



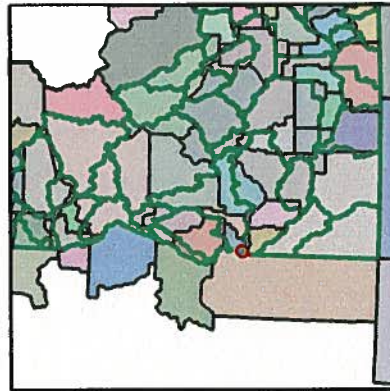
Idaho Department of Water Resources

SRBA Recommendation:

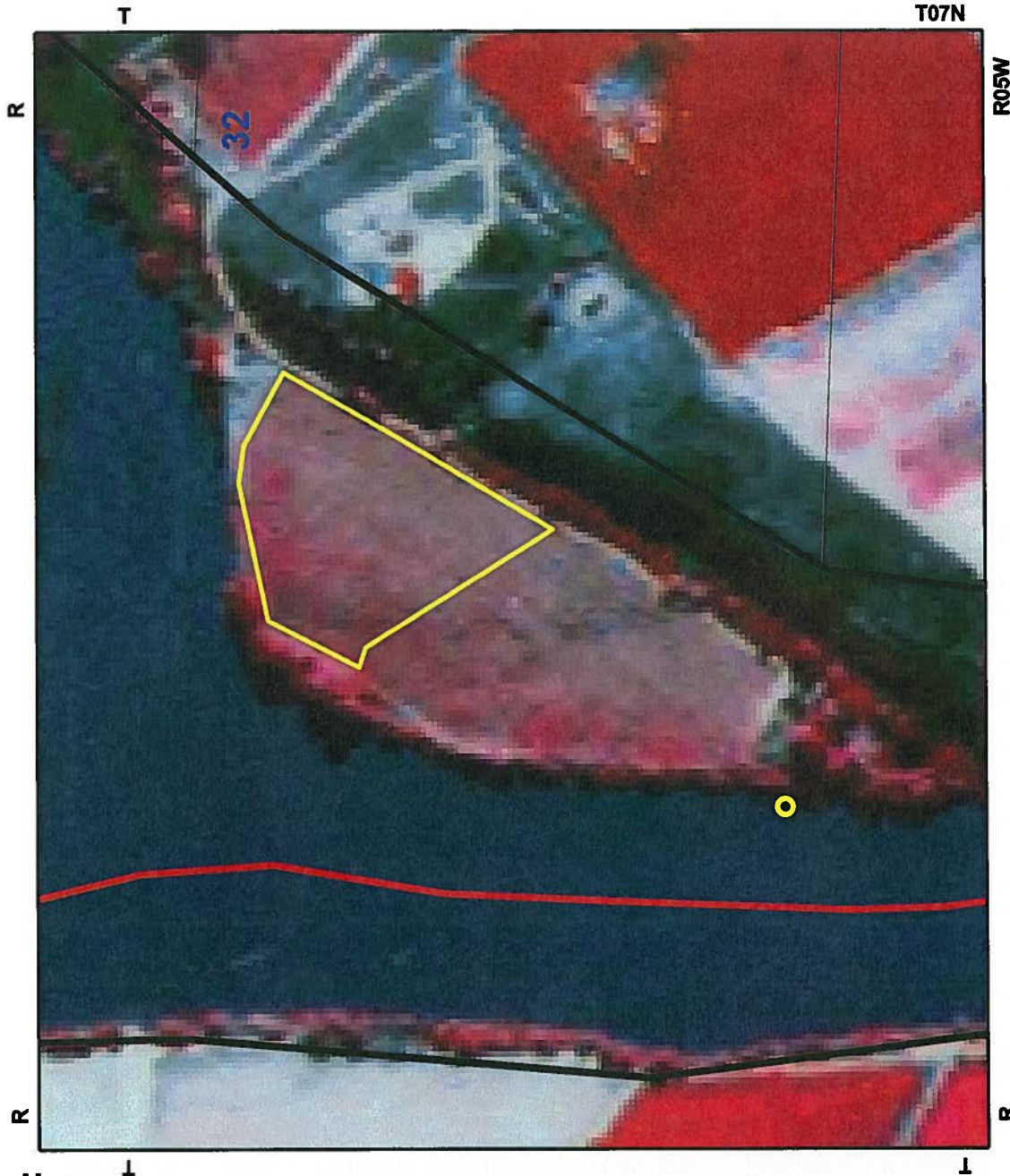
3-10176

Legend

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



Payette, Malheur Or Counties
IDWR Basin 3



0 0.1 0.2 Miles

Prepared by J. Dean
On Wednesday, April 19, 2006
1987/88 Aerial Photography

04/19/2006

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

RIGHT NUMBER: 3-10176

NAME AND ADDRESS: WARREN H KELLER
933 STEEPLEVIEW
EAGLE ID 83616

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.080 CFS
18.000 AFY

PRIORITY DATE: 04/29/1973

POINT OF DIVERSION:

T07N R05W S32 NWSW Lot 3 Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.080 CFS

18.00 AFY

The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within PAYETTE County

T07N R05W S32 Lot 3 NWSW 4.00

4 ACRES TOTAL

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

This claim is the result of a split due to change in ownership for a portion of 03-7016B.

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

The following rights are also diverted through point of diversion described above: 3-7016A, 3-10176, & 3-10177.

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

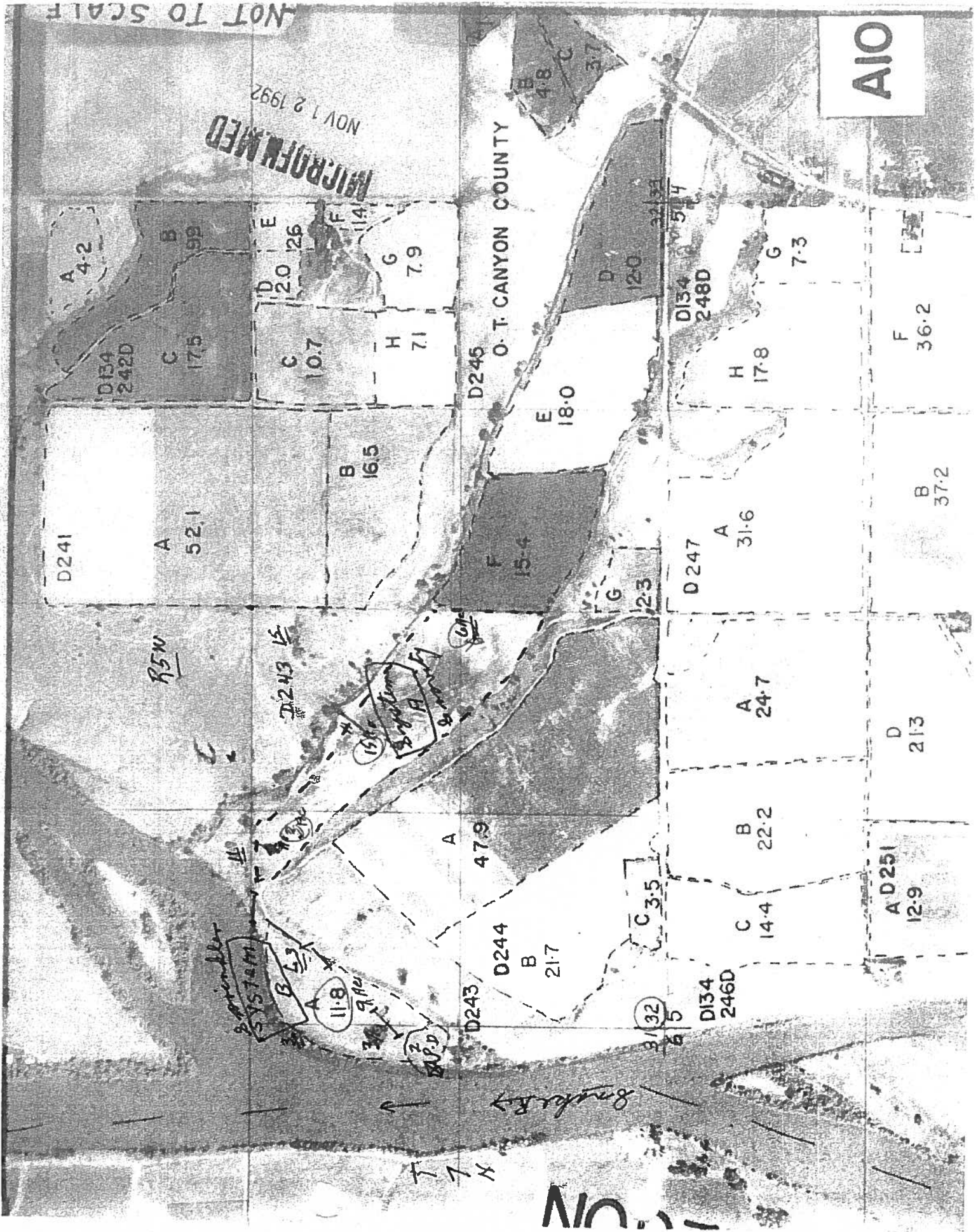
This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

