

06/16/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 7/21/06

Water right number: 3-2058B

CECELIA HAMM
725 COUNTY RD 70
WEISER ID 83672
Telephone Number: (208) 549-1031

JEFFREY G HAMM
725 COUNTY RD 70
WEISER ID 83672
Telephone Number: (208) 549-1031

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: June 23, 2006 SIGNATURE: Jeffrey C. Hamm Jeffrey C. Hamm
Please print your name: Cecelia F. Hamm Cecelia F. Hamm

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 19, 2006

CECELIA HAMM
JEFFREY G HAMM
725 COUNTY RD 70
WEISER ID USA 83672

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #3-2058B

Dear Claimants:

We have processed the change in ownership of the Notice of Claim to a Water Right referenced above for your property in Washington County.

Enclosed is a copy of this water right claim. Please retain this copy for your file, and refer to this record number in any future inquiries or correspondence.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claim.

Sincerely,

Jennifer Dean
Engineer in Training
Adjudication Bureau

Enclosure:

Copy of Notice of Claim Referenced Above

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 03-02058 B 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 0	-5 16											16
GIS								16	16											16
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1 (Lot 5)

Total Claimed Acres: 16

Overlapping POU Claim #'s:

Total GIS Acres: 16

COMMENTS:

Per county data + image interpretation. POD estimated.
 Lot 5 is actually NE-NW - there is no NWNW.

Idaho Department of Water Resources

Claim Number: 03-02058B

Legal: T11N, R06W, S29

Reviewed By:



Point of Diversion



Place of Use

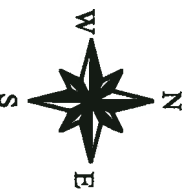
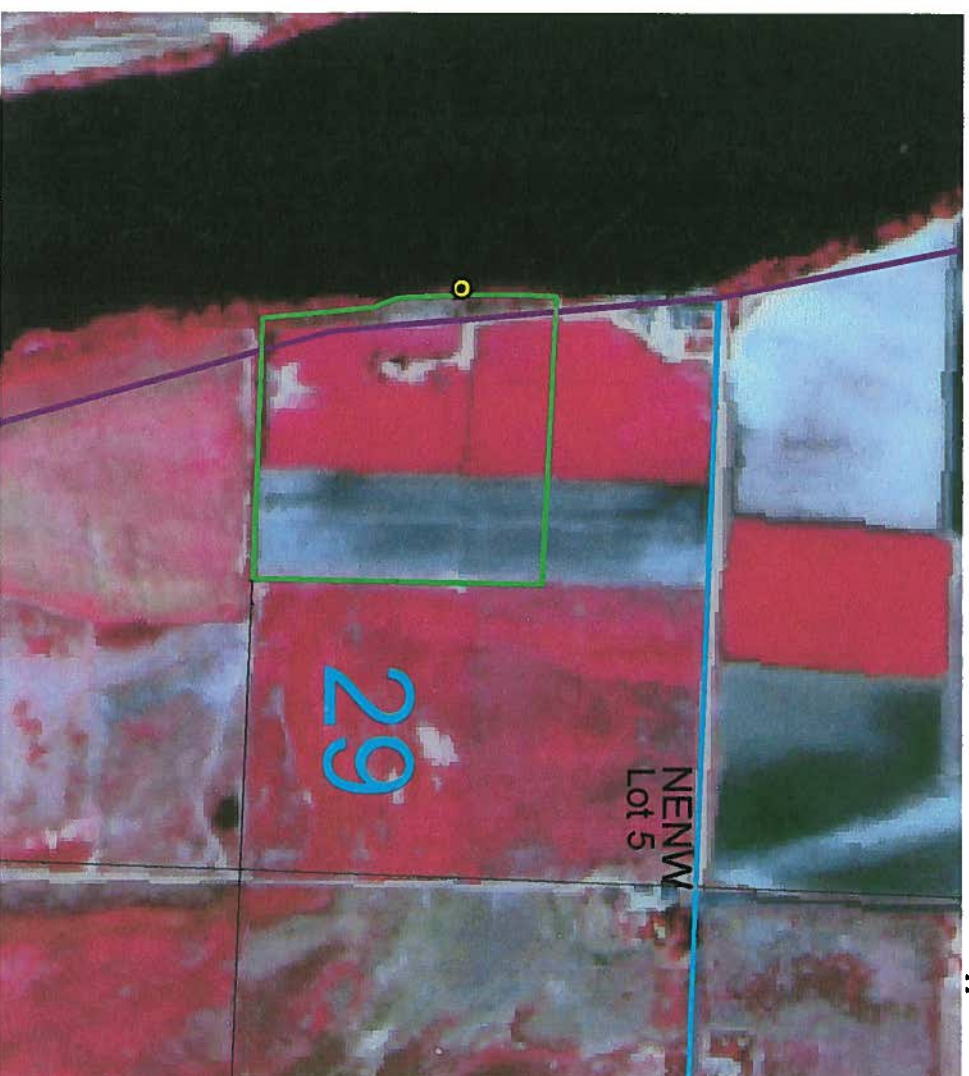


