

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 02-02073D

Date: 7-8-02

	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	2N	4W	23									-3								1.8
GIS												1.8								1.8
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 1.8

Overlapping FOU Claim #'s:

Total GIS Acres: 1.8

02-02073 C

COMMENTS:

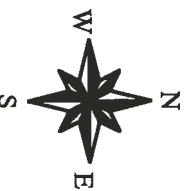
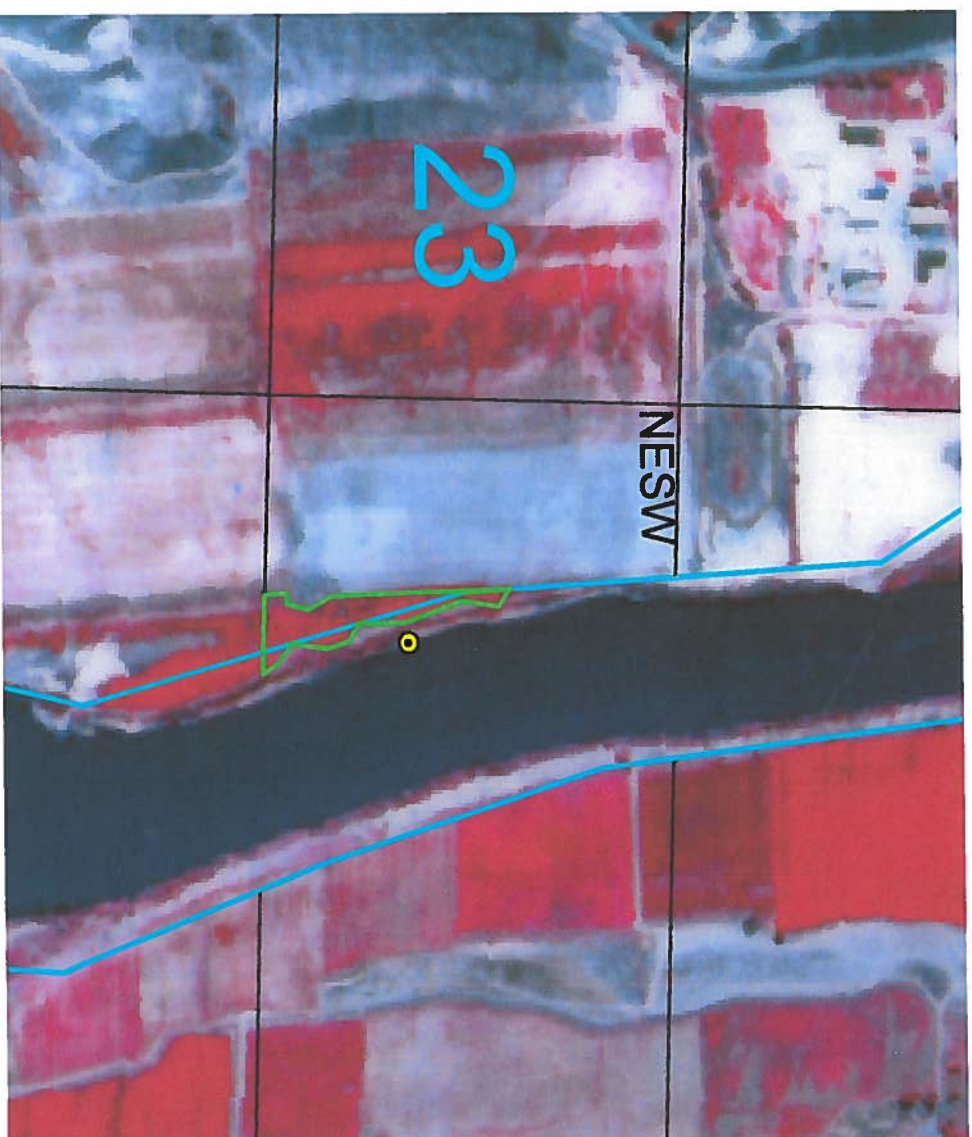
per image interpretation & claim maps - No county data available

Idaho Department of Water Resources

Claim Number: 02-02073D
Legal: T02N, R04W, S23
Reviewed By:

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

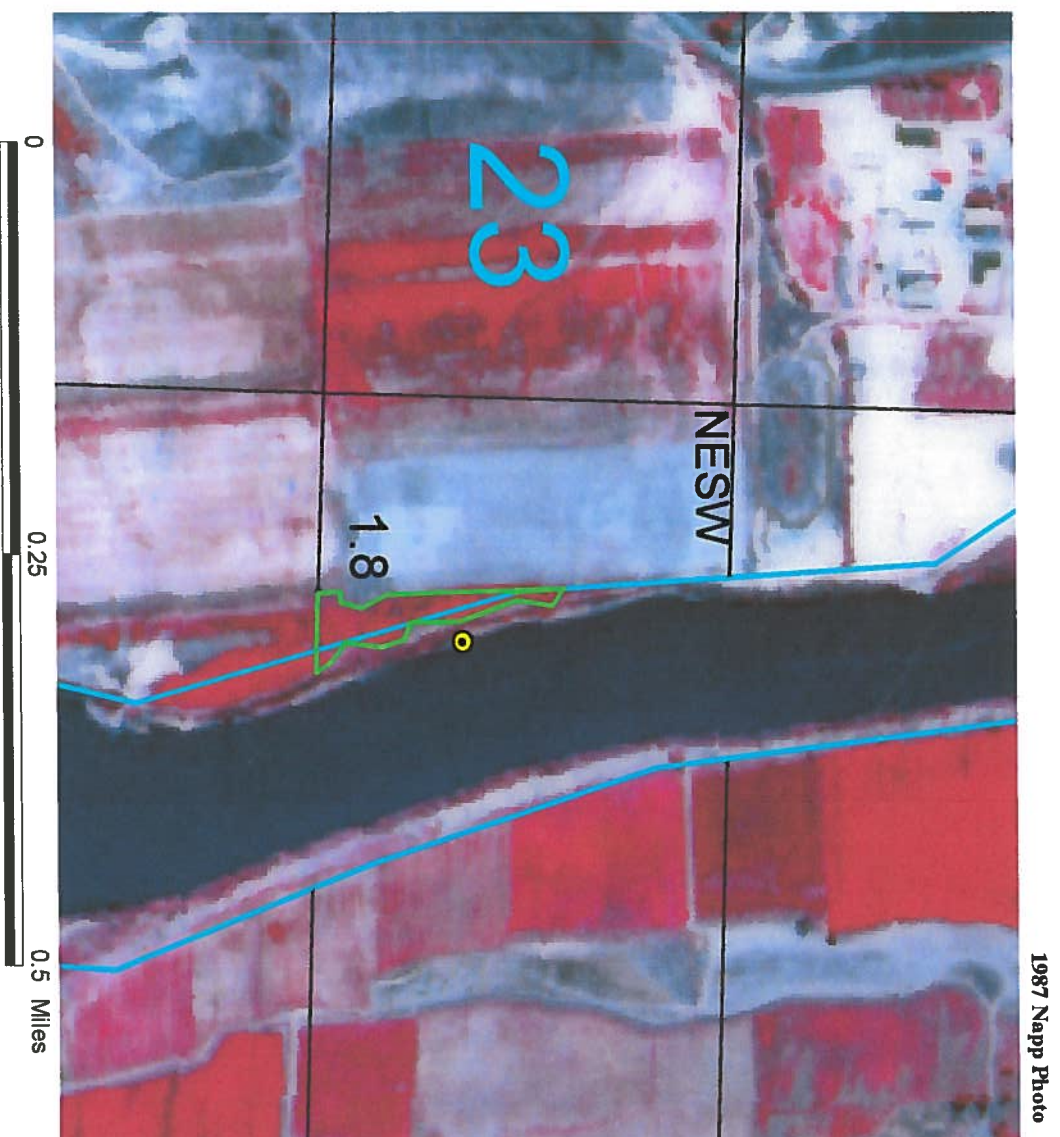
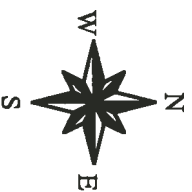
1987 Napp Photo



