

Idaho Dept. of Water Resources
322 E. Front St. Boise, ID
May 22, 2006

To: 3-4005 Claim File
From: Jennifer Dean
Subject: Unsurveyed Lands

At various places along the Snake River (and other rivers) the most recent federal land survey (as represented by the BLM's Geographic Coordinate Database, GCDB) stops at river meander lines. Since the time of the survey, the river has changed course in several places, which created land that is not represented in the survey data. This land is known as omitted lands.

This recommendation for this claim consists of 12 acres. Of those acres, 1 is on omitted lands. In order to create a meaningful description of the place of use, I copied $\frac{1}{4}$ $\frac{1}{4}$ section lines and overlaid them on the omitted lands, carefully lining them up with the existing GCDB $\frac{1}{4}$ $\frac{1}{4}$ section lines. In so doing, there were a couple of the theoretical $\frac{1}{4}$ $\frac{1}{4}$ section lines that were divided by existing lots as well as existing lots that were divided by the theoretical $\frac{1}{4}$ $\frac{1}{4}$ section lines. In these instances I used ArcView to calculate the acres for the smallest division.

For example, I recommended 9.5 acres in T10N, R05W, S17 **NESW** Lot 2. I also recommended an additional 1.5 acres in T10N, R05W, S17 **SESW** Lot 2. Additionally, there were 0.5 acres recommended as unsurveyed land in T10N, R05W, S17 **NESW**. Dividing the acres in the recommendation in this way allows both the acres for each lot and the acres for each theoretical $\frac{1}{4}$ $\frac{1}{4}$ to be calculated by simple addition. According to the example, there are a total of 11 acres in T10N, R05W, S17 **Lot 2**. There are also a total of 10 acres in T10N, R05W, S17 **NESW**. This method also keeps the government lot as part of the recommendation, which provides a more accurate legal description.

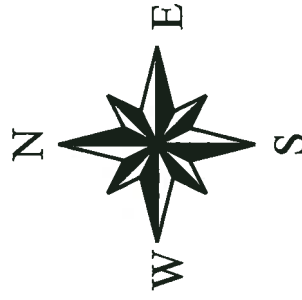
Idaho Department of Water Resources

Claim Number:

