

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

19-4029

MARLENE HEATH

MIKE HEATH
PO BOX 133
WHITE BIRD ID 83

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[illegible]



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

79-4029

RECEIVED

NOV 01 2006

DEPARTMENT OF
WATER RESOURCES

FIRST CLASS



UNITED STATES POSTAGE
FIFTY DOLLARS
02 1A
0004310839
COT 27 2006
MAILED FROM ZIP CODE 83702
\$00.870

MARLENE HEATH
NOV 01 2006

MIKE HEATH
PO BOX 133
WHITE BIRD ID 83751



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 79-4029 V1

WATER RIGHT NUMBER: 79-4029 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CANDY M THOMAS BOX 109 GRANGEVILLE, ID 83530 (208)983-0472
Original Owner	PRESS R THOMAS PO BOX 109 GRANGEVILLE, ID 83530 (208)983-0472
Directors Report Owner	MARLENE HEATH PO BOX 133 WHITE BIRD, ID 83554 (208)839-2270
Directors Report Owner	MIKE HEATH PO BOX 133 WHITE BIRD, ID 83554 (208)839-2270
Current Owner	JOSEPHINE PARSONS PO BOX 146 WHITEBIRD, ID 83654 (208)839-2412

Priority Date: 05/15/1964

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WHITE BIRD CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

WHITE BIRD CREEK	SE1/4NW1/4	Sec. 14, Twp 28N, Rge 01E, B.M.
IDAHO County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
28N	01E	14								1.0									1.0

Total Acres: 1

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 79-4029 V1

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:

Comments:

Water Supply Bank:



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800

Fax: (208) 762-2819

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

October 18, 2006

Josephine Parsons
PO Box 146
White Bird ID 83554

Re: Change in Ownership for 79-4029.

Dear Ms. Parsons:

We are returning the Change in Water Right Ownership form you recently sent to our office because the changes cannot be made without some proof of ownership. Item B on the form explains what type of documentation is required.

Please return the form with a copy of your warranty deed or other evidence and we will process the change. Send the paperwork to:

IDWR
322 E Front St
PO Box 83720
Boise ID 83720-0098

Please do not hesitate to contact me if you have any questions.

Sincerely,

Gregory J. Taylor
Sr. Water Resource Agent

03/11/2005

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

RIGHT NUMBER: 79-4029
NAME AND ADDRESS: MARLENE HEATH
PO BOX 133
WHITE BIRD ID 83554

MIKE HEATH
PO BOX 133
WHITE BIRD ID 83554

SOURCE: WHITE BIRD CREEK TRIBUTARY: SALMON RIVER
QUANTITY: 0.020 CFS
PRIORITY DATE: 05/15/1964
POINT OF DIVERSION:

T28N R01E S14 SENW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	0.020 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T28N R01E S14 SENW 1.0

1 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: Beneficial Use

79-4029

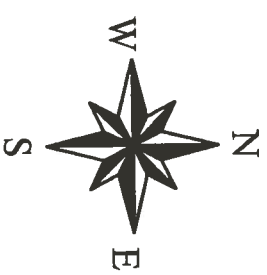
**T28N R01E
Section(s) 14**



Place of Use



Point of Diversion



**Map prepared by: Greg Taylor
Date prepared: March 3, 2005
Photography: 1992 DOQQ
Idaho Department of Water Resources**



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A79-04029
Date Received: 7/26/1988
Receipt No: M000589
Received By: DE-kw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MIKE HEATH 208-839-2270
Address: P.O. BOX 133
WHITE BIRD, ID 83554
AND/OR
Name: MARLENE HEATH 208-839-2270
Address: P.O. BOX 133
WHITE BIRD, ID 83554

2. Date of Priority: MAY 15, 1964

3. Source: WHITEBIRD CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
28N	01E	14	SE	SE	NW		IDAHO

5. Description of diverting works:
PUMP IN CREEK WITH HOSE TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
28N	01E	14	SE	NW		IRR	1.0
Section Acres							1.0
Total Acres							1.0

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:
N/A

14. Remarks:

AC. IRR.=.75.
P/U IN LOTS 3,4 & 5 OF RICHARDSON ADDN., WHITEBIRD, ID.
DIV. RATE=.02 CFS.
OWNERSHIP CHANGED BY KW 6/6/91.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

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State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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JAN 25 1990

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

[] Water Right Number(s): A 79-04029 Department of Water Resources

[] Name and Address of
Former Claimant: Candy M. Thomas
Bessley R. Thomas
Shangville, Idaho 83530

[] New Claimant(s): Mike or Marlene Heath
I

[] New Mailing Address: Box 133
White Bird
Idaho 83554

New Telephone Number: (208) 839-2270

[] Does the change in ownership result in a splitting of the
water right claimed? yes no

