



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 17, 2005

3-2058a
Ruth L. Baird
717 County Rd. 70
Weiser, Id, 83672

Re: 3-2058a

Dear Ruth Baird,

This letter is in regards to the Change in Water Right Ownership form that you recently filled out and sent back to me. Thank you for taking the time, however according to my understanding based on our conversations, the form wasn't filled out with the correct information for the correct claim. For claim 3-2058a, which is the property on which you reside and own, the name of the former owner/claimant should be Bill Nollenberger and the New Owner/Claimant would be yourself, Ruth Baird. You have sent us a copy of the deed showing the change in ownership of the land into your name and all we need is the Change in Water Right Ownership document filled out showing the same thing. The Change in Water Right Ownership paperwork is enclosed.

Thank you.

If you have any questions, please contact this office. My number is 287-4940. It will help speed things along if you have your claim number, 3-2058a, handy when you call.

Misty Mount
Water Rights Agent
Adjudication

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 14 2005

Department of Water Resources

INSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Effective July 1, 2000, the Idaho Legislature amended Section 42-248, Idaho Code to include a provision for fees to file a Notice of Change in Water Right Ownership. Please see details at Item 8, below, to determine if fees are required for your filing.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter the number(s) at Item 1. Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at Item 3.
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.

Dear Ruth Baird -

The second page is the paper that needs to be filled out. I have circled the numbers where you need to fill in the blanks.

Please return it in the enclosed envelope.

*If you have any questions
please call me - 287-4940

Thank you,
Micki Mount

193681

RECEIVED

SEP 16 2005

Department of Water Resources

RECORDATION REQUESTED BY:

Thomas G. Walker, Esq.
 Cosho, Humphrey Greener & Welsh, P.A.
 815 West Washington Street
 Boise, ID 83702

WHEN RECORDED MAIL TO:

Thomas G. Walker, Esq.
 Cosho, Humphrey Greener & Welsh, P.A.
 815 West Washington Street
 Boise, ID 83702

SEND TAX NOTICES TO:

Ruth Lola Wilson Baird
 717 County Road 70
 Weiser, Idaho 83672

claim #

3-2058A

need to receive
 the Δ & ownership

Instrument # 193681

WEISER, WASHINGTON, IDAHO

2004-05-11 10:45:00 No. of Pages: 3

Recorded for: RILEY HILL

SHARON WIDNER

Ex-Officio Recorder

Index to: DEED

Fee: 9.00
 Deputy: *[Signature]*

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

PERSONAL REPRESENTATIVE'S DEED

THIS DEED is made by Riley J. Hill, in his capacity as Personal Representative of the Estate of Wilhelm Nollenberger, deceased, Grantor, to:

Ruth Lola Wilson Baird, a single woman as her sole and separate property, whose address is 717 County Road 70, Weiser, Idaho 83672, Grantee.

WHEREAS, Grantor is the qualified Personal Representative of said estate, filed as Case filed as Case No. SP 03 00422 in the District Court of the Third Judicial District of the State of Idaho in and for the County of Washington; and

THEREFORE, for valuable consideration received, Grantor sells and conveys to Grantee as specified above decedent's interest in the following described real property in Washington County, Idaho and more particularly described as follows:

Township 11 North, Range 6 West of Boise Meridian, on Government Lot 5, Section 29, that property on the soil described as follows: Commencing at the Northeast corner of said Government Lot 5, thence West along the North boundary of said Government Lot 5 a distance of 924.00 feet to the true point of beginning, thence S. 0° 17'00" E parallel to the East boundary of said Government Lot 5 a distance of 452.00 feet, thence West parallel to the North boundar of said Government Lot 5 a distance of 809.74 feet to the East side of the Snake River, thence N. 6°36'34" W along the East side of the Snake a distance of 178.87 feet, thence N. 84° 50'18" E a distance of 350 feet, thence N. 0° 43'51" E a distance of 242.85 feet to the North boundary of said Government Lot 5, thence East along the North boundary of said Government Lot 5 a distance of 476.42 feet to the true point of beginning, containing 6.484 acres. Subject to a right of way for ingress and egress across the East 24 feet of the above described parcel, to benefit lands situated South of the described parcel, said right of way being more particularly described as follows:

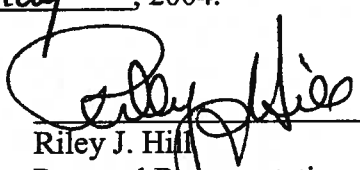
Beginning at a point 924 feet West of the NE corner of Lot 5, Section 29, Township 11 North, Range 6 West of the Boise Meridian, thence S 0° 17'00" E parallel to the East boundary of said Lot 5, 452.00 feet, thence West parallel to the North boundary of said Lot 5, 24.00 feet, thence N. 0° 17'00" W parallel to the East boundary of said Lot 5, 452.00 feet, thence East along the North boundary of said Lot 5, 24.00 feet then N. 0° 17'00" W parallel to the East boundary of said Lot 5, 452.00 feet, thence East along the North boundary of said Lot 5, 24.00 feet to the true point of beginning, on the soil, Washington county, state of Idaho (expressly without Legislative Assembly authority).

TOGETHER with water rights from Snake River for 6.484 acres under state of Idaho water permit no. 30473.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining; and subject to all easements and rights of way of record or appearing on the land.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, its heirs and assigns forever.

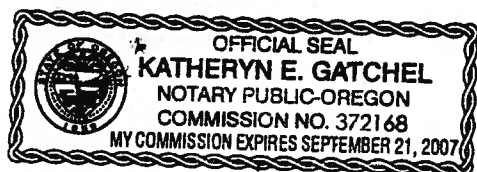
DATED this 10 day of May, 2004.


 Riley J. Hill
 Personal Representative of the Estate of
 Wilhelm Nollenberger, deceased

STATE OF Oregon)
) ss.
 County of Malheur)

On this 10th day of May, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared Riley J. Hill, known to me to be the person whose name is subscribed to the within instrument as the Personal Representative of the Estate of Wilhelm Nollenberger, and acknowledged to me that he executed the same as such Personal Representative.

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



Katheryn E. Gatchel
NOTARY PUBLIC FOR _____
Residing at _____
My commission expires: _____

FAX 287-6700 or 287-6701

2058A Ruth Baird owned it - lived w/ Bill Nollenberger
he passed away -

ATTORNEY that was to care for everything is

208 634 9607 → Thomas Walker @ 387-0400 ext. 31
he cared for the estate of W.E. Nollenberger.

717 Co Rd. 70

www.idwr

Need docs showing that she is the owner of the land forms/rules/statutes → SRBA Adj. Firms
1st choice

32058B - Hamm's live on the land but they don't have water rights - ?? according to

Ruth Baird.

725 Co Rd. 70

Lindsays are the claimants

Weiser, ID.

← send the new owners a Δ of address form

67-14021 Ruth Baird / ground water

52 ACRES

has been closed.

655 Thirt Rd.

83672

owned by Ruth Baird

717 Co Rd. 70

has been decreed

Andrew & Yoncha Oldfield - just bought the land

will need to send Δ of address papers.

under Changes - Notice of Change
of Water Right Ownership

www.idwr.idaho.gov → Forms - Rules - Statutes - Snake River Basin Adjudication

Personal Rep. deed.