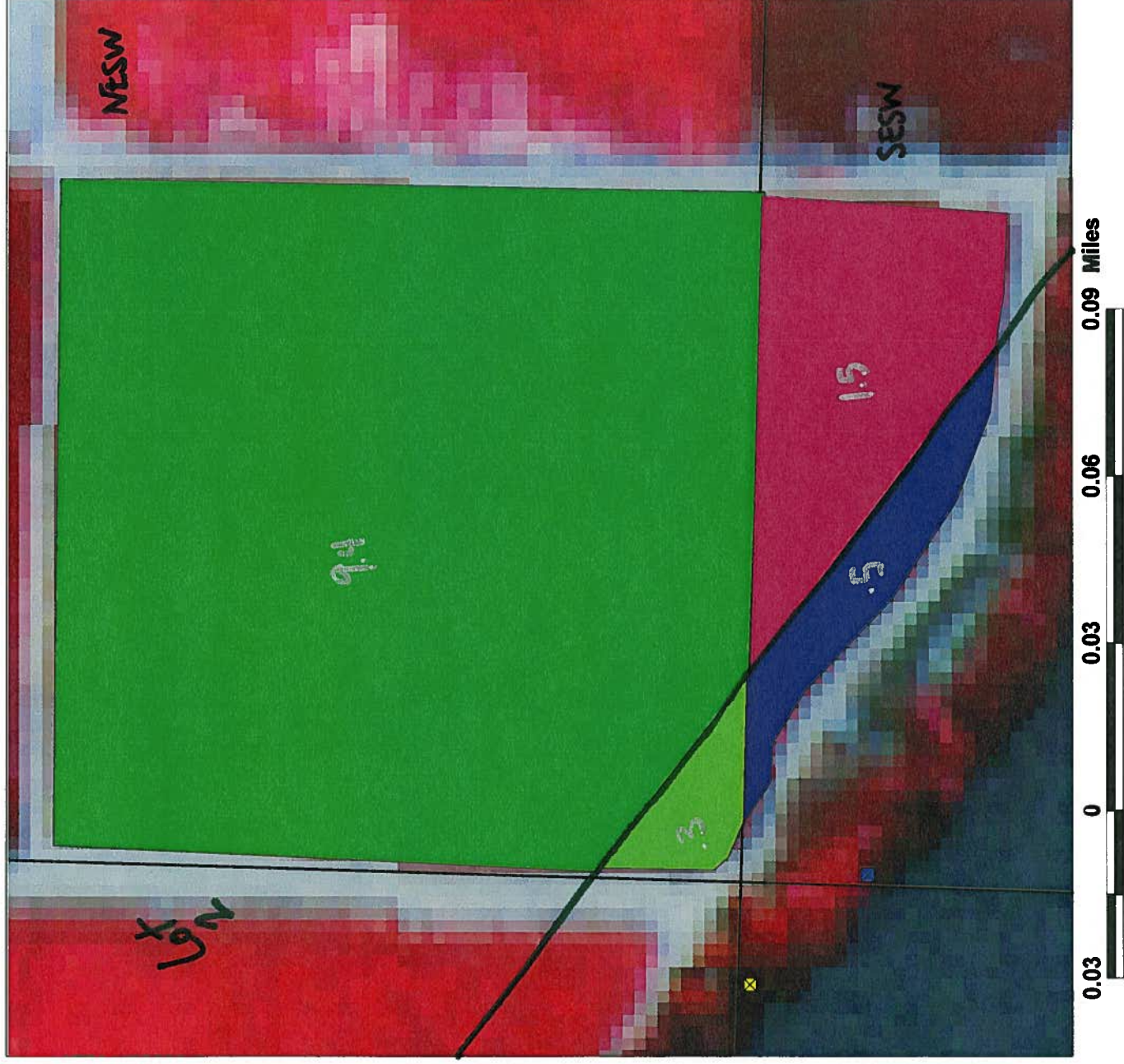
03-04005

- Graph184.shp
- Graph183.shp
- Graph182.shp
- Graph181.shp
- 03_10214_split_extended_qq.shp
- GCDB10N05W GCDB
- Recommendation POD
- Administrative BasinsAdminbas.shp

Legal: T16N, R06W, S11



1987 NAAP Photo





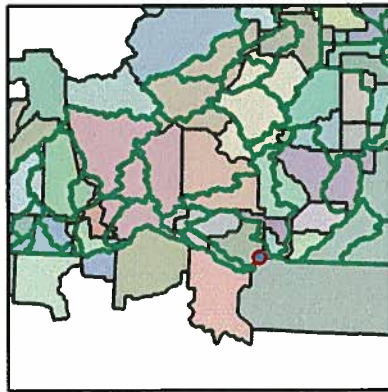
Idaho Department of Water Resources

SRBA Recommendation:

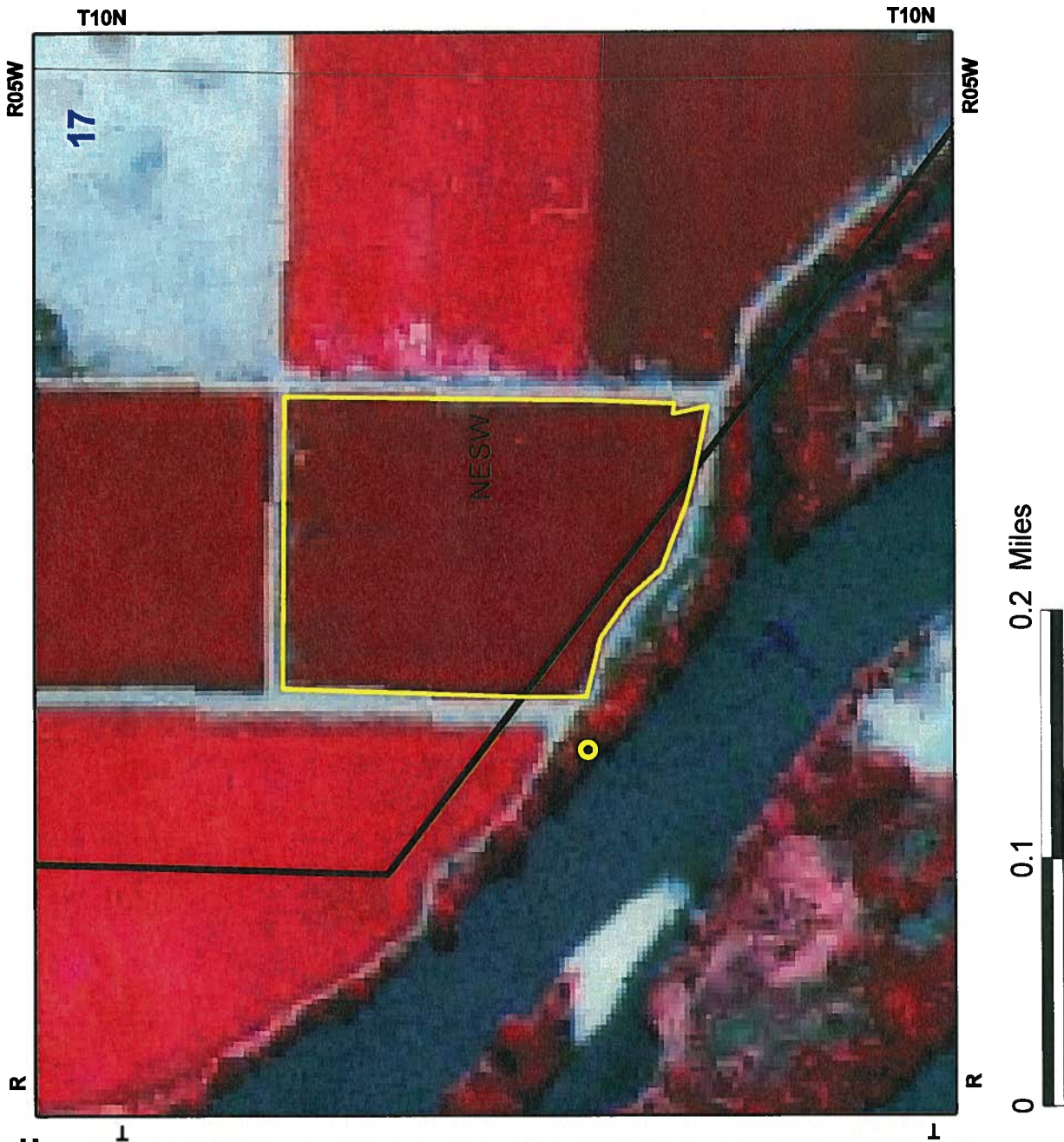
3-4005

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Washington County
IDWR Basin 3



Prepared by J. Dean
On Monday, May 22, 2006
1987/88 Aerial Photography

05/22/2006

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

RIGHT NUMBER: 3-4005

NAME AND ADDRESS: W JAMES SMITH
1634 VINEYARD DR
LEWISTON ID 83501

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.240 CFS

PRIORITY DATE: 01/15/1907

POINT OF DIVERSION:

T10N R05W S17 NWSESW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.240 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T10N R05W S17	NESW	0.50	T10N R05W S17 Lot 2 NESW	9.50
T10N R05W S17	SESW	0.50	T10N R05W S17 Lot 2 SESW	1.50

12 ACRES TOTAL

T10N, R05W S17 NESW & SESW is unsurveyed, nonfederal land except where noted by GCDB lot number.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

The following rights are diverted through point of diversion described above: 3-4005, 3-10227, 3-10228, 3-10229, 3-10230, 3-10231, 3-10232, 3-10233, & 3-10234.

Shared PoD for 3-4005: 3-10214 splits

3-4005	0.24 cfs	0.24 cfs
3-10227	0.17 cfs	0.41 cfs
3-10228	0.13 cfs	0.54 cfs
3-10229	0.13 cfs	0.67 cfs
3-10230	0.13 cfs	0.80 cfs
3-10231	0.12 cfs	0.92 cfs
3-10232	0.11 cfs	1.03 cfs
3-10233	0.1 cfs	1.13 cfs
3-10234	0.05 cfs	1.18 cfs.

Total diversion

Diversion capacity = 3.08 cfs

Okay



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

May 9, 2006

JIM SMITH
1634 VINEYARD DR
LEWISTON ID 83501

RESPONSE DEADLINE
MAY 23, 2006

3-4005

Re: Change of Ownership

Dear Mr. Smith:

I have received and processed your change of ownership. Again, I apologize for the inconvenience of having to submit the paperwork for that change twice. This letter is primarily to address the amended claim that we have previously discussed.

Claim 3-4005 indicates your water usage is based on a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, was claimed as April 1, 1931. Normally for "Statutory Claims," claimants must supply proof supporting the claimed priority date, however because all of the Sunnyside Orchard was licensed with a priority date of January 15, 1907 we are giving you the option to amend your claim to receive this priority date.

