

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

RT. # _____
Date _____
☒ Not Deliverable As Addressed
☐ Unable To Forward
☐ Insufficient Address
☐ Moved, left No Address
☐ Undelivered
☐ Attempted - Not Known
☐ No Such Street
☐ Vacant
☐ No Mail Recipient
☐ Box Closed - No Order
☐ Returned For Better Address
☐ Postage Due

ADDRESS SERVICE
REQUESTED

RECEIVED
AUG 29 2006
DEPARTMENT OF
WATER RESOURCES

FIRST CLASS



UNITED STATES POSTAGE
\$ 00.63
02 1A
000431 0839
AUG 22 2006
MAILED FROM ZIP CODE 83710

99-4127B

Nov 14 records sent
some addresses

ROLAND HAMMILL
RUTH JANE HAMMILL
PO BOX 1104
RIGGINS ID 83449



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

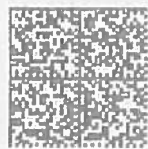
79-4126
79-4126B

☐ No Certificate as Addressed
Unit to Forward
☐ Incorrect Address
☐ Moved, Tell New Address
☐ Uncertain to Forward
☐ Attempted-Not Known
☐ No Such Street
☐ Number
☐ Variant ☐ Illegible
☐ No Mail Receipt
☐ Box Closed-No Order
☐ Returned For Better Address
☐ Postage Due

RECEIVED

NOV 06 2006
DEPARTMENT OF
WATER RESOURCES

FIRST CLASS



UNITED STATES POSTAGE
\$00.87
02 1A
0004310839
OCT 27 2006
MAILED FROM ZIP CODE 83702

ROLAND HAMELL
RUTH JANE HAMELL
PO BOX 1104
RIGGINS ID 83549

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

RECEIVED
NOV 03 2006

DEPARTMENT OF
WATER RESOURCES

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, 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
AS 79-4127B					

2. The following **REQUIRED** information must be submitted with this form:

A. ~~The appropriate FEE IS \$22. 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) are 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)

RUTH HAMILL
912 Johnson Drive, Middleton, ID 83644

4. New Owner/Claimant(s)

MARTHA and LAWRENCE M. STOLBERG (married couple)
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

P.O. Box 239

City, State and ZIP Code

RIGGINS, ID 83549

New Telephone Number

(208) 628-4219

5. Date you acquired the property

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

Martha J. Stolberg
L. Stolberg

REAL ESTATE PURCHASE AND SALE AGREEMENT AND RECEIPT FOR EARNEST MONEY

THIS IS A LEGALLY BINDING CONTRACT. READ THE ENTIRE DOCUMENT, INCLUDING THE GENERAL PRINTED PROVISIONS ON THE REVERSE SIDE AND ANY ATTACHMENTS, CAREFULLY, BEFORE SIGNING. IF YOU HAVE ANY QUESTIONS, CONSULT YOUR ATTORNEY BEFORE SIGNING.

MARATHA and STOLBERG and LAWRENCE RIGGINS

THE STOLBERG FAMILY TRUST, May 27, 1998

Idaho March 22 2005

(hereinafter called "Buyer") agrees to purchase, and the undersigned Seller agrees to sell the following described real estate hereinafter referred to as "premises" commonly known as 200 TIME ZONE BRIDGE ROAD
City of RIGGINS County of IDAHO, Idaho legally described as: see attached legal description

(A FULL AND COMPLETE LEGAL DESCRIPTION MUST BE INSERTED OR ATTACHED PRIOR TO EXECUTION BY SELLER. Buyer hereby authorizes broker to insert over his signature the correct legal description of the premises if unavailable at the time of signing, or to correct the legal description previously entered if erroneous or incomplete.)

- EARNEST MONEY.**
- (a) Buyer hereby deposits as earnest money and a receipt is hereby acknowledged of FIVE HUNDRED dollars (\$ 500.-) evidenced by: ☒ Cash ☒ Personal Check ☐ Cashiers Check ☐ Note Due ☐ or _____
- (b) Earnest Money to be deposited in trust account upon acceptance by all parties and shall be held by ☐ Listing Broker ☐ Selling Broker ☒ Other IDAHO CO. TITLE for the benefit of the parties hereto, and N/A (Broker) shall hold the completely executed broker's copy of this agreement and is responsible for the closing.
- (c) If all conditions have been met by Buyer, Buyer and Seller agree that the earnest money (less credit report fees, and any other Buyer's costs) shall be refunded to Buyer in the event Buyer or Seller cannot consummate the sale due to circumstances beyond their control.
- (d) The parties agree that IDAHO CO. TITLE Title Company shall provide title policy and preliminary report of commitment and the "closing agency" for this transaction shall be IDAHO CO. TITLE. If a long-term escrow / collection is involved, then the escrow holder shall be _____

1. TOTAL PURCHASE PRICE IS ONE HUNDRED SIXTY THOUSAND DOLLARS (\$ 160,000.-)

Payable as follows:

- a. \$ 500.- Cash down, including above Earnest Money (Closing costs are additional).
b. \$ 159,500.- Balance of the purchase price (M.I.P. not included).

2. FINANCING. Buyer to secure the following financing: ☐ FHA, ☐ VA, ☐ Conv, ☐ IHA, ☐ FmHA, ☐ Assumption of existing loan(s).

(a) ☐ NEW FINANCING. Purchase loan balance as noted above for a period of _____ years at _____ % per annum. (If FHA or VA loan is sought, read the applicable provisions on the reverse side hereof.) Buyer shall pay no more than _____ points plus origination fee if any. Seller to pay only the discount points necessary in order to obtain above described financing but not to exceed _____ points. Any reduction in points shall first accrue to the benefit of the ☐ Buyer ☐ Seller.

(b) ☐ ASSUMPTION. Buyer to ASSUME and ☐ will or ☐ will not be required to qualify for an EXISTING LOAN(S) of approximately \$ _____ but no more than _____ % with monthly payments of approximately \$ _____. ☐ P ☐ O ☐ I ☐ T ☐ O ☐ L.

This agreement ☐ does ☐ does not require Lender to release Seller's liability. Type of loan _____
Buyer shall apply for such loan or assumption within three (3) banking days after Seller's acceptance of this agreement.

3. OTHER FINANCING, TERMS AND/OR CONDITIONS: Buyer purchasing through 1031 Exchange.
Seller to provide legal description by way of survey.

4. CONTINGENCIES. IF SELLER'S 3 DAY CONTINGENCY WAIVER IS CHECKED BELOW, SEE ITEM #16 ON REVERSE SIDE HEREOF.

Any waiver by the Buyer will be a waiver of all contingencies.

- (a) ☐ None (No contingencies apply)
- (b) ☐ New Financing/Assumption — This agreement is contingent upon Buyer(s)/property qualifying for the above described financing.
☐ Subject to ☐ NOT Subject to Seller's contingency waiver clause.
- (c) ☐ Closing of _____ on or before _____ listed with _____
☐ Subject to ☐ NOT Subject to Seller's contingency waiver clause.
- (d) ☒ Other (specify) survey by seller to be acceptable by licensed surveyor.
☐ Subject to ☐ NOT Subject to Seller's contingency waiver clause.

5. ITEMS SPECIFICALLY INCLUDED IN THIS SALE (If FHA / VA financing is sought see item # 15 on reverse side): Dishwasher

6. ITEMS SPECIFICALLY EXCLUDED IN THIS SALE: disturbance personal possessions

7. COSTS PAID BY: Costs in addition to those listed below may be incurred by Buyer and Seller. Unless otherwise agreed herein, or provided by law or required by lender, Buyer shall purchase Seller's reserve account if loan assumption. APPRAISAL — If appraisal is required below, property must appraise at no less than contract price.