If yes, then describe the portion of the water right that is
now claimed by the new owner:

[] Attach proof of ownership
Describe proof attached: Divisional Agreement

[] Signature of New Claimant(s): Marlene Heath

Date: Jan 21, 1990

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed: Need of Trust

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

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FORM No. 781
Stevens-Ness Law Pub. Co.
Portland, Oregon TA

BUYER'S CLOSING STATEMENT

Property of Presley R. & Mardell Thomas
Sold to Mike & Marlene Heath
By Heath Realty - Vickie S. Heath Broker
Description: Lots 3, 4, & 5 & Tax #13 Richardson Addition
City of White Bird, County of Idaho
State of Idaho, Settlement date June 29, 19 89

	DEBIT	CREDIT
PURCHASE PRICE	\$ 12,000.00	
EARNEST MONEY PAID		200.00
CONVEYED SUBJECT TO: 1st Mtg. bal., plus int.		
2nd Mortgage balance, plus interest		
Contract balance, plus interest		
Chattel Mortgage or Security Agreement balance, plus interest		

Deed of Trust & Note	10,500.00
MTG. given seller as part of purchase price	
CONTRACT given as part of purchase price	
TAXES: Paid in advance by seller	
Assumed by buyer, None	67.96
INSURANCE: Fire—unearned premium	
Liability—unearned premium	
MUNICIPAL LIENS: Paid in advance by seller	
Assumed by buyer, plus interest	
RENTS: Paid in advance to seller	
Due at settlement—adjusted	
WATER CHARGES: Paid in advance by seller	
Assumed by buyer, plus interest	

<u>1/2</u> Recording Fee	10.50
<u>1/2</u> Legal fee	55.00
<u>1/2</u> Escrow fee	73.00

CASH PAID BY BUYER ON CLOSING 1,370.54

TOTALS (Debit and Cr. columns must balance) \$ 12,138.50 \$ 12,138.50

Did broker advance fee for recording buyer's deed? N

If so, did he collect payment back in addition to "Cash Paid on Closing"? N

Has all insurance been transferred? Yes X No

Will buyer let broker handle insurance at expiration? Yes No

The foregoing statement is hereby certified to be correct.

Vickie S. Heath Broker

MANUAL DELIVERY: Received a true copy of above statement; certified to be correct.

Date 19 Buyer
MAIL DELIVERY: Copy of above statement sent U. S. Registered Mail; registry return receipt card to be attached.

Date 19 Broker

RECEIVED

JAN 25 1990

Department of Water Resources

IHA.
West
Bill Daniels
Leslie Esselburn
Lewiston
799-2506

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TRACTED
FILMED
ASSESSOR

348324

WARRANTY DEED

GRANTOR, PRESLEY R. THOMAS and CANDACE M. THOMAS, husband and wife, and MARDELL THOMAS, now known as MARDELL HUNTLEY, and JEFF HUNTLEY, wife and husband, of P. O. Box 109, Grangeville, Idaho, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto MICHAEL L. HEATH and MARLENE HEATH, husband and wife, of P. O. Box 133, White Bird, Idaho, as GRANTEE, and to grantee's heirs and assigns forever, all of the following described real estate located in the County of Idaho, State of Idaho, to wit:

See Exhibit "A" attached hereto and hereby incorporated by this reference.

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

Subject to:

1. General taxes for the year 1989, which are a lien, not yet due and payable.
2. Easement, including the terms and conditions thereof, by and between MARDELL THOMAS and PRESLEY R. THOMAS to the CITY OF WHITE BIRD, recorded May 5, 1980, under Instrument No. 283993, records of Idaho County, Idaho.
3. Easement Deed, including the terms and conditions thereof, by and between VERNON C. THOMAS and LILA M. THOMAS, husband and wife, grantors, and FLOOD CONTROL DISTRICT NO. 6, a quasi-municipal corporation, grantee, recorded November 18, 1964, under Instrument No. 217609 Book 102 page 81, records of Idaho County, Idaho.

Grantor, for themselves, their heirs and assigns does hereby covenant, warranty and shall defend the quiet and peaceable possession of said premises by the Grantee, their heirs and assigns forever against the lawful claims of all persons.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine

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CANDACE M. THOMAS

JEFF HUNTLEY

BY: PRESLEY R. THOMAS
Attorney-in-Fact

MARDELL HUNTLEY

BY: PRESLEY R. THOMAS
Attorney-in-Fact

STATE OF IDAHO)

SS.