I have enclosed a copy of an amended claim in your name that you may sign and return. Please check the claim to be sure that you agree with the changes. If you choose to amend your claim please return the copy signed and notarized. Along with the amended claim, we will need evidence that the point of diversion was moved to its present location prior to 1987. We previously discussed using a personal affidavit from you as evidence to indicate the change. Please be specific in your statement. If possible, include dates and how you know the change took place. This statement should also be signed and notarized.

If you choose to amend your claim, please submit the amended claim and evidence of change in the point of diversion by the date shown above. If you have questions not covered by this letter, please contact this office. If you wish to call, our toll free number is 1-800-451-4129. You may reach me directly at (208) 287-4918.

Sincerely,

Jennifer Dean, EIT
Adjudication Bureau

Enclosures



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 3, 2006

JIM SMITH
1634 VINEYARD DR
LEWISTON ID 83501

RESPONSE DEADLINE
APRIL 17, 2006

3-4005

Re: Change of Ownership

Dear Mr. Smith:

I am writing to follow up on some business that you discussed with Steve Robischon last August. The Claim to a Water Right associated with the property that you and your sister inherited from Skyway Enterprises is being reviewed in the Snake River Basin Adjudication (SRBA). As part of the review process IDWR needs some additional information pertaining to this claim.

The first priority for this property is to change the ownership of the water right to your name. This can be accomplished by submitting the enclosed Notice of Change in Water Right Ownership. Because this claim is still in the adjudication process you may ignore item 2A. By changing the ownership, you will be able to make decisions related to how you want to claim this water right and we will send all correspondence directly to you.

Claim 3-4005 indicates your water usage is based on a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, was claimed as April 1, 1931. Normally for "Statutory Claims," claimants must supply proof supporting the claimed priority date, however because all of the Sunnyside Orchard was licensed with a priority date of January 15, 1907 we are giving you the option to amend your claim to receive this priority date.

Upon completion of the change of ownership you may choose to amend this claim. At that time, I will send you a copy of an amended claim in your name that you may sign and return. Along with the amended claim, we will need evidence that the point of diversion was moved to its present location prior to 1987. This information will be needed if and when you decide to file the amended claim. Because it may take some time to obtain this information, it is in your best interest to begin collecting it now.

The Enclosed pamphlet entitled "Evidence of Priority" describes the types of evidence required and suggests which documents will fulfill this requirement. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit. A form is provided for your convenience. For your information, a copy of claim 3-4005 and a map of the general area stated in your claim are also enclosed.

Please submit the required change of ownership documents by the date shown above. Send them in the enclosed envelope to assure it arrives at the correct location. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. If you wish to call, our toll free number is 1-800-451-4129. You may reach me directly at (208) 287-4918.

Sincerely,

Jennifer Dean, EIT
Adjudication Bureau

Enclosures

Contacts Data Entry Form

Claim Number: 3-4005

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	SKYWAY ENTERPRISES INC	C/O BARBARA SYME 952 EATON RD	WEISER	ID	83672	(208)549-0971

Comment for 1: desk review

Date of Field Exam: 7/29/05 Time: AMAccompanied By: Steve Nakamura Phone Number: _____Relationship to Claimant: neighbor

Directions to Property (if different from above) and/or update owner information:

new owner: James Smith
1634 Vineyard Dr.
Lewiston, ID 83501
(208) 746-0828

Reviewer: JLDDate: 6/1/06

Priority Date Data Entry Form

Claim Number 3-4005

Claimed Priority Date: 4/1/1931

Claimed Basis: Statutory Claim

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date: 4/1/1931

Water Right Basis: Statutory Claim

Recommended Priority Date 1/15/1907 Recommended Basis License

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Basis was changed to license based on 3-2001
which was licensed for this POV.

Accomplished transfer of point of diversion
was established by affidavit of owner - transfer
prior to 1947.