☐ Yes ☐ No. Purchaser's Extended Coverage Title Policy requested. Additional premium paid by _____. See item # 18 on reverse side.

If requested by lender or otherwise stated herein, the below costs will be paid as indicated.

Costs Paid By	Appraisal	Loan Assumpt.	Well Inspect.	Pump/Inspect. Septic	City/County Code Inspect. If Required	Contract and/or Document Prep.	Closing Agent's Fee	Long Term Escrow Fees	Lender or Code Repairs	Title Insurance	Recording Fees
BUYER											
N/A											
SELLER										✓	
SHARE EQUALLY						✓	✓				✓

Cost of lender or code repairs not to exceed \$ _____. Discount points to be paid as agreed on line 28 and 29. SELLER UNDERSTANDS that as a result of any city or county inspections HE MAY BE REQUIRED TO MAKE REPAIRS to the property in order to comply with the housing code WHETHER OR NOT A SALE IS COMPLETED UNDER THIS AGREEMENT.

8. POSSESSION. Buyer shall be entitled to possession on ☒ closing ☐ other _____.
"Closing" means the date on which all documents are either recorded or accepted by an escrow agent and the sale proceeds are available to Seller. Taxes and water assessments (using the last available assessment as a basis), rents, interest and reserves, liens, encumbrances or obligations assumed and utilities shall be pro-rated as of _____. Buyer shall pay for fuel in tank, amount to be determined by the supplier at Seller's expense.

9. CLOSING. On or before the closing date, Buyer and Seller shall deposit with the closing agency all funds and instruments necessary to complete the sale. The

Dennis Albers

(d) The parties agree that IDAHO CO. TITLE Title Company shall provide title policy and preliminary report of commitment and the "closing agency" for this transaction shall be IDAHO CO. TITLE. If a long-term escrow / collection is involved, then the escrow holder shall be

1. TOTAL PURCHASE PRICE IS ONE HUNDRED SIXTY THOUSAND DOLLARS (\$ 160,000.-)

Payable as follows:

a. \$ 500.- Cash down, including above Earnest Money (Closing costs are additional).
b. \$ 159,500.- Balance of the purchase price (M.I.P. not included).

2. FINANCING. Buyer to secure the following financing: ☐ FHA, ☐ VA, ☐ Conv, ☐ IHA, ☐ FmHA, ☐ Assumption of existing loan(s).

(a) ☐ NEW FINANCING. Purchase loan balance as noted above for a period of _____ years at _____ % per annum. (If FHA or VA loan is sought, read the applicable provisions on the reverse side hereof.) Buyer shall pay no more than _____ points plus origination fee if any. Seller to pay only the discount points necessary in order to obtain above described financing but not to exceed _____ points. Any reduction in points shall first accrue to the benefit of the ☐ Buyer ☐ Seller.

(b) ☐ ASSUMPTION. Buyer to ASSUME and ☐ will or ☐ will not be required to qualify for an EXISTING LOAN(S) of approximately \$ _____ but no more than _____ % with monthly payments of approximately \$ _____. ☐ P ☐ O ☐ I ☐ T ☐ O ☐ L.

This agreement ☐ does ☐ does not require Lender to release Seller's liability. Type of loan _____.

Buyer shall apply for such loan or assumption within three (3) banking days after Seller's acceptance of this agreement.

3. OTHER FINANCING, TERMS AND/OR CONDITIONS: Buyer purchasing through
1031 Exchange.
Seller to provide legal description by way of survey.

4. CONTINGENCIES. IF SELLER'S 3 DAY CONTINGENCY WAIVER IS CHECKED BELOW, SEE ITEM #16 ON REVERSE SIDE HEREOF.
Any waiver by the Buyer will be a waiver of all contingencies.

(a) ☐ None (No contingencies apply)

(b) ☐ New Financing/Assumption — This agreement is contingent upon Buyer(s)/property qualifying for the above described financing.
☐ Subject to ☐ NOT Subject to Seller's contingency waiver clause.

(c) ☐ Closing of _____ on or before _____ listed with _____
☐ Subject to ☐ NOT Subject to Seller's contingency waiver clause.

(d) ☒ Other (specify) survey by seller to be acceptable by licensed surveyor.
☐ Subject to ☐ NOT Subject to Seller's contingency waiver clause.

5. ITEMS SPECIFICALLY INCLUDED IN THIS SALE (If FHA / VA financing is sought see Item # 15 on reverse side):
Dishwasher

6. ITEMS SPECIFICALLY EXCLUDED IN THIS SALE: all other personal possessions

7. COSTS PAID BY: Costs in addition to those listed below may be incurred by Buyer and Seller. Unless otherwise agreed herein, or provided by law or required by lender, Buyer shall purchase Seller's reserve account if loan assumption. APPRAISAL — If appraisal is required below, property must appraise at no less than contract price.
☐ Yes ☐ No. Purchaser's Extended Coverage Title Policy requested. Additional premium paid by _____. See Item # 18 on reverse side.

If requested by lender or otherwise stated herein, the below costs will be paid as indicated.

Costs Paid By	Appraisal	Loan Assumpt.	Well Inspect.	Pump/Inspect. Septic	City/County Code Inspect. If Required	Contract and/or Document Prep.	Closing Agent's Fee	Long Term Escrow Fees	Lender or Code Repairs	Title Insurance	Recording Fees
BUYER											
N/A											
SELLER											
SHARE EQUALLY						✓	✓			✓	✓

Cost of lender or code repairs not to exceed \$ _____. Discount points to be paid as agreed on line 28 and 29. SELLER UNDERSTANDS that as a result of any city or county inspections HE MAY BE REQUIRED TO MAKE REPAIRS to the property in order to comply with the housing code WHETHER OR NOT A SALE IS COMPLETED UNDER THIS AGREEMENT.

8. POSSESSION. Buyer shall be entitled to possession on ☒ closing ☐ other _____.
"Closing" means the date on which all documents are either recorded or accepted by an escrow agent and the sale proceeds are available to Seller. Taxes and water assessments (using the last available assessment as a basis), rents, interest and reserves, liens, encumbrances or obligations assumed and utilities shall be pro-rated as of _____. Buyer shall pay for fuel in tank, amount to be determined by the supplier at Seller's expense.

9. CLOSING. On or before the closing date, Buyer and Seller shall deposit with the closing agency all funds and instruments necessary to complete the sale. The closing date shall be no later than July 22, 2005.

10. ACCEPTANCE. Buyer's offer is made subject to the acceptance of Seller on or before 12:00 o'clock midnight of _____. If Seller does not accept this agreement within the time specified, the entire Earnest Money shall be refunded to Buyer on demand. TIME IS OF THE ESSENCE OF THIS AGREEMENT.
☐ See attached Addendum(s). ☐ See attached Counter Offer(s).

11. IMPORTANT — AGENCY DISCLOSURE. At the time of signing this agreement the agent working with the buyer represented N/A and the agent working with the seller represented _____. Each party signing this document confirms that prior written disclosure of agency was provided to him/her in this transaction. Each party to this transaction has read and understands the contents of the agency disclosure brochure previously received.