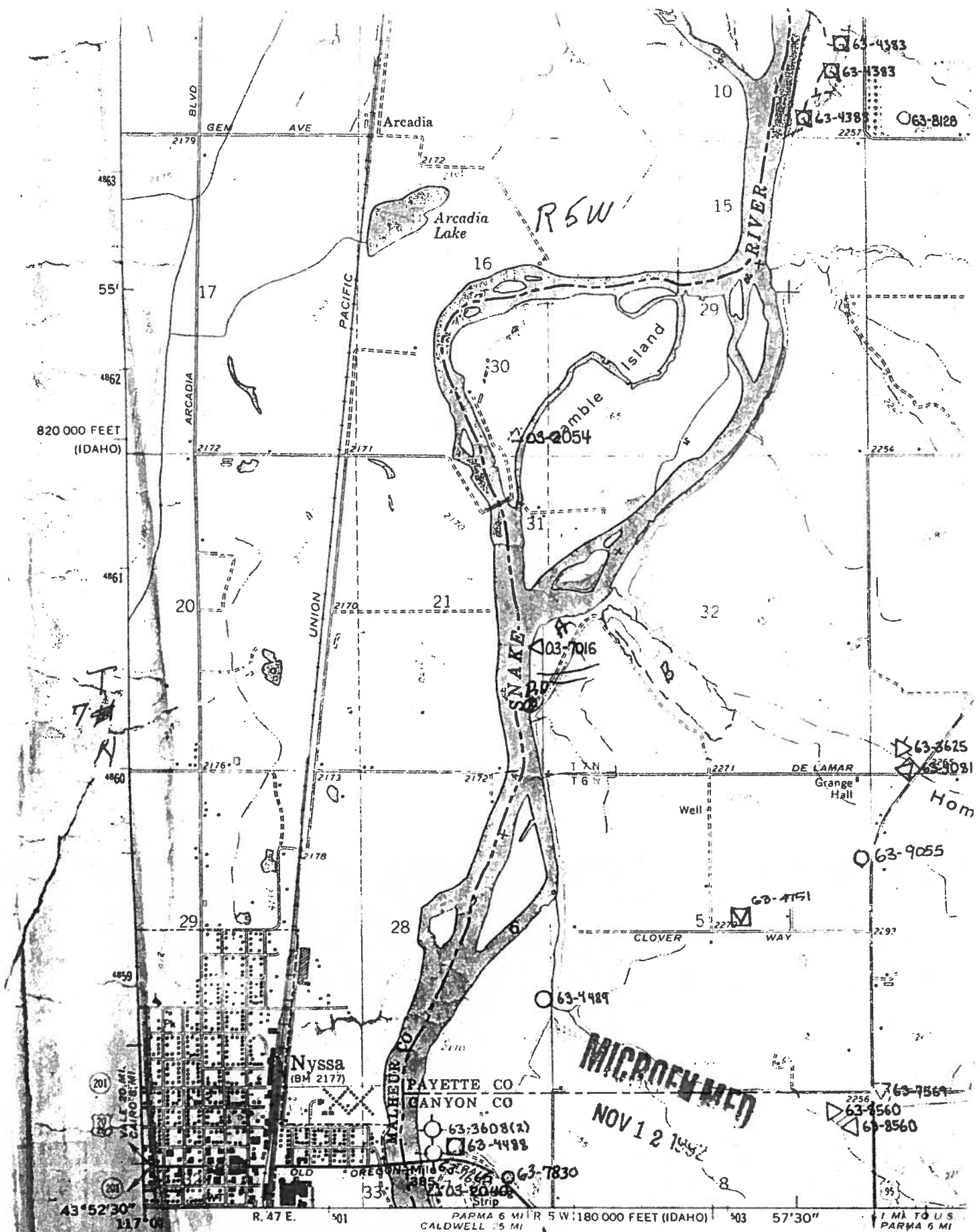
AIO

NOV 12 1992

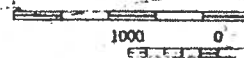
REPRODUCTION

NOT TO SCALE





Maped, edited, and published by the Geological Survey
Compiled by USGS and USC&GS
Topograph by photogrammetric methods from aerial



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 03-07016B

Priority: April 29, 1973

Maximum Diversion Rate: 0.24 CFS
Maximum Diversion Volume: 54.0 AF

This is to certify, that **LESTER W SCOTT**
MARY S SCOTT

671 SUNSET DR
ONTARIO OR 97914

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 9, 1973; and has submitted Proof of Beneficial Use on May 21, 1981. An examination indicates that the works have a diversion capacity of .260 cfs of water from:

SNAKE RIVER tributary to **COLUMBIA RIVER**

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.24 CFS	54.0 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 3(NWSW), Sec. 32, Township 07N, Range 05W
PAYETTE County

<u>PLACE OF USE:</u>	<u>IRRIGATION</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>			
07N	05W	32	Lot 3(NWSW)	12	12

Total number of acres irrigated: 12

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

MICROFILMED

NOV 12 1992

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 03-07016B

CONDITIONS/REMARKS:

6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 19TH day of OCTOBER, 1972.


