



Idaho Department of Water Resources

SRBA Recommendation:

3-10197

●

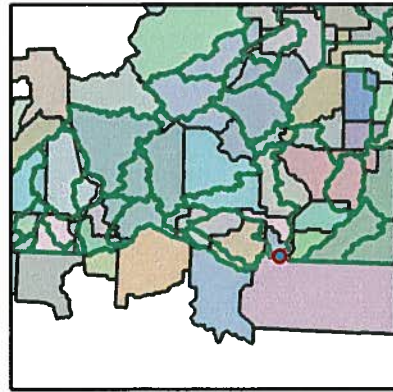
Point of Diversion

Place of Use

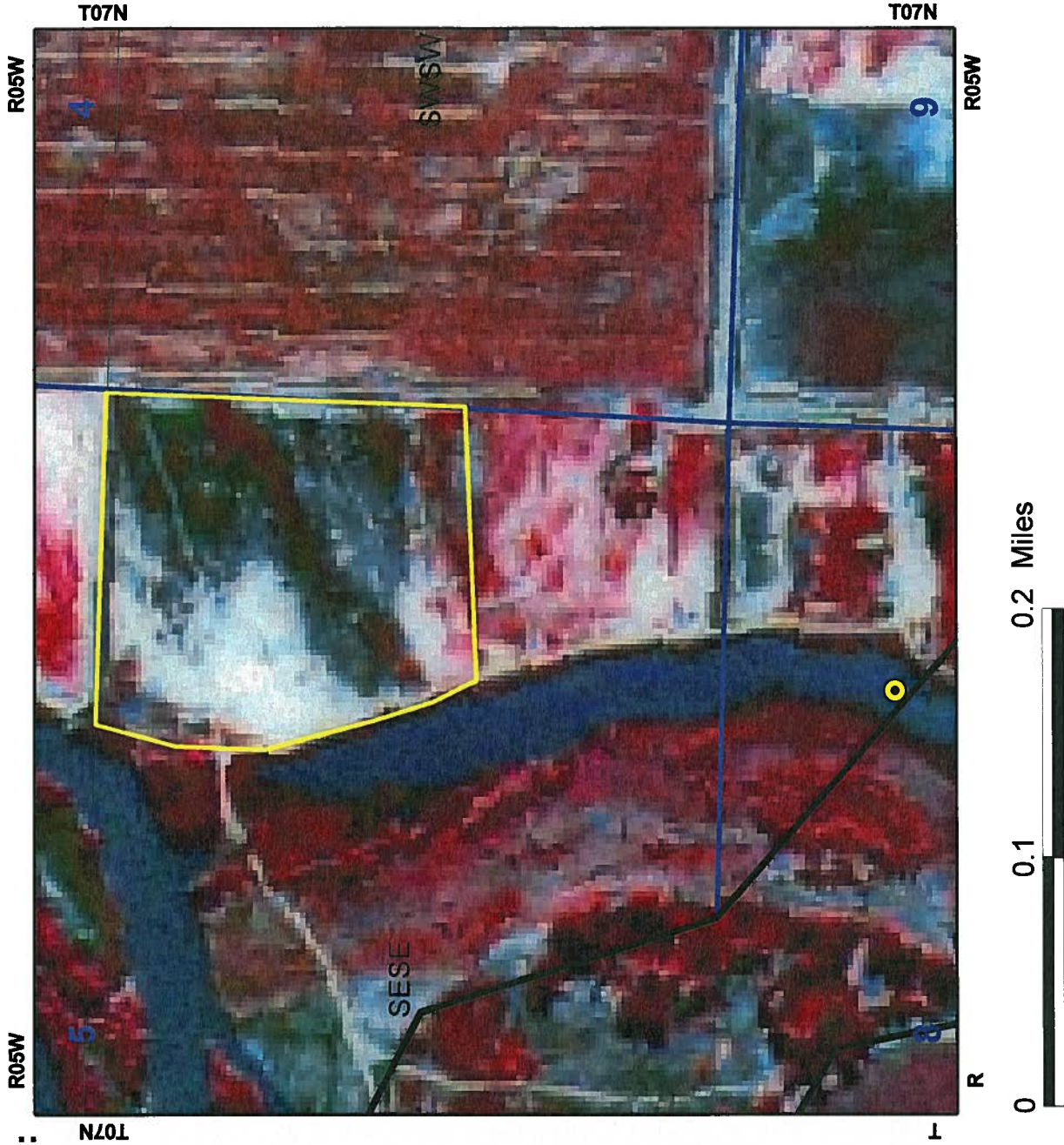
Townships

PLS Sections

Quarter Quarters



Payette County
IDWR Basin 3



Prepared by J. Dean
On Friday, May 26, 2006
1987/88 Aerial Photography

05/26/2006

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

RIGHT NUMBER: 3-10197

NAME AND ADDRESS: DAVE CLASON
PO BOX 465
AIRWAY HIEGHTS WA 99001

JUDY CLASON
PO BOX 465
AIRWAY HIEGHTS WA 99001

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.260 CFS

PRIORITY DATE: 06/01/1947

POINT OF DIVERSION:

T07N R05W S8 NENENE Lot 1 Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.260 CFS

PLACE OF USE: IRRIGATION Within PAYETTE County

T07N R05W S05 Lot 5 SESE 13.00

13 ACRES TOTAL

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 - Beneficial Use

This right is a split from former right 03-04018.

Right No. 3-10236 is also diverted through point of diversion described above.