Listing Agency: _____ Selling Agency: _____

By: _____ Phone: _____ By: _____ Phone: _____

Buyer: Maitha J. Stalberg Buyer's Address: PO BOX 8322, FRESNO, CA

Buyer: Maitha J. Stalberg Buyer's Phone: Residence 559-351-1928 Business 93747

On this date, I/We hereby approve and accept the sale set forth in the above agreement and agree to carry out all the terms thereof on the part of the Seller.

I/We further acknowledge receipt of a true copy of this agreement signed by both parties.

Seller: Ruth J. Hancock Date: 3-22-05 Seller's Address: P.O. Box 1104

Seller: _____ Date: _____ Seller's Phone: Residence 628-3711 Business _____

A true copy of the foregoing agreement, signed by the Seller and containing the full and complete legal description of the premises, is hereby received on this 22 day of MARCH, 2005.

Buyer: _____ Buyer: _____
THE PROVISIONS CONTAINED ON THE REVERSE SIDE OF THIS PAGE SHALL ALSO CONSTITUTE PART OF THE AGREEMENT OF THE PARTIES. EACH OF THE PARTIES ACKNOWLEDGES READING THIS AGREEMENT IN FULL.

Donnie Alhere

**LEGAL DESCRIPTION
SALE PARCEL**

A parcel of land situated in Govt. Lot 7, Section 3 and Govt. Lot 1, Section 10, Township 24 North, Range 1 East, Boise Meridian, Idaho County Idaho, as shown generally on that Record of Survey filed as Instrument No. 280654 on August 27, 1979, and more particularly described as follows:

Commencing at the Meander Corner common to Sections 3 and 10 noted above; thence along the section line N.89°19'54"W., 389.90 feet to a point on the old west right of way of U.S. Highway #95;
thence along said old right of way, N.22°17'20"W., 26.82 feet to a point, the northeast corner of the Hamell parcel as shown on the Record of Survey noted above;
thence, departing said old right of way, along the boundary of said Hamell parcel, N.75°29'20"W., 107.16 feet to a point on the new west right of way of said highway, also the northeast corner of this sale parcel, and the Point of Beginning.

Thence continuing along the boundaries of the Hamell parcel, N.75°29'20"W., 176.32 feet to the northwest corner of this sale parcel;
thence S.8°57'28"W., 93.74 feet to point 'A' which falls on the section line noted above;
thence continuing S.8°57'28"W., 229.54 feet to a point;
thence, departing said Hamell boundary, S.51°27'22"E., 121.91 feet to a point on the new west right of way of U.S. Highway #95;
thence, along said new right of way, N.23°37'45"W., 83.37 feet to a point;
thence N.8°32'09"E., 93.67 feet to a point;
thence N.38°33'55"E., 168.82 feet to point 'B' which falls on the section line noted above, from which point 'A' bears N.89°19'54"W., 145.35 feet;
thence continuing N.38°33'55"E., 64.09 feet to the Point of Beginning.

Containing 0.7749 acres of which 0.2732 acres fall in Section 3.

Written by John Russell, ID PLS #6021, April 25, 2005

200 TIME ZONE BUDGET ROAD

RECEIVED MAY 1, 2005 by *TRJ*

S34°05'49"W
65.48'

S 00°38'13" W

954.24'

S44°37'13"W
S44°10'57"W

642.75'

746.60'

778.11'

RH
1.2157 acres

N39°32'43"E 236.10'
NEW RIGHT OF WAY
OLD RIGHT OF WAY
STATE HWY #95

N51°27'22"W
121.91'

S08°32'09"W 93.67'
S23°37'45"E 35.37'
NEW RIGHT OF WAY
2.0776 acres

R=914.93'
L=349.92'

N08°57'28"E

323.28'

Sold
0.7746 acres

(Sec. 5)
(0.27380 acres)

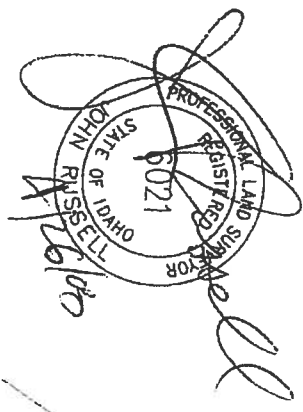
S75°28'20"E
176.32'

N22°17'20"E
155.55'

S75°28'20"E
107.18'
26.82'
S22°17'20"W

N69°19'54"W
389.90'

Monrider Corner
common to
Sections 5 & 10



Govt. Lot 7
Sec. 3, T24N, R1E, B.M.
Idaho County, Idaho

Govt. Lot 1
Sec. 10

S 89°19'54" E
1139.09'

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
JUL 28 2006
IDWR/North

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
79-4127B	78-4104	See Copies			
79-04126A	78-4103	See Copies			

unaged ownership
7-7-06 H.F.

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) *see copies to Deeds* Hazel Spickelmike, P.O. Box 1143
Riggins, ID. 83549 / to Johnnie Johnson/CA
4. New Owner/Claimant(s) Gary N. Olsen
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 728
- City, State and ZIP Code Clearfield, UT 84089
- New Telephone Number () 801-825-2795
5. Date you acquired the property July / 2000

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. ~~X~~ Signature of New Owner(s) or Claimant(s) Harry M. Olson
(include title if applicable)

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 _____

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 79-04127B

NAME AND ADDRESS: ROLAND HAMELL
RUTH JANE HAMELL
PO BOX 1104
RIGGINS, ID 83549

PATRICK L MAREK
SHARI A MAREK
PO BOX 1410
RIGGINS, ID 83549

GARY N OLSEN
PO BOX 728
CLEARFIELD, UT 84089

SOURCE: RACE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 03/06/1928

POINT OF DIVERSION: T24N R01E S10 NENW Within Idaho County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	03-15 TO 11-30	0.04 CFS

PLACE OF USE: Domestic Within Idaho County
T24N R01E S03 LOT 7 (SESE)
S10 LOT 1 (NENE)

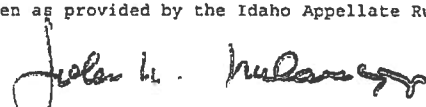
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

10/23/2006

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

RIGHT NUMBER: 79-4127B

NAME AND ADDRESS: PATRICK L MAREK
PO BOX 1410
RIGGINS ID 83549

SHARI A MAREK
PO BOX 1410
RIGGINS ID 83549

GARY N OLSEN
PO BOX 728
CLEARFIELD UT 84089

ROLAND HAMELL
PO BOX 1104
RIGGINS ID 83549

RUTH JANE HAMELL
PO BOX 1104
RIGGINS ID 83549

SOURCE: RACE CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 03/06/1928

POINT OF
DIVERSION: T24N R01E S10 NENW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	03/15 11/30	0.040 CFS

PLACE OF USE: DOMESTIC Within IDAHO County

T24N R01E S03 Lot 7 SESE T24N R01E S10 Lot 1 NENE

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

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

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
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

WARRANTY DEED

COMPUTER
SCANNED
TRACTED

Order No.: 0412613

FOR VALUE RECEIVED

Johnnie J. Johnson and Joanne Johnson, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Gary N Olsen, an unmarried person

whose current address is

P.O. Box 3971, Ogden, UT 84409

the grantee(s), the following described premises, in ^{Idaho} County, Idaho, TO WIT:

SEE ATTACHED EXHIBIT A

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: July 7, 2000

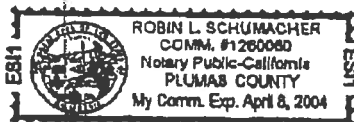
Johnnie J. Johnson
Johnnie J. Johnson

Joanne Johnson
Joanne Johnson

State of California }
County of Plumas } ss.