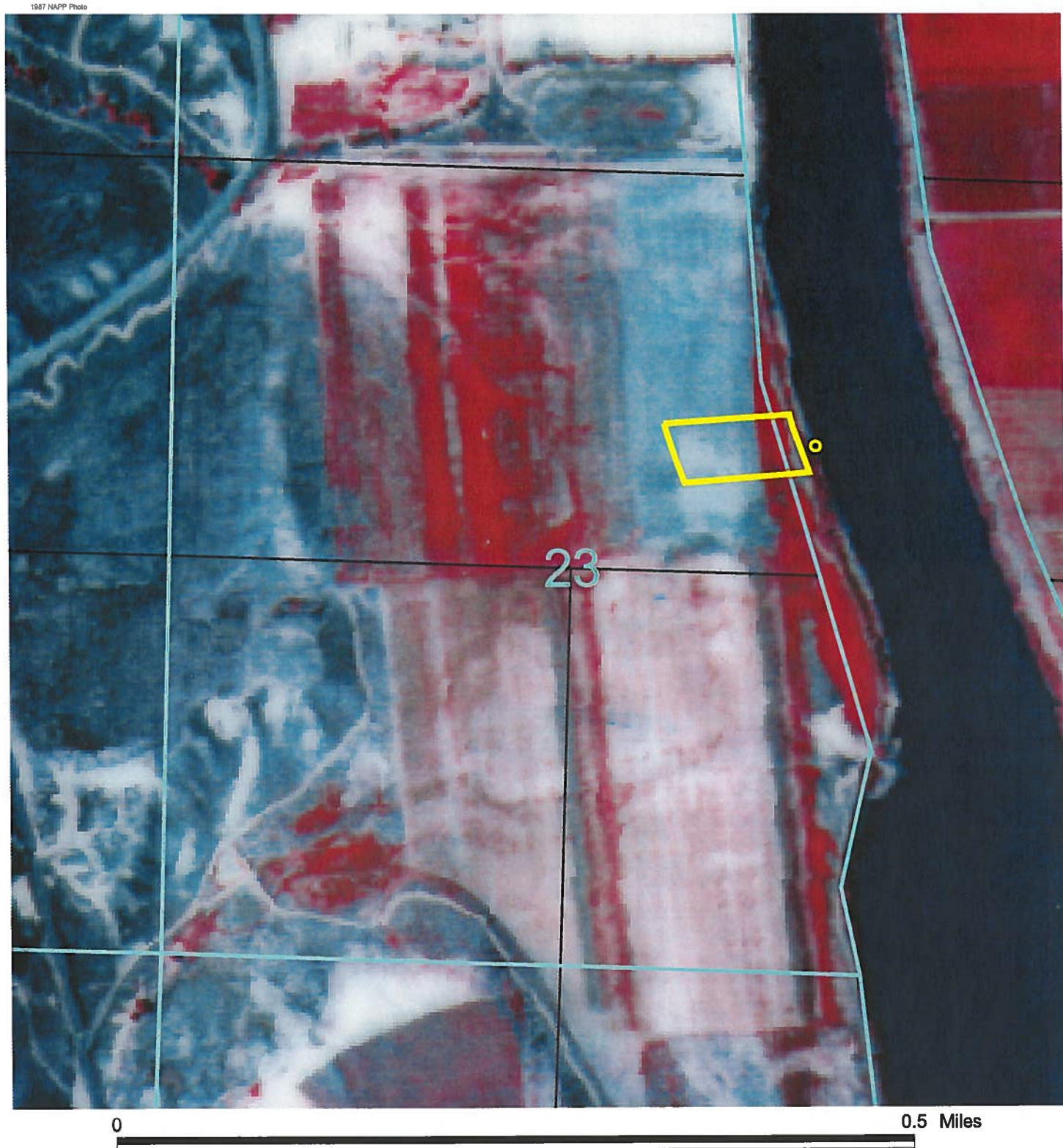
Idaho Department of Water Resources

Claim Number: 02-02073D
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-  Point of Diversion
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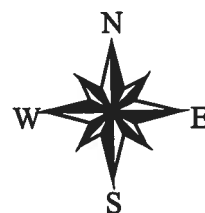


Idaho Department of Water Resources



Claim Number: 02-2073D
Legal: T02N, R04W, S23
Reviewed By: SJR 4/21/05

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



04/21/2005

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

RIGHT NUMBER: 2-2073D

NAME AND ADDRESS: BETTY M OKINS
11893 S CLOVERDALE
KUNA ID 83634

ROGER D OKINS
11893 S CLOVERDALE
KUNA ID 83634

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.040 CFS
8.100 AFY

PRIORITY DATE: 01/19/1949

POINT OF DIVERSION:

T02N R04W S23 NWSW Lot 3 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.040 CFS 8.10 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 OWYHEE County

T02N R04W S23 Lot 3 NWSW 1.8

1.8 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: License

Place of use is located within Lot 5, Block 1, Hidden Valley Estates.