Contacts Data Entry Form

Claim Number: 3-10197

Owner Type	Full Name	Address	City	State	Zip	Phone
Original Owner	PETER J MC CABE	5951 WHITLEY	FRUITLAND	ID	83619	(208)452-4475
Current Owner	DAVE CLASON	PO BOX 465	AIRWAY HIEGHTS	WA	99001	(414)759-5237
Original Owner	PAUL E MC CABE	5945 WHITLEY DR	FRUITLAND	ID	83619	(208)452-3919
Current Owner	JUDY CLASON	PO BOX 465	AIRWAY HIEGHTS	WA	99001	(414)759-5237

Comment for 1: desk review

Date of Field Exam: March 22, 2006 Time: 1:00 PMAccompanied By: Dave Clason Phone Number: 208-695-5771Also accompanied by Pete McCabe - see next pageRelationship to Claimant: father-in-law

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

Reviewer: JLDDate: 3/22/06

Contacts Data Entry Form

Claim Number: 3-4017 ; 3-10218

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	PAUL E MC CABE	5945 WHITLEY DR	FRUITLAND	ID	83619	(208)452-3919
Current Owner	PETER J MC CABE	5951 WHITLEY	FRUITLAND	ID	83619	(208)452-4475

Comment for 1: Desk review.

Date of Field Exam: March 22, 2006 Time: 1:00 PMAccompanied By: Pete McCabe Phone Number: 208-452-4475

Relationship to Claimant: _____

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

From Payette → South on 95 - Through Fruitland : over T-84
turn right @ SW 1st Ave
stay left @ Y-in road Whitley Dr.
2 miles to 5951 Whitley Dr.

Ask about
evidence of
priority for
3-4017Ask about using
evidence of priority
for Simplot.Reviewer: JLDDate: 3/22/06

Period of Use and Quantity Data Entry Form

Claim Number 3-10197

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	03/15	11/15	0.25	

Overall Diversion Rate 0.25 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
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Overall Diversion Rate 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 area: 3/1-11/15Quantity - Sufficient capacity to irrigate 1"/acre. See attached theoretical calculations.12.6 acres * .02 cfs/acre = 0.252 cfs ≈ 0.25 cfsReviewer: JLDDate: 3/22/06

Purpose of Use Data Entry Form

Claim Number 3-10197

Claimed Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

IRRIGATION

claim indicates
sprinklers as
irrigation method.

☒ 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

Recommended Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

Number of Other

Document how the Purpose of Use was verified:

Irrigation was verified as the purpose of use by
field exam i by 1987 aerial photography showing
irrigation.

Reviewer: JLDDate: 3/22/06

Point of Diversion and Source Data Entry Form

Claim Number **3-4017** 3-102187

Claimed Point of Diversion and Source

3-10197

T07N R05W S7 SENE Within PAYETTE County Source: SNAKE RIVER COLUMBIA RIVER

T07N R05W S8 SWNE Within PAYETTE County Source: SNAKE RIVER COLUMBIA RIVER

T07N R05W S8 NWNWN Within PAYETTE County Source: SNAKE RIVER COLUMBIA RIVER

 Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T07N R05W S7 SENE Within PAYETTE County

T07N R05W S8 NWNWN Within PAYETTE County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

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

Other rights from this POD? _____

Document how the POD and Source were verified:

1st point - BLS7549 20hp 20ft lift 91% efficient Idaho Power Pole#
 IDWR tag A0017605 ^{GPS} 2261488 1422585 10" line 7N5WS8#5
 2nd point - 12177036 BG47148 20hp 15ft 91% efficiency
 IDWR tag A0017606 ^{GPS} 2261095 1421983 12" line 1PCO# 7N5WS8#6
 3rd point - permit# C176535 ^{GPS} 2262726 1422453 7.10hp pumps (from
 (claimant information) 1PCO# 7N5WS8#3 (late 1980s Winegar)
 4th point #38930-14 5hp 12ft lift 1PCO# 7N5WS8#4
 IDWR tag A0017607 ^{GPS} 2262823 1422597 8" line

Reviewer: _____

Date: _____

THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

Water Right No.: 3-04017, 3-10197, 3-10218
 Examiner: Jennifer Dean
 Date of Field Exam: 3/22/2006

P/D No.:	Pump 1 3-4017 81 acres 1.62 cfs	Pump 2 3-4017 147 acres 2.94 cfs	Pump 3 3-10218 155 acres 0.31 cfs	Pump 4 3-10197 12.6 acres 2.54 cfs
PUMP HORSEPOWER	20	15	12	12
BOOSTER HORSEPOWER	0	0	0	0
PUMPING LEVEL	20	15	12	12
DISCHARGE PRESSURE	0	0	0	0
RATE OF FLOW (cfs)	6.16	8.21	8.73	2.57

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

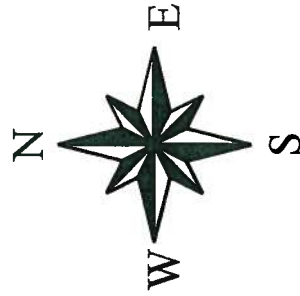
Assumptions: %70 efficiency.
 No Friction

Examiners Notes:

Basin 03 Field Exam Maps

- Claim Number:**
McCabe Bros.
- | Section Lines | |
|---|--------------|
| | 03_4017_pou |
| | 03_4017_pod |
| | 03_10197_pou |
| | 03_10197_pod |
| | 03_10219_pou |
| | 03_10219_pod |
| | 03_10218_pou |
| | 03_10218_pod |

Legal: T07N, R05W, S05 & S08



1987 Aerial Photo



0.2 0 0.2 0.4 0.6 0.8 1 1.2 Miles



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

March 14, 2006

DAVE CLASON
JUDY CLASON
PO BOX 465
AIRWAY HEIGHTS WA 99001

Re: Field Examination for 3-10197

Dear Claimants:

The Notice of Claim to a Water Right (claim) identified with the number shown below your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or 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, and are termed beneficial use rights. The elements of beneficial use rights need to be verified by an examiner for the Idaho Department of Water Resources (IDWR) before the claim can be recommended to the SRBA Court.