On this 7th day of July, in the year 2000, before me, a Notary Public in and for said state, personally appeared Johnnie J. Johnson and Joanne Johnson

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.
IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.



Robin L. Schumacher
Notary Public for the State of California
Residing at: 124 Feather River Dr.
Commission Expires: 4/8/04

Olsen
Deed!

STATE OF IDAHO
County of Idaho
Recorded at request of
Inland Title
at 9:25 A.M. on 7-13-00
ROSE E. GEHRING
Deputy
Fees \$6.00

193

Date	10/29	# of pages	2
From	Diane		
Co.	Inland Title		
Phone #			
Fax #	628-3082		

Post-it® Fax Note 7671

To Vickie Heath

Co./Dept.

Phone #

Fax #

Exhibit A

PARCEL I - FEE INTEREST

Township 24 North, Range 1 East, Boise Meridian, Idaho County, Idaho
Section 3: A parcel of land situated in Government Lot 7, more particularly described as follows:
Commencing at the South 1/4 corner of said Section 3;
Thence S 89°56'00" East, 2438.408 feet along the South line of said Section 3 to a meander corner on the westerly bank of the Salmon River;
Thence N 37°22'24" West, 713.171 feet to the INITIAL POINT OF BEGINNING;
Thence S 78°38'24" East 25.467 feet to a 5/8" X 30" rebar pin;
Thence S 18°48'13" West, 152.644 feet to a 1/2" rebar pin by LS-998;
Thence N 79°32'54" West, 68.773 feet to a property corner in a power pole;
Thence S 06°12' 14" West, 25.000 feet to a 1/2" rebar pin;
Thence S 38°41'50" East, 75.437 feet to a 1/2" rebar pin;
Thence S 31°18'14" West, 28.352 feet to a 5/8" X 30" rebar pin;
Thence N 77°47'49" West, 125.000 feet to a 1/2" rebar pin;
Thence N 08°24'34" East, 255.250 feet to a 5/8" X 30" rebar pin;
Thence S 78°38'24" East, 151.126 feet back to the POINT OF BEGINNING.

PARCEL II - EQUITABLE INTEREST

A 25 foot wide non-exclusive easement for ingress and egress, the centerline of which is described as follows,
Commencing at the South 1/4 corner of said Section 3;
Thence S 89°56'00" East, 2438.408 feet along the South line of said Section 3 to a meander corner on the westerly bank of the Salmon River;
Thence N 37°22'24" West, 713.171 feet to a 5/8" X 30" rebar pin;
Thence S 78°38'24" East 25.467 feet to a 5/8" X 30" rebar pin;
Thence S 18°48'13" West, 152.644 feet to a 1/2" rebar pin by LS-998;
Thence N 79°32'54" West, 68.773 feet to a property corner in a power pole;
Thence S 06°12' 14" West, 25.000 feet to a 1/2" rebar pin;
Thence S 38°41'50" East, 75.437 feet to a 1/2" rebar pin;
Thence S 31°18'14" West, 13.178 feet to the POINT OF BEGINNING.
Thence S 77°47'48" East, approximately 131 feet to the County Road Right of Way, the POINT OF TERMINUS.

COMPUTED
INDEXED
TRACTED
FILMED
SERIALIZED

380141

CORRECTION WARRANTY DEED

THIS INDENTURE, made on this 11th day of May, 1995, by and between HAZEL J. SPICKELMIRE, also known as HAZEL SPICKELMIRE, a widow, of 104 South College, Grangeville, ID 83530, hereinafter referred to as the Grantor, and JOHNNIE J. JOHNSON and C. JOANNE JOHNSON, husband and wife, of Post Office Box 511, Chester, CA 96020, hereinafter referred to as Grantees.

WITNESSETH:

WHEREAS, previously the Grantor executed a Warranty Deed on the 14th day of April, 1995 to the Grantees which deed was recorded on the 14th day of April, 1995 as Instrument #379 738, records of Idaho County, Idaho; and,

WHEREAS, it was intended as part of that Deed to include additional property which is the access road from Highway 95 to the property which lies in the interior and the Grantor desires to execute a corrected Deed, including the road easement subject to existing additional rights of way so that the Grantees would own the property which was originally Schedule C, together with the easement, to reach the property from Highway 95, and they desire now to execute a correction.

NOW, THEREFORE, the Grantor, for and in consideration of the original Ten Dollars (\$10), lawful money of the United States of America, and other good and valuable considerations to her in hand paid by the Grantees, the receipt whereof was earlier acknowledged, do by these presents grant, bargain, sell, confirm, convey unto the Grantees, their heirs and assigns, forever the following described real property, situate in the County of Idaho, State of Idaho, to wit:

See Schedule C, attached hereto and incorporated herein by this reference, being the legal description of the property and Parcel 2 shown in Schedule C which is the road access to the property but which road access is subject to existing easements to adjoining property owners which were described in Instrument #279382, records of Idaho County, Idaho, and it being the understanding of the Grantor that the Grantees, their successors and assigns, take the road easement property subject to those easements and any other existing easements to use the road established at this time.

TOGETHER WITH, all and singular, the tenements, hereditaments, and appurtenances thereunto belonging or in anywise pertaining, 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 Grantor.

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

a) General taxes for the year 1995, which are a lien, not yet due and payable.

b) Excepting and reserving, however, to the United States of America all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916 (39 Stat., 863). Reserving unto the United States, its permittees or licensees, the right to enter upon or occupy and use any part or all of said lands for the purposes provided in the Act of June 10, 1920 (41 Stat. 1063) and subject to the conditions and limitations of Section 24 of said Act, as set forth in Patent recorded as Instrument No. 52557 in Book 58 of Deeds, page 406, recorded April 25, 1930, records of Idaho County, Idaho, and subject to all other terms and conditions of said patent.

c) Easement, including the terms and conditions thereof, by and between George H. Boodry, Grantor, and The Pacific Telephone and Telegraph Company, a corporation, recorded April 6, 1931 under Instrument No. 95314, Book 59, page 324, records of Idaho County, Idaho.

d) Power Line Easement, including the terms and conditions thereof, by and between R. M. Spickalmire and Hazel J. Spickalmire, his wife, Grantors, and Idaho Power Company, a corporation, Grantee, recorded December 20, 1963, under Instrument No. 214216, records of Idaho County, Idaho.

e) Power Line Easement, including the terms and conditions thereof, by and between R.M. Spickelmire and Hazel J. Spickelmire, Grantors, to Idaho Power Company, a corporation, recorded September 9, 1977 under Instrument No. 269984, records of Idaho County, Idaho.

f) Right of Way as set forth in Quitclaim Deed, including the terms and conditions thereof, by and between Richard M. Spickelmire and Hazel Spickelmire, husband and wife, to Howard Smith and Wilma Smith, husband and wife, and Patrick L. Marek and Shariann Marek, husband and wife, and Donald Earl Hagen and Marie L. Hagen, husband and wife, and Gary C. Swift and Lynda L. Swift, husband and wife, recorded June 14, 1979, under Instrument No. 279382, records of Idaho County, Idaho.

g) Subject to a 25 foot wide access easement as shown on Instrument No. 297369 in the office of the recorder of Idaho County, Idaho.

h) Subject to those road easements shown in Instrument No. 279382 as to the easement property on Schedule C.

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

That this deed is given by Grantor 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 Grantor.