Files I'm holding on to

CO

Lindseys agreed -

10199

- diversion pt. legal description

870-4402

3-2058a - change of ownership letter sent to the Baird's

bought property →

Andrew & Yoncha Oldfield

1655 That
WP #???

52 ACRES

Baird's = tax lots

Nollenberger's = claimants

→ lived together 18 yrs.

→ was the Bairds

→ Attorney # Thomas Walker

387-0400 ext. 31 in Boise

3-2058B -

[Estate of
W. & Nollenberger]

Hamm's = tax lots

Lindseys = claimants

→ moved in last year...

change of ownership sent to Hamm's
minus the water rights

who owns the land ??

Ruth Baird

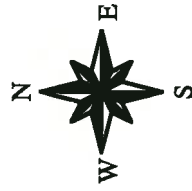
717 Co. Rd. 70

Idaho Department of Water Resources

1987 Napp Photo

Claim Number: 03-02058A
Legal: T11N, R06W, S29
T35N, R05W, S31
Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines
-  Township/Range Lines



IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 03-02058A

Date: 11-19-02

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	11N	6W	29						-5 4											4
GIS									4.4											4.4
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1 (Lot 5)

Total Claimed Acres: 4

Overlapping FOU Claim #'s:

Total GIS Acres: 4.4

COMMENTS:

Per claim map, county data.

Idaho Department of Water Resources

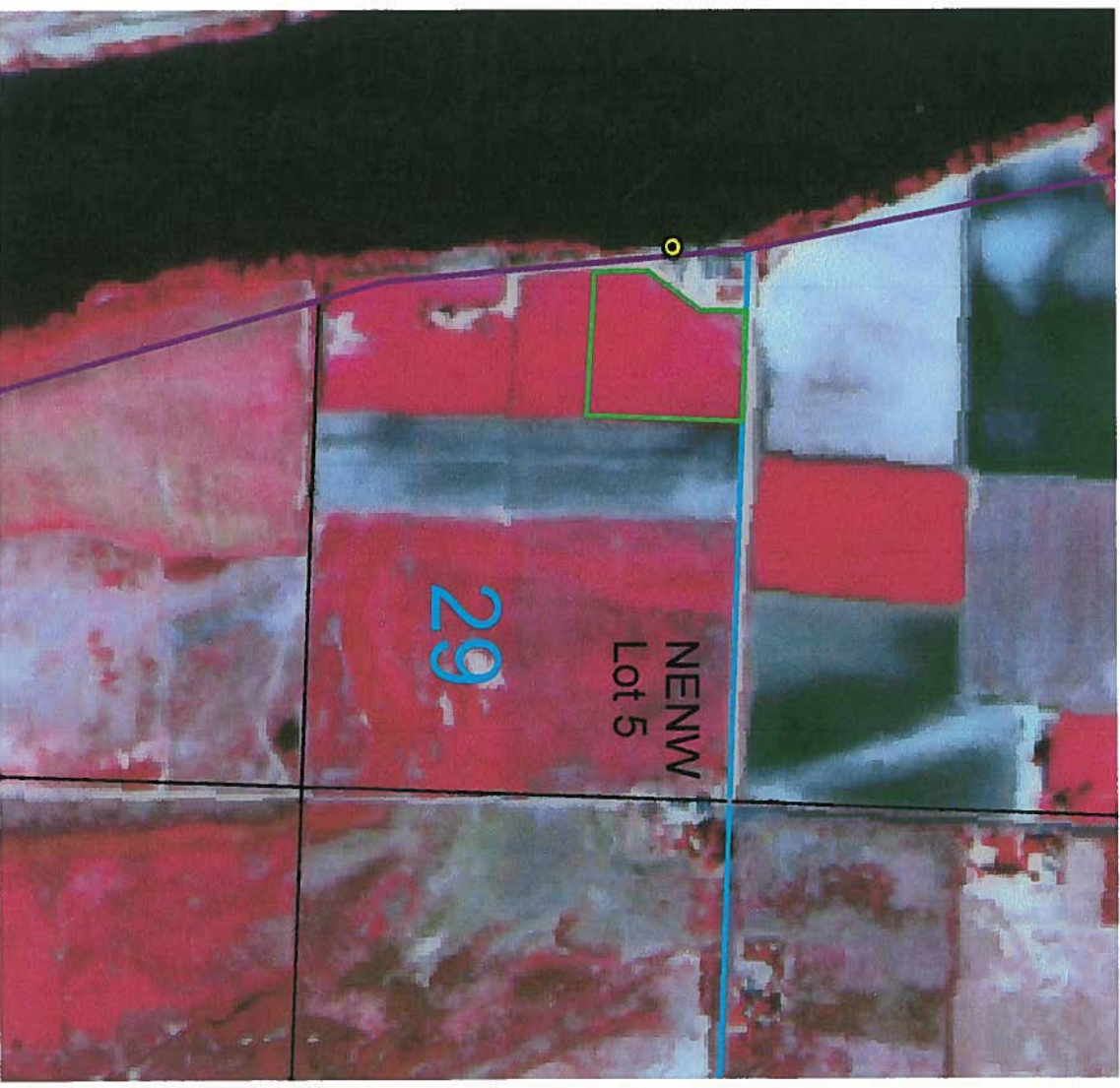
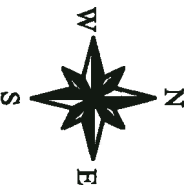
Claim Number: 03-02058A

Legal: T11N, R06W, S29

T35N, R05W, S31

Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines
-  Township/Range Lines



1987 Napp Photo



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: A03-02058A
Date Received: 8/ 2/1989
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: WILHELM E. NOLLENBERGER
Address: 717 COUNTY RD. 70
WEISER ID

208-549-0306

83672

2. Date of Priority: APR 23, 1962

3. Source: SNAKE RIVER

Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11N	06W	29	NE	NW	NW	5	WASHINGTON

5. Description of diverting works:
10 HP PUMP IN RIVER, TO MAINLINE AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.080		

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

8. Total consumptive use is 14.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
11N	06W	29	NW	NW	5	IRR	4.0

Section Acres 4.0

10. Place of Use: Continued

Total Acres 4.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM NO. A03-02058, FEE PAID UNDER RECEIPT NO. C008755. THE CFS AND CONSUMPTIVE VOLUME SPLITS ARE BASED ON THE LANGUAGE OF THE QUITCLAIM DEED. SEE FILE FOR MORE INFORMATION. 12/19/1994 MM.

15. Basis of Claim: LICENSE

Water Right Number: 30473

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SEP 19 1996

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

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NOV 09 1994

DATE OF CLOSING: 11/5/93

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

Department of Water Resources

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[] SEE ATTACHED LEGAL DESCRIPTIONS.
Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis) NOV 10 1994

WATER RESOURCES
WESTERN REGION

[] Water Right Number(s) _____
Assigned by IDWR: PERMIT NO. 30473, Ala 7-10107, Ala 7-10108, Ala 7-10109

[] Name and Address of Former Owner/Claimant(s)(Seller): W.E. NOLLENBERGER AND MARY K. STARKMAN
2708 QUINCY ST.