Section Lines



Quarter Quarter Lines

1987 Napp Photo



Idaho Department of Water Resources

Claim Number: 03-02058B

Legal: T11N, R06W, S29

Reviewed By:



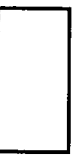
Point of Diversion



Place of Use

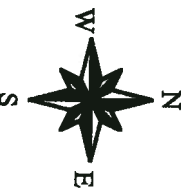


Section Lines



Quarter Quarter 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: A03-02058B
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: E W LINDSEY
Address: 725 COUNTY ROAD 70
WEISER ID

83672

AND

Name: JUNE LINDSEY
Address: 725 COUNTY ROAD 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	0.290		

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

8. Total consumptive use is 50.4 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

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SEP 19 1996

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	06W	29	NW	NW	5	IRR	16.0
Section Acres							16.0
Total Acres							16.0

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 1998



NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED
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 _____, B.M.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

Department of Water Resources

RECEIVED

[] 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, A67-10107, A67-10108, A67-10109

[] Name and Address of Former Owner/Claimant(s)(Seller): W.E. NOLLENBERGER AND MARY K. STARKMAN
2708 QUINCY ST.
KANSAS CITY, MO 64128

[] New Owner/Claimant (Purchaser): E.W. LINDSEY AND JUNE 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: _____
Further Action Taken
Date: 12/19/1994 By: MM
Final Review and Data-Entry
Date: 12/20/1994 By: MM
Claim Numbers of Split, if any:
A03-02058A, A03-02058B

