Warranty Deed to State of Idaho, subject to restrictions and conditions, as set forth in Book 92 of Deeds, at Page 25; and an agreement, dated September 17, 1959, recorded September 20, 1959, in Book 93 of Deeds, at Page 298, all records of Idaho County, State of Idaho,

LESS the following described tract:

Commencing at the intersection of the North line of Lot 7, in Section 12, Township 26 North, Range 1 East, B.M., and the West right of way line of U.S. Highway 95, to the true point of beginning; thence Southerly along such right of way line, 733 feet to a point thereon marked by a steel bar; thence Westerly at an obtuse angle, 373 feet, more or less, to the high water line on the East bank of the Salmon River, at a point 20 feet South of the point which is on such river bank on a line at a right angle from such highway right of way line; thence Northerly along such high water line to its intersection with the North line of Lot 7; thence Easterly along such North line of Lot 7, back to the true point of beginning, being a portion of Lot 7, lying between U.S. Highway right of way line and the Main Salmon River, Idaho County, State of Idaho, containing 4 acres, more or less.

SUBJECT to an easement, recorded February 11, 1931, in Book 59 of Deeds, at Page 213; a Warranty Deed to State of Idaho, subject to restrictions and conditions as set forth in Book 92 of Deeds at Page 25; and an Agreement, dated September 17, 1959, recorded September 20, 1959, in Book 93 of Deeds, at Page 298, all records of Idaho County, State of Idaho.

AND LESS the following described tract:

This parcel is a portion of Government Lot 10, Section 12, Township 26 North, Range 1 East of the Boise Meridian and is more particularly described as follows:

COMMENCING at the Southwest corner of the SE 1/4 of said Section 12; thence North $88^{\circ}36'53''$ East along the Southerly boundary of said SE 1/4, a distance of 796.18 feet to a meander corner on the Easterly bank of the Salmon River; thence North $12^{\circ}05'43''$ East a distance of 806.67 feet to a highway right of way monument on the Westerly right of way boundary of Highway 95, which point is also on the high water line of the Salmon River and is the true point of beginning; thence Northwest along said right of way boundary, a distance of 259.13 feet along the arc of a curve on the left offset 75.00 feet inward from a Talbot Spiral, having a length of 259.13 feet, a spiral angle of $3^{\circ}28'15''$ and a long chord which bears North $1^{\circ}24'29''$ West, a distance of 259.09 feet; thence North $2^{\circ}24'09''$ West along said right of way boundary (said right of way boundary is not tangent to said Talbot Spiral curve), a distance of 104.70 feet; thence North $88^{\circ}54'09''$ West, a distance of 263.70 feet to the high water line of said Salmon River; thence South $36^{\circ}39'39''$ East along said high water line, a distance of 459.58 feet to the true point of beginning.

TOGETHER with an easement for sanitary drain field purposes.

EXHIBIT "A"

over a parcel of land in Sec. 10, T. 2 N., R. 10 E., in dimension
lying immediately adjacent to the northern corner of the tract
as hereinabove described, a line of 100 feet which
immediately abuts the heretofore described parcel of land on
the North side thereof.

SUBJECT to the above described easement for sanitary drain
field and all other easements and rights of way of record in the
records of Idaho County, State of Idaho.

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
XXXXXXXXXX

Check 5

08/30/2007

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

RIGHT NUMBER: 79-4004A

NAME AND ADDRESS: JAMES E CARLSON
HC 01 BOX 14A
LUCILE ID 83542

CAROL L CARLSON
HC 01 BOX 14A
LUCILE ID 83542

SOURCE: SALMON RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.270 CFS

PRIORITY DATE: 05/14/1954

POINT OF DIVERSION:

T26N R01E S12 SWSE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	02/15 11/30	0.270 CFS

PLACE OF USE: IRRIGATION in IDAHO County

T26N R01E S12	0.60	T26N R01E S12 Lot 7 NWSE	5.30
T26N R01E S12 Lot 10 SWSE	2.10		

8 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: BASIS OF CLAIM - Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 79-4004A V1