This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5462
WATER RIGHT NO. 02-02073B

This is to certify that: BETTY M OKINS
ROGER D OKINS
11893 S CLOVERDALE
KUNA ID 83634

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.04 CFS	8.1 AF
<u>SOURCE</u>	<u>TRIBUTARY OF</u>		
SNAKE RIVER	COLUMBIA RIVER		

Priority: 01/19/1949

LOCATION OF POINT(S) OF DIVERSION: Lot 3(NESW), Sec. 23, Township 02N, Range 04W
OWYHEE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N 04W 23	Lot 3 (NESW)	1.8		1.8
Total number of acres irrigated:				1.8

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

MICROFILMED
SEP 21 1999

del 1/14/1999

✓ active	2-2073	12.9	145	
	- 2-2073A parent	0.5	40	
parent	- 2-2073B parent	12.10	110.5	
parent	- 2-2073C	12.06	103.2	
parent	- 2-10245	1.79	79.6	
✓ active	- 2-10257	1.73	74.1	423.5
✓ active	- 2-10258	0.04	1.9	8.6
✓ active	- 2-10259	0.04	1.3	8.1
✓ active	- 2-10260	0.04	1.8	8.1
✓ active	- 2-10246	0.07	3.6	16.2
✓ active	- 2-2073D	0.04	1.8	8.1

Block / Lot 5

split from 2-2073 (2073 → A/B, 5462, 1/1/99)

and ≡ 2-2073B

2073 Cask

State of Idaho License and Certificate of Water Right

Water License No. 20937 Amount 2.9 c.f.s.
Water District No. Priority Jan. 29, 1949

THIS IS TO CERTIFY that HILBERT HOSKINS - ARLENE HOSKINS, Executrix
of Pleasant Plain, Washington, made application for a permit to appropriate the
public waters of the State of Idaho, dated January 29, 1949; that Permit No. 20937
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
3.49 second feet, was issued thereunder on January 26, 1954, showing that said works
were completed on the 7th day of January, 1954; and that on the 30th
day of January, 1960,

ARLENE M. HOSKINS, Executrix - HARRY A. HOSKINS, Assignee
of Narsing, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Snake River
, a tributary of Columbia River, for the purpose of irrigation and
domestic use, under Use Permit No. 20937 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
11 of Licenses at page 6893, on the 13 day of May, 1960;
The right hereby confirmed dates from January 29, 1949;
The Point of Diversion is located Lot 1

In the -- 1/4 -- 1/4, Sec. 26, Tp. 2 N., R. 4 W., B. M. Owyhee County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 2.9 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
2 N.	4 W.	23	SW 1/4 NW 1/4 (Lot 2)	52.5	40
			NW 1/4 SW 1/4 (Lot 3)	59.6	52
			SW 1/4 SW 1/4	40.0	10
			SE 1/4 SW 1/4 (Lot 4)	29.4	29
		26	NE 1/4 NW 1/4 (Lot 1)	32.8	14
			Total number of acres to be irrigated:		145

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

13 day of May, 1960.

GEO. N. CARTER

State Reclamation Engineer.

(SEAL)

2 2073

5 of 7

THIS MAP IS PREPARED BY AN ACCREDITED SURVEYOR
STRICTLY FOR THE PURPOSE OF LOCATING THE
SURVEY REPRESENTATION OF THE SIZE, AREA OR ANY
OTHER DATA RELATED TO THE LAND SHOWN
THEREON.

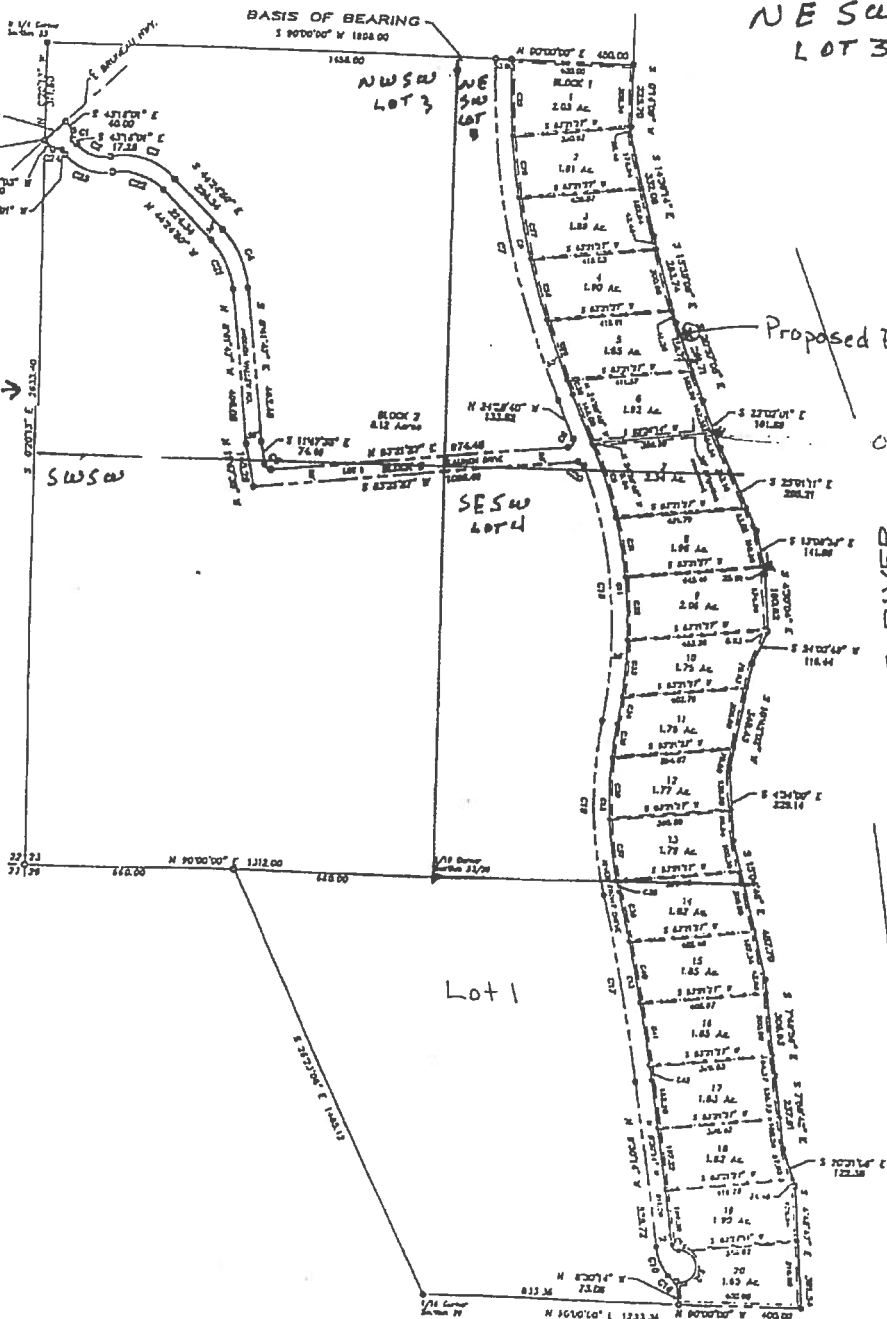
HIDDEN VALLEY ESTATES

A PORTION OF GOV'T. LOTS 3&4 AND THE SW1/4SW1/4 OF SECTION 23
ALSO GOV'T. LOT 1 OF SECTION 26
TOWNSHIP 2 NORTH, RANGE 4 WEST, BOISE MERIDIAN
OWYHEE COUNTY, IDAHO
1995