The purpose of this letter is to advise you that an agent from IDWR will be conducting field examinations in your area on March 22 and March 23. Accordingly, we request that you provide our agents with access to your water diversion system so that they can conduct a field examination to determine the elements of your water right. If these dates do not work for you, other agents from the department may be able to schedule for another day.

If it is more convenient for the examiner to meet with another person who is familiar with your diversion system, please call me with contact information for this person or forward this information to them with the instructions to set up an appointment with me.

Because the elements of your claim have not been previously verified by IDWR, your claim may be disallowed if we cannot complete a field examination. I have been unable to reach you at the number you provided when you filed the change of ownership: (414) 759-5237. Please set up an appointment with me by March 20, 2006.

If you no longer own the property to which the claim is appurtenant, please forward this correspondence to the present owner or return it to IDWR. If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership with IDWR in order to receive future mailings and to participate in the adjudication.

A copy of your water right claim is enclosed. If you have questions, please contact this office. Our toll free number is 1-800-451-4129. You may reach me directly at (208) 287-4918. It will help speed things along if you have your claim number, 3-10197, handy when you call.

Sincerely,

Jennifer Dean, EIT
Adjudication Bureau

Enclosure:
Adjudication Claim Report 3-10197



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

March 8, 2006

DAVE CLASON
JUDY CLASON
PO BOX 465
AIRWAY HEIGHTS WA 99901

3-10197
Re: Field Examination

Dear Claimant(s):

The Notice of Claim to a Water Right (claim) identified with the number shown below your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or 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, and are termed beneficial use rights. The elements of beneficial use rights need to be verified by an examiner for the Idaho Department of Water Resources (IDWR) before the claim can be recommended to the SRBA Court.

The purpose of this letter is to advise you that an agent from IDWR will be conducting field examinations in your area from March 20 through April 7. Accordingly, we request that you provide our agents with access to your water diversion system so that they can conduct a field examination to determine the elements of your water right. I will be attempting to contact you in behalf of the examiner, but it would be best if you could speak with me to set up an appointment at (208) 287-4918.

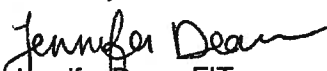
If it is more convenient for the examiner to meet with another person who is familiar with your diversion system, please call me with contact information for this person or forward this information to them with the instructions to set up an appointment with me.

Because the elements of your claim have not been previously verified by IDWR, your claim may be disallowed if we cannot complete a field examination. Please set up an appointment with me by **March 17, 2006**.

If you no longer own the property to which the claim is appurtenant, please forward this correspondence to the present owner or return it to IDWR. If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership with IDWR in order to receive future mailings and to participate in the adjudication.

A copy of your water right claim is enclosed. If you have questions, please contact this office. Our toll free number is 1-800-451-4129. You may reach me directly at (208) 287-4918. It will help speed things along if you have your claim number, 3-10197, handy when you call.

Sincerely,


Jennifer Dean, EIT
Adjudication Bureau

Enclosure:
Adjudication Claim Report 3-10197



State of Idaho
DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 26, 2005

3-10197
Dave and Judy Clason
PO Box 465
Airway Heights, WA 99001

RESPONSE DEADLINE
October 21, 2005

Re: Evidence of Priority Date, Snake River Basin Adjudication claim 3-10197

Dear Claimant(s):

The Notice of Claim to a Water Right (claim) identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or 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, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. Since the priority date and historic use of a beneficial use right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed and the historic use of the water. As stated on your enclosed claim the priority date for the 12.6 acres is 1947. We are asking that you provide evidence that those 12.6 acres were being irrigated on or before 1947 in order for us to recommend that priority date to the court.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

PLEASE NOTE: IDWR may recommend the SRBA Court decree the claim disallowed if no evidence of the priority date and of the historic use is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statements should be in the form of a notarized affidavit.

Should you decide to return materials in a mailer other than that enclosed, please include the notation "ATTN: SRBA Claim Number 3-10197" on the front of the mailer.

If you have any questions, please contact this office. Our toll free number is 1-800-451-4129. It will help speed things along if you have your claim number, 3-10197, handy when you call.

Misty Mount
Water Rights Agent
Adjudication Section

Enclosures

Proof of Priority Pamphlet
Copy of claim 3-10197 and map of claimed area

Idaho Department of Water Resources

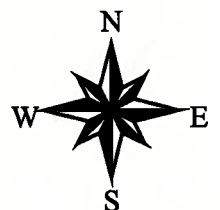
1987 NAAPP



0 0.25 0.5 Miles

Claim Number: 03-10197
Legal: T07N, R05W, S08
Reviewed By: MRM 09/23/05

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



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

RECEIVED

JUL 22 2005

DEPARTMENT OF
WATER RESOURCES

RECEIVED

MAY 02 2005

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	A03-04018	X			

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

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s) Peter McCabe
5951 Whitley, Fruitland, ID 83619-3764
4. New Owner/Claimant(s) Dave & Judy Clason
 Name Connector (Check one): [] and, [] or, [] and/or
P.O.Box 465
Airway Heights, WA 99011
99001
 New Mailing Address
 City, State and ZIP Code
 New Telephone Number (414) 759-5237
5. Date you acquired the property 04/09/1990

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>A03-04018</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>1.11 cfs</u>	<u>13.0 acres</u>
Stock	<u> </u>	<u> </u>
Domestic	<u> </u>	<u> </u>
Other <u> </u>	<u> </u>	<u> </u>
Total	<u>1.11 cfs</u>	

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

For Office Use Only
Received by leg Date 5/3/05 Fee 800
Received by _____ Date _____ Receipt No. _____
Processed by [Signature] AJ Date 3/03/05 WR _____ Date _____

FA 13267 9/11-2

292933

COPY

State of Idaho, County of Payette

FIRST AMERICAN TITLE CO.