WATER RIGHT NUMBER: 79-4004A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES E CARLSON HC 01 BOX 14A LUCILE, ID 83542 (208)628-3569
Current Owner	CAROL L CARLSON HC 01 BOX 14A LUCILE, ID 83542 (208)628-3569
Original Owner	SHEWBREAD ORCHARDS INC HWY 95 LUCILE, ID 83542 (208)628-3944

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Priority Date: 05/14/1954
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
SALMON RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	02/15 to 11/30	0.270 CFS	
	<u>Total Diversion:</u>	0.270 CFS	

Location of Point(s) of Diversion

SALMON RIVER	SW1/4SE1/4	Sec. 12, Twp 26N, Rge 01E, B.M.
IDAHO County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
26N	01E	12														5.3	2.1		7.4
																L 7	L 10		

Total Acres: 8

Conditions of Approval:

1. C18 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.

Remarks:

Change of
ownership for
2 water rights

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 79-4004A V1

Comments:

1. GTaylor 12/27/2004 Priority date
Comment: Affidavit from Idaho County light & Power states that they have supplied water since May, 14, 1954.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

SubCase:

SubCase Number: 79-4004A

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent: GTaylor

Basis of Claim: Beneficial Use

Date Filed: 6/12/2007 Objection Status: Active

Water Supply Bank:

Water Right Report 79-10199

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES E CARLSON HC 01 BOX 14A LUCILE, ID 83542 (208)628-3569
Directors Report Owner	SHEWBREAD ORCHARDS INC HWY 95 LUCILE, ID 83542 (208)628-3944
Current Owner	CAROL L CARLSON HC 01 BOX 14A LUCILE, ID 83542 (208)628-3569

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Status: Active

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.090 CFS	
	Total Diversion:	0.090 CFS	

GROUND WATER L10 (NE1/4SW1/4SE1/4) Sec. 12, Twp 26N, Rge 01E, B.M.
IDAHO County

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
26N	01E	12															X	X	
																	L 7	L 10	

1. PARCEL NO. RP 26N01E12 0010
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 79-10199

4. C18 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.

Remarks:

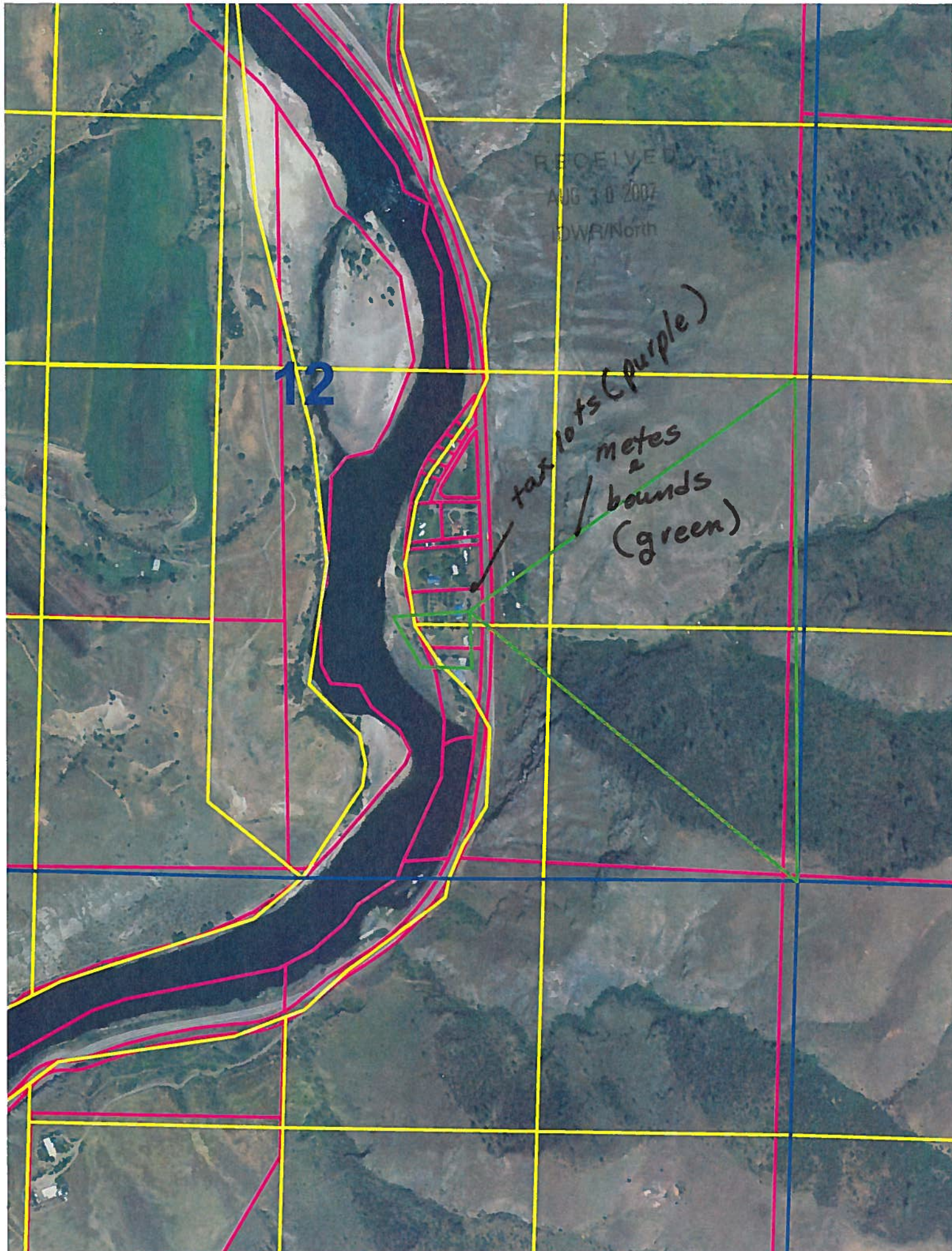
Comments:

1. CVALKER 11/17/1998 COPIED FROM REMARKS
Comment: HAND DUG WELL - 30' DEEP USED UNTIL 1980 WHEN NEW WELL WAS DUG. CORPORATION OFFICERS: PHILIP D. MOULTON, PRES., LOLA N. GORDON, SEC., CAROL L. ABRAMS, TREAS., SAME ADDRESS AS CLAIMANT.
2. DBUFFING 10/21/1999 NAME CHANGE - OWNERSHIP CHANGE
Comment: THE DATA IN THE NAME FIELD WAS CHANGED TO SHOW THIS RIGHT HAS AN OWNERSHIP CHANGE.

Dates and Other Information:

Licensed Date:
Decreed Date: 4/24/2001
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False
Combined Use Limits:

Water Supply Bank:



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12

tax lots (purple)
metes
&
bounds
(green)

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AUG 30 2007

IDWR/North

AUG 13 2007

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
PD 79-10199 <i>Dom</i>					
AD 79-4004A V1					

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) James E. Carlson and Carol L. Carlson
HC 01 box 14A, Lucile, Idaho 83542
4. New Owner/Claimant(s) Charles H. Terry & Edna L. Terry Family Trust
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address A-1 Mail, 27758 Santa Margarita Parkway, Box 409
- City, State and ZIP Code Mission Viejo, California 92691
- New Telephone Number () _____
5. Date you acquired the property October 29, 2004

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Department of Water Resources
Eastern Region

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)

Charles H. Jerry Co-Treasurer
Edna L. Jerry Co-Treasurer

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 SR Date 8.13.07 Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

438503

WARRANTY DEED

THIS INDENTURE, made on this 29th day of October, 2004, by and between JAMES E. CARLSON and CAROL L. CARLSON, husband and wife, of HC1 Box 14A, Lucile, ID 83542, hereinafter referred to as the Grantors, and CHARLES H. TERRY and EDNA L. TERRY, Trustees of THE TERRY FAMILY TRUST, of 622 Valencia Drive, Boulder City, NV 89005, hereinafter referred to as the Grantees.