[] New Owner/Claimant (Purchaser): KANSAS CITY, MO 64128
E.W. LINDSEY AND JUNE LINDSEY

(ewl)
Lindsey

[] New Mailing Address: 725 County Road 70
Weiser, ID 83672

[] New Telephone Number: () _____ - _____

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Attach proof of ownership, describe proof attached: SEE ATTACHED RECORDED WARRANTY DEED COPY
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New Owner/Claimant(s) X [Signature] Date 11/3/93
X [Signature] Date 11/3/93

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

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date _____ By: _____

Further Action Needed: SPLIT

Further Action Taken
Date 12/19/1994 By: nm

Final Review and Data-Entry
Date 12/20/1994 By: nm

Claim Numbers of Split, if any: as noted

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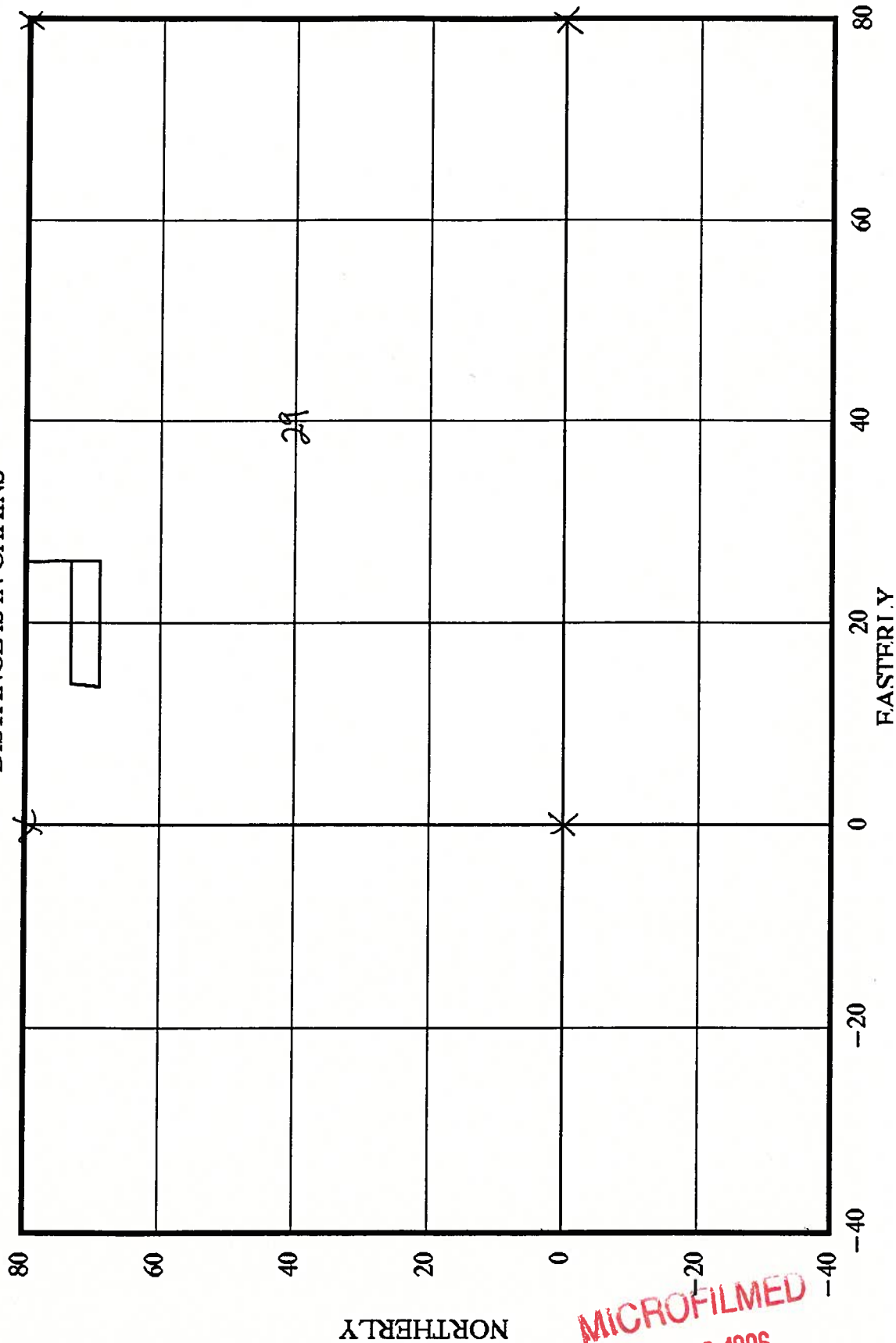
Original to be mailed to Idaho Department of Water Resources

Labeled as (3)

A03-02058

PARCEL PLOT -- METES & BOUNDS

DISTANCE IS IN CHAINS



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SEP 19 1996

(3)
A03-02058

40.00	80.00					0.00
26.00	80.00	90.00	0.00	0.00 nw	924.00	9.58
26.03	73.15	0.00	17.00	0.00 se	452.00	15.50
26.05	68.91	0.00	17.00	0.00 se	280.00	15.50
13.48	68.91	90.00	0.00	0.00 nw	830.01	4.32
13.80	73.15	3.00	51.00	25.00 ne	280.63	4.32
26.06	73.15	90.00	0.00	0.00 ne	809.74	4.32
26.06	73.15	0.00	0.00	0.00		4.32