I certify that this instrument was filed for record at the request of

Time 4:34 P M Date April 4, 2001 Instrument 292933

Laura L. Stigile, Ex-Officio Recorder by Larkspur Turner Deputy Fee \$12.00

DEED OF TRUST

THIS DEED OF TRUST, Made and entered into this 1st day of March, 2001, by and between DAVID C. ~~GLAGEN~~ and JUDITH M. ~~GLAGEN~~, husband and wife, herein called the Grantors, whose address is P. O. Box 370167, Milwaukee, Wisconsin 53237, and First American Title of Payette County, an Idaho Corporation, hereinafter called the Trustee, and PETER MCCABE AND PAUL MCCABE BROTHERS, L.L.C., and Idaho Limited Liability Company, whose address is 5951 Whitley Drive, Fruitland, Idaho 83619, hereinafter called the Beneficiary,

W I T N E S S E T H

That Grantors do hereby irrevocably GRANT, BARGAIN, SELL AND CONVEY TO THE TRUSTEE, IN TRUST, WITH POWER OF SALE, that property in the County of Payette, State of Idaho, described as follows, and containing not more than forty (40) acres, to-wit:

A parcel of land situated in Government Lot 5 of Section 5, Township 7 North, Range 5 West, Boise Meridian, Payette County, Idaho, and being more particularly described as follows:

Commencing at the Southeast corner of said Section 5, marked by a G.L.O. Brass Cap Monument;

thence along the East line of said Section and Lot, North 0°00'00" West, a distance of 537.84 feet to a 5/8" rebar with a plastic cap stamped LS 6605, and the POINT OF BEGINNING; thence North 89°20'21" West, a distance of 580.64 feet to a 5/8" rebar with a plastic cap stamped LS 6605;

thence North 19°50'10" West, a distance of 568.92 feet to a 5/8" rebar with a plastic cap stamped LS 6605, also being a point on the mean high water line of the Snake River as shown on Record of Survey Instrument No. 281945;

thence along said mean high water line, North 03°24'28" West, a distance of 155.46 feet; to a 5/8" rebar with a plastic cap stamped LS 6605;

thence continuing along said mean high water line, North 22°38'12" East, a distance of 92.21 feet to a 5/8" rebar with a plastic cap stamped LS 6605, said point also being on the

292933

North line of said Government Lot 5;
thence along said North line, North 89°59'58"
East, a distance of 747.40 feet; to the North-
east corner of said Government Lot 5 (S 1/16th
corner of Sections 5 and 4, Township 7 North,
Range 5 West, Boise Meridian);
thence along the East line of said Lot and
Section 5, South 00°00'00" East a distance of
782.16 feet to the POINT OF BEGINNING.

TOGETHER WITH an Ingress-egress Easement,
30.00 feet in width, 15 feet, when measured at
right angles, of the following described line:

Beginning at a point on the East line of said
Section and Lot, 15.00 feet North of the
Southeast corner of said Section 5, marked by
a G.L.O. Brass Cap Monument;
thence West along the South line of said
Section 5, a distance of 468.29 feet;
thence North 09°47'14" West, a distance of
0338.37 feet;
thence North 19°50'10" West, a distance of
759.76 feet to the POINT OF ENDING for this
description.

TOGETHER WITH sufficient water rights to
irrigate the irragable portions of the above
described property.

Also TOGETHER WITH a River access Easement.

Together with any and all water, water rights,
ditches, ditch rights, minerals, mineral
leases and any and all irrigation rights
appurtenant to said lands or in anywise con-
nected therewith.

Subject to all outstanding reservations, ease-
ments, rights-of-way, restrictions, dedica-
tions, mineral leases, mineral reservations
and mineral conveyances of record.

TOGETHER WITH the rents, issues and profits thereof,
SUBJECT, HOWEVER, to the right, power and authority hereinafter
given to and conferred upon Beneficiary to collect and apply such
rents, issues and profits, for the purpose of securing payment of
the indebtedness evidenced by a Promissory Note, of even date
herewith, executed by Grantors in the sum of FORTY EIGHT THOUSAND
SEVEN HUNDRED SIXTY AND NO/100 Dollars (\$48,760.00), final pay-

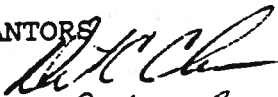
292933

ment due May 1st, 2021, and to secure payment of all such further sums as may hereafter be loaned or advanced by the Beneficiary herein to the Grantors herein, or any or either of them, while the record owner of present interest, for any purpose, and of any notes, drafts or other instruments representing such further loans, advances or expenditures, together with interest on all such sums at the rate therein provided. Provided, however, that the making of such further loans, advances or expenditures shall be optional with the Beneficiary, and provided, further, that it is the express intention of the parties to this Deed of Trust that it shall stand as continuing security until paid for all such advances, together with interest thereon.

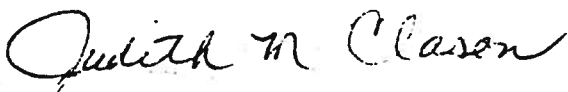
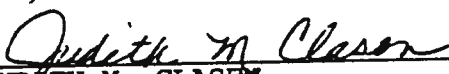
TO PROTECT THE SECURITY OF THIS DEED OF TRUST, GRANTORS HAVE AGREED AS FOLLOWS: That Grantors, jointly and severally, shall take certain steps to keep the property in good condition and repair. The Grantors give notice that the specific terms of Grantor's agreement are contained in a portion of this Deed of Trust which is not recorded, but which is incorporated by reference hereat as if set out in full verbatim, and which terms remain binding upon the Grantors and any assignee of Grantors.