Acting for R. Keith Higginson, Director

NOV 12 1992



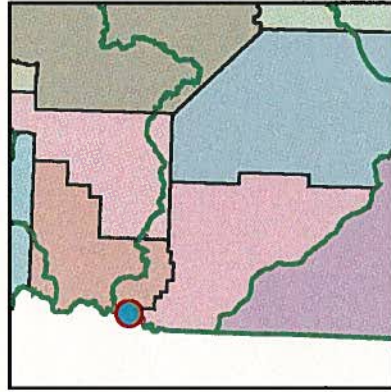
Idaho Department of Water Resources

Adjudication Claim Number: **3-10176**

T07N R05W

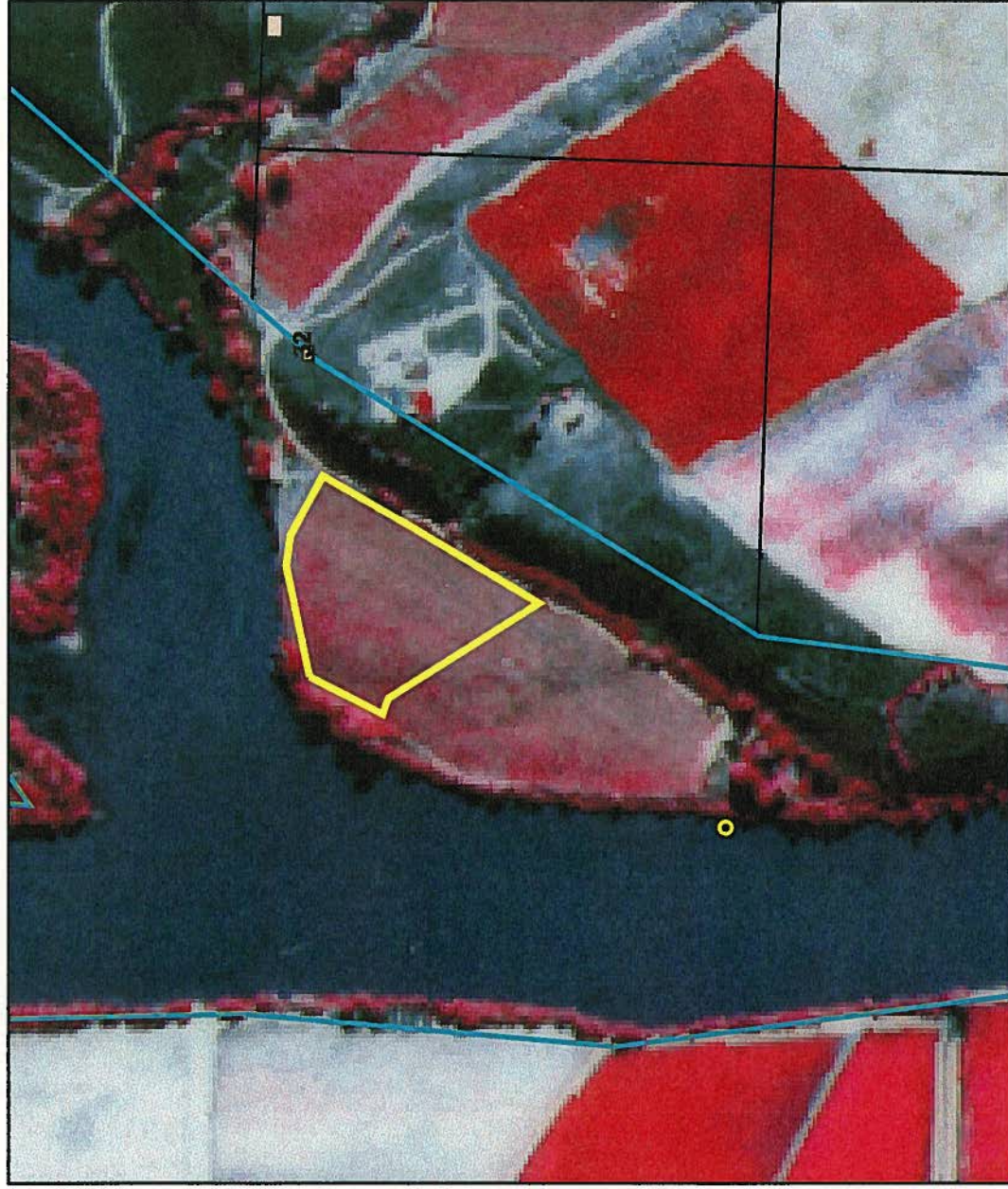
Legend

-  Point of Diversion
-  Place of Use
-  Sections
-  Quarter Quarter Lines



Payette County
IDWR Basin 3

Prepared by J. Wilson
On Friday, September 16, 2005
1987/88 Aerial Photography



IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 03-10176

Date: 9-18-02

	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	7N	5W	32										3							4
GIS													4.8							4.8
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1 (Lot 3)

Total Claimed Acres: 4

Overlapping EOU Claim #'s:

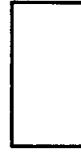
Total GIS Acres: 4.8

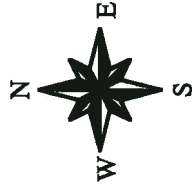
COMMENTS:

Per claim map & county data.

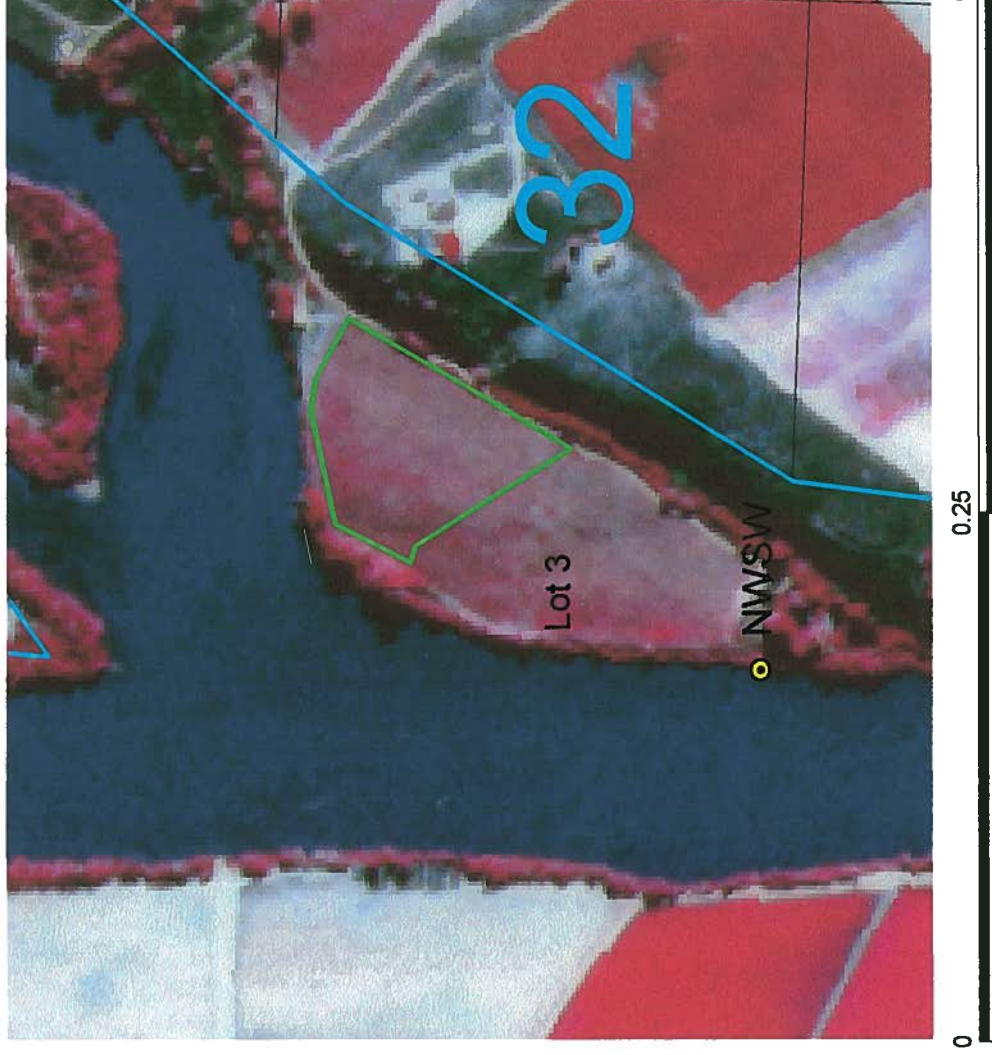
Idaho Department of Water Resources

Claim Number: 03-10176
Legal: T07N, R05W, S32
Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