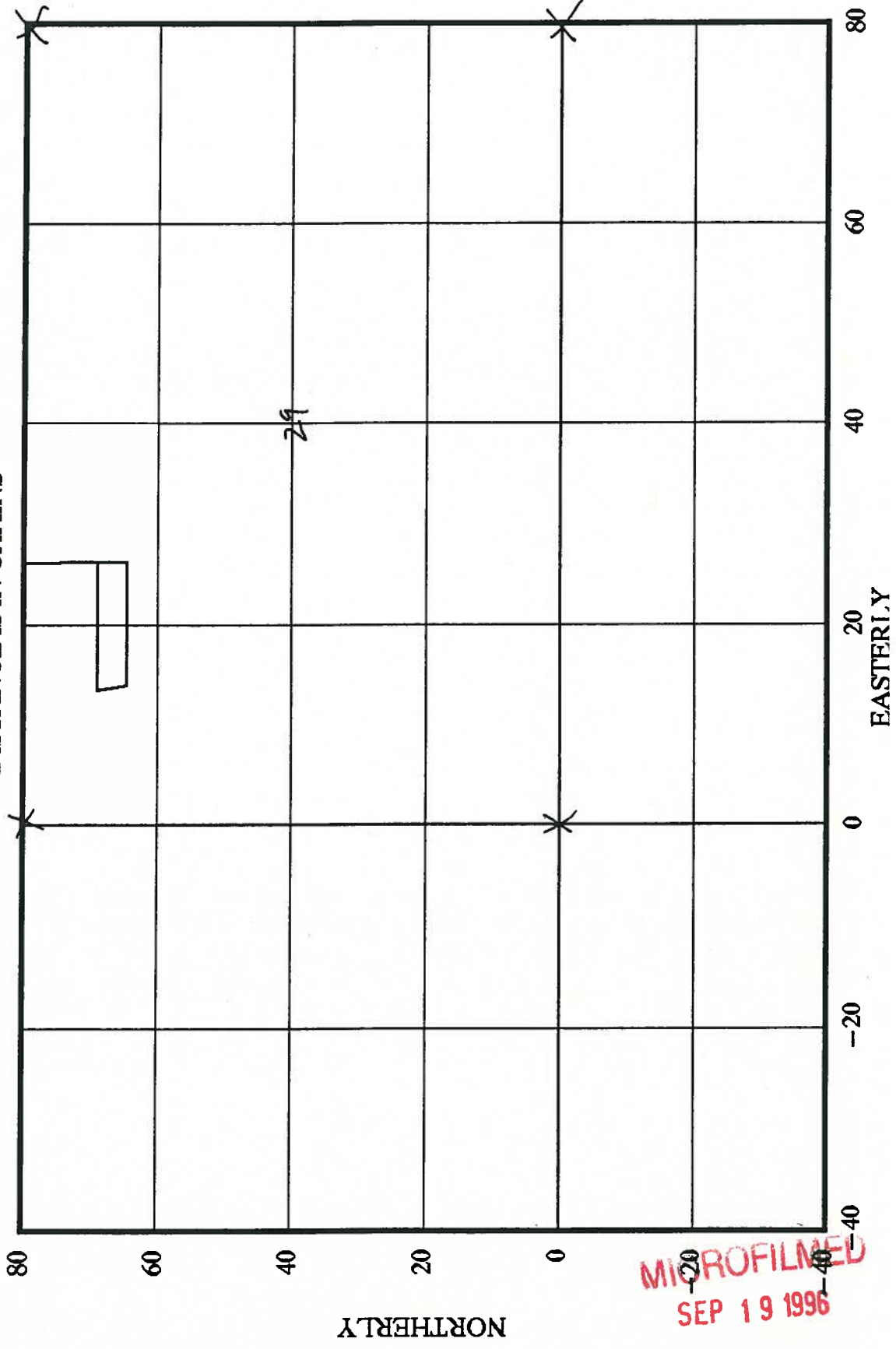
MICROFILMED
SEP 19 1996

4

AO3-02058

PARCEL PLOT -- METES & BOUNDS

DISTANCE IS IN CHAINS



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SEP 19 1996

4

A03-02058

40.00	80.00					0.00
26.00	80.00	90.00	0.00	0.00 nw	924.00	15.50
26.05	68.91	0.00	17.00	0.00 se	732.00	21.62
26.08	64.52	0.00	17.00	0.00 se	290.00	21.62
13.92	64.52	90.00	0.00	0.00 nw	802.20	10.07
13.45	68.91	5.00	45.00	27.00 nw	291.47	10.07
26.02	68.91	90.00	0.00	0.00 ne	830.01	10.07
26.02	68.91	0.00	0.00	0.00		10.07

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SEP 19 1996

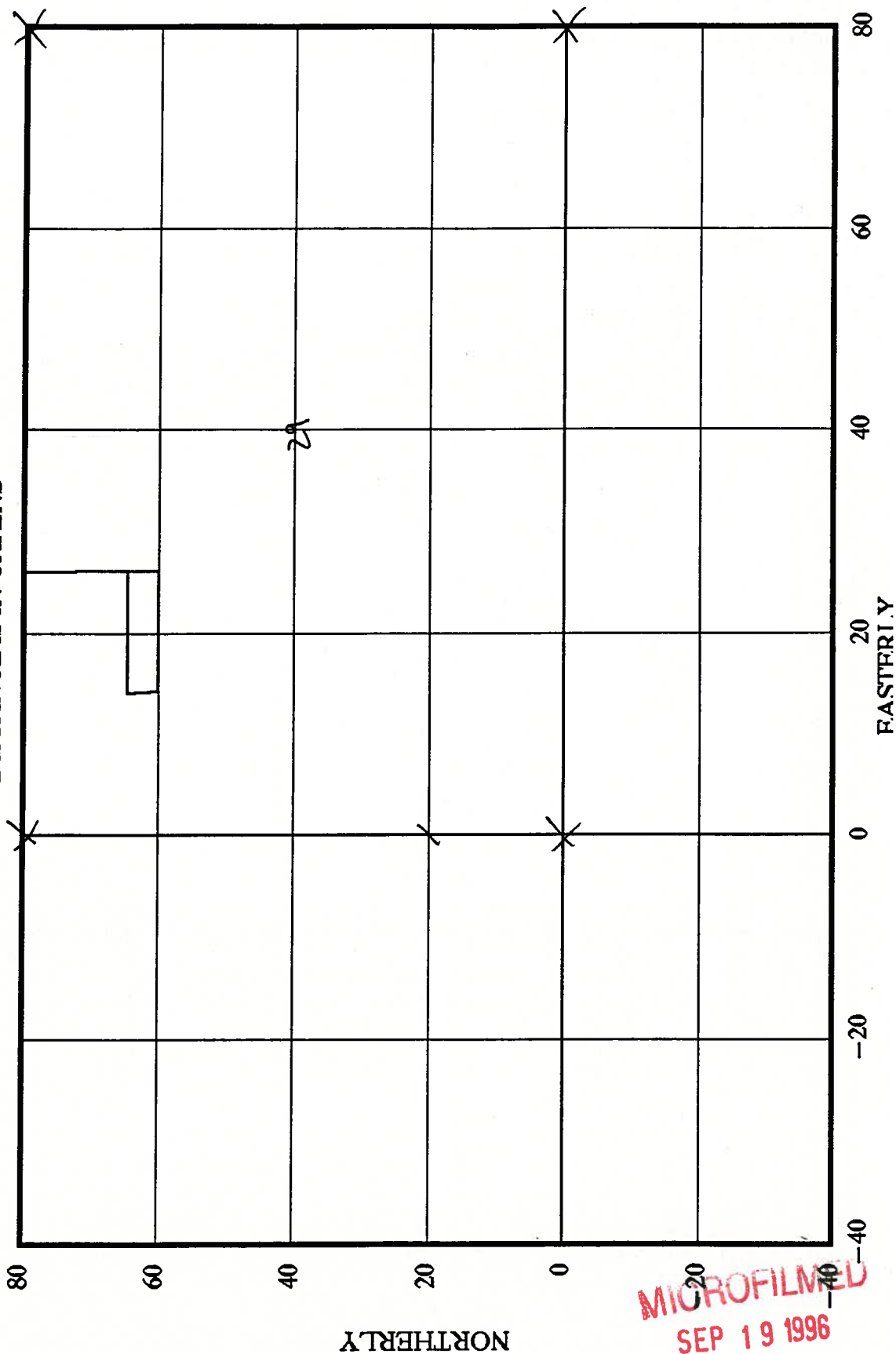
(5)

A03-

02058

PARCEL PLOT - METES & BOUNDS

DISTANCE IS IN CHAINS



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SEP 19 1996

5
A03-02058

40.00	80.00					0.00
26.00	80.00	90.00	0.00	0.00 nw	924.00	21.62
26.08	64.52	0.00	17.00	0.00 se	1022.00	27.94
26.10	59.97	0.00	17.00	0.00 se	300.00	27.94
14.10	59.97	90.00	0.00	0.00 nw	792.23	16.13
13.91	64.51	2.00	11.00	12.00 nw	300.21	16.13
26.06	64.51	90.00	0.00	0.00 ne	802.20	16.13
26.06	64.51	0.00	0.00		0.00	16.13

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SEP 19 1996

WARRANTY DEED

For Value Received

MARY K. STARKMAN, A DIVORCED PERSON

The grantor, does hereby grant, bargain, sell and convey unto

E.W. LINDSEY AND JUNE V. LINDSEY, HUSBAND AND WIFE

the grantees, whose current address is 2626 O'HARTE ROAD, SAN PABLO, CA. 94806

the following described premises, in WASHINGTON

County Idaho, to-wit:

SEE ATTACHED LEGAL DESCRIPTION, EXHIBIT "A"

TOGETHER WITH ALL WATER, WATER RIGHTS, DITCHES AND DITCH RIGHTS, APPURTENANT THERETO AND IN ANYWISE BELONGING.