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SEP 19 1996

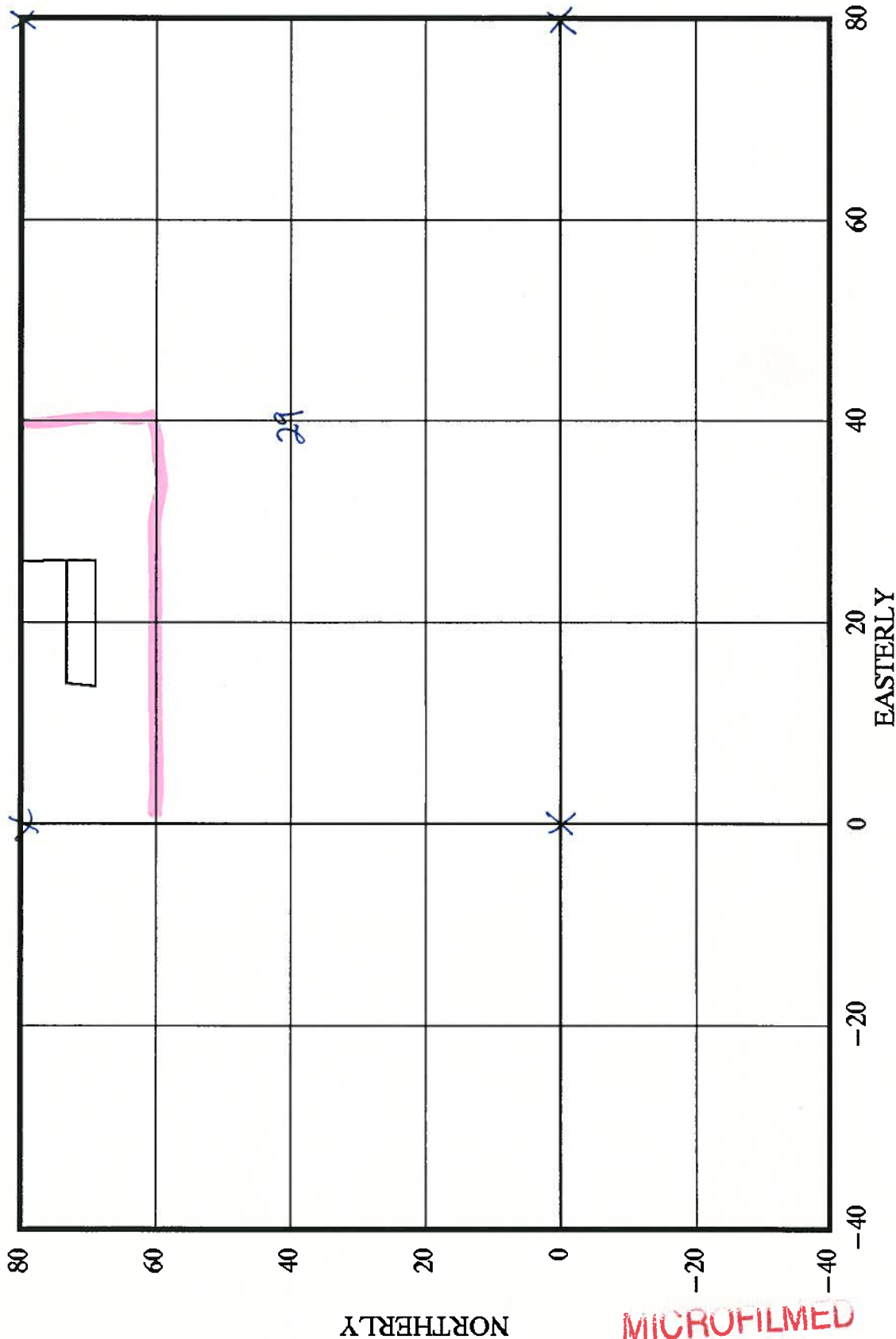
Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

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
26.03	73.15	0.00	17.00	0.00	se	452.00
26.05	68.91	0.00	17.00	0.00	se	280.00
13.48	68.91	90.00	0.00	0.00	nw	830.01
13.80	73.15	3.00	51.00	25.00	ne	280.63
26.06	73.15	90.00	0.00	0.00	ne	809.74
26.06	73.15	0.00	0.00	0.00		