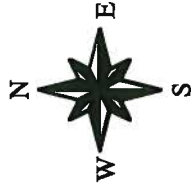
1987 Napp Photo



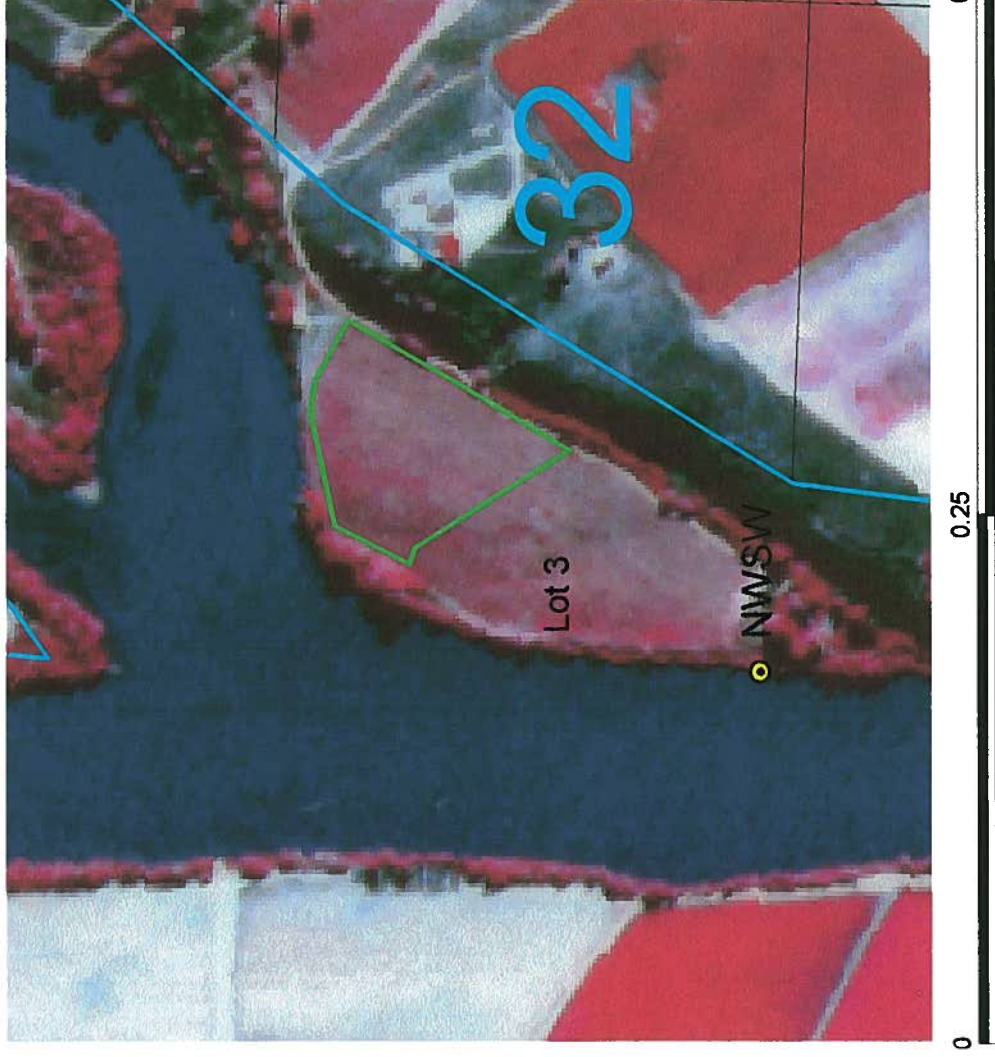
Idaho Department of Water Resources

Claim Number: 03-10176
Legal: T07N, R05W, S32
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 03-10176
Date Received: 4/17/1990
Receipt No:
Received By:

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

1. Name of Claimant(s): WARREN H KELLER Phone: (208)939-0027
933 STEEPLEVIEW
EAGLE ID USA 83616

2. Date of Priority: 04/29/1973

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	Type
07N	05W	32	NW SW 3	PAYETTE	

5. Description of diverting works:

7.5 HP PUMP IN RIVER, SPRINKLER IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.08	18

7. Total Quantity Appropriated is:
0.08 C.F.S. and/or 18 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	05W	32	NW SW	3	IRRIGATION	4
Section Acres						4
Total Acres						4

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

This claim is the result of a split due to change in ownership for a portion of 03-7016B. DB 8/14/2001

15. Basis of Claim: License

RECEIVED

AUG 02 2000

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

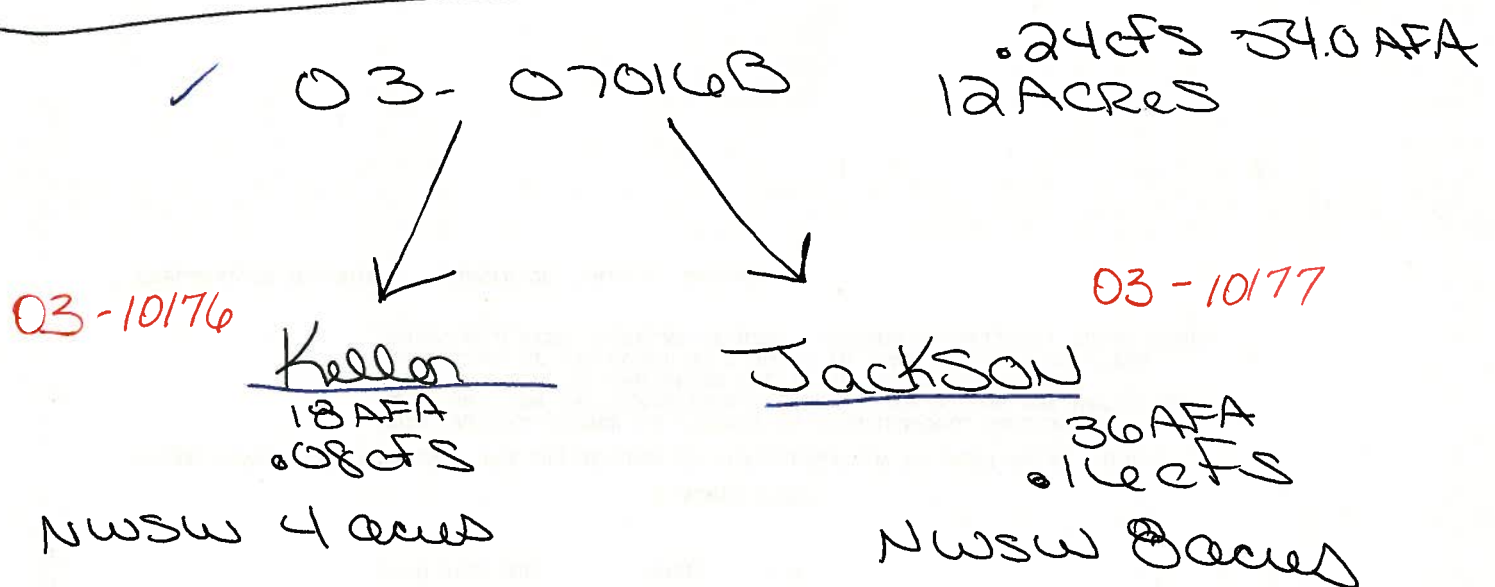
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): A03-07016A and A03-07016B
 Adjudication Claim No(s): _____
2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)
 - OR
 - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.
3. Name and Address of Former Owner/Claimant
TRACY J. MITCHELL AND SANDRA F. MITCHELL
10012 LAKE SHORE DR.
NAMPA, ID. 83686
4. New Owner/Claimant(s)
WARREN KELLER
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
933 STEEPLE VIEW DR.
EAGLE, ID. 83616
 New Mailing Address
 City, State and ZIP Code
 New Telephone Number (208) 939-0027
5. Date you acquired the property AUGUST 20, 1999
6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
 • RIGHT A03-07016A: ACQUIRED ALL OF OWNER'S PROPERTY
 • RIGHT A03-07016B:
 Number of acres you irrigate with this water right 4 Number and type of stock _____
 Diversion rate in CFS 0.24 Number of homes you acquired 0 Other uses _____
PLEASE REFER TO COURT ORDER FOR DETAILS.
7. Signature of New Owner(s) or Claimant(s) W. Keller
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

✓ 03-07016A
will go to Kellen in full



✓ Jackson also wanted 63-22012
Changed. It is located in 7N, SW,
Sec 31, NESE - domestic
warranty deed does not cover.

(4-17-1990)

PEDERSEN, CLARK and JACKSON

Attorneys at Law

Kenneth L. Pedersen, Certified Civil Trial Attorney

Eric R. Clark, Attorney at Law

Robert L. Jackson, Attorney at Law

Shelley Smith, Legal Assistant

Denise Green, Legal Assistant

Julie Willingham, Legal Assistant

Sheri Mitchell, Legal Assistant

111 Shoshone St. No., Suite #202

P.O. Box 2349

Twin Falls, ID 83303-2349

Telephone (208) 734-2552

Fax No. (208) 734-2772

**TELECOPIER TRANSMITTAL
COVER SHEET**Date: 3-19-01Time: 4:05 p.m.**PLEASE DELIVER TO:**Name/Department: Sue Bock

Company: _____

FAX Number: 334-2348**SPECIAL INSTRUCTIONS:**Re: Jackson Water Rights**FROM:****PEDERSEN, CLARK and JACKSON**

111 Shoshone St. N., Suite #202

P. O. Box 2349

Twin Falls, ID 83303-2349

Telephone: 208-734-2552

Facsimile: 208-734-2772

Number of Pages: 7

(Including Cover Sheet)

Client or File Number: _____

cc: Bookkeeper

Recording Requested By and
When Recorded Return to:

Robert L. Jackson
924 12th Ave. Rd.
P.O. Box 157
Nampa, Idaho 83653

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

WARRANTY DEED

THIS WARRANTY DEED is made this 22nd day of May, 1998, by Tracy J. Mitchell and Sandra F. Mitchell, husband and wife, collectively, the "Grantors," and Robert L. Jackson and Deborah K. Jackson, husband and wife, collectively, the "Grantees."

WITNESSETH:

In consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), in lawful money of the United States of America, and other valuable consideration, to the Grantors paid by the Grantees, the receipt of which is hereby acknowledged, the Grantors do hereby grant, bargain, sell, convey and confirm to Grantees and to their successors and assigns forever, that certain real property (the "Subject Property") situated in the County of Payette, State of Idaho, more particularly described on Exhibit "A" attached hereto.