SUBJECT TO ALL VALID OUTSTANDING RESERVATIONS, EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, DEDICATIONS, MINERAL LEASES, MINERAL RESERVATIONS AND MINERAL CONVEYANCES OF RECORD.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee S THEIR heirs and assigns forever. And the said Grantor do ES hereby covenant to and with the said Grantee S, that She IS the owner in fee simple of said premises; that they are free from all incumbrances

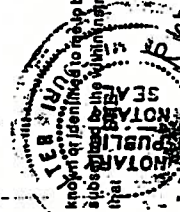
and that She will warrant and defend the same from all lawful claims whatsoever.

Dated: NOVEMBER 1993

Mary K. Starkman
MARY K. STARKMAN

STATE OF *Idaho*, COUNTY OF *Clay*
On this *2nd* day of NOVEMBER, 19 93
before me, a notary public in and for the said State, personally appeared
MARY K. STARKMAN

known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.



Mary K. Starkman
Notary Public
Residing in *St. Louis, MO*
Commission Expires *August 16, 1995*

STATE OF IDAHO, COUNTY OF WASHINGTON
I hereby certify that this instrument was filed for record at the request of WEISER VALLEY TITLE

at this 20 minutes past 15:00 o'clock P.M.,
19 93 8TH day of NOV.
of Deeds at ~~SEBK~~ # 158451

MARY KAUTZ
Ex-Officio Recorder

Mary K. Kautz

Fees \$9.00
Mail to: WEISER VALLEY TITLE
Dep'ty Rec'd
Comm'n. Exp'd
Up-dator

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SEP 19 1996

Lot 5; Thence West along the North boundary of said Government Lot 5 a distance of 924.00 feet; Thence South 0°17'00" East parallel to the East boundary of said Government Lot 5 a distance of 452.00 feet to the TRUE POINT OF BEGINNING; Thence continuing South 0°17'00" East parallel to the East boundary of said Government Lot 5 a distance of 280.00 feet; Thence West parallel to the North boundary of said Government Lot 5 a distance of 830.01 feet to the East side of the Snake River; Thence North 3°51'25" East along the East side of the Snake River a distance of 280.63 feet; Thence East parallel to the North boundary of said Government Lot 5 a distance of 809.74 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH a water permit from the Snake River for 5.270 acres under State of Idaho Water Permit No. 30473.

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

SUBJECT TO AND TOGETHER WITH a right-of-way for ingress and egress described as follows:

Beginning at a point 924 feet West of the Northeast corner of Lot 5, Section 29, Township 11 North, Range 6 West of the Boise Meridian; Thence South 0°17'00" East parallel to the East boundary of said Lot 5, 732.00 feet; Thence West parallel to the North boundary of said Lot 5, 24.00 feet; thence North 0°17'00" West parallel to the East boundary of said Lot 5, 732.00 feet; thence East along the North boundary of said Lot 5, 24 feet to the point of beginning.

AND ALSO:

A parcel of land situated in Government Lot 5, Section 29, Township 11 North, Range 6 West of the Boise Meridian, more particularly described as follows:

Commencing at the Northeast corner of said Government Lot 5; Thence West along the North boundary of said Government Lot 5 a distance of 924.00 feet; Thence South 0°17'00" East parallel to the East boundary of said Government Lot 5 a distance of 732.00 feet to the TRUE POINT OF BEGINNING; Thence continuing South 0°17'00" East parallel to the East boundary of said Government Lot 5 a distance of 290.00 feet; Thence West parallel to the North boundary of said Government Lot 5 a distance of 802.20 feet to the East side of the Snake River; Thence North 5°45'27" West along the East side of the Snake River a distance of 291.47 feet; Thence East parallel to the North boundary of said Government Lot 5 a distance of 830.01 feet to the TRUE POINT OF BEGINNING. Containing 5.433 acres.

SUBJECT TO AND TOGETHER WITH a right-of-way for ingress and egress described as follows:

Beginning at a point 924 feet West of the Northeast corner of Lot 5, Section 29, Township 11 North, Range 6 West of the Boise Meridian; Thence South 0°17'00" East parallel to the East boundary of said Lot 5, 1022.00 feet; Thence West parallel to the North boundary of said Lot 5, 24.00 feet; thence North 0°17'00" West parallel to the East boundary of said Lot 5, 1022.00 feet; thence East along the North boundary of said Lot 5, 24 feet to the point of beginning.

TOGETHER WITH water rights from the Snake River for 3.4 acres under State of Idaho Permit No. 30473.

SUBJECT TO a right-of-way for ingress and egress across the East 24 feet of the above-described parcel, to benefit lands situated South of the described parcel.

TOGETHER WITH the tenements, hereditaments, and

MICROFILMED
SEP 19 1996

5

Government Lot 5 a distance of 924.00 feet; Thence South 0°17'00" East parallel to the East boundary of said Government Lot 5 a distance of 1022.00 feet to the TRUE POINT OF BEGINNING; Thence continuing South 0°17'00" East parallel to the East boundary of said Government Lot 5 a distance of 300.00 feet to the South boundary of said Government Lot 5; Thence West along the South boundary of said Government Lot 5 a distance of 792.23 feet to the East side of the Snake River; Thence North 2°11'12" West along the East side of the Snake River a distance of 300.21 feet; Thence East parallel to the North boundary of said Government Lot 5 a distance of 802.20 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO AND TOGETHER WITH a right-of-way for ingress and egress described as follows:

Beginning at a point 924 feet West of the Northeast Corner of Lot 5, Section 29, Township 11 North, Range 6 West of the Boise Meridian; thence South 0°17'00" East parallel to the East boundary of said Lot 5, 1022.00 feet; thence West parallel to the North boundary of said Lot 5, 24 feet; thence North 0°17' 00" West parallel to the East line of said Lot 5, 1022.00 feet; thence East along the North boundary of said Lot 5, 24 feet to the point of beginning.

TOGETHER WITH a water permit from the Snake River for 5.490 acres under State of Idaho Water Permit No. 30473.

ALSO TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

MICROFILMED
SEP 19 1996

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DEC 16 1994

WATER RESOURCES
WESTERN REGION

INSTRUMENT NO. 158412
PAGE 1 OF 3

QUITCLAIM DEED ✓

FOR VALUE RECEIVED, W. E. NOLLENBERGER, a divorced person, of Weiser, Washington County, Idaho, Grantor, hereby conveys, releases, remises and forever quitclaims unto MARY K. STARKMAN, a divorced person, Grantee, the following-described real property located in the County of Washington, State of Idaho, to-wit:

Parcel No. 3

A parcel of land situated in Government Lot 5 in Section 29, Township 11 North, Range 6 West of the Boise Meridian, more particularly described as follows:

Commencing at the northeast corner of said Government Lot 5; Thence West along the North boundary of said Government Lot 5 a distance of 924.00 feet; Thence South 0°17'00" East parallel to the East boundary of said Government Lot 5 a distance of 452.00 feet to the TRUE POINT OF BEGINNING; Thence continuing South 0°17'00" East parallel to the East boundary of said Government Lot 5 a distance of 280.00 feet; Thence West parallel to the North boundary of said Government Lot 5 a distance of 830.01 feet to the East side of the Snake River; Thence North 3°51'25" East along the East side of the Snake River a distance of 280.63 feet; Thence East parallel to the North boundary of said Government Lot 5 a distance of 809.74 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH a water permit from the Snake River for 5.270 acres under State of Idaho Water Permit No. 30473. ✓

TOGETHER WITH the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining. SUBJECT TO the reserved easement described on Exhibit "A" attached hereto.