By the execution of the Deed of Trust and the Promissory Note hereby secured, the parties have agreed that by entering into the agreements the Grantors cannot make any use of the land which is prohibited by any applicable land use planning laws or regulations. It is up to the Grantors to confirm from the appropriate land use planning agency the land use regulations to see how those regulations affect the above described property. The Beneficiary herein cannot give to the Grantors any rights which would violate the applicable land use planning regulations. Request is hereby made that a copy of any Notice of Default and a copy of any Notice of Sale hereunder be mailed to the Grantors at Grantor's address hereinbefore set forth.

GRANTORS




DAVID C. CLASEN
Dee Clasen

JUDITH M. CLASEN
Dee Clasen

STATE OF IDAHO)
 : ss.
County of Payette)

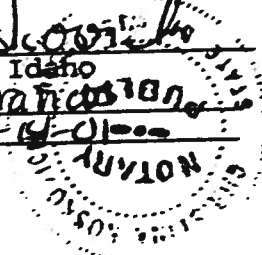
DEED OF TRUST
gsb 01-111 deedoft

292933

On this 30 day of March, 2000, before me, the under signed, a Notary Public in and for said State, personally appeared DAVID C. ~~CLASEN~~ and JUDITH M. ~~CLASEN~~, husband and wife, known to me to be the persons whose names are subscribed to the foregoing Deed of Trust and acknowledged to me that they executed the same as the Grantors.

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

Christina Kosloski
Notary Public for Idaho
Residing at: St. Francis
Comm. Expires: 5-14-01



40A

18A
19A

COPY

37
40 77

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: A03-04018
Date Received: 4/09/1990
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PAUL E. MC CABE 208-452-3919
Address: 5945 WHITLEY DR.
FRUITLAND, ID 83619
AND/OR
Name: PETER J. MC CABE 208-452-4475
Address: 5951 WHITLEY DR.
FRUITLAND, ID 83619

2. Date of Priority: JUN 01, 1947

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	8	NE	NE	NE		PAYETTE

5. Description of diverting works:
5 HP PUMP IN SLOUGH WITH SPRINKLER SYSTEM = *THE Pump Near the House*

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.540		

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

8. Total consumptive use is 269.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	05W	5	SE	SE		IRR	18.0
						Section Acres	18.0
		8	NE	NE		IRR	19.0
						Section Acres	19.0
		9	NW	NW		IRR	40.0
						Section Acres	40.0
						Total Acres	77.0

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:
NONE

14. Remarks:
ACTUAL DIV. IS FROM A SLOUGH.

15. Basis of Claim: STATUTORY CLAIM

(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.

Date: 04/09/90

RECEIVED

NOV 01 2004

WATER RESOURCES
WESTERN REGION

RECEIVED

OCT 27 2004

DEPARTMENT OF
WATER RESOURCES

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

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	A03-04018	X			

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

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former
Owner/Claimant(s)

Peter McCabe

5951 Whitley, Fruitland, ID 83619-3764

4. New Owner/Claimant(s)

Dave & Judy Clason

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

P.O.Box 465

City, State and ZIP Code

Airway Heights, WA 9901

New Telephone Number

(414) 759-5237

5. Date you acquired the property

04/09/1990

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____	A03-04018	
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	1.11 cfs	13.0 acres
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	1.11 cfs	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u style="margin-left: 10px;">A03-04018</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>1.11 cfs</u>	<u>13.0 acres</u>
Stock	<u> </u>	<u> </u>
Domestic	<u> </u>	<u> </u>
Other <u> </u>	<u> </u>	<u> </u>
Total	<u>1.11 cfs</u>	

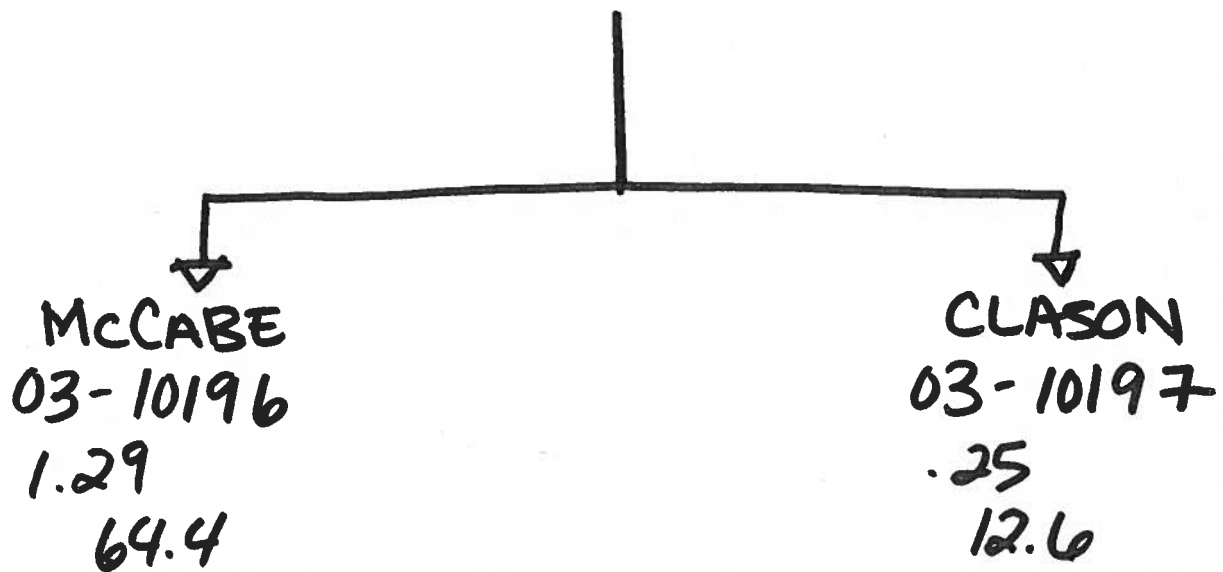
7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