PID: PID IN
NE SW
LOT 3

SW1/4 section 23

LINE	FROM	TO	BEARING	DIST.	AREA	REMARKS
1	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
2	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
3	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
4	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
5	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
6	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
7	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
8	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
9	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
10	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
11	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
12	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
13	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
14	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
15	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
16	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
17	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
18	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
19	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
20	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
21	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
22	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
23	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
24	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
25	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
26	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
27	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
28	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
29	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
30	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
31	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
32	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
33	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
34	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
35	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
36	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
37	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
38	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
39	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
40	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
41	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
42	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
43	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
44	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
45	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
46	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
47	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
48	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
49	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
50	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
51	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
52	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
53	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
54	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
55	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
56	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
57	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
58	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
59	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
60	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
61	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
62	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
63	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
64	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
65	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
66	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
67	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
68	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
69	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
70	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
71	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
72	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
73	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
74	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
75	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
76	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
77	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
78	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
79	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
80	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
81	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
82	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
83	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
84	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
85	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
86	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
87	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
88	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
89	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
90	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
91	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
92	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
93	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
94	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
95	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
96	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
97	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00
98	100.00	100.00	S 0°00'00" E	100.00	100.00	100.00
99	100.00	100.00	W 0°00'00" E	100.00	100.00	100.00
100	100.00	100.00	N 0°00'00" E	100.00	100.00	100.00



MICROFILMED
SEP 21 1999





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: **A02-02073D**
Date Received: 12/ 7/1988
Receipt No: X777777
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ROGER D OKINS 208-362-6408
Address: 11893 S CLOVERDALE
KUNA ID 83634
AND/OR
Name: BETTY M OKINS 208-362-6408
Address: 11893 S CLOVERDALE
KUNA ID 83634

2. Date of Priority: JAN 19, 1949

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
02N	04W	23	NE	SW		3	OWYHEE

5. Description of diverting works:
PUMP & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.040		8.10

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) 8.10 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	04W	23	NE	SW	3	IRR	1.8

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	1.8
					Total Acres	1.8

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:

14. Remarks:

AMENDED CLAIM: P/D HAS BEEN AT AMENDED POINT SINCE BEFORE 1987.
SAME P/D AS 02-02077B (T.4316) & NEW APPLICATION FOR NEW ACRES,
02-07463; BY S.L. 3/7/95.

CLAIM AMENDED PER TRANSFER NO. 5462 APPROVED 09/01/99.
FOR TRANSFER CONDITIONS OF APPROVAL AND REMARKS SEE COPY OF
TRANSFER IN ADJUDICATION FILE.

15. Basis of Claim: LICENSE

Water Right Number: 20937

Western

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5462
WATER RIGHT NO. 02-02073B

RECEIVED
SEP 03 1999
WATER RESOURCES
WESTERN REGION

This is to certify that: BETTY M OKINS
ROGER D OKINS
11893 S CLOVERDALE
KUNA ID 83634

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.04 CFS	8.1 AF
<u>SOURCE</u>	<u>TRIBUTARY OF</u>		
SNAKE RIVER	COLUMBIA RIVER		

Priority: 01/19/1949

LOCATION OF POINT(S) OF DIVERSION: Lot 3 (NESW), Sec. 23, Township 02N, Range 04W
OWYHEE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N 04W 23	Lot 3 (NESW)	1.8		1.8
Total number of acres irrigated:				1.8

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

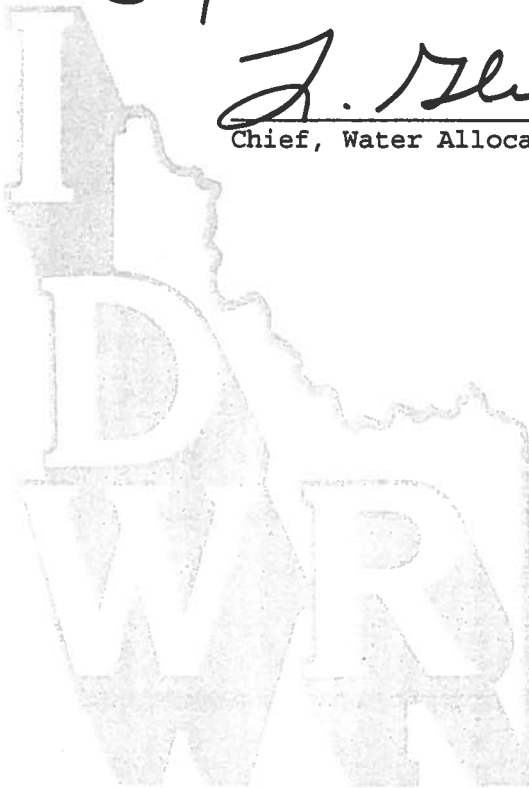
TRANSFER NO. 5462
WATER RIGHT NO. 02-02073B

CONDITIONS OF APPROVAL AND REMARKS

4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. Place of use is located within Lot 5, Block 1, Hidden Valley Estates.

Dated this 1st day of September, 1999.

J. Glen Saylor
Chief, Water Allocation Bureau



MEMORANDUM

TO: File 02-02073

FROM: Pam Skaggs^{CS}/State Office

SUBJECT: Transfer 5462

DATE: September 1, 1999

Transfer 5462 changes the point of diversion under a portion of Right 02-02073, splitting the right into Parts A and B. The applicant has purchased a lot in Hidden Valley Estates adjacent to the Snake River and proposes to use his own separate pump to irrigate his property.

The applicant's property is within Government Lot 3, that includes all the NWSW and the part of NESW adjacent to the river, S23, T02N, R04W. The original license and the database identify 52.0 irrigated acres within Lot 3, but only list Lot 3 (NWSW). This created some confusion on the application legal description, however the point of diversion and property can only be located in the NESW which is adjacent to the river.

Season of use and diversion volume were adjusted to current standards. Recommended conditions include irrigation overlap and standard transfer conditions.

RECEIVED

Page 1 of 7

STATE OF IDAHO

APR 01 1999

Transfer No. 5462

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

RECEIVED

APR 01 1999

APPLICATION FOR TRANSFER OF WATER RIGHT

APR 01 1999

PART 1

WATER RESOURCES
WESTERN REGION

Name of applicant Roger D. &/or Betty M. Okins Phone (208) 362-6408

Post Office address 11893 S. Cloverdale, Kuna ID 83634

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Describe the reason for the proposed changes Applicant has purchased a subdivision lot and desires to install a separate pump & system for his use.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>02-02073B</u>	<u>1-19-1949</u>	<u>.04</u>	<u>IRR</u>	<u>03-15</u> to <u>11-15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred .04 cubic feet per second and/or 8.1 acre-feet per annum.

3. Source of water Snake River tributary to Columbia River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
<u>3</u>		<u>NW</u>	<u>SW</u>	<u>23</u>	<u>2N</u>	<u>4W</u>	<u>Owyhee</u>	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>2N</u>	<u>4W</u>	<u>23</u>										<u>Lot 3</u> <u>1.8</u>							<u>1.8</u>

Total acres 1.8

PART 2

TRANS NO.