SUBJECT TO AND TOGETHER WITH a right-of-way for ingress and egress described as follows:

Beginning at a point 924 feet West of the Northeast corner of Lot 5, Section 29, Township 11 North, Range 6 West of the Boise Meridian; Thence South 0°17'00" East

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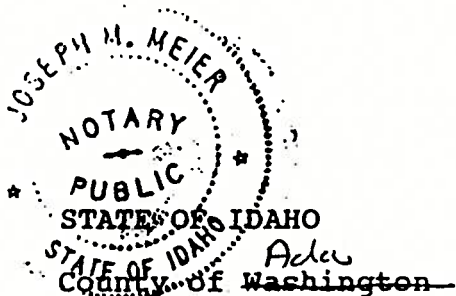
DEC 16 1994

WATER RESOURCES
WESTERN REGION

INSTRUMENT NO. 158412
PAGE 2 OF 2

parallel to the East boundary of said Lot 5, 732.00 feet; Thence West parallel to the North boundary of said Lot 5, 24.00 feet; thence North 0°17'00" West parallel to the East boundary of said Lot 5, 732.00 feet; thence East along the North boundary of said Lot 5, 24 feet to the point of beginning.

DATED This 30 day of Sept, 1993.



W. E. Nollenberger
W. E. Nollenberger

)
: ss.
)

On this the 30 day of September, 1993, before me a Notary Public, personally appeared W. E. NOLLENBERGER, a divorced person, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

Joseph M. Meier
Notary Public
Residing at Boise, ID
My Commission expires: 12-3-97

INSTRUMENT NO. 158412
STATE OF IDAHO, COUNTY OF WASHINGTON ss
I, _____, of the request of

Nicholas T. Bokides
12:00 P.M.
2nd November 1993
Deed
\$9.00
Nicholas T. Bokides Deputy
Nicholas T. Bokides

QUITCLAIM DEED * jw * 2
(c:\wp\contract\parcel#3.nol)

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SEP 19 1996

**WATER RESOURCES
WESTERN REGION**

INSTRUMENT NO. 158412
PAGE 3 OF 3

EXHIBIT "A"

GRANTOR reserves unto himself his heirs, successors or assigns an easement for ingress and egress to the pump located adjacent to the Snake River which easement shall allow grantor unrestricted access to the pump and to install, maintain, operate and repair ditches, pipes, electric wires and other necessary apparatus to irrigate the approximate 8.71 acres of real property owned by grantor and located in Lot 5 north of the real property conveyed herein. Such easement shall run approximately 15 feet east of the pump and then due north to the north property line of the servient tenement and shall be of reasonable width to allow for the purposes herein specified. Grantor further reserves in himself, his heirs, successors or assigns a right to the use and enjoyment of 2/5 of the volume of water discharged by the pump.

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SEP 19 1996

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WATER RESOURCES
WESTERN REGION

RECEIVED

DEC 16 1994

WATER RESOURCES
WESTERN REGION

INSTRUMENT NO. 158410
PAGE 1 OF 2

QUITCLAIM DEED

FOR VALUE RECEIVED, W. E. NOLLENBERGER, a divorced person, of Weiser, Washington County, Idaho, Grantor, hereby conveys, releases, remises and forever quitclaims unto MARY K. STARKMAN, a divorced person, Grantee, the following-described real property located in the County of Washington, State of Idaho, to-wit:

Parcel No. 4

A parcel of land situated in Government Lot 5, Section 29, Township 11 North, Range 6 West of the Boise Meridian, more particularly described as follows:

Commencing at the Northeast corner of said Government Lot 5; Thence West along the North boundary of said Government Lot 5 a distance of 924.00 feet; Thence South 0°17'00" East parallel to the East boundary of said Government Lot 5 a distance of 732.00 feet to the TRUE POINT OF BEGINNING; Thence continuing South 0°17'00" East parallel to the East boundary of said Government Lot 5 a distance of 290.00 feet; Thence West parallel to the North boundary of said Government Lot 5 a distance of 802.20 feet to the East side of the Snake River; Thence North 5°45'27" West along the East side of the Snake River a distance of 291.47 feet; Thence East parallel to the North boundary of said Government Lot 5 a distance of 830.01 feet to the TRUE POINT OF BEGINNING. Containing 5.433 acres.

SUBJECT TO AND TOGETHER WITH a right-of-way for ingress and egress described as follows:

Beginning at a point 924 feet West of the Northeast corner of Lot 5, Section 29, Township 11 North, Range 6 West of the Boise Meridian; Thence South 0°17'00" East parallel to the East boundary of said Lot 5, 1022.00 feet; Thence West parallel to the North boundary of said Lot 5, 24.00 feet; thence North 0°17'00" West parallel to the East boundary of said Lot 5, 1022.00 feet; thence East along the North boundary of said Lot 5, 24 feet to the point of beginning.

TOGETHER WITH water rights from the Snake River for 5.4 acres under State of Idaho Permit No. 30473.

QUITCLAIM DEED * jw * 1
(c:\wp\contract\parcel#4.nol)

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SEP 19 1996

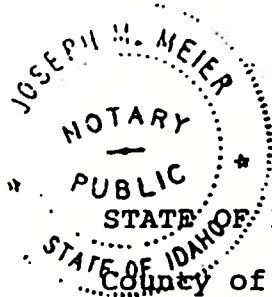
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DEC 16 1994

WATER RESOURCES
WESTERN REGION

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

DATED This 30 day of SEP, 1993.



W. E. Nollenberger
W. E. Nollenberger

)
: ss.
)

On this the 30th day of September, 1993, before me a Notary Public, personally appeared W. E. NOLLENBERGER, a divorced person, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

[Signature]
Notary Public
Residing at Buise, ID
My Commission expires: 12/3/97

INSTRUMENT NO. 158410
STATE OF IDAHO, COUNTY OF WASHINGTON AS
FOR RECORD AT THE REQUEST OF

Nicholas T. Bokides
12 16:00 P.M.
2nd November 1993
Deed

Money Received: \$6.00
By Nicholas T. Bokides Deputy
Nicholas T. Bokides
ATTORNEY AT LAW
P.O. BOX 28
WEISER, IDAHO 83672-0028

Comp Index
Comp Fee
F

QUITCLAIM DEED * jw * 2
(c:\wp\contract\parcel#4.nol)

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SEP 19 1996

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DEC 16 1994

WATER RESOURCES
WESTERN REGION

INSTRUMENT NO. 158411
PAGE 1 OF 9

QUITCLAIM DEED

FOR VALUE RECEIVED, W. E. NOLLENBERGER, a divorced person, of Weiser, Washington County, Idaho, Grantor, hereby conveys, releases, remises, and forever quitclaims unto MARY K. STARKMAN, a divorced person, Grantee, the following-described real property located in the County of Washington, State of Idaho, to-wit:

Parcel No. 5

A parcel of land situated in Government Lot 5 in Section 29, Township 11 North, Range 6 West of the Boise Meridian, more particularly described as follows:

Commencing at the Northeast corner of said Government Lot 5; Thence West along the North boundary of said Government Lot 5 a distance of 924.00 feet; Thence South 0°17'00" East parallel to the East boundary of said Government Lot 5 a distance of 1022.00 feet to the TRUE POINT OF BEGINNING; Thence continuing South 0°17'00" East parallel to the East boundary of said Government Lot 5 a distance of 300.00 feet to the South boundary of said Government Lot 5; Thence West along the South boundary of said Government Lot 5 a distance of 792.23 feet to the East side of the Snake River; Thence North 2°11'12" West along the East side of the Snake River a distance of 300.21 feet; Thence East parallel to the North boundary of said Government Lot 5 a distance of 802.20 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO AND TOGETHER WITH a right-of-way for ingress and egress described as follows:

Beginning at a point 924 feet West of the Northeast Corner of Lot 5, Section 29, Township 11 North, Range 6 West of the Boise Meridian; thence South 0°17'00" East parallel to the East boundary of said Lot 5, 1022.00 feet; thence West parallel to the North boundary of said Lot 5, 24 feet; thence North 0°17'00" West parallel to the East line of said Lot 5, 1022.00 feet; thence East along the North boundary of said Lot 5, 24 feet to the point of beginning.

QUITCLAIM DEED * jw * 1
(c:\wp\contract\parcel#5.nol)

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SEP 19 1996

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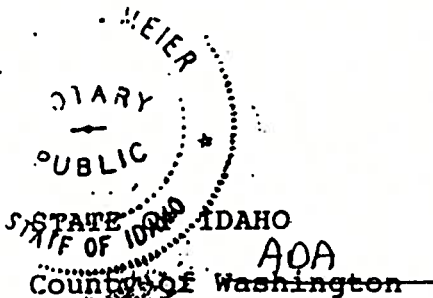
DEC 16 1994

INSTRUMENT NO. 158411
PAGE 2 OF 2

TOGETHER WITH a water permit from the Snake River for
WATER RESOURCES .490 acres under State of Idaho Water Permit No.
WESTERN REGION 30473.

ALSO TOGETHER with the tenements, hereditaments and
appurtenances thereunto belonging or in anywise
appertaining.

DATED This 30 day of Sept, 1993.



W. E. Nollenberger
W. E. Nollenberger

)
: ss.
)

On this the 30th day of September, 1993, before me a
Notary Public, personally appeared W. E. NOLLENBERGER, a divorced
person, known or identified to me to be the person whose name is
subscribed to the within instrument and acknowledged to me that
he executed the same.

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

[Signature]
Notary Public
Residing at Bu. 20
My Commission expires: 12-3-97

INSTRUMENT NO. 158411
STATE OF IDAHO, COUNTY OF WASHINGTON
For the record at the request of

Nicholas T. Bokides
12 16:00 P.
This 2nd November 93

Deed
MAY BE FILED FOR RECORD FOR \$6.00

By Nicholas T. Bokides Deputy

Nicholas T. Bokides
ATTORNEY AT LAW
P.O. BOX 28
WEISER, IDAHO 83672-0028

MICROFILMED
SEP 19 1996

QUITCLAIM DEED * jw * 2
(c:\wp\contract\parcel#5.nol)

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: A03-02058
Date Received: 8/2/89
Receipt No: C008755
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILHELM E. NOLLENBERGER 208-549-0306
Address: 717 COUNTY RD. 70
WEISER, ID 83672

2. Date of Priority: APR 23, 1962

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11N	06W	29	NE	NW	NW	5	WASHINGTON

5. Description of diverting works:
10 HP PUMP IN RIVER, TO MAINLINE AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.480		

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

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
11N	06W	29	NW	NW	5	IRR	20.0

Section Acres 20.0

10. Place of Use: Continued

Total Acres 20.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
 NONE

14. Remarks:

15. Basis of Claim: LICENSE
 Water Right Number: 30473

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SEP 19 1996

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: 1

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): J.R. Hallberg Date: 8-2-89
_____ Date: _____

State of Idaho)
) SS.
County of ADA)

Subscribed and sworn (or affirmed) before me this 2ND day
of AUGUST 19 89

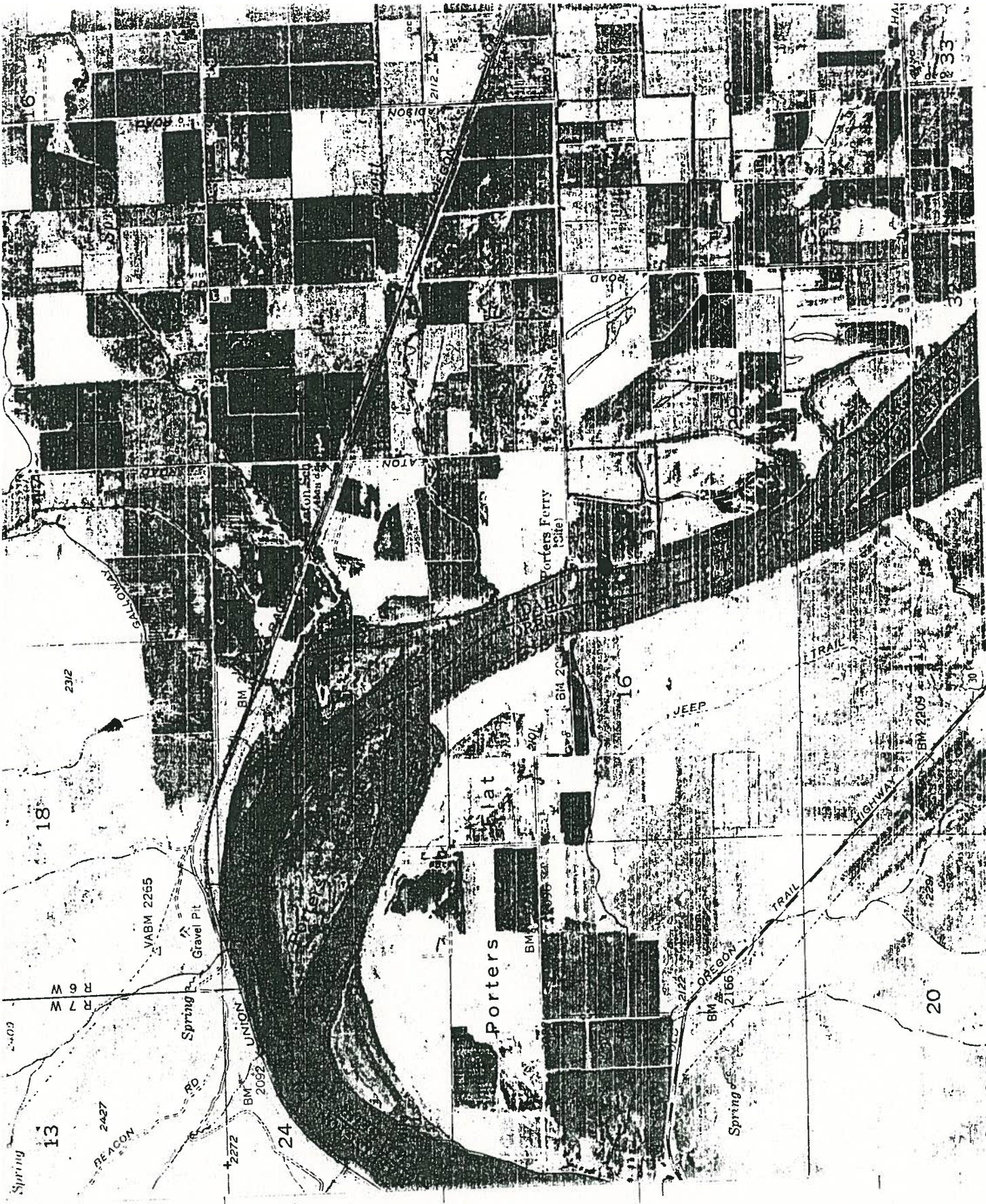
 Jeff Peppersack
Notary Public

Seal

Residing at _____

My Commission Expires _____

Jeff Peppersack, Notary Public
Residing at Boise, Idaho
My Commission Expires Nov. 8, 1994



This map has been prepared by the Idaho Department of Water Resources pursuant to Public Law 94-142 (P.L. 94-142) and is intended to provide information and data to the public. It is not a warranty, either express or implied, of accuracy, and it is not to be used for any purpose other than that for which it was prepared.