TOGETHER WITH all buildings, structures, improvements, fixtures and generally all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof;

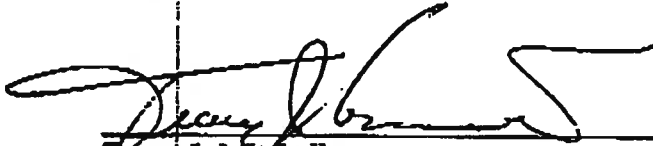
GRANTORS do hereby grant, bargain, sell, convey and confirm to Grantees, as grantees, their tenants, contractors, agents, licensees, invitees and successors and assigns forever, an exclusive easement for ingress and egress by vehicular and pedestrian traffic upon, over and across that portion of the Grantors' property described on Exhibit B attached hereto and incorporated herein, which easements shall benefit the Subject Property.

Reserving unto Grantors, as grantees, an exclusive easement for an irrigation line, over and across that portion of the Subject Property described on Exhibit "C" attached hereto and incorporated herein, which easement shall benefit Grantors' other property as described on Exhibit "D" attached hereto and incorporated herein.

The Grantor covenants to the Grantees, their successors and assigns, that the Grantees shall enjoy the quiet and peaceful possession of Subject Property; that the Grantor is lawfully seized of Subject Property in fee simple; and the Grantor warrants that the title to Subject Property is free from all liens and encumbrances, excepting those to which this conveyance is expressly made subject and those made, suffered or done by the Grantees.

IN WITNESS WHEREOF, this Warranty Deed has been duly executed by and on behalf of the Grantor on the day and year first above written.

Tracy J. Mitchell and Sandra F. Mitchell,
husband and wife, "Grantors,"


Tracy J. Mitchell


Sandra F. Mitchell

STATE OF IDAHO)

County of Payette) ss.

On this 22nd day of May, 1998, before me, Berissa C. Roby, a Notary Public in and for said State, personally appeared Tracy J. Mitchell and Sandra F. Mitchell, Husband and Wife, known or identified to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they 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.

Berissa C. Roby
Notary Public for Idaho

Residing at Idaho, ID.

My commission expires 09/03/99

WARRANTY DEED - 3

S:\AUTHOR\PL\JACKSON\WARRANTY DEED.02

EXHIBIT A**Legal Description of Subject Property**

A parcel of land being a portion Government Lots 3 and 4 located in the Southwest Quarter of Section 32, Township 7 North, Range 5 West, Payette County, Idaho more particularly described as follows:

COMMENCING at the Northeast corner of the East 1/2 of the Southwest 1/4 of said Section 32; thence North 89°59'56" West 1321.24 feet along the northerly line of said East 1/2 of the Southwest 1/4 of said Section 32; thence South 76°12'59" West 1551.53 feet to the TRUE POINT OF BEGINNING, said point being on the westerly line of said Government Lot 3; thence South 69°51'42" East 94.44 feet; thence South 34°56'32" East 675.36 feet; thence South 28°41'59" West 323.21 feet; thence South 31°31'28" East 297.44 feet; thence South 34°26'13" West 140.39 feet; thence South 24°45'00" West 462.00 feet; thence South 89°55'00" West 280.86 feet; North 11°44'48" West 271.54 feet; thence North 01°03'55" West 238.35 feet; thence North 01°48'43" East 818.30 feet; thence North 16°26'20" East 158.79 feet; North 20°08'18" East 196.10 feet to the POINT OF BEGINNING.

Said parcel contains 16.749 acres more or less.

EXHIBIT B**Legal Description of Ingress/Egress Easements**

A parcel of land being a portion Government Lots 3 and 4, of Section 32, Township 7 North, Range 5 West, Payette County, Idaho more particularly described as follows:

A COMMENCING at the Northeast corner of the East 1/2 of the Southwest 1/4 of said Section 32; thence North 89°59'56" West 1321.24 feet along the northerly line of said East 1/2 of the Southwest 1/4 of said Section 32; thence South 37°13'28" West 1360.64 feet to the TRUE POINT OF BEGINNING; thence South 39°28'30" East 62.45 feet; thence South 34°26'13" West 437.94 feet; thence North 31°31'28" West 65.70 feet; thence North 34°26'13" East 428.48 feet to the point of beginning.

A parcel of land being a portion Government Lots 3 and 4, East 1/2 of Southwest 1/4 of Section 32, Township 7 North, Range 5 West, Payette County, Idaho more particularly described as follows:

B BEGINNING at the South 1/4 corner of said Section 32; thence South 89°55'00" West 25.00 feet along the South line of said Section 32; thence North 00°04'20" West 185.66 feet; thence North 18°35'00" West 533.90 feet; thence North 81°55'00" West 172.00 feet; thence North 49°08'10" West 352.30 feet; thence North 56°06'00" West 198.80 feet; thence North 21°12'00" West 119.30 feet; thence North 36°48'00" West 300.00 feet; thence North 34°57'00" West 531.56 feet; thence North 34°57'00" West 302.44 feet; thence North 50°41'48" West 236.64 feet; thence North 26°52'17" West 281.13 feet; thence along a curve to the left 264.96 feet, said curve having a radius of 125.00 feet, a central angle of 121°26'50", tangents of 222.96 feet and a chord of 218.07 feet which bears North 87°35'42" West to a point of tangency; thence South 31°40'53" West 802.15 feet; thence North 34°56'32" West 65.37 feet; thence North 31°40'53" East 776.21 feet; thence along a curve to the right 392.14 feet, said curve having a radius of 185.00 feet, a central angle of 121°26'50", tangents of 329.98 feet and a chord of 322.74 feet which bears South 87°35'42" East to a point of tangency; thence South 26°52'17" East 268.48 feet; thence South 50°41'48" East 232.28 feet; thence South 34°57'00" East 841.33 feet; thence South 36°48'00" East 307.25 feet; thence South 21°12'00" East 108.66 feet; thence South 56°06'00" East 183.59 feet; thence South 49°08'10" East 338.30 feet; thence South 81°55'00" East 191.36 feet; thence South 18°35'00" East 470.45 feet to a point on the East line of the Southwest 1/4 of said Section 32; thence South 00°04'20" East 299.97 feet to the point of beginning.

EXHIBIT C**Legal Description of Irrigation Easement**

A 20 foot wide strip of land located in Government Lot 3 in the Southwest Quarter of Section 32, Township 7 North, Range 5 West, Payette County, Idaho more particularly described as follows:

COMMENCING at the Northeast corner of the East 1/2 of the Southwest 1/4 of said Section 32; thence North $89^{\circ}59'56''$ West 1321.24 feet along the northerly line of said East 1/2 of the Southwest 1/4 of said Section 32; thence South $76^{\circ}12'59''$ West 1551.53 feet, to a point being on the westerly line of said Government Lot 3; thence South $69^{\circ}51'42''$ East 94.44 feet; thence South $34^{\circ}56'32''$ East 342.51 feet; to the TRUE POINT OF BEGINNING of a 20 foot wide strip of land being 10 foot wide on each side of the following described center line; South $36^{\circ}06'47''$ West 651.74 feet; thence North $88^{\circ}11'17''$ West 29.08 feet to the POINT OF TERMINUS, said point being on the westerly line of said Government Lot 3.

Sidelines to lengthen or shorten at beginning and terminus to meet property lines and or government lot lines.

RECEIVED

AUG 02 2000

WATER RESOURCES
WESTERN REGION

July 31, 2000

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Dear Sirs,

My name is Warren Keller. Attached is the paperwork covering change of water right ownership for property purchased by me. The property has changed hands twice recently and I believe it would be useful for me to outline below this recent history.

- The water rights are A03-07016A and A03-07016B
- I believe these rights are currently in the name of Spectra Productions
- Spectra Productions sold their property to Tracy J. Mitchell/Sandra F. Mitchell and Robert L. Jackson/Deborah Jackson
- Mitchells divided 68 acres M/L and Jacksons divided the remainder
- I purchased the 68 acres from the Mitchells; Jacksons retain their property
- Water right A03-07016A applies only to Keller property
- Water right A03-07016B (12 acres) applies to both Keller property and Jacksons property.
- Jacksons and Keller agree that 4 acres of A03-07016B applies to Keller property and 8 acres applies to Jackson property.