Reviewer: JLDDate: 6/1/06

Point of Diversion and Source Data Entry Form

Claim Number 3-4005

Claimed Point of Diversion and Source

T10N R05W S17 NWSESW Within WASHINGTON County Source: SNAKE RIVER COLUMBIA RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T10N R05W S17 SESW Within WASHINGTON County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

Snake River

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source

Other rights from this POD? 3-10227 through 3-10234 (splits from 3-10214 - split from 3-4006)

Document how the POD and Source were verified:

POD was verified by field exam
pump horse power and lift obtained during exam
verified by IPCo spatial data
10 hp
20' lift

Reviewer: JLDDate: 6/1/06

4006

2001C

S17 (NESW)

4005

2001C



Place Of Use Data Entry Form

Claim Number 3-4005

Claimed Place Of Use

T10N R05W S17 NESW 10.0 T10N R05W S17 SESW 3.0
Total Acres 13

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T10N R05W S17 SESW 13.0
Total Acres 13

Recommended Place of Use

☐ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres 12

Document how the POU was verified:

aerial photography

Reviewer: JLDDate: 6/1/06

Purpose of Use Data Entry Form

Claim Number 3-4005

Claimed Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

IRRIGATION

☒ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

IRRIGATION

Recommended Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

Number of Other

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Document how the Purpose of Use was verified:

Irrigation based on aerial photography and field exam

Reviewer: JLDDate: 6/1/06

Period of Use and Quantity Data Entry Form

Claim Number 3-4005

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.26	
Overall Diversion Rate 0.26		Overall Diversion Volume		

 Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	11/15	1	
Overall Diversion Rate 1		Overall Diversion Volume		

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

period of use - recommend standard for irrigation
quantity - see theoretical calculation - sufficient
to divert 1"/acre
12 acres * 0.02 cfs/acre = 0.24 cfs

Reviewer: JLDDate: 6/1/06

THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

Water Right No.: 3-04006
 Examiner: Jennifer Dean
 Date of Field Exam: 7/29/2005

P/D No.:		
PUMP HORSEPOWER		
BOOSTER HORSEPOWER		
PUMPING LEVEL		
DISCHARGE PRESSURE		
RATE OF FLOW (cfs)		

Pump 1 Southern		Pump 2 Northern
10		8
20		0
0		10
3.08		0
		4.93

The above calculates the formula = $Q = \frac{8.8 * (\text{Efficiency}) * \text{hp}}{\text{depth to water} + 2.31 * (\text{psi}) + \text{friction}}$

Assumptions: %70 efficiency.
 No Friction

Examiners Notes:



3-4005 and 3-4006 pump.

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: A03-04005
Date Received: 9/26/1989
Receipt No: MOD 4701
Received By: AB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SKYWAY ENTERPRISES INC. 208-459-0260
Address: C/O AMEL SMITH
256 E. BUTTERFIELD
WEISER, ID 83672

2. Date of Priority: APR 01, 1931

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
10N	05W	17	NW SE SW		WASHINGTON

5. Description of diverting works:
PUMP IN RIVER PIPED TO GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.260		

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

8. Total consumptive use is 45.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10N	05W	17	NE SW		IRR	10.0
			SE SW		IRR	3.0
Section Acres						13.0

A03-04005

Page 1

Date: 09/26/89

MICROFILMED

AUG 10 1992

10. Place of Use: Continued

Total Acres 13.0

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: 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: 1

For Organizations:

I do solemnly swear or affirm that I am President of _____ Title

Spy Way Enterprises, that I have signed the foregoing Organization
document in the space below as President of

Spy Way Enterprises and that the statements contained in the Title
Organization
foregoing document are true and correct.

Amel Smith
Signature of Authorized Agent

Pres. Spy Way Enterprises
Title and Organization

9-26-89

Date

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of September 19 89

Anna Baunhoff
Notary Public

Seal

Residing at Anna Baunhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires December 7, 1994

A03-04005



IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 03-04005

Date: 11-07-02

	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	10N	5W	17									10			3					13
GIS												9.4			2					11.4
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 13

Overlapping FOU Claim #'s:

Total GIS Acres: 11.4

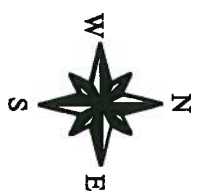
COMMENTS:

Per claim map & image interpretation.