WITNESSETH:

That the said Grantors, for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and for and in consideration of the Grantees' participation in a Section 1031 Exchange pursuant to the terms of the Internal Revenue Code, and other good and valuable considerations to them in hand paid by the said Grantees, the receipt whereof is hereby acknowledged, having granted, bargained, sold, and by these presents do 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:

See Exhibit A, attached hereto and hereby incorporated by this reference;

TOGETHER WITH an easement and right of way for ingress, egress, and utilities which benefit the property and allow travel across the property immediately to the North of the property herein sold. The description of the included easement is described as follows: Included herewith is a 60' wide ingress/egress and utility easement, the boundary of which is more particularly described as beginning at the above-described initial point of beginning. This point is also the initial point of beginning of this easement; thence N02°04'59"W 60.000' along said R.O.W.; thence leaving said R.O.W. along a nontangent curve to the left with the radius point being above the said initial point of beginning and having the following dimensions:

T = 62.563' D = 92°23'47"

R = 60.000' CB = S41°43'07"W

L = 96.757' C = 86.609' to a point above-described parcel line; thence N85°31'14"E 60.000' back to the initial point of beginning.

TOGETHER WITH a proportionate share of the water right which was allocated to the larger parcel of property from which the parcel herein sold was severed.

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

WARRANTY DEED - I

STATE of IDAHO	
County of Idaho	
Recorded at request of	
IDAHO COUNTY TITLE CO	
at 2:10 p.m.	on 11-3-04
ROSE E. GEHRING	
By <i>[Signature]</i>	Recorder
For \$ 1200	Deputy

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IDWR/North

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

And the said Grantors, for themselves, their 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 encasing and delivery of these presents they were 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 2004, which are a lien, not yet due and payable.
- 2) Easement, including the terms and conditions thereof, by and between R. H. Cain, et ux., and Pacific Telephone and Telegraph Company, recorded February 11, 1931 under Instrument No. 94936, Book 58 page 211, records of Idaho County, Idaho.
- 3) Warranty Deed, including the terms and conditions thereof, by and between Henry O. Rhett and Maxine Rhett, his wife, and State of Idaho, recorded July 2, 1958 under Instrument No. 195058, Book 92 page 25, records of Idaho County, Idaho.
- 4) Exchange Deed Access, including the terms and conditions thereof, by and between State of Idaho, Department of Highways, and Henry O. Rhett and Maxine Rhett, husband and wife, recorded September 28, 1959 under Instrument No. 199404, Book 93 page 298, records of Idaho County, Idaho.
- 5) Subject to Drainfield Easement as set forth in Correction Warranty Deed, by and between Darwin Klingman, a single man, and Emmett D. Gordon, Sr., a married man, recorded November 3, 1980 under Instrument No. 288008, records of Idaho County, Idaho.
- 6) Rights and easements in favor of the public for recreational uses of the Salmon River.
- 7) The effect, if any, of Memorandum of Understanding, including the terms and conditions thereof, by and between Idaho Transportation Department and United States Department of Interior, Bureau of Land Management, Upper Columbia-Salmon Clearwater Districts, Cottonwood Resource Area Office, recorded May 25, 1999 under Instrument No. 0406173, 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 Grantors will and shall WARRANT AND FOREVER DEFEND.

That this Deed is given by Grantors to Grantees 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 Grantees to Grantors.