I hope this helps clarify things. Attached is a copy of a letter sent by Robert Jackson to the IDWR that covers the same ground.

I apologize for not sending in the paperwork earlier. I have been busy improving irrigation structures, planting and irrigating a crop, determining to register water right in my name rather than as an LLC, and coordinating water right ownership with the Jacksons.

Please contact me if any further information is needed.

Sincerely,



Warren Keller
933 Steeple View Dr.
Eagle, Idaho 83616

10-5-98

Robert Jackson
12243 W. Lewis
Nampa, Id 83686

466 6696
208-734-2552

RECEIVED
AUG 02 2001
WATER RESOURCE
WESTERN REGION

To Kay Walter - Water Resources
2735 Airport Wy
Boise, Id 83705
Re: A03-07016A & B / A63-22012

Dear Kay:

Enclosed please find copies of: 1) Warranty deed for land which went from Spectra to Mitchell to me (same transaction)
2) Copies of Profile reports for A03-07016A & B and A63-22012. 3) Map of area to help make sense of the legal.

Only 07016B and 22012 affect me. We figure of the 12 acres in 07016B - #8 are mine and ~~4~~ 4 are ^{Mitchell's} ~~mine~~. The entire spring right is mine since it feeds the house.

I understood the only document you needed was the Deed since you were only supplied with the exhibits earlier. I will ask Tracy Mitchell to send you a copy of the deed he got also. I also understand you need nothing else to get these transferred - is that correct?

Thank you
Robert Jackson

FA-11756



283137

WARRANTY DEED

For Value Received

Tracy J. Mitchell and Sandra F. Mitchell, husband and wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

Warren Keller, a single person

hereinafter referred to as Grantee, whose current address is

933 Steeple View Drive, Eagle, ID 83616

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: August 20, 1999.


Tracy J. Mitchell

283137

FA-11756

EXHIBIT "A"

A parcel of land being a portion of Government Lots 3 and 4, East Half of the Southeast Quarter of Section 32, township 7 North, Range 5 West, Payette County, Idaho more particularly described as follows:

Beginning at the Northeast corner of the East Half of the Southwest Quarter of said Section 32, from which the Northwest corner of the East Half of the Southwest Quarter bears North 89°59'56" West 1321.24 feet;

thence South 00°04'20" East 2644.79 feet;

thence South 89°55'00" West 25.00 feet;

thence North 00°04'20" West 185.66 feet;

thence North 18°35'00" West 533.90 feet;

thence North 81°55'00" West 172.00 feet;

thence North 49°08'10" West 352.30 feet;

thence North 56°06'00" West 198.80 feet;

thence North 21°12'00" West 119.30 feet;

thence North 36°48'00" West 300.00 feet;

thence North 34°57'00" West 834.00 feet;

thence North 50°41'48" West 462.80 feet;

thence South 61°19'57" West 193.00 feet;

thence South 24°43'20" West 621.52 feet;

thence South 39°28'30" East 278.69 feet;

thence South 34°26'13" West 437.94 feet;

thence North 31°31'28" West 297.44 feet;

thence North 28°41'59" East 323.21 feet;

CONTINUED

283137

FA-117567

EXHIBIT "A" CONTINUED

thence North 34°56'32" West 675.36 feet;
thence North 69°51'42" West 94.44 feet;
thence North 20°08'18" East 28.25 feet;
thence North 39°19'36" East 208.56 feet;
thence North 79°09'39" East 516.08 feet;
thence North 66°00'05" East 211.46 feet;
thence South 89°53'32" East 664.90 feet;
thence South 89°59'56" East 1321.24 to the POINT OF BEGINNING.

283137

STATE OF IDAHO }
County of Payette } ss

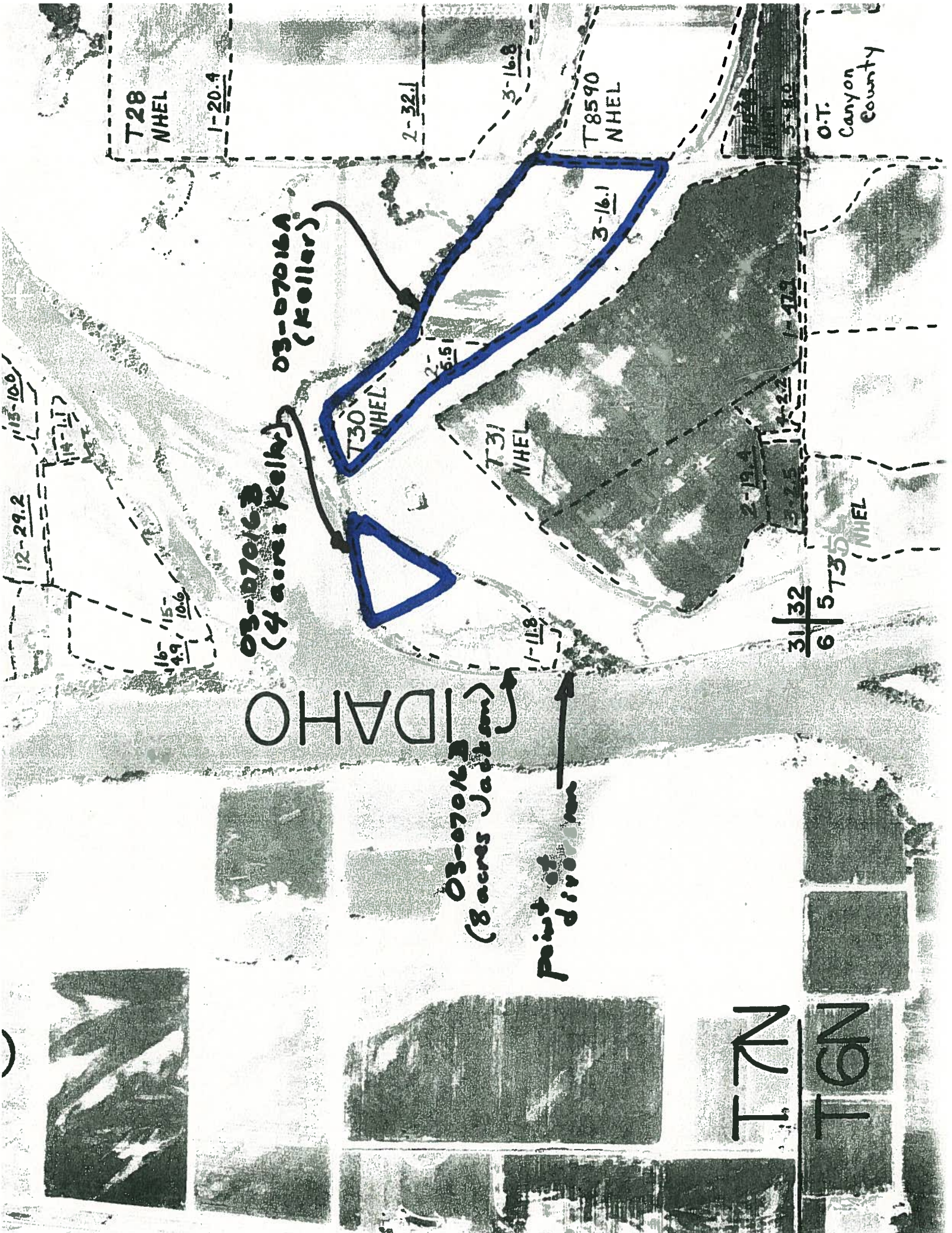
I hereby certify that this instrument
was filed for record at the request of
FIRST AMERICAN TITLE CO

Time 4:31 PM
Date August 23, 1999
Instrument # 283137-Deeds

LAURAL L. STIGILE

By *[Signature]* Deputy Recorder
Deputy

Fee \$900



T28
NHEL

1-20.4

2-32.1

3-16.8

T8590
NHEL

O.T.
Canyon
County

03-07016A
(Keller)

03-07016B
(4 acres Keller)

03-07016B
(8 acres Jackson)