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 02-02073

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	2.90 CFS
DOMESTIC	to	
Totals		2.90 CFS

SOURCE

SNAKE RIVER

TRIBUTARY OF

COLUMBIA RIVER

Priority: 01/19/1949

LOCATION OF POINT(S) OF DIVERSION: Lot 1(), Sec. 26, Township 02N, Range 04W
Lot 1(NENW), Sec. 26, Township 02N, Range 04W
OWYHEE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N	04W	23	Lot 2 (SWNW) 40	Lot 3 (NWSW) 52 < 50.2	SWSW 10	
			Lot 4 (SESW) 29	1.8		131
		26	Lot 1 (NENW) 14			14
Total number of acres irrigated:						145

PLACE OF USE: DOMESTIC, same as IRRIGATION useCONDITIONS/REMARKS:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**

*See Attached
Page 5*

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

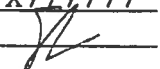
IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A02-02073B

Date Received: 12/ 7/1988

Receipt No: X777777

Received By: 

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: VANCE VAN HALL 208-896-4848
Address: RT 1 BOX 16
MARSING ID 83639

2. Date of Priority: JAN 19, 1949

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	04W	23	NE	SE	SW	4	OWYHEE

5. Description of diverting works:
PUMP & PIPELINE TO WHEEL & HAND LINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.100		

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

8. Total consumptive use is 367.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02N	04W	23	NW	SW	3	IRR	52.0
			SW	SW		IRR	10.0
			SE	SW	4	IRR	29.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	91.0
		26	NE	NW	1 IRR	14.0
					Section Acres	14.0
					Total Acres	105.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:

14. Remarks:

CHANGE IN OWNERSHIP COMPLETED BY L.R.W. ON 4/2/92.

OWNERSHIP CHANGE REC'D 02/15/1994 SF.

AMENDED CLAIM: P/D HAS BEEN AT AMENDED POINT SINCE BEFORE 1987.

SAME P/D AS 02-02077B (T.4316) & NEW APPLICATION FOR NEW ACRES,
02-07463; BY S.L. 3/7/95.

15. Basis of Claim: LICENSE

Water Right Number: 20937

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: 2

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): James Chen Hing Date: 3-7-95

Date: _____

State of Idaho)
County of Ada) SS.

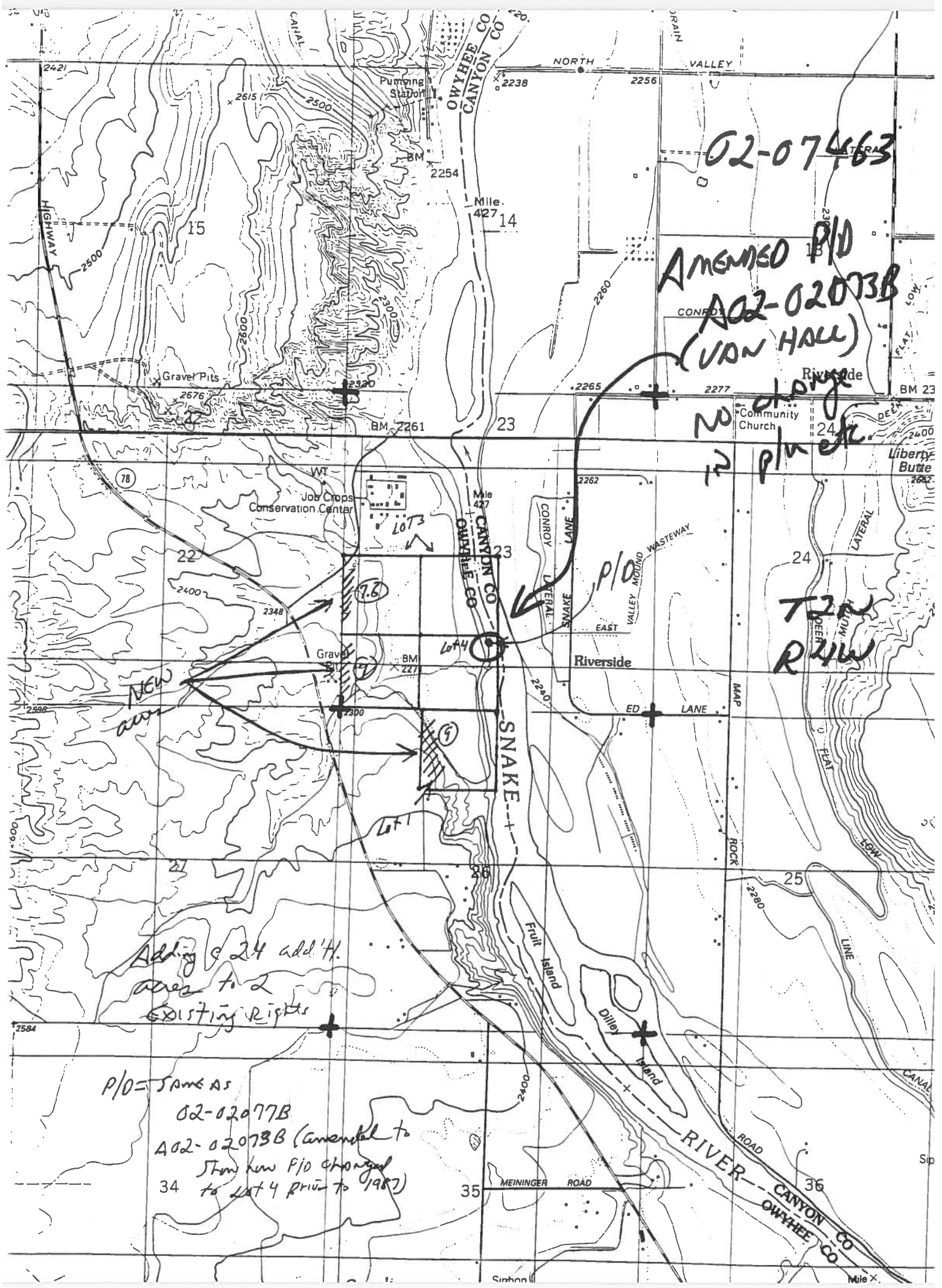
Subscribed and sworn (or affirmed) before me this 7 day
of March 19 95