$$1.54 \div 77 = .02 \times 12.6 = .25$$
$$.02 \times 64.4 = 1.29$$

PAUL McCABE
03-04018
1.54 CFS
77



new
12 - '85
64.4 = 1.29

NWNE

NENE

NWNW

NENW

SWNE

SENE

SWNW

SENW

5

NWSE

NESE

NWSW

4

DAVE AND JUDY OLSON

12.5

SESE

SWSW

9

SWNE

SENE

SWNW

5

NWSE

NESE

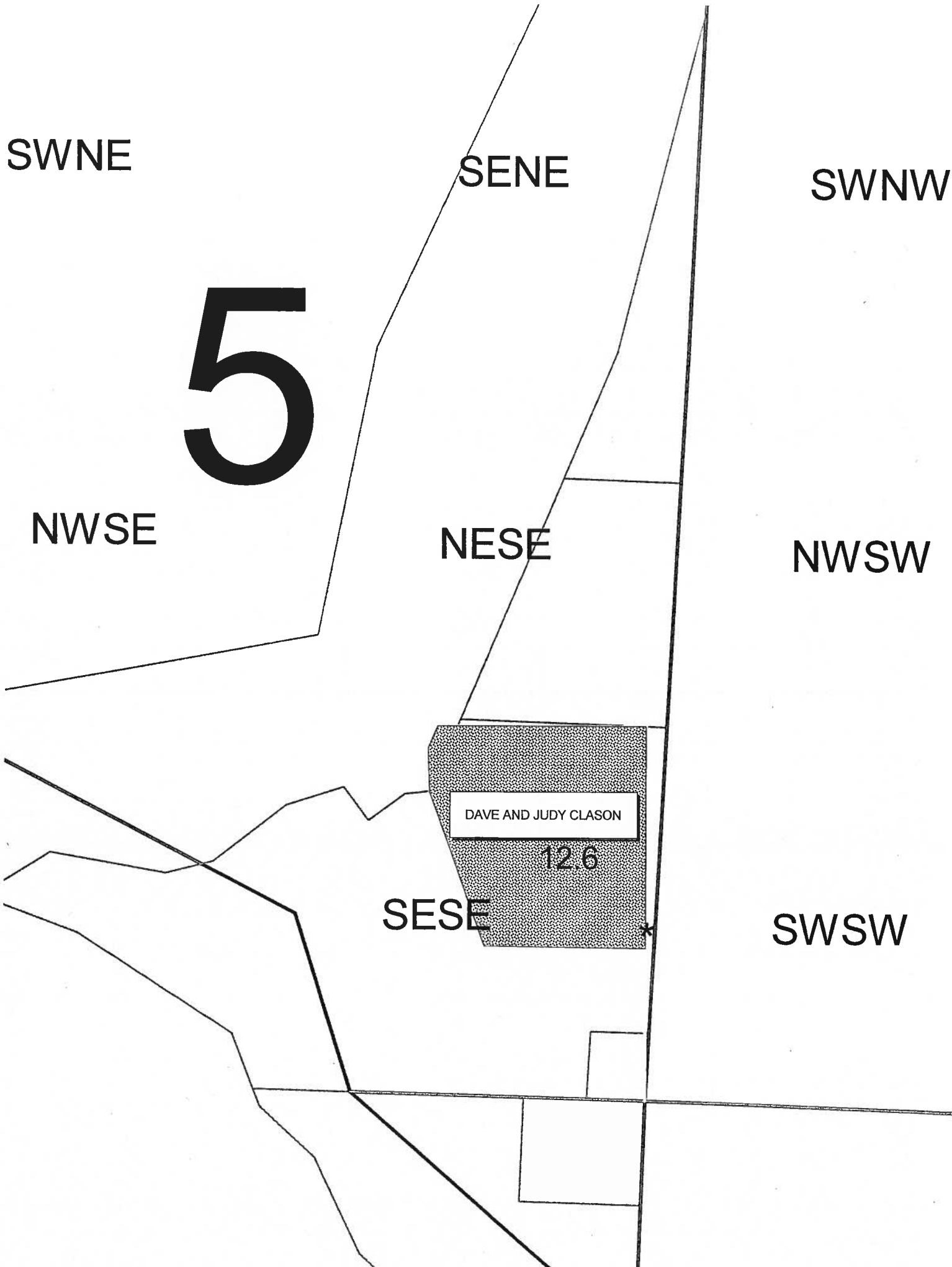
NWSW

DAVE AND JUDY CLASON

12.6

SESE

SWSW





FA 13269 9/11-2

292933

COPY

RECEIVED

OCT 27 2004

DEPARTMENT OF
WATER RESOURCES

State of Idaho, County of Payette

FIRST AMERICAN TITLE CO.