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

Hazel J. Spickelmire
HAZEL J. SPICKELMIRE,
a/k/a HAZEL SPICKELMIRE

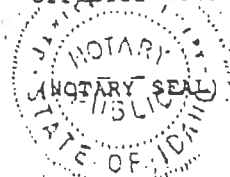
STATE OF IDAHO)

ss

County of Idaho)

On this 11th day of May, 1995, before me, a Notary Public in and for said County and State, personally appeared HAZEL J. SPICKELMIRE, also known as HAZEL SPICKELMIRE, a widow, known to me to be the person whose name is subscribed to the within instrument and she acknowledged to me that she freely executed the same.

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



William E. Smith
Notary Public for the State of Idaho,
Residing at Grangeville, therein.
My commission expires 7-1-97

09/25/98

14:23

12089832098

ID CO TITLE CO

SCHEDULE C

6895

The following property situate in Idaho County, Idaho, to-wit:

A parcel of land situate in Government Lot 7, Section 3, Township 24 North, Range 1 East, Boise Meridian, Idaho County, Idaho, more particularly described as follows:

Commencing at the Meander Corner common to Section 3 and 10, said Township and Range, & brass cap on the left bank of the Main Salmon River;

thence N. 89°28.9' W., 390.10 feet along the line common to said Sections 3 and 10 to the Westerly right of way line of U.S. Highway 95;
 thence N. 22°03' E., 296.24 feet along said right of way;
 thence N. 77°25.8' W., 220.02 feet to the Real Point of Beginning;
 thence N. 77°25.8' W., 125.00 feet;
 thence N. 8°45.6' E., 450.86 feet;
 thence S. 86°47.3' E., 66.75 feet;
 thence S. 6°47.0' W., 205.21 feet;
 thence S. 78°11'46" E., 104.10 feet;
 thence S. 19°08.2' W., 159.49 feet;
 thence N. 79°10.9' W., 69.75 feet;
 thence S. 6°47.0' W., 25.00 feet;
 thence S. 38°24.4' E., 75.45 feet;
 thence S. 32°05.6' W., 26.52 feet to the Point of Beginning.
 Bearings based on bearing of U. S. Highway 95.

TOGETHER WITH the road easement which is described as follows:

Township 24 North, Range 1 East, Boise Meridian, Idaho County, Idaho

Section 3: A parcel of land situate in Lot 7, more particularly described as follows:

Commencing at the meander corner of Sections 3 and 10, Township 24 North, Range 1 East, Boise Meridian, Idaho County, Idaho, thence N89°28.9'W 390.1 feet along the section line common to said Sections 3 and 10 to the westerly right-of-way-line of U.S. Highway 95, thence N22°03'E, 544.24 feet, thence N68°57.6'W, 45.90 feet, to the Point of Beginning;

Thence N21°40'55"E, 29.94 feet,
 Thence N68°57.6'W, 81.61 feet,
 Thence S19°08.2'W, 269.75 feet,
 Thence N77°25.8'W, 100.00 feet,
 Thence S32°05.6'W, 26.52 feet,
 Thence S77°25.8'E, 131.15 feet,
 Thence N19°08.2'E, 261.2 feet,
 Thence S68°57.6'E, 55.05 feet, to the Point of Beginning.

Filed and recorded at the request of Jim Spickard
 at 3:40 o'clock P M this 11 day of May 1995
 By Edith L. Anderson
 Deputy

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

Fee \$ 12.00
 of grantee

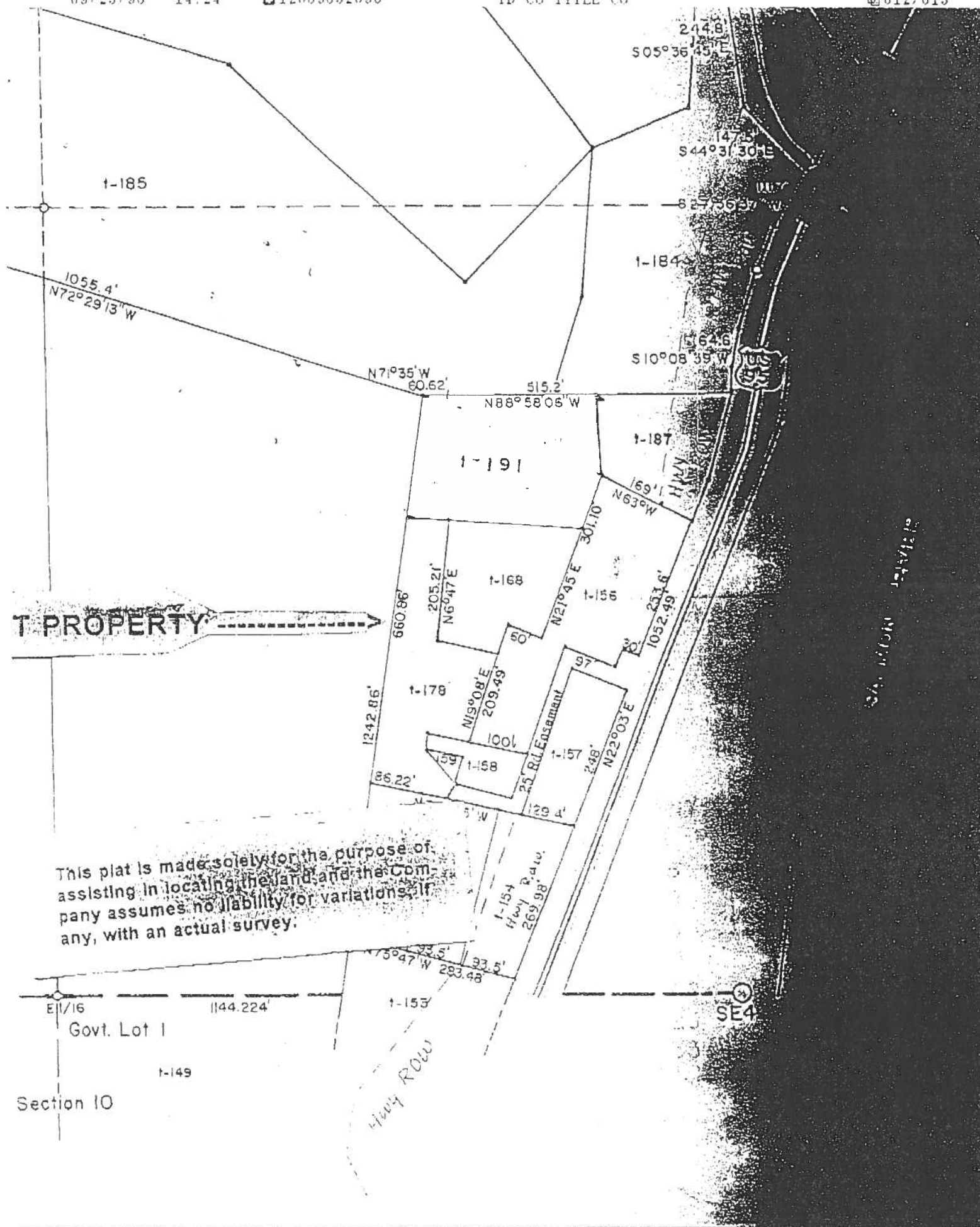
09:25:98

14:24

☎12089532096

ID	CO	TITLE	CO
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012/013



October 19, 2004

79-4127B 79-10437

Dear Gregory J Taylor: Sr. Water Agent,

I'm writing in response to a letter we received about two different water rights. I realize I'm way over due with this, but I was in the hospital and could not respond.