Lori Harris
Notary Public

Seal

Residing at Boise, Id

My Commission Expires 12-8-2000



02-07463

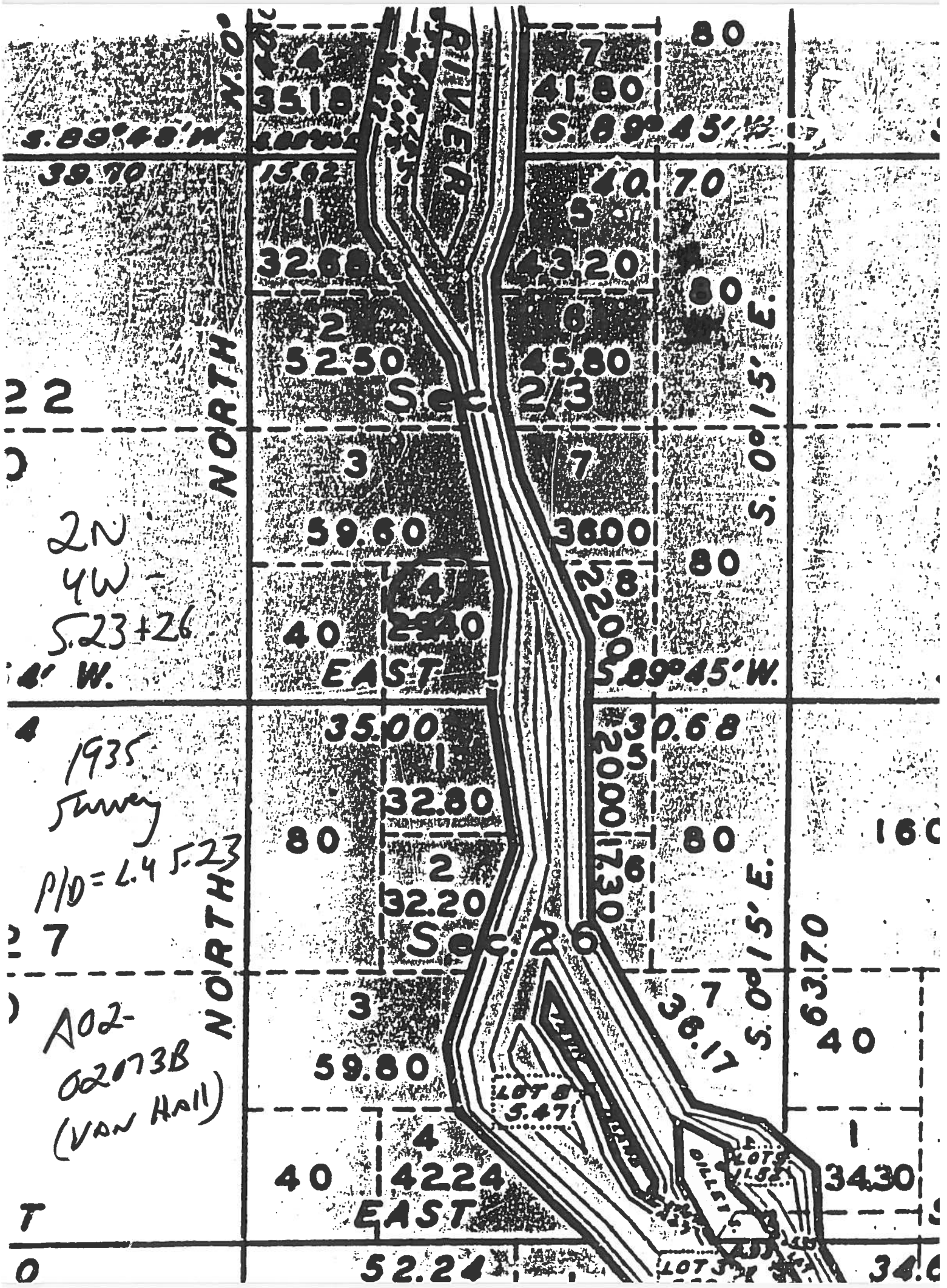
AMENDED P/O
A02-02073B
(VAN HALL)

NO change
in plan etc.

T2N
R4W

Adding § 24 add'l.
area to 2
existing rights

P/O = SAME AS
02-02077B
A02-02073B (amended to
show how P/O changed
to Lot 4 prior to 1987)



S. 89° 48' W.

S. 89° 45' W.

NORTH

S. 0° 15' E.

2N
4W
S. 23+26
4' W.

1935
Survey
P/D = 6.45.23
A02-
002073B
(VAN HALL)

NORTH

S. 0° 15' E.

T
0

EAST

52.24

63.70

40

34.30

34.6

Water Right Number - A02-020738 Prefix Translation: ADJUDICATION CLAIM Old (D) Number - 20937

+ - - - - Last Name - - - - + + - - - - First Name - - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
VAN HALL VANCE 1 - RT 1 BOX 16
2 -
3 - State- ID Zip- 83639
City- MARSING
Phone - 208-896-4848

*** O - ORIGINAL OWNER ***
ASHE ESTATE OF ESTHER 1 - JACK HURT PR
2 - 4470 VEGAS VALLEY
3 - State- NV Zip- 89121
City- LAS VEGAS
Phone - 702-457-3477

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
01/19/1949 ERROR IN REGION L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SNAKE RIVER COLUMBIA RIVER

+ - - - - Point of Diversion - - - - - +

TwN	Rng	Sec	Tract	Lot	RFlg	County
02N	04W	23	NE SE SW	4	(73)	OWYHEE

+ - - - - Description Period From Period To Water Use Diversion Rate Diversion Volume

01 - IRRIGATION	03/15	11/15		2.100	
-----------------	-------	-------	--	-------	--

+ - - Total Div. Rate - - + + - - Total Div. Volume - - + + - - Total Consumptive Use - - + + - - KW Usage - - +
2.100 367.5

+ - - - - Place of Use - - - - - +

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
02N	04W	23	NW SW	3	52.0	01	IRRIGATION	(73) OWYHEE
02N	04W	23	SW SW		10.0	01	IRRIGATION	(73) OWYHEE
02N	04W	23	SE SW	4	29.0	01	IRRIGATION	(73) OWYHEE
02N	04W	26	NE NW	1	14.0	01	IRRIGATION	(73) OWYHEE

Total Acres: 105.0

+ - - Diversion Means - PUMP & PIPELINE TO WHEEL & HAND LINES

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

Court Report Filing Objection Filed Date	Field Inspection Made	Civil Case Number	39576
- 00/00/0000	Field Inspection Flag	Old Case Number	-
- 00/00/0000	Verified Date	Old Judicial District	-
- 00/00/0000	Last Amended Date	Temporary Right	- P
- 12/07/1988	Receipt Number	Water District	-
	POU Ownership Flag	Federal/State Indicator	- S
	Name Connector	Presumption Flag	-
		Notice of ErrorFlag	-



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: July 20, 1993

RECEIVED

FEB 16 1994

WATER RESOURCES
WESTERN REGION

LEGAL DESCRIPTION OF PROPERTY: Township 2 North Range 4 West
Section 23, SW 1/4 of SW 1/4 of 1/4 Govt. Lot 3 & 4, BM.

Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

See page 2 attached

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)

Assigned by IDWR:

A02-02073A

☐ Name and Address of Former Owner/Claimant(s)(Seller):

Inalee Hurt, PR for Estate of Esther Ashe

4470 Vegas Valley #108

Las Vegas, Nevada 89121

☐ New Owner/Claimant (Purchaser):

Vance VanHall

☐ New Mailing Address:

Rt #1

Marsing, ID 83639

☐ New Telephone Number:

(208) 896 - 4848

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

☐ Attach proof of ownership, describe proof attached:

Personal Representative's Deed, Ins. #210713 attached

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s)

Date

Date

☒ Signature of Former Owner/Claimant(s):

Inalee Hurt PR Date 3/15/93
Estate of Esther Ashe Date 3/15/93

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATERRIGHT OWNERSHIP
PAGE 2

Legal Description Continued

Township 2 North, Range 4 West, Section 26, Govt. Lot 1, B.M.