Idaho Department of Water Resources

Claim Number: 03-04005
Legal: T10N, R05W, S17
Reviewed By:

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



1987 Napp Photo

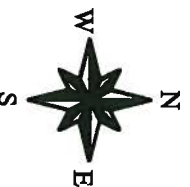
Idaho Department of Water Resources

Claim Number: 03-04005

Legal: T10N, R05W, S17

Reviewed By:

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



1987 Napp Photo

0 0.25 Miles

Identification No. 03-40052

Claim No. 02-4009

Map No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION**

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Skyway Enterprises, Inc.
post office address Route #3, Weiser, Idaho
2. The point of diversion is in SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 17 Township 10 N (also known as lot #80 of Sunnyside Orchard)
Range 5 W B.M. located on Snake River
(name of source)
tributary to _____ in Washington County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed: April 1937 amount: 1.0 c.f.s. or _____ acre feet
 _____ amount: _____ c.f.s. or _____ acre feet
 _____ amount: _____ c.f.s. or _____ acre feet
 Total claimed _____ c.f.s. or _____ acre feet.
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:
 use irrigation period of use from April 1 to Nov. 15 (both dates inclusive)
 use _____ period of use from _____ to _____ (both dates inclusive)
 use _____ period of use from _____ to _____ (both dates inclusive)
 use _____ period of use from _____ to _____ (both dates inclusive).
4. Description of diverting works:
 - a. Surface water diversion dam and/or headgate: material is composed of pumped directly
from Snake River; length is _____ feet; height is _____ feet;
 width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

 - b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
 capacity of pump is _____ g.p.m.; name and address of well driller is _____

2 4009

2 4009

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

- c. Conveying works: length of ditch to place of use is 50 feet; width of ditch at top is 8" pipe feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____.
- Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

- d. If water is stored: name of reservoir _____; total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet; year construction commenced _____; year completed _____; date first used _____; period of storage is from _____ to _____; is reservoir drained each year _____; is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10N	5W	17												13					13
			also known as lots #78, 79 and 80 of the Sunnyside Orchard Tract																

Total number of acres to be irrigated 13

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

- b. Do you get water through a ditch owned by several users? NO If yes, give the name of the ditch _____
 The other users and their respective
 interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____

7. Where water is used for domestic or municipal purposes give number of families served _____
 name of town supplied _____
8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
 and any details regarding the Initiation of the right or subsequent later expansion. Be as specific as possible,
 giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
Water is pumped directly from the Snake River, using 5 HP pump into an 8" line 50' long.

State of Idaho

County of Ada 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 affiants knowledge.

Sworn to before me this 19th day of March, 1971.