We are not using either of these water sources at the present time, we do not want to lose either one of these, and if something happened to our well we would need this water for our water. These are two old water rights and need to be held with this property.

I hope you take this letter with my apology for not answering sooner.

Our mailing address has been changed, POBox 1410, our telephone number is 208 628 4198

Thanks

Shari & Patrick L. Marek

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 79-4127B
Date Received: 6/6/1988
Receipt No: C001175
Received By:

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

1. Name of Claimant(s)

GARY N OLSEN Phone: (801)825-2795
PO BOX 728
CLEARFIELD UT USA 84089

ROLAND HAMELL Phone: (208)628-3711
PO BOX 1104
RIGGINS ID USA 83549

PATRICK L MAREK Phone: (208)628-3264
PO BOX 1299
RIGGINS ID USA 83549

RUTH JANE HAMELL Phone: (208)628-3711
PO BOX 1104
RIGGINS ID USA 83549

SHARI A MAREK Phone: (208)628-3264
PO BOX 1299
RIGGINS ID USA 83549

2. Date of Priority: 01/01/1890

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
24N	01E	10	SE NE NW	IDAHO	

5. Description of diverting works:

DIVERSION DAM & DITCH, GRAVITY FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/30	0.4	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
24N	01E	3	SE	SE	IRRIGATION	3.5
					Section Acres	3.5
24N	01E	10	NE	NE	IRRIGATION	3
					Section Acres	3
					Total Acres	6.5

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:

14. Remarks:

PREVIOUS RIGHT SHOWED POD IN THE NE4,NW4 OF SECTION 10 AND THE QUANTITY SHOWN WAS ALSO TAKEN FROM THIS.

THIS CLAIM WAS ORIGINALLY ASSIGNED A79-04127 BUT IS ONLY A PORTION OF THAT ORIGINAL RIGHT. WE HAD A CLAIM A79-04127A IN OUR RECORDS SO I HAVE CHANGED THIS PORTION OF THE ORIGINAL TO A79-04127B TO CLARIFY OUR RECORDS. KW 9/10/91
Changed ownership from Sickelmire to Olsen 8-7-06 GT

15. Basis of Claim: Statutory Claim

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: A79-04127B
Date Received: 6/ 6/1988
Receipt No: C001175
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name:	ROLAND HAMELL	208-628-3711
Address:	PO BOX 1104	
	RIGGINS ID	83549
AND/OR		
Name:	RUTH HAMELL	208-628-3711
Address:	PO BOX 1104	
	RIGGINS ID	83549
AND/OR		
Name:	HAZEL SPICKELMIRE	208-628-3395
Address:	PO BOX 1143	
	RIGGINS ID	83549
AND/OR		
Name:	SHARI MAREK	208-628-3264
Address:	PO BOX 1299	
	RIGGINS ID	83549
AND/OR		
Name:	PAT MAREK	208-628-3264
Address:	PO BOX 1299	
	RIGGINS ID	83549

2. Date of Priority: JAN 1, 1890

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	01E	10	SE	NE	NW		IDAHO

5. Description of diverting works:
DIVERSION DAM & DITCH, GRAVITY FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/30	0.400		

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

A.F.A.

8. Total consumptive use is 27.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	01E	3	SE	SE		IRR	3.5
						Section Acres	3.5
		10	NE	NE		IRR	3.0
						Section Acres	3.0
						Total Acres	6.5

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
NONE

14. Remarks:

PREVIOUS RIGHT SHOWED POD IN THE NE4,NW4 OF SECTION 10 AND THE QUANTITY SHOWN WAS ALSO TAKEN FROM THIS.
THIS CLAIM WAS ORIGINALLY ASSIGNED A79-04127 BUT IS ONLY A PORTION OF THAT ORIGINAL RIGHT. WE HAD A CLAIM A79-04127A IN OUR RECORDS SO I HAVE CHANGED THIS PORTION OF THE ORIGINAL TO A79-04127B TO CLARIFY OUR RECORDS. KW 9/10/91

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: _____

State of Idaho)
County of _____) SS.

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A79-04127B

Date Received: 6/ 6/1988

Receipt No: C001175

Received By: fw 9/10/91

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name:	ROLAND HAMELL	208-628-3711
Address:	PO BOX 1104	
	RIGGINS ID	83549
AND/OR		
Name:	RUTH HAMELL	208-628-3711
Address:	PO BOX 1104	
	RIGGINS ID	83549
AND/OR		
Name:	HAZEL SPICKELMIRE	208-628-3395
Address:	PO BOX 1143	
	RIGGINS ID	83549
AND/OR		
Name:	SHARI MAREK	208-628-3264
Address:	PO BOX 1299	
	RIGGINS ID	83549
AND/OR		
Name:	PAT MAREK	208-628-3264
Address:	PO BOX 1299	
	RIGGINS ID	83549

2. Date of Priority: JAN 1, 1890

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	01E	10	SE	NE	NW		IDAHO

5. Description of diverting works:
DIVERSION DAM & DITCH, GRAVITY FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/30	0.400		

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

A.F.A.

8. Total consumptive use is 27.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	01E	3	SE	SE		IRR	3.5
						Section Acres	3.5
		10	NE	NE		IRR	3.0
						Section Acres	3.0
						Total Acres	6.5

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
NONE

14. Remarks:

PREVIOUS RIGHT SHOWED POD IN THE NE4,NW4 OF SECTION 10 AND THE QUANTITY SHOWN WAS ALSO TAKEN FROM THIS.
THIS CLAIM WAS ORIGINALLY ASSIGNED A79-04127 BUT IS ONLY A PORTION OF THAT ORIGINAL RIGHT. WE HAD A CLAIM A79-04127A IN OUR RECORDS SO I HAVE CHANGED THIS PORTION OF THE ORIGINAL TO A79-04127B TO CLARIFY OUR RECORDS. KW 9/10/91

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: _____

State of Idaho)
County of _____) SS.

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A79-04127
Date Received: 6/06/1988
Receipt No: C001175
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROLAND HAMELL 208-628-3711
Address: PO BOX 1104
RIGGINS, ID 83549
AND/OR
Name: RUTH HAMELL 208-628-3711
Address: PO BOX 1104
RIGGINS, ID 83549
AND/OR
Name: HAZEL SPICKELMIRE 208-628-3395
Address: PO BOX 1143
RIGGINS, ID 83549
AND/OR
Name: PAT MAREK 208-628-3264
Address: PO BOX 1299
RIGGINS, ID 83549
AND/OR
Name: SHERI MAREK 208-628-3264
Address: PO BOX 1299
RIGGINS, ID 83549

2. Date of Priority: JAN 01, 1890

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	01E	10	SE	NE	NW		IDAHO

5. Description of diverting works:
DIVERSION DAM & DITCH, GRAVITY FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/30	0.400		

7. Total Quantity Appropriated is:

0.400 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 27.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	01E	3	SE	SE		IRR	3.5
						Section Acres	3.5
		10	NE	NE		IRR	3.0
						Section Acres	3.0
						Total Acres	6.5

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:

NONE

14. Remarks:

PREVIOUS RIGHT SHOWED POD IN THE NE4,NW4 OF SECTION 10 AND THE QUANTITY SHOWN WAS ALSO TAKEN FROM THIS.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