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made by INALEE HURT, as Successor Personal Representative of the Estate of ESTHER ASHE, aka ESTHER F. ASHE, Deceased, Grantor, to VANCE VANHALL, a married man dealing in and with his sole and separate property, Grantee, whose address is Route #1, Box 16, Marsing, Idaho.

WHEREAS, Grantor is the qualified Successor Personal Representative of said Estate, filed as Probate Number 5-340, in Owyhee County, Idaho;

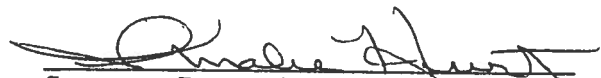
THEREFORE, for valuable consideration received, Grantor sells and conveys to Grantee the following described real property in Owyhee County, Idaho:

IN TOWNSHIP 2 NORTH, RANGE 4 WEST, B.M.,
OWYHEE COUNTY, IDAHO

Section 23: Lot 3, Lot 4 and SW1/4SW1/4
Section 26: Lot 1

with all appurtenances, it any.

EXECUTED this 14 day of May, 1993.

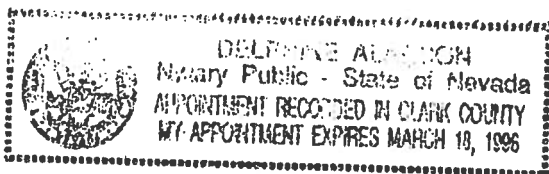


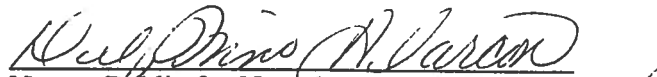
Successor Personal Representative of the
Estate of ESTHER ASHE, aka ESTHER
F. ASHE, Deceased

STATE OF NEVADA)
) SS:
COUNTY OF)

On this 14 day of May, 1993, before me a Notary Public, personally appeared INALEE HURT, known or identified to me to be the person whose name is subscribed to the within instrument as Successor Personal Representative, and acknowledged to me that she executed the same as such Successor Personal Representative.

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




Notary Public for Nevada
Residing at 5085 E. Bonanza Rd
Commission Expires: March 18, 1996

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: A02-02073
Date Received: 12/ 7/1988
Receipt No: C003799
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ESTATE OF ESTHER ASHE 702-457-3477
Address: JACK HURT PR
4470 VEGAS VALLEY
LAS VEGAS NV 89121

2. Date of Priority: JAN 19, 1949

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
02N	04W	26				1	OWYHEE
			NE	NW		1	OWYHEE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION			2.900		
DOMESTIC					

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	04W	23	SW	NW	2	IRR	40.0
			NW	SW	3	IRR	52.0

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 _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED
FEB 12 1992

DATE OF CLOSING: _____

Department of Water Resources

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

RECEIVED
MAR 2 1992

Department of Water Resources

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

[] Water Right Number(s)
Assigned by IDWR: A02-2073

[] Name and Address of Former
Owner/Claimant(s)(Seller): Sam Ashe

[] New Owner/Claimant
(Purchaser):

Box 501
Marsing 83639
ESTATE OF ESTHER ASHE
LACKHURT P.R.

[] New Mailing Address:

4470 VEGAS VALLEY #108
LAS VEGAS NV 89121

[] New Telephone Number:

702
(702) 457-3477

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

[] Attach proof of
ownership, describe
proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New
Owner/Claimant(s):

Date 2/12/92

Date _____

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

Date _____

Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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

ATTORNEY AT LAW
Steunenberg Bldg.
708 Main Street P.O. Box 309
CALDWELL, IDAHO 83606-0309
TELEPHONE (208) 459-8376

BARGAIN AND SALE DEED

FOR VALUE RECEIVED, SAM ASHE, a married man dealing with his sole and separate property, the Grantor, does hereby grant, bargain, sell and convey unto THE ESTATE OF ESTHER ASHE, aka ESTHER F. ASHE, c/o Jack Hurt, Personal Representative, 3925 Boulder Highway, #94, Las Vegas, Nevada, 89121, the Grantee, certain real property situate in Owyhee County, State of Idaho, more particularly described as follows:

Lot 4 (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 23, and Lot 1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 26, all in T2N, R4W, B.M.

TOGETHER with all water, water rights, ditches and rights of way for ditches thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, all and singular, the above described premises, together with the appurtenances, unto the Grantee, its heirs, administrators, executors, successors and assigns forever.

IN WITNESS WHEREOF, The Grantor has hereunto set his hand and seal, this 29 day of January, 1992.

Sam Ashe (seal)
Sam Ashe
Grantor

1 STATE OF ^{Missouri} ~~IDAHO~~)
2 County of ^{Miller} ~~IDAHO~~) ss.

3 On this 29 day of January, 1992, before me,
4 the undersigned, a notary public in and for said state,
5 personally appeared SAM ASHE, a married man dealing with his
6 sole and separate property, known to me to be the person whose
7 name is subscribed to the within instrument and acknowledged to
8 me that he executed the same.

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

12 
13 Sheila W. Hamilton
14 Notary Public for ~~Idaho~~ ^{Missouri}
15 Residing at: LAKE OZARK
16 My Commission Expires: 3-31-95

20701

FILED-RECORDED

'92 FEB 18 PM 2 54

BARBARA JAYO

OWYHEE COUNTY RECORDER

BY Lo. Hamilton

DEPUTY

REQUEST OF

David J. Morgan, Jr.

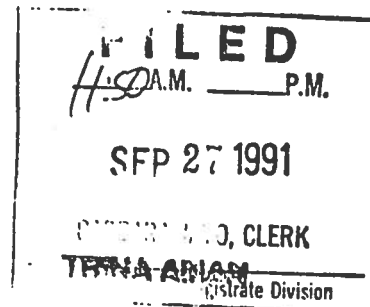
FEE 16.00

INDEXED

MICROFILMED

Bargain and Sale Deed - 2

C



GARY L. MORGAN, P.A.
ATTORNEY AT LAW
Steunenberg Bldg.
708 Main Street P. O. Box 209
CALDWELL, IDAHO 83606-0309
TELEPHONE (208) 459-6376
FACSIMILE (208) 459-6377

Attorney for Jack Hurt

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE
MAGISTRATE DIVISION - MURPHY SECTION

* * *

In the Matter of the Estate)	Case No. 5-340
of:)	
ESTHER ASHE, aka ESTHER)	
F. ASHE,)	LETTERS TESTAMENTARY
Deceased.)	TESTAMENTARY

1. Jack Hurt was duly appointed and qualified as Personal Representative of the estate of the above named decedent on the 26th day of September, 1991, by the Magistrate, acting as Registrar, with all authority pertaining thereto.