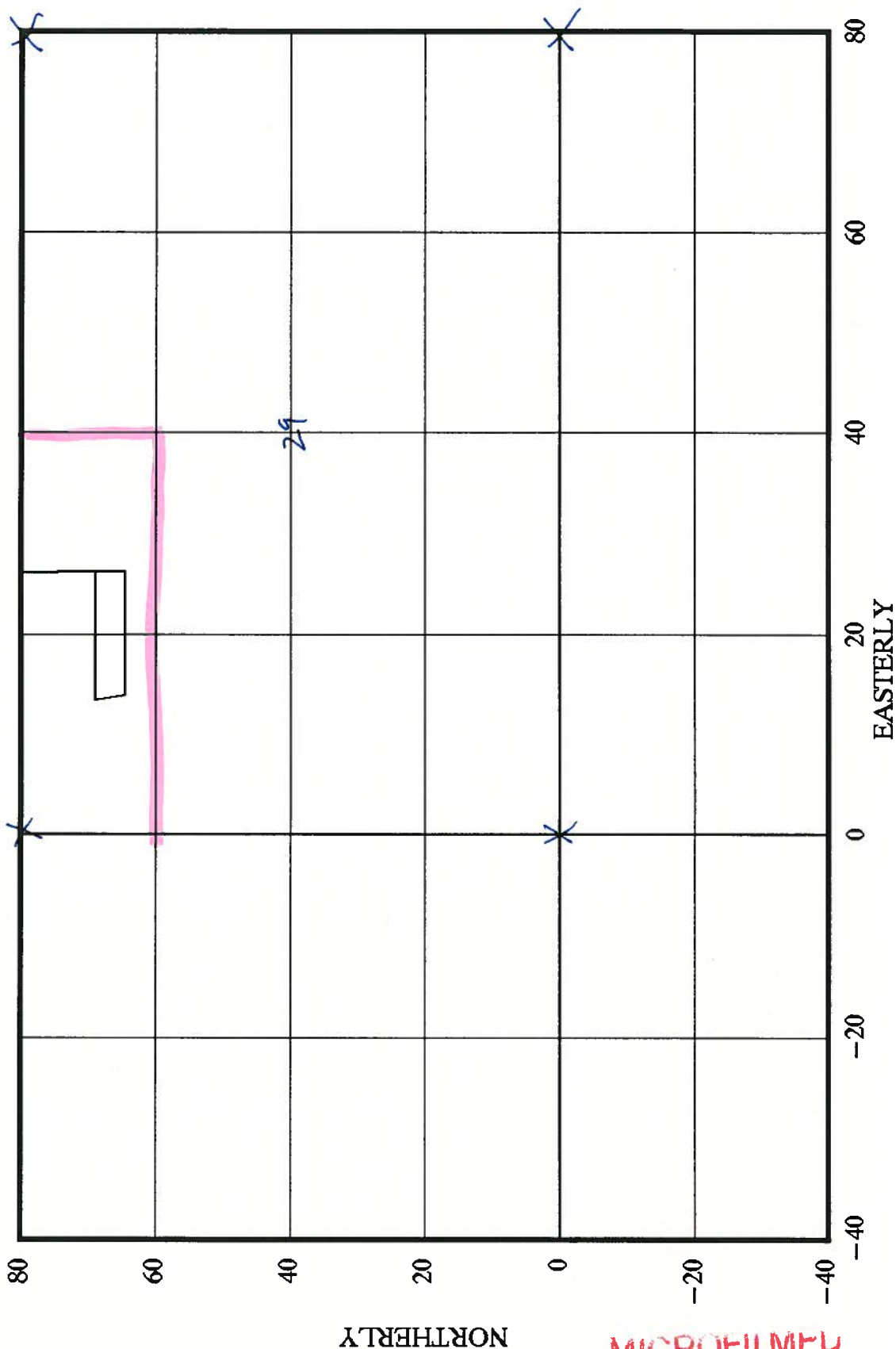
MICROFILMED
SEP 19 1996

4

AO3-02058

PARCEL PLOT - METES & BOUNDS

DISTANCE IS IN CHAINS



MICROFILMED
SEP 19 1996

4

A03-02058

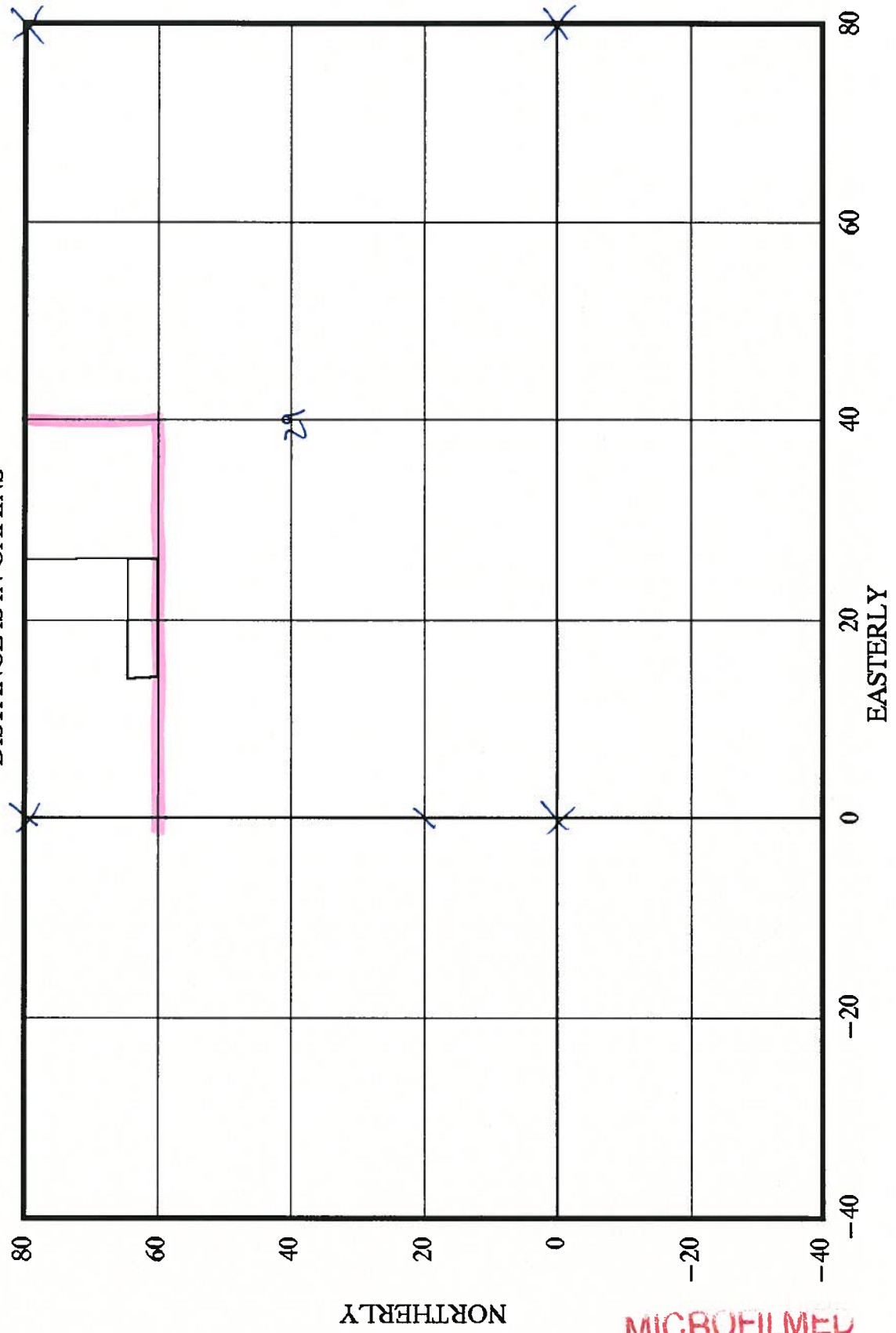
40.00	80.00						0.00
26.00	80.00	90.00	0.00	0.00	nw	924.00	15.50
26.05	68.91	0.00	17.00	0.00	se	732.00	21.62
26.08	64.52	0.00	17.00	0.00	se	290.00	21.62
13.92	64.52	90.00	0.00	0.00	nw	802.20	10.07
13.45	68.91	5.00	45.00	27.00	nw	291.47	10.07
26.02	68.91	90.00	0.00	0.00	ne	830.01	10.07
26.02	68.91	0.00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

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SEP 19 1996

5
A03-
02058

PARCEL PLOT -- METES & BOUNDS

DISTANCE IS IN CHAINS



MICROFILMED
SEP 19 1998

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 1965

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.

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SEP 19 1990

EXHIBIT "A"

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 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.

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SEP 19 1988

AND ALSO:

EXHIBIT "A" CONTINUED

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:

INSTRUMENT NO. 158451

PAGE 2

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.