MICROFILMED
OCT 06 1992

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: 39356

Ident. Number A7904127

Date Received

Receipt Number

COO1175

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) ROLAND AND/OR RUTH HAMELL AND Phone (628-3711
HAZEL SPICKELMIRE AND 628-3395
PAT AND/OR SHARI MAREK) 628-3264

Mailing Address P.O. BOX 1104 , P.O. BOX 1143 , P.O. BOX 1299 Zip 83549
RIGGINS, ID

2. Date of Priority (Only one (1) per claim) 1890

3. Source of water supply (a) RACE CREEK
which is tributary to (b) SALMON RIVER

4. a. Location of existing point of diversion is: Township 24N Range 1E Section 10 ,
SE 1/4 of NE 1/4 of NW 1/4 , Govt. Lot, _____ B.M., County of IDAHO

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____ , _____ 1/4 of _____ 1/4 of _____ 1/4 ,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____ , _____ 1/4 of _____ 1/4 of _____
_____ 1/4 , Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates , Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. DIVERSION DAM WITH
GRAVITY FLOW DITCH

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Copies: White-State, Yellow-Claimant

OCT 06 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 3/15 to 11/30 amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
24N	1E	10	3																3
		3																3.5	3.5

Total number of acres irrigated 6.5

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

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

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

14. Remarks:

Last Name HAMELL SPICKELMIRE MAREK Ident No. A7904127

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Copies: White -State, Yellow-Claimant
OCT 06 1992

Scale: 2 inches equals 1 mile

HAMELL
SPICKELMIRE
MAREK

Ident No. A7904127

MICROFILMED

Copies: White-State, Yellow-Claimant

OCT 06 1992

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

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) Shari Spickelmire

Date 5/27/88

Date 5/27/88

Robert J. Hamell

Date 5/27/88

Shari Ann Marek

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

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

SEAL

Notary Public

Roma P. McAfee

Residing at Whitebird, Idaho

My Commission Expires August 13, 1993

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name HAMELL
SPICKELMIRE
MAREK Ident. Number A7904127

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Copies White State, Yellow Claimant

OCT 06 1992

Water Right Number - A79-041278 ✓ Prefix Translation: ADJUDICATION CLAIM Old (D) Number -
+ - - - - Last Name - - - - + + - - - First Name - - - + + - - - Address - - - - - +*** C - CURRENT OWNER ***
HAMELL ✓

ROLAND ✓

1 - PO BOX 1104 ✓

City- RIGGINS ✓
Phone - 208-628-3711 ✓

State- ID Zip- 83549 ✓

1 - PO BOX 1104 ✓

RUTH ✓

City- RIGGINS ✓
Phone - 208-628-3711 ✓

State- ID Zip- 83549 ✓

1 - PO BOX 1143 ✓

HAZEL ✓

City- RIGGINS ✓
Phone - 208-628-3395 ✓

State- ID Zip- 83549 ✓

1 - PO BOX 1299 ✓

SHARI ✓

City- RIGGINS ✓
Phone - 208-628-3264 ✓

State- ID Zip- 83549 ✓

1 - PO BOX 1299 ✓

PAT ✓

City- RIGGINS ✓
Phone - 208-628-3264 ✓

State- ID Zip- 83549 ✓

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
01/01/1890 ✓ 14 WESTERN S - STATUTORY CLAIM ✓+ - - Source - - - - - + + - - - - Tributary - - - - - +
RACE CREEK ✓ SALMON RIVER ✓+ - - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - - +
Twn Rng Sec Tract Lot Rflg County (49) IDAHO ✓

24N ✓ 01E ✓ 10 ✓ SE NE NW ✓

+ - - - - - Water Use - - - - - Diversion Rate Diversion Volume - - - - - +
Code Description Period From Period To 03/15 ✓ 11/30 ✓ 0.400 ✓+ - - Total Div. Rate - - + + - - Total Div. Capacity - - + + - - Total Consumptive Use - - + + - - KW Usage - - +
0.400 ✓ 27.0+ - - - - - Place of Use - - - - - Description County - - - - - +
Twn Rng Sec Tract Lot Acres Code 01 IRRIGATION ✓ (49) IDAHO ✓

24N ✓ 01E ✓ 3 ✓ SE SE ✓ 3.5 ✓ 01 IRRIGATION ✓ (49) IDAHO ✓

24N ✓ 01E ✓ 10 ✓ NE NE ✓ 3.0 ✓ 01 IRRIGATION ✓ (49) IDAHO ✓

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OCT 06 1992✓
10/19/92

Water right number - A79-04127B Prefix Translation: ADJUDICATION CLAIM

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
-----	-----	-----	-------	-----	-------	--------------	------	-------------	--------

Total Acres: 6.5 ✓

- - - Diversion Means - DIVERSION DAM & DITCH, GRAVITY FLOW ✓

- - - Non-Irrigation Use - NONE

- - - Other Rights for Same Use - NONE ✓

PREVIOUS RIGHT SHOWED POOL IN THE NE4,NW4 OF SECTION 10 AND THE QUANTITY SHOWN WAS ALSO TAKEN FROM THIS. THIS CLAIM WAS ORIGINALLY ASSIGNED A79-04127 BUT IS ONLY A PORTION OF THAT ORIGINAL RIGHT. WE HAD A CLAIM A79-04127A IN OUR RECORDS SO I HAVE CHANGED THIS PORTION OF THE ORIGINAL TO A79-04127B TO CLARIFY OUR RECORDS. KW 9/10/91

Old Water Right Numbers - 79-04127
No Old Water Right Numbers found.

Decree Plaintiff - - - + - - - Decree Defendant - - - +
00/00/0000

Audit Fields - 09/12/91 WALKER

- - - - - Comments - - - - -
No Comments Found

- - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	00/00/0000	Field Inspection Made	00/00/0000	Civil Case Number	39576
Objection Filed Date	00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	00/00/0000	Verified Date	-	Old Judicial District	-
Claim Received Date	06/07/1988	Last Amended Date	-	Temporary Right	P
Proof Due Date	00/00/0000	Proof Made Date	-	Water District	-
Licensed Date	00/00/0000	Receipt Number	-	Federal/State Indicator	S
Claims Tape Error Flg	-	POU Ownership Flag	-	Presumption Flag	-
Fee Exempt Flag	-	Name Connector	-	Notice of Error Flag	-

6/6/88

CONVERSATION MEMORANDUM

DATE 10-21-88

FILE _____

NAME OF PARTY Hammell Roland

EMPLOYEE Linda Werner

RE: PD = 1-1-1890 on license S claim

total quantity = 0.4 ?

P/D shown as NW, NW on license S claim

No answer @ 0930.

NA @ 1645- Process as is & flag for field exam.

MICROFILMED

OCT 06 1992

9/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Hamell, Roland

CLAIM IDENT. NO.

79-4127

DATE RECEIVED

6-6-88

CK #

2525

AMOUNT \$

57⁰⁰

YES

NO

1. Is the name and address complete with zip code?

☒☐

2. Is a priority date entered?

☐☒

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

☒☐

3. (a) Is a source entered?

☒☐

(b) Is a tributary to entered? (if required)

N/A

☒☐

4. Is the legal description of the p.d. sufficient?

☒☐

5. Is there a description of the diverting works?

☒☐

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.

☒☐

Is the period of use included?

☒☐

Is a quantity claimed for each use?

☐☒

7. Is a total quantity claimed entered?

☐☒

8. If required is a consumptive use entered?

N/A

☐☒

Is the consumptive use correct?

N/A

☒☐

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim. See Adjudication Memo # 4.