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SEP 19 1996

AUG 10 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Date: December 20, 1994

Re: Original Notice of Claim to a Water Right No. A03-02058

Renumbered to Notice of Claim to a Water Right No. A03-02058A

[WILHELM E NOLLENBERGER]
717 COUNTY ROAD 70
WEISER ID 83672

[]

Dear Claimant(s):

We have received and processed a Change of Ownership for a portion of your original Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of your original claim.

When a portion of the original water right claim has been conveyed to another and the original right has been split, then the original claim number is renumbered by adding alpha suffixes to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new claim number reflects your remaining portion of the original claim after the change of ownership. Enclosed is a copy of this new claim for your records. Please refer to your new claim number when corresponding with our office.

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

Sincerely,

ADJUDICATION STAFF
Department of Water Resources
Western Region Office
(208) 334-2190

Enclosure

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SEP 19 1996

A03-02058

NOLLENBERGER QUITCLAIMED TO STARKMAN, AND STARKMAN DEED TO LINDSEY:

PARCEL 3: 5.27 ACRES OF 03-02058
PARCEL 4: 5.40 ACRES OF 03-02058
PARCEL 5: 5.49 ACRES OF 03-02058

TOTAL: 16.16 ACRES OF 03-02058

However, language in the Parcel 3 quitclaim deed reserves 2/5 of the volume of water discharged by the pump. License 03-02058 is for .48 cfs for 24 acres, diverted by a pump on the Snake River. Assuming that this license is for the referenced pump and that the pump is discharging no more than the licensed amount (no volume was licensed):

2/5 of 24 acres = 9.6 acres
2/5 of .48 cfs = .19 cfs

The original claimant (Nollenberger) claimed 20 of the licensed 24 acres. After the split, the original claimant has only 4 of the claimed 20 acres, having clearly deeded 16 acres to the new owner.

The remaining 3/5 of the water right goes to the new owners (Lindsey):

3/5 of 24 acres = 14.4 acres
3/5 of .48 cfs = .29 cfs

This is where the deed contradicts itself. First it gives a total of 16.16 acres of the water right to the new owner, then reserves 2/5 of the water right. This leaves the new owners with less than the 16.16 acres worth of water already deeded to them. The original owner kept 2/5 of the water but less than 2/5 of the land. This contradictory language is in the quitclaim deed from Nollenberger to Starkman but is not in the warranty deed from Starkman to Lindsey.

After discussion with Jan Shurte (W. Region SRBA super.) it was decided to split the water right 2/5 and 3/5, but to assume that the unclaimed licensed acres are a part of the original owners parcel. After reviewing the license file it appears that all of the new owners' 16 acres fall within the licensed acres. The new owner clearly has 16 acres, and not so clearly 3/5 of the license. It is assumed that the 4 unclaimed acres of the license are at the north end of the property, which has been retained by the original owner. Actual acres will be determined at the time of the field exam.

Nollenberger (A03-02058A):	4 acres	.08 cfs
Lindsey (A03-02058B):	16 acres	.29 cfs
Unclaimed:	4 acres	.11 cfs

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SEP 19 1996

Handwritten signature
12/20/1994

State of Idaho
License and Certificate of Water Right

Water License No. 30473 Priority April 23, 1962 Amount 0.14 c.f.s.

THIS IS TO CERTIFY that GLENN E. BROGGER

of Weiser, Idaho made application for a permit to appropriate the public waters of the State of Idaho, dated April 23, 1962; that Permit No. 30473 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 0.48 second feet, was issued thereunder on August 2, 1967, showing that said works were completed on the 14th day of April, 1967; and that on the 14th day of April, 1967

GLENN E. BROGGER

of Weiser State of Idaho made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of Snake River

a tributary of Columbia River for the purpose of Irrigation
under Use Permit No. 30473 of the Department of Reclamation, and
that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in
Volume 14 of Licenses, at Page 8816, on the 2nd day of August, 1967.

The right hereby confirmed dates from April 23, 1962.

The Point of Diversion is located Lot 5
in the (NW 1/4 NW 1/4) Sec. 20, Twp. 11 N, R. 6 W, B.M. Washington County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 0.48 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Party-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 N	6 W	20	(NW 1/4 NW 1/4) Lot 5	27	24
Total number of acres to be irrigated:					24

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho,
this 2nd day of August, 1967.


Deputy State Reclamation Engineer.

MICROFILMED

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SEP 19 1998

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DEC 16 1994

WATER RESOURCES
WESTERN REGION

DEC-15-1994

725-CO-Rd-70

WEISER, IDAHO-83672

STATE of IDAHO
WATER RESOURCES Dept.
WESTERN Region - 2535 Airport Way
BOISE, IDAHO - 83705-5082
To of Marie Minicucci

DEAR Marie:

Enclosed Copies of Out-Claim Deeds from
Mr. Wm. Nollenberger to Mary Starkman, Showing
boundaries of said properties, with Water Rights from
The Snake River under Permit #30473 for Parcel #4
Permit 30473 for Parcel #5. And Permit #30473 for
Parcel #3.

We hope this clarifies the issue of our
Water Rights on these three (3) parcels.

We have a domestic well for house use. There is
a well at the South West corner of lot #3, we would like to
know if that's for this lot. Domestic well is on lot #4.

Have Happy Holidays to a prosperous New Year Marie for
you & yours.

K. W. Hindsey

Yours truly,
K. W. Hindsey

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SEP 19 1996

PLANT'S NAME: Nollenberger, Lindsay DATE: 12/06/1994
CY: Washington
BYEE: MMenicucci

SW Lindsay called the office regarding corr. from IDWR ~~about~~ about the change of ownership on claim Nos. A67-10107, -10108, & -10109. He was not sure if there are 3 wells on his property. He is aware of a domestic well, a stock well, and one well which he is unsure he has access to.

He also has Snake River rights which were not addressed in the correspondence. He thinks he shares an irrigation right with Mr. Nollenberger, the previous owner. This right is mentioned in the deed. I told Mr. Lindsay I would call him back after investigating.

At 4:45 pm I relayed the following info to Mr. Lindsay: Deed lists water right no 30474, which is the old no. for 02-02417, which was renumbered to 03-02058. IDWR will change ownership for acres sold to Mr. Lindsay & proportionate amt of water. Mr. Lindsay will send Quit Claim deeds on all parcels (previously received only parcel 5). Mr. Lindsay's tel. no. that day was 549-1031 - unknown if this is his residence, business, or unrelated to him personally.

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