I certify that this instrument was filed for record at the request of

Time 4:34 P M Date April 4 2004 Instrument 292933

Laura L. Stigile, Ex-Officio Recorder by Sally Turner Deputy Fee \$12.00

DEED OF TRUST

THIS DEED OF TRUST, Made and entered into this 1st day of March, 2001, by and between DAVID C. GLAEN and JUDITH M. GLAEN, husband and wife, herein called the Grantors, whose address is P. O. Box 370167, Milwaukee, Wisconsin 53237, and First American Title of Payette County, an Idaho Corporation, hereinafter called the Trustee, and PETER McCABE AND PAUL McCABE BROTHERS, L.L.C., and Idaho Limited Liability Company, whose address is 5951 Whitley Drive, Fruitland, Idaho 83619, hereinafter called the Beneficiary,

W I T N E S S E T H

That Grantors do hereby irrevocably GRANT, BARGAIN, SELL AND CONVEY TO THE TRUSTEE, IN TRUST, WITH POWER OF SALE, that property in the County of Payette, State of Idaho, described as follows, and containing not more than forty (40) acres, to-wit:

A parcel of land situated in Government Lot 5 of Section 5, Township 7 North, Range 5 West, Boise Meridian, Payette County, Idaho, and being more particularly described as follows:

Commencing at the Southeast corner of said Section 5, marked by a G.L.O. Brass Cap Monument;

thence along the East line of said Section and Lot, North 0°00'00" West, a distance of 537.84 feet to a 5/8" rebar with a plastic cap stamped LS 6605, and the POINT OF BEGINNING;

thence North 89°20'21" West, a distance of 580.64 feet to a 5/8" rebar with a plastic cap stamped LS 6605;

thence North 19°50'10" West, a distance of 568.92 feet to a 5/8" rebar with a plastic cap stamped LS 6605, also being a point on the mean high water line of the Snake River as shown on Record of Survey Instrument No. 281945;

thence along said mean high water line, North 03°24'28" West, a distance of 155.46 feet; to a 5/8" rebar with a plastic cap stamped LS 6605;

thence continuing along said mean high water line, North 22°38'12" East, a distance of 92.21 feet to a 5/8" rebar with a plastic cap stamped LS 6605, said point also being on the

292933

North line of said Government Lot 5;
thence along said North line, North 89°59'58"
East, a distance of 747.40 feet; to the North-
east corner of said Government Lot 5 (S 1/16th
corner of Sections 5 and 4, Township 7 North,
Range 5 West, Boise Meridian);
thence along the East line of said Lot and
Section 5, South 00°00'00" East a distance of
782.16 feet to the POINT OF BEGINNING.

TOGETHER WITH an Ingress-egress Easement,
30.00 feet in width, 15 feet, when measured at
right angles, of the following described line:

Beginning at a point on the East line of said
Section and Lot, 15.00 feet North of the
Southeast corner of said Section 5, marked by
a G.L.O. Brass Cap Monument;
thence West along the South line of said
Section 5, a distance of 468.29 feet;
thence North 09°47'14" West, a distance of
0338.37 feet;
thence North 19°50'10" West, a distance of
759.76 feet to the POINT OF ENDING for this
description.

TOGETHER WITH sufficient water rights to
irrigate the irragable portions of the above
described property.

Also TOGETHER WITH a River access Easement.

Together with any and all water, water rights,
ditches, ditch rights, minerals, mineral
leases and any and all irrigation rights
appurtenant to said lands or in anywise con-
nected therewith.

Subject to all outstanding reservations, ease-
ments, rights-of-way, restrictions, dedica-
tions, mineral leases, mineral reservations
and mineral conveyances of record.

TOGETHER WITH the rents, issues and profits thereof,
SUBJECT, HOWEVER, to the right, power and authority hereinafter
given to and conferred upon Beneficiary to collect and apply such
rents, issues and profits, for the purpose of securing payment of
the indebtedness evidenced by a Promissory Note, of even date
herewith, executed by Grantors in the sum of FORTY EIGHT THOUSAND
SEVEN HUNDRED SIXTY AND NO/100 Dollars (\$48,760.00), final pay-

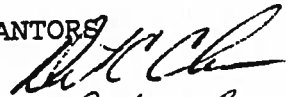
292933

ment due May 1st, 2021, and to secure payment of all such further sums as may hereafter be loaned or advanced by the Beneficiary herein to the Grantors herein, or any or either of them, while the record owner of present interest, for any purpose, and of any notes, drafts or other instruments representing such further loans, advances or expenditures, together with interest on all such sums at the rate therein provided. Provided, however, that the making of such further loans, advances or expenditures shall be optional with the Beneficiary, and provided, further, that it is the express intention of the parties to this Deed of Trust that it shall stand as continuing security until paid for all such advances, together with interest thereon.

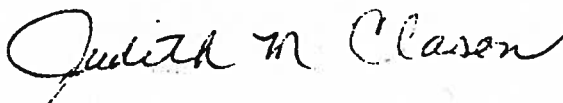
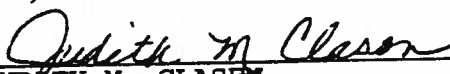
TO PROTECT THE SECURITY OF THIS DEED OF TRUST, GRANTORS HAVE AGREED AS FOLLOWS: That Grantors, jointly and severally, shall take certain steps to keep the property in good condition and repair. The Grantors give notice that the specific terms of Grantor's agreement are contained in a portion of this Deed of Trust which is not recorded, but which is incorporated by reference hereat as if set out in full verbatim, and which terms remain binding upon the Grantors and any assignee of Grantors.

By the execution of the Deed of Trust and the Promissory Note hereby secured, the parties have agreed that by entering into the agreements the Grantors cannot make any use of the land which is prohibited by any applicable land use planning laws or regulations. It is up to the Grantors to confirm from the appropriate land use planning agency the land use regulations to see how those regulations affect the above described property. The Beneficiary herein cannot give to the Grantors any rights which would violate the applicable land use planning regulations. Request is hereby made that a copy of any Notice of Default and a copy of any Notice of Sale hereunder be mailed to the Grantors at Grantor's address hereinbefore set forth.