☐☐

10. Is (are) the place(s) of use entered?

☒☐

11. Is (are) the county(ies) entered?

☒☐

12. Is the ownership of p.u. checked?

☒☐

13. Are other water rights listed or "none" checked?

☒☐

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)

N/A

☒☐

15. Is the basis of the claim checked?

☒☐

16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)

☒☐

Has the claim been signed, sealed, and dated by a notary?

☒☐

Is the fee enclosed correct?

☒☐

If this claim is based on an existing water right, has the identification number been entered?

N/A

☒☐

Should this claim be receipted and data entered?

☒☒

Claim checked by:

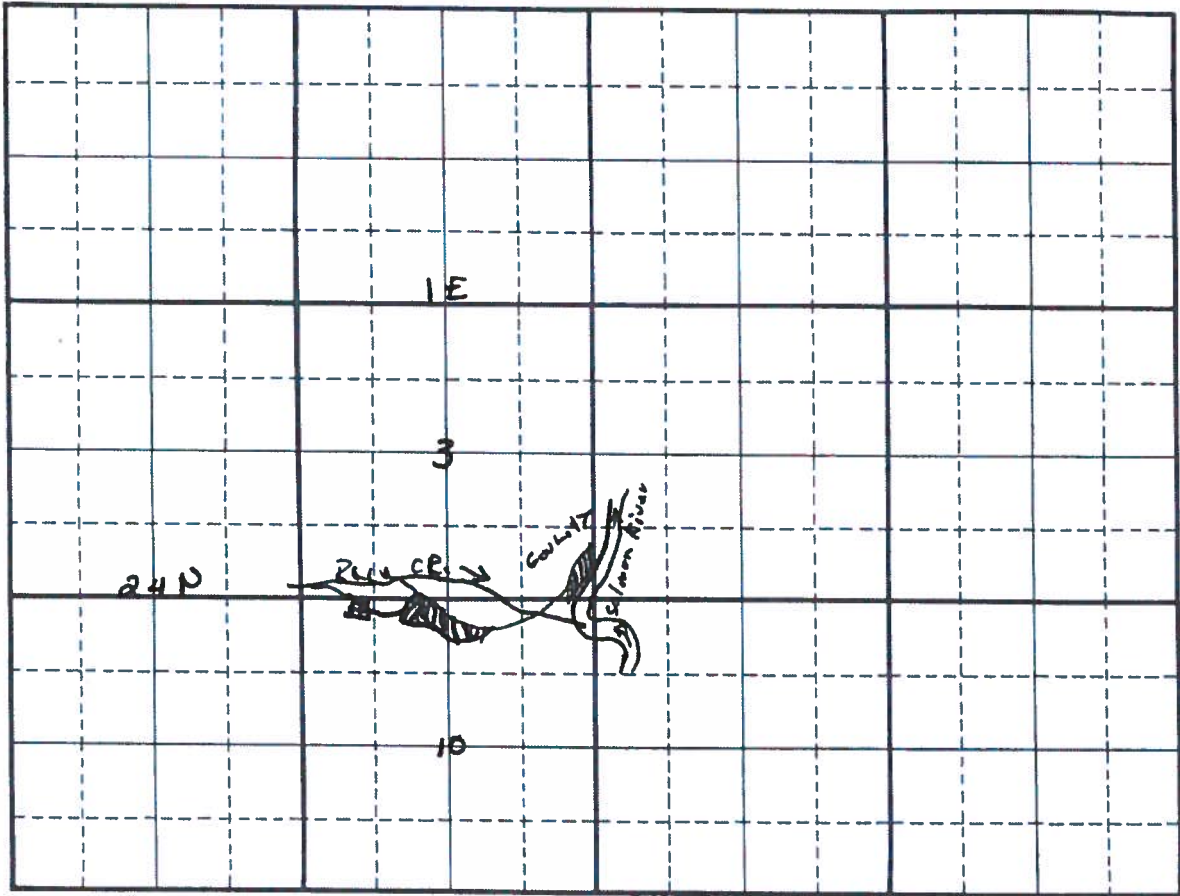
LW

Comments: _____

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SEP 26 1988

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Idaho) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 13 day of June

R.M. Spickelmire
(Claimant)

, 19 79.

Kathryn A. Walker
Notary Public
Residing at Boise

My commission expires life

FOR DEPARTMENT USE ONLY

Received by CEB Date 13 June 79 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by ghs Date _____ claimant by: _____
\$20.00 fee received by kw Date 6/13/79 # 6005 # 13147
Published in Idaho County Free Press KK 7/24/79
Dates 6/27 & 7/4/79

AFFIDAVIT OF PUBLICATION

Nellie McClelland being first duly sworn, says he is the Office Manager of the IDAHO COUNTY FREE PRESS, a weekly newspaper which is published and issued weekly at Grangeville, Idaho County, State of Idaho, and which is of general circulation in said county and state; that the said notice, of which the one hereto attached is a true copy, was published in said paper for 2 weeks, being published 2 times, the first publication being on the 27 day of June, 1979, and the last publication on the 4 day of June, 1979; and that the said notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of said notice or advertisement.

Nellie A. McClelland

Subscribed and sworn to before me this 6 day of June, 1979

Marjorie J. Kelly, Notary Public
for State of Idaho, residing at Grangeville, Idaho.

78-1104 *OK*
SEYFRIED, ED
HAMELL, ROLAND
SWIFT, GARY
SMITH, HOWARD
SPICKELMIRE, R.M.
MAREK, PAT
HAGEN
RIGGINS, ID 83549
Source: Race Creek
tributary to Salmon River
Priority Date: 01/01/1890
Amount: 0.40 CFS
Diversion Point: NWNW Sec
10 T 24N R 01E, Idaho Co.
Use: Irrigation (0.40 CFS)
from 03/15 to 11/30
Place of Use: NWNW NENW
Sec 10 T 24N R 01E Lot 07
(SESE) Sec 03 T 24N R 01E
For 20 Acres
Diversion Means: Diversion
Dam With Gravity Flow
Ditch

RECEIVED
JUL 9 1979

Department of Water Resources
Western Regional Office

INDEXED
FILED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

February 9, 2000

DIRK KEMPTHORNE
GOVERNOR

Linda Swift
12357 E 35th St
Yuma, AZ 85367

KARL J. DREHER
DIRECTOR

Re: Claim Nos. 78-04103 and 78-04104

Dear Ms. Swift:

I am following up on our conversation from February 4, 2000.

You had inquired about the status of claim 78-04103, filed on by Gary Swift. This is a claim for domestic use for 6 households. This claim has been not been recommended yet, rather it has been held for inclusion with the irrigation and other claims. It looks like this claim will probably be recommended for 1 home in the name of Swift. Claim 79-04126A in the name of Smith, Hamell, and Spickelmire was recommended for 3 homes, and claim 79-04126B in the name of Lundgren was recommended for 2 homes. It appears that it was an oversight on our part that your claim was not recommended at the same time.

During our investigation of irrigation claims, we will be reviewing 78-04104, filed on by Swift, as well as 79-04127A, filed on by Seyfried, and 79-04127B, filed on by Hamell, Spickelmire, and Marek.

The current estimate for investigation of irrigation claims in basins 78 and 79 is 2004. At that time an agent will get in touch with you to conduct a beneficial use exam. Please notify us if your address changes, we show it as PO Box 272, New Meadows, 83654.

Thank you for your patients. Please call if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sue Bock'.

Sue Bock
Sr. Water Resource Agent