James E. Carlson
JAMES E. CARLSON

Carol L. Carlson
CAROL L. CARLSON

(NOTARY SEAL)

J. PAUL ELMERS
NOTARY
- * -
PUBLIC
STATE OF IDAHO

WARRANTY DEED - 3

EXHIBIT A

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IDWR/North

Township 26 North, Range 1 East, Boise Meridian, Idaho County, Idaho
Section 12: A parcel of land located between the Easterly mean high water line (MHWL) of the Salmon River and the Westerly R.O.W. of the U.S. Highway 95 F.A.S. Project #F-4113(10) being a part of Government Lot 7 and Government Lot 10, more particularly described as follows:

Beginning at the SE corner of said Section 12;
thence N 00°04'00" W, 2634.870 feet to the N corner common to Sections 7 and 12 said Township and Range;
thence S 54°31'23" W, 2097.894 feet to a 5/8" rebar by PLS 9166 on the said R.O.W., this point is the initial point of beginning;
thence S 02°04'59" E, 300.000 feet along the said R.O.W. to a 1/2" rebar by RLS 3627;
thence N 88°34'59" W, 263.700 feet leaving said R.O.W. to a 1/2" rebar by RLS 3627 on the MHWL;
thence N 29°08'08" W, 300.000 feet along the said MHWL to a 5/8" rebar by PLS 9166;
thence N 85°31'14" E, 400.000 feet leaving said MHWL back to the initial point of beginning.

CAPITALA

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AUG 30 2007
IDWR/North

Township 26 North, Range 1 East, Boise Meridian, Idaho County, Idaho
Section 12: A parcel of land located between the Easterly mean high water line (MHWL) of the Salmon River and the Westerly R.O.W. of the U.S. Highway 95 F.A.S. Project #F-4113(10) being a part of Government Lot 7 and Government Lot 10, more particularly described as follows:

Beginning at the SE corner of said Section 12;
thence N 00°04'00" W, 2634.870 feet to the $\frac{1}{4}$ corner common to Sections 7 and 12 said Township and Range;
thence S 54°31'23" W, 2097.894 feet to a 5/8" rebar by PLS 9166 on the said R.O.W.; this point is the initial point of beginning;
thence S 02°04'59" E, 300.000 feet along the said R.O.W. to a $\frac{1}{4}$ " rebar by RLS 3627;
thence N 88°34'59" W, 263.700 feet leaving said R.O.W. to a $\frac{1}{4}$ " rebar by RLS 3627 on the MHWL;
thence N 29°08'08" W, 300.000 feet along the said MHWL to a 5/8" rebar by PLS 9166;
thence N 85°31'14" E, 400.000 feet leaving said MHWL back to the initial point of beginning.

Included herewith is a 60' wide ingress/egress and utility easement, the boundary of which is more particularly described as beginning at the above described initial point of beginning. This point is also the initial point of beginning of this easement.

Thence N 02°04'59" W 60.000' along the said R.O.W.,

Thence leaving said R.O.W. along a non tangent curve to the left with the radius point being the above said initial point of beginning and having the following dimensions:

T	=	62.563'	D	=	92°23'47"
R	=	60.000'	CB	=	S 41°43'07" W
L	=	96.757'	C	=	86.609'