County of Idaho)

On this 29th day of June, 1989, before me,

Vickie S. Heath, a Notary for the said County and State, personally appeared PRESLEY R. THOMAS and CANDACE M. THOMAS, husband and wife, known or identified to me to be the person 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.

(NOTARY SEAL)

Notary Public for State of Idaho,
Residing at Riggins, therein.
My commission expires on:

Aug. 15th, 1993.

STATE OF IDAHO)

SS.

County of Idaho)

On this 29th day of June, 1989, before me,

Vickie S. Heath, a Notary for the County and State,
personally appeared PRESLEY R. THOMAS, attorney-in-fact for JEFF
HUNTLEY and MARDELL HUNTLEY, known or identified to me to be the

1 person whose name is subscribed to the within instrument, and he
2 acknowledged to me that he freely executed the same on behalf of
3 Jeff Huntley and Mardell Huntley and that the statements therein
4 contained are true.

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

7
8 (NOTARY SEAL)

9 Michael S. Heath
10 Notary Public for State of Idaho,
11 Residing at Boise, therein.
12 My Commission expires on
13 Aug 15, 1993.

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EXHIBIT A

Lots 3, 4, and 5 of Richardson Addition to the Town of Whitebird, Idaho County, Idaho, as shown by the recorded plat thereof.

AND a tract of land adjoining said lots, more particularly described as follows:

Tax No. 13 of the Town of Whitebird described as beginning at the Northeast corner of Lot 5 in Richardson's Additon to the Town of Whitebird, Idaho County, Idaho, and running thence South $59^{\circ}40'$ East 75.6 feet;

thence South $48^{\circ}32'$ West 122 feet to the Southeast corner of Lot 3 of said addition;

thence North $6^{\circ}30'$ East 100 feet to the Northeast corner of Lot 4;

thence North $30^{\circ}30'$ East 24.4 feet to the point of beginning.

Filed and recorded at the request of IDAHO COUNTY TITLE CO.

at 1:25 o'clock P M this 10 day of July 19 59

By Edith L. Anderson
Deputy

ROSE E. GEHRING
Ex-Officio Auditor and Recorder
Idaho County, Idaho

Fee \$ 12.00

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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: A79-04029
Date Received: 7/26/1988
Receipt No: M000589
Received By: SE

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PRESS R. THOMAS 208-983-0472
Address: BOX 109
GRANGEVILLE, ID 83530

OR

Name: CANDY M. THOMAS 208-983-0472
Address: BOX 109
GRANGEVILLE, ID 83530

2. Date of Priority: MAY 15, 1964

3. Source: WHITEBIRD CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
28N	01E	14	SE	SE	NW		IDAHO

5. Description of diverting works:
PUMP IN CREEK WITH HOSE TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
28N	01E	14	SE	NW		IRR	1.0
Section Acres							1.0
Total Acres							1.0

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:
N/A

14. Remarks:

AC. IRR=.75.

P/U IN LOTS 3,4 & 5 OF RICHARDSON ADDN., WHITEBIRD, ID.

DIV. RATE=.02 CFS.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X 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.