GRANTORS




DAVID C. CLASEN
Dec Clasen

JUDITH M. CLASEN
Dec Clasen

STATE OF IDAHO)
 : ss.
County of Payette)

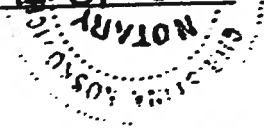
DEED OF TRUST
gsb 01-111 deedoft

292933

On this 30 day of March, 2000, before me, the under signed, a Notary Public in and for said State, personally appeared DAVID C. ~~CLASEN~~ and JUDITH M. ~~CLASEN~~, husband and wife, known to me to be the persons whose names are subscribed to the foregoing Deed of Trust and acknowledged to me that they executed the same as the Grantors.

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

Christina Koslowich
Notary Public for Idaho
Residing at: St. Francis
Comm. Expires: 5-15-01



FA 13267 9/11-2

292933

COPY

State of Idaho, County of Payette

FIRST AMERICAN TITLE CO.

I certify that this instrument was filed for record at the request of

Time 4:34 P M Date April 4, 2001 Instrument 292933

Laura L. Stigile, Ex-Officio Recorder by Lachyn Turker Deputy Fee \$12.00

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thence North 89°20'21" West, a distance of 580.64 feet to a 5/8" rebar with a plastic cap stamped LS 6605;

thence North 19°50'10" West, a distance of 568.92 feet to a 5/8" rebar with a plastic cap stamped LS 6605, also being a point on the mean high water line of the Snake River as shown on Record of Survey Instrument No. 281945;

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thence continuing along said mean high water line, North 22°38'12" East, a distance of 92.21 feet to a 5/8" rebar with a plastic cap stamped LS 6605, said point also being on the

N 1422703.28

E 2262996.59

N 0.0000W 537.84

N 89.2021W 580.64

N 19.5010W 568.92

N 3.2428W 155.46

N 22.3812E 92.21

292933

North line of said Government Lot 5;
thence along said North line, North 89°59'58"
East, a distance of 747.40 feet; to the North-
east corner of said Government Lot 5 (S 1/16th
corner of Sections 5 and 4, Township 7 North,
Range 5 West, Boise Meridian);
thence along the East line of said Lot and
Section 5, South 00°00'00" East a distance of
782.16 feet to the POINT OF BEGINNING.

N 89.5958 E 747.4

S 0.0000 E 782.16

TOGETHER WITH an Ingress-egress Easement,
30.00 feet in width, 15 feet, when measured at
right angles, of the following described line:

Beginning at a point on the East line of said
Section and Lot, 15.00 feet North of the
Southeast corner of said Section 5, marked by
a G.L.O. Brass Cap Monument;
thence West along the South line of said
Section 5, a distance of 468.29 feet;
thence North 09°47'14" West, a distance of
0338.37 feet;
thence North 19°50'10" West, a distance of
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description.

S 0.0000 W 468.29
N 9.4714 W 338.37
N 19.5010 W 759.76

TOGETHER WITH sufficient water rights to
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ditches, ditch rights, minerals, mineral
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appurtenant to said lands or in anywise con-
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Subject to all outstanding reservations, ease-
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TOGETHER WITH the rents, issues and profits thereof,
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SEVEN HUNDRED SIXTY AND NO/100 Dollars (\$48,760.00), final pay-

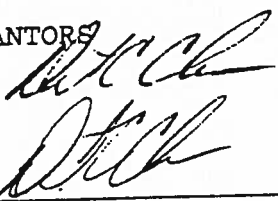
292933

ment due May 1st, 2021, and to secure payment of all such further sums as may hereafter be loaned or advanced by the Beneficiary herein to the Grantors herein, or any or either of them, while the record owner of present interest, for any purpose, and of any notes, drafts or other instruments representing such further loans, advances or expenditures, together with interest on all such sums at the rate therein provided. Provided, however, that the making of such further loans, advances or expenditures shall be optional with the Beneficiary, and provided, further, that it is the express intention of the parties to this Deed of Trust that it shall stand as continuing security until paid for all such advances, together with interest thereon.

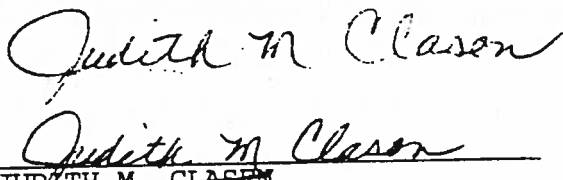
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GRANTORS



DAVID C. CLASEN
De Clason



JUDITH M. CLASEN
De Clason

STATE OF IDAHO)
 : ss.
County of Payette)

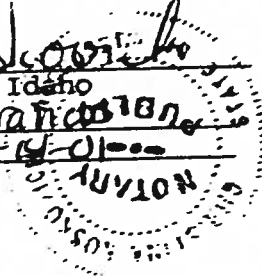
DEED OF TRUST
gsb 01-111 deedoft

292933

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

Christina Kosloski
Notary Public for Idaho
Residing at: St. Francis
Comm. Expires: 5-1-01



copy

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: A03-04018
Date Received: 4/09/1990
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PAUL E. MC CABE 208-452-3919
Address: 5945 WHITLEY DR.
FRUITLAND, ID 83619
AND/OR
Name: PETER J. MC CABE 208-452-4475
Address: 5951 WHITLEY DR.
FRUITLAND, ID 83619

2. Date of Priority: JUN 01, 1947
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	8	NE	NE	NE		PAYETTE

5. Description of diverting works:
5 HP PUMP IN SLOUGH WITH SPRINKLER SYSTEM = *THE Pump Near the House*

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.540		

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

8. Total consumptive use is 269.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	05W	5	SE	SE		IRR	18.0
						Section Acres	18.0
		8	NE	NE		IRR	19.0
						Section Acres	19.0
		9	NW	NW		IRR	40.0
						Section Acres	40.0
						Total Acres	77.0

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:
NONE

14. Remarks:
ACTUAL DIV. IS FROM A SLOUGH.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____