Point of
division

IDAHO

T30
NHEL

T31
NHEL

NHEL

31/32

6/5

T35

T7N

T6N

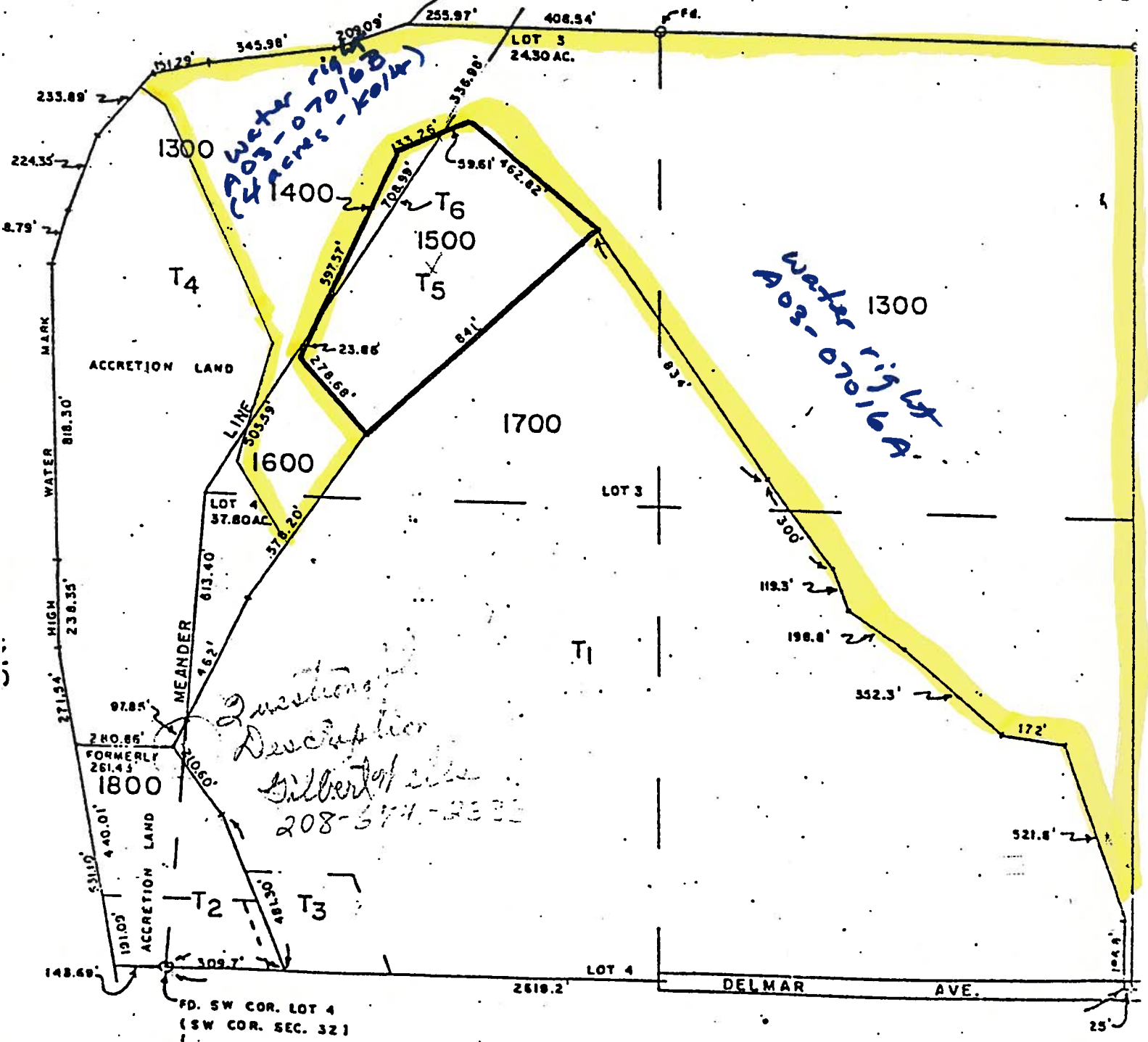
THE SKETCH BELOW IS MADE SOLELY FOR THE PURPOSE OF
 IN LOCATING SAID PREMISES AND THE
 LIABILITY FOR VARIATIONS, IF ANY, IS
 NOT TO BE DETERMINED BY ACTUAL SURVEY

Page # _____
 Sec. _____ T. _____ R. _____
 Scale 1" = _____

7/5

INSERT NO. 1 (SW 1/4 SEC. 32) Scale 1" = 400' (SEE SURVEY)

CENTER SEC. 32



274488

I hereby certify that this instrument
was filed for record at the request of
FIRST AMERICAN TITLE CO

Recording Requested By and
When Recorded Return to:
Robert L. Jackson
924 12th Ave. Rd.
P.O. Box 157
Nampa, Idaho 83653

Time 4:46 pmDate May 26, 1998Instrument # 274488 Seeds

LAURA L. STIGILE

By [Signature] Ex officio RecorderFee \$9.00 DeputyFA 9934

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

RECEIVED

FEB 16 2001

WATER RESOURCES
WESTERN REGION

WARRANTY DEED

THIS WARRANTY DEED is made this 22nd day of May, 1998, by
SPECTRA PRODUCTION, INC., the "Grantor," and Tracy J. Mitchell and Sandra F. Mitchell,
husband and wife, collectively, the "Grantees."

WITNESSETH:

In consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), in lawful money
of the United States of America, and other valuable consideration, to the Grantor paid by the
Grantees, the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain,
sell, convey and confirm to Grantees and to their successors and assigns forever, that certain real
property (the **Subject Property**) situated in the County of Payette, State of Idaho, more
particularly described on Exhibit "A" attached hereto.

TOGETHER WITH all buildings, structures, improvements, fixtures, and generally all and
singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise
appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits
thereof.

274488

Grantor covenants to the Grantees, their successors and assigns, that the Grantees shall enjoy the quiet and peaceful possession of Subject Property; that the Grantor is lawfully seized of Subject Property in fee simple; and the Grantor warrants that the title to Subject Property is free from all liens and encumbrances, excepting those to which this conveyance is expressly made subject and those made, suffered or done by the Grantees.

IN WITNESS WHEREOF, this Warranty Deed has been duly executed by and on behalf of the Grantor on the day and year first above written.

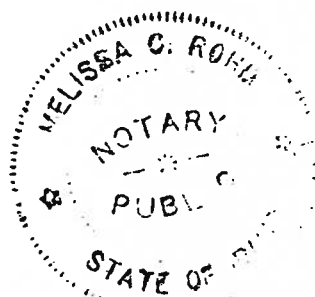
Grantor

By *Doug Fitzgerald*
Title *pres.*

STATE OF IDAHO)
) ss.
County of Ada)

On this *22nd* day of May, 1998, before me, *Melissa C. Rohm*, a Notary Public in and for said State, personally appeared *Doug Fitzgerald* the _____ of _____, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same in such capacity.

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



Melissa C. Rohm
Notary Public for Idaho
Residing at *Myrtle Id*
My commission expires *09/03/99*

274488

EXHIBIT A

Legal Description of Subject Property

A parcel of land being a portion Government Lots 3 and 4 located in the Southwest Quarter of Section 32, Township 7 North, Range 5 West, Payette County, Idaho more particularly described as follows:

COMMENCING at the Northeast corner of the East 1/2 of the Southwest 1/4 of said Section 32; thence North 89°59'56" West 1321.24 feet along the northerly line of said East 1/2 of the Southwest 1/4 of said Section 32; thence South 76°12'59" West 1551.53 feet to the TRUE POINT OF BEGINNING, said point being on the westerly line of said Government Lot 3; thence South 69°51'42" East 94.44 feet; thence South 34°56'32" East 675.36 feet; thence South 28°41'59" West 323.21 feet; thence South 31°31'28" East 297.44 feet; thence South 34°26'13" West 140.39 feet; thence South 24°45'00" West 462.00 feet; thence South 89°55'00" West 280.86 feet; North 11°44'48" West 271.54 feet; thence North 01°03'55" West 238.35 feet; thence North 01°48'43" East 818.30 feet; thence North 16°26'20" East 158.79 feet; North 20°08'18" East 196.10 feet to the POINT OF BEGINNING.

Said parcel contains 16.749 acres more or less.