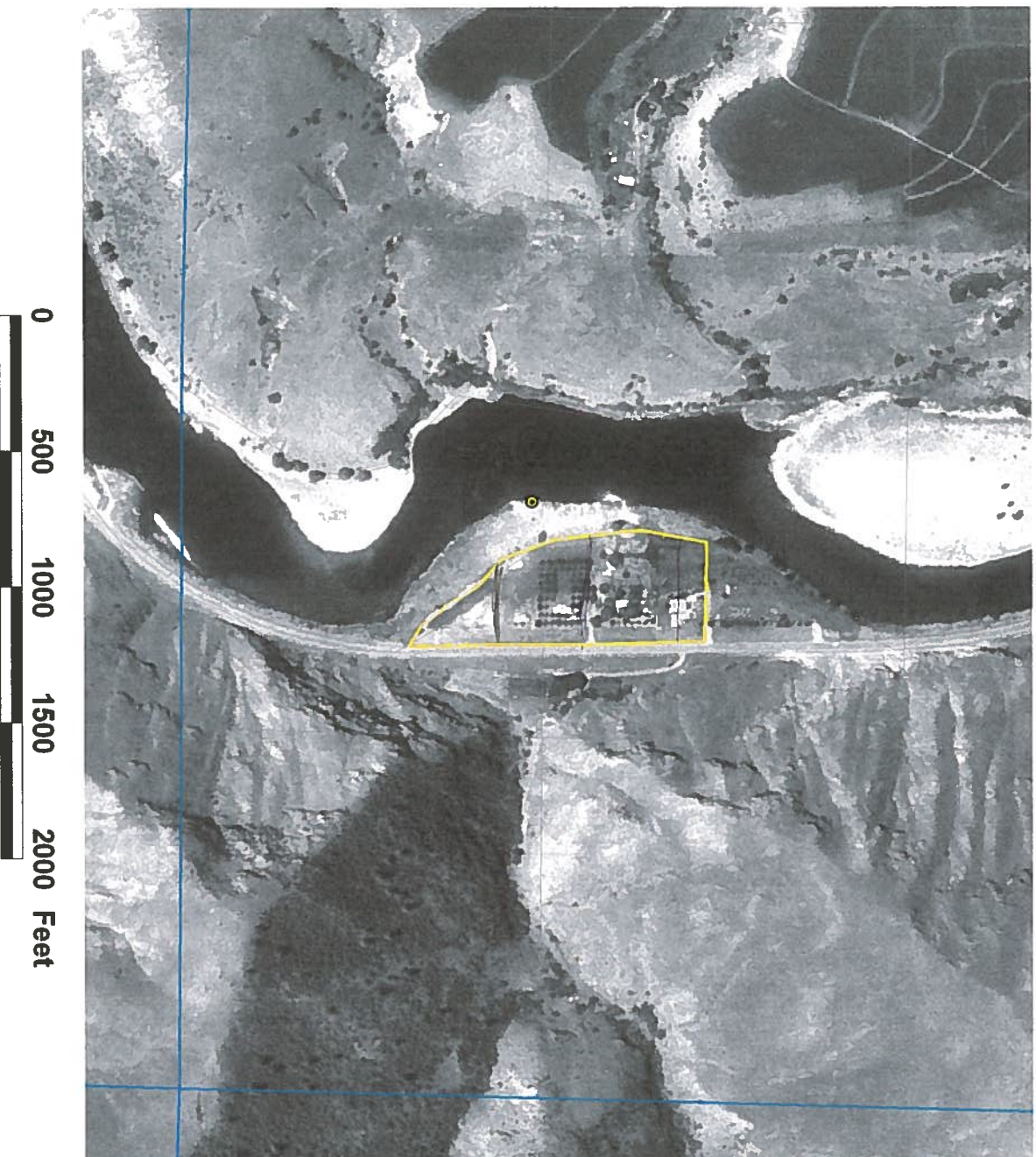
to a point on the above described parcel line,

Thence N 85°31'14" E 60.000' back to the initial point of beginning.