Maria M. Smith
 Claimant

M. Russell Smith
 Notary Public

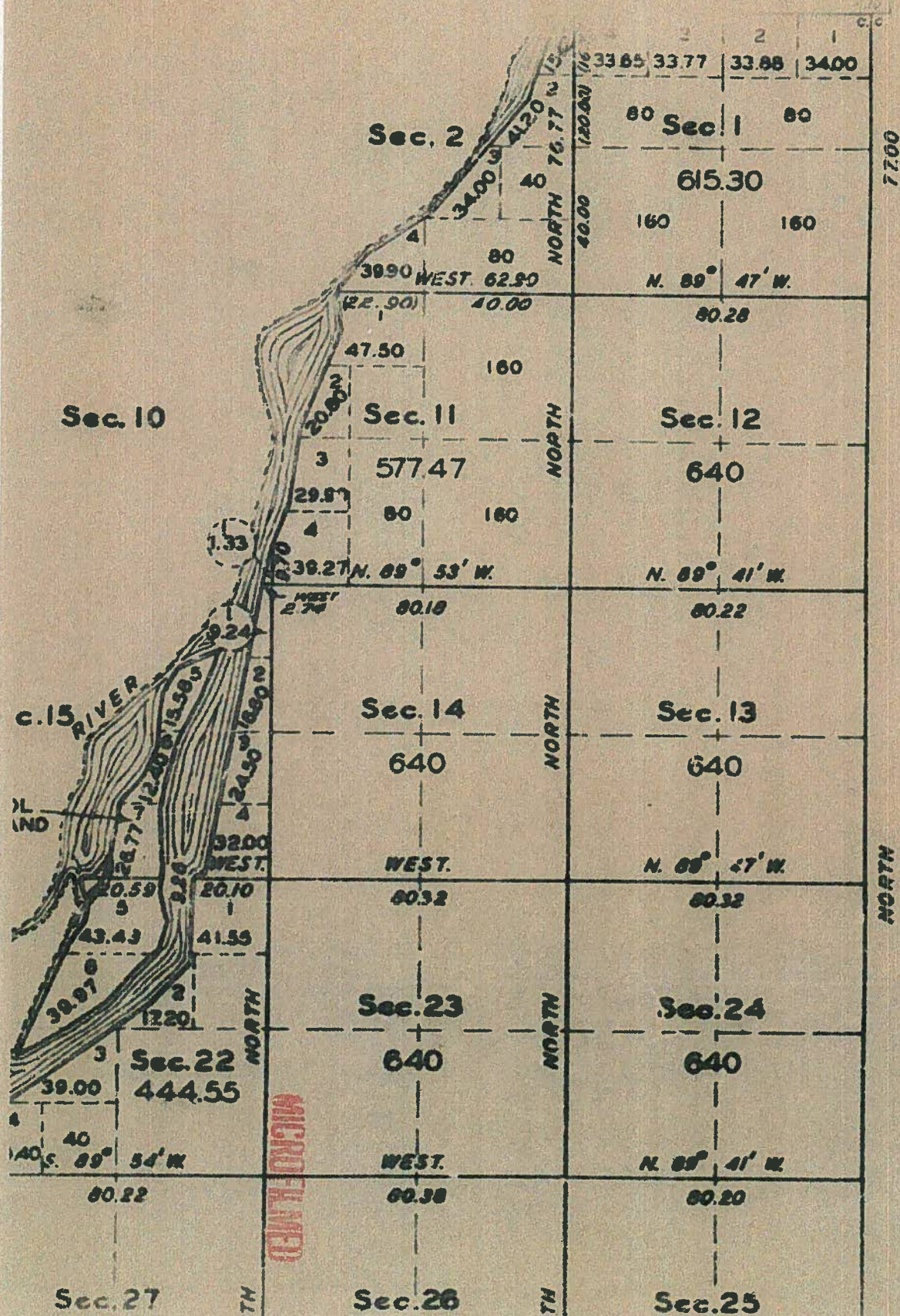
Residing at Boise, Idaho

My commission expires Jan 19, 1972

For Department Use Only

Received by <u>V.H.</u> Date <u>3-19-71</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>B.H.</u> Date <u>3-19-71</u>	Fee received by <u>V.H.</u> Date <u>3-19-71</u> Fee \$ <u>10.00</u>	_____	
Approved for publication by _____	Published in <u>Weiser Signal</u> Dates <u>4-1 & 4-8, 1971</u>	_____	

2 4009



WARRANTY DEED

THIS INDENTURE, Made this 30 day of June, in the year 1955 between ALEX ACHTZIGER and wife, LEA ACHTZIGER of Weiser, County of Washington, State of Idaho the parties of the first part, and E. O. JUDD and wife, JOYCE JUDD of Weiser, County of Washington, State of Idaho, the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of ---Eight Thousand and No/100- - - - - DOLLARS lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all the following described real estate situated in Washington County, State of Idaho, to-wit:

Lots 78, 79 and 80 of Sunnyside Orchard Tract, located in Section 17, Township 10, North of Range 5, West of Boise Meridian, together with all water, water rights, pumping plants and irrigation system used in connection with said lands, RESERVING to the grantors herein one-half of all oil, gas and mineral rights of said lands.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, 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 parties of the first part:

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances unto the parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part their heirs and assigns against the said parties of the first part, and their heirs and against all and every person or persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first written.

Signed, sealed and delivered in the presence of

Alex Achtsiger (SEAL)
Lea Achtsiger (SEAL)

STATE OF IDAHO)
(ss.
County of Washington)

On this the 30th day of June, 1955, before me, the undersigned, a Notary Public in and for said State, personally appeared Alex Achtsiger and wife, Lea Achtsiger, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and acknowledged to me that they executed the same.

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

(SEAL)
(Elizabeth Coulter, Notary Public)
(State of Idaho)

Elizabeth Coulter
Notary Public for Idaho,
residing at Weiser, Idaho.

Documentary Revenue Stamps \$ 8.80

Filed for record at request of J. F. Glabby, at 10:45 o'clock A.M. this 17th. day of July, 1956.

Fees: \$1.50

Nell M. Guiver, Recorder

State of Idaho)
County of Washington)
I, the undersigned, a Notary Public in and for said State, do hereby certify that the foregoing instrument was duly executed and acknowledged before me on this 30th day of June, 1955, by the persons whose names are subscribed to the within and foregoing instrument, and that the same is a true and correct copy of the original instrument as the same appears from the records of my office.
Witness my hand and notarial seal this 10th day of March, 1956.
Mary Kautz
By Vivienne Dickerson.

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Rec'd