And a parcel of land being a portion Government Lots 3 and 4, East 1/2 of Southeast 1/4 of Section 32, Township 7 North, Range 5 West, Payette County, Idaho more particularly described as follows:

BEGINNING at the Northeast corner of the East 1/2 of the Southwest 1/4 of said Section 32, from which the Northwest corner of the East 1/2 of the Southwest quarter bears North 89°59'56" West 1321.24 feet; thence South 00°04'20" East 2644.79 feet; thence South 89°55'00" West 25.00 feet; thence North 00°04'20" West 185.66 feet; thence North 18°35'00" West 533.90 feet; thence North 81°55'00" West 172.00 feet; thence North 49°08'10" West 352.30 feet; thence North 56°06'00" West 198.80 feet; thence North 21°12'00" West 119.30 feet; thence 36°48'00" West 300.00 feet; North 34°57'00" West 834.00 feet; thence North 50°41'48" West 462.80 feet; thence South 61°19'57" West 193.00 feet; thence South 24°43'20" West 621.52 feet; thence South 39°28'30" East 278.69 feet; thence South 34°26'13" West 437.94 feet; thence North 31°31'28" West 297.44 feet; thence North 28°41'59" East 323.21 feet; thence North 34°56'32" West 675.36 feet; thence North 69°51'42" West 94.44 feet; thence North 20°08'18" East 28.25 feet; thence North 39°19'36" East 208.56 feet; thence North 79°09'39" East 516.08 feet; thence North 66°00'05" East 211.46 feet; thence South 89°53'32" East 664.90 feet; thence South 89°59'56" East 1321.24 to the POINT OF BEGINNING.

Said parcel contains 68.66 acres more or less.

274488

I hereby certify that this instrument
was filed for record at the request of
FIRST AMERICAN TITLE CO

Recording Requested By and
When Recorded Return to:
Robert L. Jackson
924 12th Ave. Rd.
P.O. Box 157
Nampa, Idaho 83653

Time 4:46 pm
Date May 26, 1998
Instrument # 274488 *Needs*
LAURAL L. STIGILE
By *[Signature]* Esq. Office Recorder
Fee \$9.00 Deputy

FA-9934

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

WARRANTY DEED

THIS WARRANTY DEED is made this 22nd day of May, 1998, by
SPECTRA PRODUCTION, INC., the "Grantor," and Tracy J. Mitchell and Sandra F. Mitchell,
husband and wife, collectively, the "Grantees."

WITNESSETH:

In consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), in lawful money
of the United States of America, and other valuable consideration, to the Grantor paid by the
Grantees, the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain,
sell, convey and confirm to Grantees and to their successors and assigns forever, that certain real
property (the **Subject Property**) situated in the County of Payette, State of Idaho, more
particularly described on Exhibit "A" attached hereto.

TOGETHER WITH all buildings, structures, improvements, fixtures, and generally all and
singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise
appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits
thereof.

274488

Grantor covenants to the Grantees, their successors and assigns, that the Grantees shall enjoy the quiet and peaceful possession of Subject Property; that the Grantor is lawfully seized of Subject Property in fee simple; and the Grantor warrants that the title to Subject Property is free from all liens and encumbrances, excepting those to which this conveyance is expressly made subject and those made, suffered or done by the Grantees.

IN WITNESS WHEREOF, this Warranty Deed has been duly executed by and on behalf of the Grantor on the day and year first above written.

Grantor

By *Doug Fitzgerald*

Title *pres.*

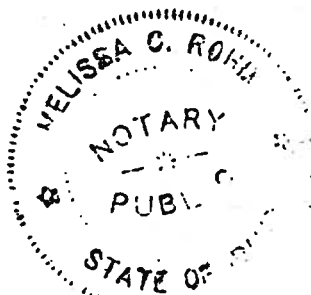
STATE OF IDAHO)

) ss.

County of Ada)

On this *22nd* day of May, 1998, before me, *Melissa C. Rohm*, a Notary Public in and for said State, personally appeared *Doug Fitzgerald* the of _____, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same in such capacity.

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



Melissa C. Rohm
Notary Public for Idaho

Residing at *Myrtle St*

My commission expires *09/03/99*

WARRANTY DEED - 2

274488

EXHIBIT A

Legal Description of Subject Property

A parcel of land being a portion Government Lots 3 and 4 located in the Southwest Quarter of Section 32, Township 7 North, Range 5 West, Payette County, Idaho more particularly described as follows:

COMMENCING at the Northeast corner of the East 1/2 of the Southwest 1/4 of said Section 32; thence North 89°59'56" West 1321.24 feet along the northerly line of said East 1/2 of the Southwest 1/4 of said Section 32; thence South 76°12'59" West 1551.53 feet to the TRUE POINT OF BEGINNING, said point being on the westerly line of said Government Lot 3; thence South 69°51'42" East 94.44 feet; thence South 34°56'32" East 675.36 feet; thence South 28°41'59" West 323.21 feet; thence South 31°31'28" East 297.44 feet; thence South 34°26'13" West 140.39 feet; thence South 24°45'00" West 462.00 feet; thence South 89°55'00" West 280.86 feet; North 11°44'48" West 271.54 feet; thence North 01°03'55" West 238.35 feet; thence North 01°48'43" East 818.30 feet; thence North 16°26'20" East 158.79 feet; North 20°08'18" East 196.10 feet to the POINT OF BEGINNING.

Said parcel contains 16.749 acres more or less.

And a parcel of land being a portion Government Lots 3 and 4, East 1/2 of Southeast 1/4 of Section 32, Township 7 North, Range 5 West, Payette County, Idaho more particularly described as follows:

BEGINNING at the Northeast corner of the East 1/2 of the Southwest 1/4 of said Section 32, from which the Northwest corner of the East 1/2 of the Southwest quarter bears North 89°59'56" West 1321.24 feet; thence South 00°04'20" East 2644.79 feet; thence South 89°55'00" West 25.00 feet; thence North 00°04'20" West 185.66 feet; thence North 18°35'00" West 533.90 feet; thence North 81°55'00" West 172.00 feet; thence North 49°08'10" West 352.30 feet; thence North 56°06'00" West 198.80 feet; thence North 21°12'00" West 119.30 feet; thence 36°48'00" West 300.00 feet; North 34°57'00" West 834.00 feet; thence North 50°41'48" West 462.80 feet; thence South 61°19'57" West 193.00 feet; thence South 24°43'20" West 621.52 feet; thence South 39°28'30" East 278.69 feet; thence South 34°26'13" West 437.94 feet; thence North 31°31'28" West 297.44 feet; thence North 28°41'59" East 323.21 feet; thence North 34°56'32" West 675.36 feet; thence North 69°51'42" West 94.44 feet; thence North 20°08'18" East 28.25 feet; thence North 39°19'36" East 208.56 feet; thence North 79°09'39" East 516.08 feet; thence North 66°00'05" East 211.46 feet; thence South 89°53'32" East 664.90 feet; thence South 89°59'56" East 1321.24 to the POINT OF BEGINNING.

Said parcel contains 68.66 acres more or less.

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

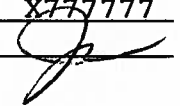
IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A03-07016B

Date Received: 4/17/1990

Receipt No: X777777

Received By: 

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: SPECTRA PRODUCTIONS INC
Address: C/O DOUGLAS J FITZGERALD
PRESIDENT
PO BOX 333
EAGLE ID

208-939-6426

83616

2. Date of Priority: APR 29, 1973

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
07N	05W	32	NW	SW		3	PAYETTE

5. Description of diverting works:

7.5 HP PUMP IN RIVER, SPRINKLER IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.240		54.00

7. Total Quantity Appropriated is:

0.240 C.F.S. (and/or) 54.00 A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use
07N	05W	32	NW	SW	3	IRR

~~NOT FILMED~~
12:0
SEP 20 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	12.0
					Total Acres	12.0

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:
BLACK CANYON IRRIGATION DISTRICT.

14. Remarks:

THIS CLAIM IS A RESULT OF THE FIELD EXAM AND LICENSING OF PERMIT NO. 03-07016. SEPARATE SYSTEMS WERE FOUND DURING THE B/U FIELD EXAM, THEREFORE, LICENSES WERE ISSUED FOR AN A & B ORTION. NO OWNERSHIP CHANGE SPLITTING THE RIGHT OCCURRED.

15. Basis of Claim: LICENSE



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 14, 2001

WARREN H KELLER
933 STEEPLEVIEW
EAGLE ID 83616

Re: Original Notice of Claim to a Water Right No. 03-07016B

Renumbered to Notice of Claim to a Water Right No. 03-10176

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 issuing a new water right number to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new water right 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. Also enclosed is a copy of the original claim for your reference.

Please note, the ownership has also been changed on claim number 03-07016A, and a copy is enclosed.

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

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB: db

Enclosure