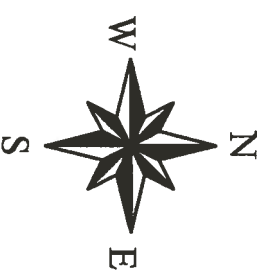


79-4004A

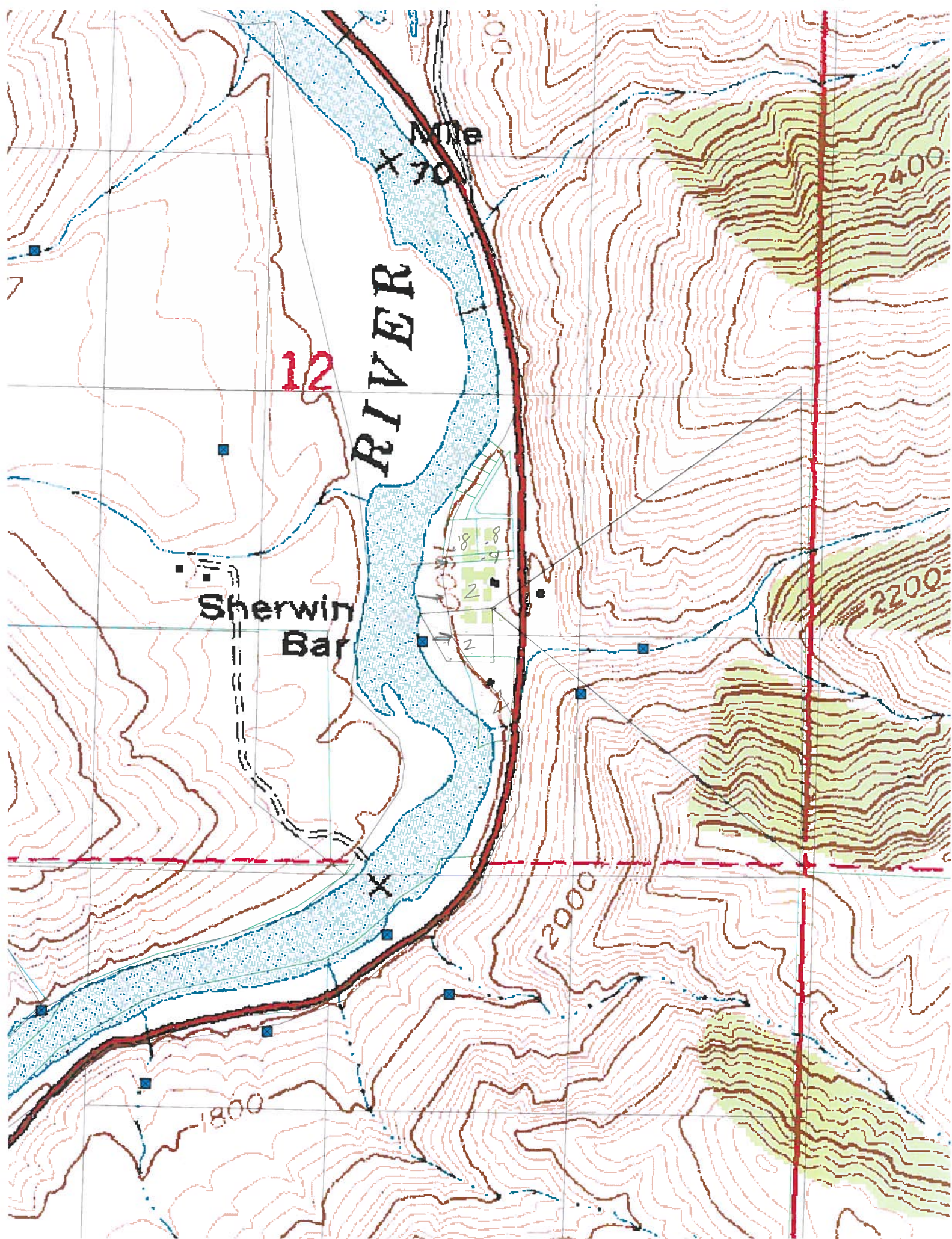
**T26N R01E
Section(s) 12**



 Point of Diversion
 Place of Use



Map prepared by: Greg Taylor
Date Prepared: December 27, 2004
Photography: 1992 DOQQ
Idaho Department of Water Resources



08/18/2006

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

RIGHT NUMBER: 79-4004A

NAME AND ADDRESS: JAMES E CARLSON
HC 01 BOX 14A
LUCILE ID 83542

CAROL L CARLSON
HC 01 BOX 14A
LUCILE ID 83542

SOURCE: SALMON RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.160 CFS

PRIORITY DATE: 05/14/1954

POINT OF DIVERSION: T26N R01E S12 SWSE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	02/15 11/30	0.160 CFS
PLACE OF USE:	<u>IRRIGATION Within IDAHO County</u>		
	T26N R01E S12 0.60	T26N R01E S12 Lot 7 NWSE	5.30
	T26N R01E S12 LOT 10 SWSE 2.10		
	8 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: BASIS OF CLAIM - Beneficial Use