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 1998

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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

QUITCLAIM DEED * jw * 1
(c:\wp\contract\parcel#3.nol)

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DEC 16 1994

WATER RESOURCES
WESTERN REGION

INSTRUMENT NO. 158412
PAGE 2 OF 3

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, _____, at the request of

Nicholas T. Bokides
12 at 12:00 P.M.
2nd of November, 1993
Deed
For \$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 1998

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DEC 16 1994

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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DEC 16 1994

WATER RESOURCES
WESTERN REGION

RECEIVED

DEC 16 1994

WATER RESOURCES
WESTERN REGION

INSTRUMENT NO. 158416
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

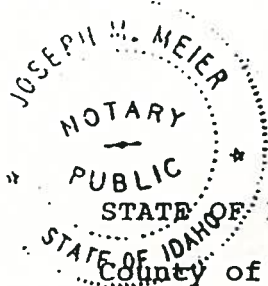
RECEIVED

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 Bix, ID
My Commission expires: 12/3/97

INSTRUMENT NO. 158410
STATE OF IDAHO, COUNTY OF WASHINGTON AS
Per the request of

Nicholas T. Bokides

12 16:00 P.

2nd November 1993

Deed

Notary Fee: \$6.00

By Nicholas T. Bokides Deputy

Nicholas T. Bokides

ATTORNEY AT LAW

P.O. BOX 28

WEISER, IDAHO 83672-0028

Comp Index
Chg. Fee
F

MICROFILMED

SEP 19 1996

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

RECEIVED

DEC 16 1994

WATER RESOURCES
WESTERN REGION

INSTRUMENT NO. 158411
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. 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)

MICROFILMED

SEP 19 1996

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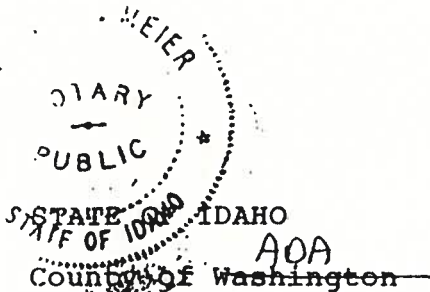
DEC 16 1994

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 SEPTEMBER, 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 Boise, ID
My Commission expires: 12-3-97

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

Nicholas T. Bokides
12 16:00 P.
The 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

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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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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. E. 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



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

Date: December 20, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

RE: Original Notice of Claim to a Water Right No(s). A03-02058

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

[E W LINDSEY]
JUNE LINDSEY
725 COUNTY ROAD 70
WEISER ID 83672

[]

Dear Claimant(s):

We have received and processed the Change of Ownership form submitted on the Original Notice of Claim to a Water Right Number as referenced above. This change of ownership required a split of this original claim resulting in the renumbering of the original claim by adding alpha suffixes to represent each split. The new Notice of Claim to a Water Right Number for your portion is referenced above. The right holders of the remaining portion have also been notified of this split and renumbering of their original claim.

Enclosed is a copy of this new claim which now reflects your portion of the original water right. Please keep this copy for your files and refer to the new claim number when corresponding with our office. If you have any questions concerning this letter or the enclosed claim, 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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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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Handwritten signature
7/25/1996

RECEIVED

DEC 16 1994

WATER RESOURCES
WESTERN REGION

DEC-15-1994

735-Co-Rd-70

Waiser, IDAHO-83672

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

DEAR Marie:

Enclosed Copies of Out-Claim Deeds from
Mr. W.F. 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.

Bill Hindsey

Yours truly,
Bill Hindsey

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SEP 19 1996

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SEP 19 1996

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SEP 19 1998

State of Idaho
License and Certificate of Water Right

Water License No. 30473 Priority April 23, 1962 Amount 0.48 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.

Jack A. Barlett
Deputy State Reclamation Engineer

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SEP 19 1998

MANT'S NAME: Nollenberger, & Lindsey DATE: 12/06/1994
TY: Washington
OYEE: MMenicucci

SW Lindsey 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. Lindsey I would call him back after investigating.

At 4:45 pm I relayed the following info to Mr. Lindsey: 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. Lindsey & proportionate amt of water. Mr. Lindsey will send Quit Claim deeds on all parcels (previously received only parcel 5). Mr. Lindsey's tel. no. that day was 549-1031 - unknown if this is his residence, business, or unrelated to him personally.

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SEP 19 1996