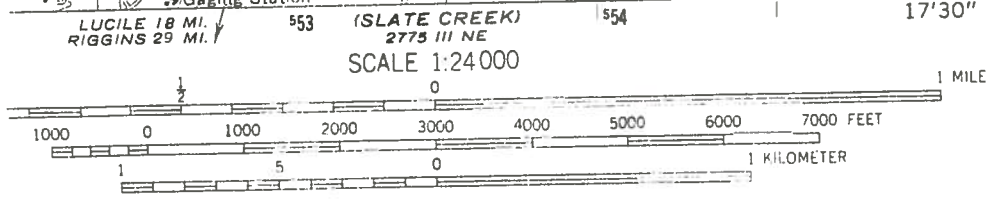
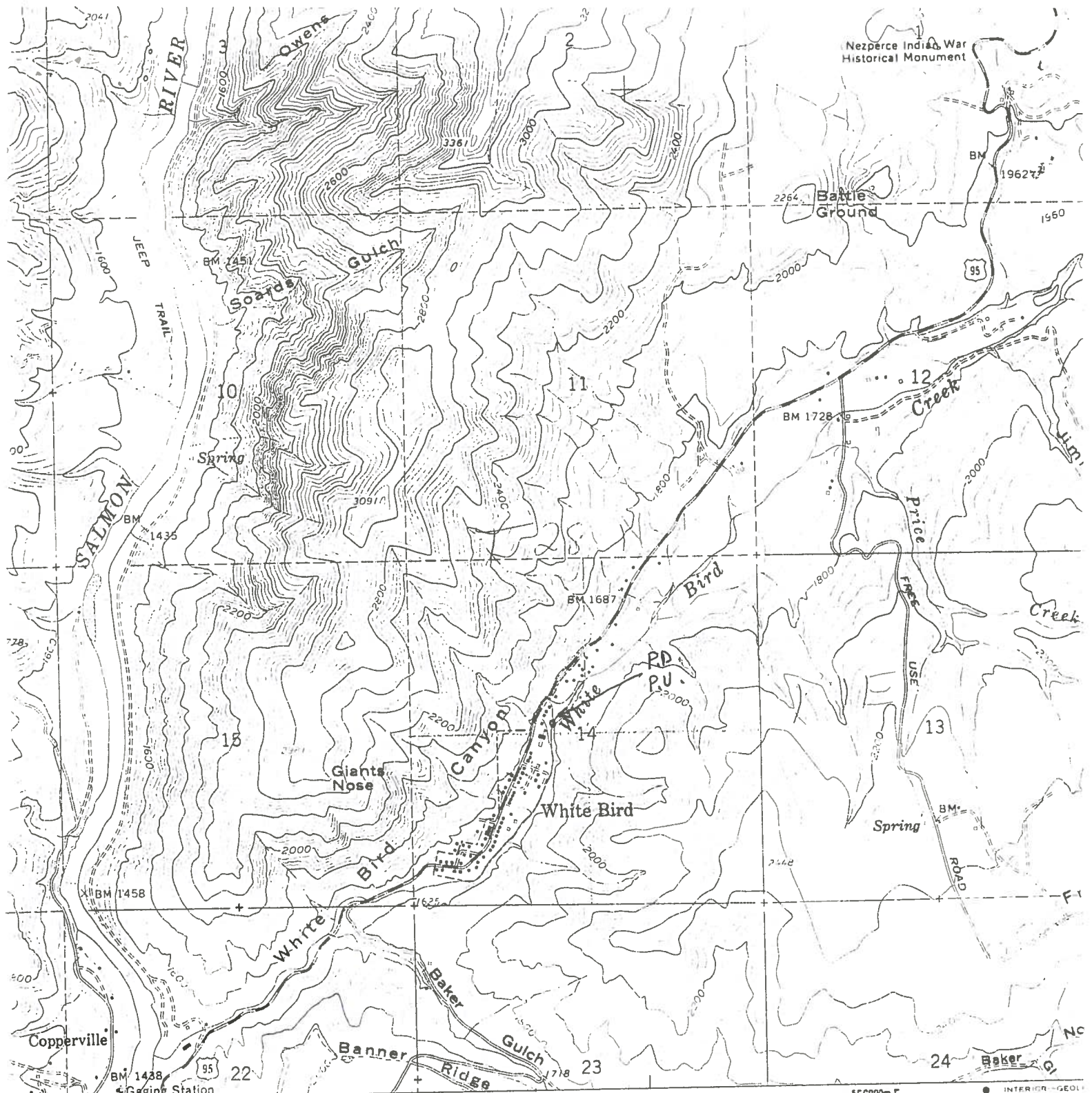
Signature of Claimant(s): _____ Date: _____
Candy M. Thomas Date: July 26, 1988

State of Idaho)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 26 day
of July 19 88 John Van Caren
Notary Public

Seal

Residing at Bain Id
My Commission Expires 5/2/94



CONTOUR INTERVAL 40 FEET
 DOTTED LINES REPRESENT 20-FOOT CONTOURS
 DATUM IS MEAN SEA LEVEL



THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
 BY U. S. GEOLOGICAL SURVEY, DENVER 25, COLORADO OR WASHINGTON 25, D. C.
 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

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State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 6, 1991

RE: Notice of Claim No. A79-04029

Mike &/or Marlene Heath
P.O. Box 133
White Bird, ID 83554

Dear Claimants:

Enclosed is a copy of the above referenced claim which reflects the change in ownership of the lands and appurtenant water right covered under the original filing.

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Kay Walker'.

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosure

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State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

November 27, 1990

Mr. & Mrs. Mike Heath
Box 133
White Bird, ID 83554

RE: Snake River Basin Adjudication (SRBA)
Idaho County - Claim #A79-04029

Dear Mr. & Mrs. Heath:

Notice of the change in ownership of the above-referenced water right has been received. However, before the Claim to Water Rights records of the Department can be changed to reflect such notice, we must have a copy of the Deed.

Upon receipt of the Deed, a claim prepared from the Agency's computer will be sent to you for your review and records.

Please enclose a copy of this letter with the Deed copy. Do not hesitate to contact me if you have questions or concerns.

Yours truly,

John D. Carlson
John D. Carlson
Adjudication Supervisor

JDC:sf:state:west

RECEIVED
JAN 30 1991
Department of Water Resources

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