CARLSON

PARCEL "B"

A parcel of property located between the Easterly mean high water line (MHWL) of the Salmon River and the Westerly R.O.W. of U.S. Highway 95 F.A.S. Project # F-4113(10) all within Section 12, T 26 N, R 1 E, B.M., Idaho County, Idaho. This parcel is more particularly described as follows:

Beginning at the SE corner of said Section 12, thence N 0°04'00" W – 2634.870' to the ¼ corner common to Sections 7 & 12, thence S 54°31'23" W - 2097.894' to a 5/8" rebar by PLS 9166 on the said R.O.W. This point is the initial point of beginning.

Thence	S 85°31'14" W	400.000'	leaving said R.O.W. to a 5/8" rebar by PLS 9166 on the said MHWL,
Thence	N 03°48'22" E	219.134'	along said MHWL,
Thence	N 83°37'26" E	378.227'	leaving said MHWL to a point on the said R.O.W.
Thence	S 02°04'59" E	229.565'	along said R.O.W. back to the initial point of beginning.

Reservations:

Reserving herefrom is a 60' wide ingress/egress and utility easement, the boundary of which is more particularly described as beginning at the above described initial point of beginning. This point is also the initial point of beginning of this easement.

Thence N 02°04'59" W 60.000' along the said R.O.W.,

Thence leaving said R.O.W. along a non tangent curve to the left with the radius point being the above said initial point of beginning and having the following dimensions:

T	=	62.563'	D	=	92°23'47"
R	=	60.000'	CB	=	S 41°43'07" W
L	=	96.757'	C	=	86.609'

to a point on the above described parcel line,

Thence N 85°31'14" E 60.000' back to the initial point of beginning.

This said parcel contains some 1.98947 acres.





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

October 22, 1999

DIRK KEMPTHORNE
GOVERNOR

RE: Water Right No. 79-10199

KARL J. DREHER
DIRECTOR

JAMES E CARLSON
CAROL L CARLSON
HC 01 BOX 14A
LUCILE ID 83542

Dear Property Owners:

Enclosed is a copy of the above referenced water right which reflects the change in ownership of the land and appurtenant water rights covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

Please note, the ownership has also been changed on claim number **A79-04004A.**

Thank you for your patience and cooperation. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

Denise Buffington
Records Clerk
Adjudication Section
Western Region

DB:db

Enclosures

cc: Shewbread Orchards Inc.

IDAHO COUNTY LIGHT & POWER

COOPERATIVE ASSOCIATION, INCORPORATED

319 WEST MAIN

P. O. DRAWER "B"

GRANGEVILLE, IDAHO 83530

PHONE:

983-1610

AREA CODE 208



"Owned By
Those We Serve"

AFFIDAVIT

JUL 15 1971

Department of Water Administration

STATE OF IDAHO)
COUNTY OF IDAHO) SS:

GUY SHERWIN, being duly sworn, on oath deposes and says:
that he is the President of the IDAHO COUNTY LIGHT AND POWER
COOPERATIVE ASSOCIATION, INCORPORATED, a Corporation organized
and existing under the laws of the State of Idaho, having its
principal office in the State of Idaho; that said Corporation
has continuously since the 14th day of May 1954 AD, provided
electric service to an irrigation pumpsite contracted in the
name of one Henry O. Rhett; that said pumpsite is located
adjacent to the Salmon River, in Idaho County, State of Idaho,
more particularly described as: Lots 7, 10, West of Highway,
Section 12; TWP 26; R1E B. M.

Guy Sherwin
GUY SHERWIN

(SEAL)

Subscribed and sworn to before me this 15 day of July 1971.

(SEAL)

Johanna V. Angers
NOTARY PUBLIC

residing at Grangeville, Idaho 79 4004