2. Administration of the estate is unsupervised.

3. These Letters Testamentary are issued to evidence the appointment, qualification and authority of said Personal Representative, Jack Hurt.

Letters Testamentary - 1

GARY L. MORGAN, P.A.
ATTORNEY AT LAW
Steunenberg Bldg.
708 Main Street P. O. Box 309
CALDWELL, IDAHO 83604-0309
Telephone (208) 469-6376

WITNESS, My signature and the seal of this Court this

26 day of September, 1991.

A. MARVIN Cherin

A. Marvin Cherin
Magistrate

STATE OF IDAHO } ss.
County of _____ }
I hereby certify that the foregoing instru-
ment is a true and correct copy of the
original as the same appears from the
records of the District Court

Deputy Clerk of Magistrate Division

COPY

FILED
A.M. 3:53 P.M.
AUG 30 1991
BOBBER JACO, CLERK
MAGISTRATE DIVISION

GARY L. MORGAN, P.A.
ATTORNEY AT LAW
Steunenberg Bldg.
708 Main Street P. O. Box 809
CALDWELL, IDAHO 83606-0309
TELEPHONE (208) 459-0876
FACSIMILE (208) 459-6377

Attorney for Jack Hurt

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE
MAGISTRATE DIVISION - MURPHY SECTION

* * *

In the Matter of the Estate)	
of:)	Case No. 5-340
ESTHER ASHE, aka ESTHER F.)	
ASHE,)	AMENDED ORDER OF SETTLEMENT OF
Deceased.)	ESTATE PROCEEDINGS AND
)	DECREE OF PARTIAL DISTRIBUTION

The above entitled matter having come on regularly for hearing before the above entitled Court on the 30th day of July, 1991; Sam Ashe appearing in person and with his attorney of record, Charles B. Bauer, of the firm of Bohner, Chasan, Walton & Bauer, Attorneys at Law, Boise, Idaho; Jack Hurt appearing in person and with his attorney, Gary L. Morgan, Attorney at Law, Caldwell, Idaho; the parties having advised the Court that they had resolved all remaining disputed matters

Amended Order - 1

1 involving the probate of the above estate including the
2 distribution of all remaining assets of the estate and
3 relinquishing any and all claims or causes of action by either
4 Sam Ashe or Jack Hurt against the decedent's estate or by these
5 parties against each other and any claims or causes of action
6 by Jack Hurt and Sam Ashe against James E. Schiller, Personal
7 Representative of decedent's estate; Gary L. Morgan, attorney
8 for Jack Hurt, having introduced into evidence a copy of his
9 letter to Charles H. Bauer dated July 22, 1991 containing a
10 proposed settlement of this matter, said letter being the basis
11 of the parties settlement, as orally modified; the Court having
12 confirmed with Sam Ashe that this was, in fact, his agreement
13 and understanding of the settlement to which Sam Ashe responded
14 it was; the Court having inquired of Gail Ashe (who although
15 not named as a party in any of the estate proceedings, she has
16 been married to Sam Ashe for a substantial period of time and
17 may have acquired a community interest in and to some of the
18 properties involved in this estate and may have acquired a
19 legal interest in and to a contract of sale referred to as the
20 "Perkins Contract" to which she relinquished some of her
21 ownership interest) who indicated that the settlement, as
22 stated, was in fact her agreement and understanding of the
23 settlement; the Court having inquired of Jack Hurt if the
24 settlement as entered in the record was, in fact, his agreement
Amended Order - 2

GARY L. MORGAN, P.A.
ATTORNEY AT LAW
Steunenberg Bldg.
708 Main Street P.O. Box 109
CALDWELL, IDAHO 83608-0309
TELEPHONE (208) 459-8376

1 who indicated it was; the Court having accepted the parties
2 terms of settlement of the estate; the Court having directed
3 attorney, Gary L. Morgan, to draft an order reflecting the
4 parties settlement; and the Court being fully advised in the
5 premises:

6 NOW, THEREFORE, IT IS HEREBY ORDERED, AND THIS DOES
7 ORDER as follows:

8 1. Sam Ashe and his wife, Gail, (as it may pertain to
9 any legal interest Gail Ashe may have acquired during her
10 marriage to Sam Ashe), hereby surrender, convey and release to
11 the Estate of Esther Ashe, aka Esther F. Ashe, all of their
12 right, title and interest in and to all of the real property
13 situate in Owyhee County, State of Idaho, acquired during the
14 marriage of Sam Ashe and the decedent, Esther Ashe, aka Esther
15 F. Ashe, or during the probate of the decedent's estate,
16 together with all water rights of the Gem Irrigation District,
17 water permits with the State of Idaho to pump irrigation water
18 from the Snake River, all pumping and irrigation equipment and
19 all farming implements and equipment, except for two (2) parcels
20 of real estate, and all water rights pertaining thereto, which
21 the estate shall convey to Sam Ashe more particularly described
22 as follows:

23 A. That certain real property located in Section
24 11, Township 2 North, Range 4 West,
Boise Meridian, Owyhee County, Idaho

Amended Order - 3

1 which adjoins the property
2 upon which a mobile home occupied
3 by Sam and Gail Ashe is located. This
4 parcel is numbered Parcel No. 613 on a
5 map identified as Map No. 3105 which was
6 reviewed by the parties in Court at the time
7 of hearing, said property being bounded
8 by the Bruneau Highway on the East, the
9 Rathbone property on the North and West
10 and BLM property on the South. Sam Ashe
11 shall be responsible for preparation
12 of the deed and the correct legal
13 description for said premises.

14 B. Parcel I Government of Section 15,
15 Township 2 North, Range 4 West, Boise
16 Meridian, Owyhee County, Idaho. Sam
17 Ashe shall be responsible for preparation
18 of a deed and the correct legal
19 description for said premises.

20 2. Sam Ashe and Gail Ashe shall, if necessary, execute
21 any and all necessary deeds and documents which may be
22 necessary to transfer their ownership interest in and to the
23 real property situate in Owyhee County, Idaho to the Estate of
24 Esther Ashe, and the Estate of Esther Ashe shall execute any
and all documents which may be necessary to convey the real
property hereinabove described to Sam Ashe.

1 This conveyance by Sam and Gail Ashe not only
conveys Sam Ashe's one-half (1/2) interest in and to the real
property situate in Owyhee County, Idaho, except for the
parcels hereinabove described, but also conveys all of the
right, title and interest of heirs Brett Hurt and Timothy Hurt
in and to the decedent's estate by reason of the fact that Sam

Ashe has previously purchased their interest(s) in and to the decedent's estate and Sam and Gail Ashe are relinquishing all of their interest, however acquired, in and to said properties as a term and condition of this settlement.

4. Sam and Gail Ashe will release, convey and assign to the decedent's estate one-half (1/2) of their ownership interest in and to a contract known as the "Perkins contract" with an approximate unpaid principal balance of \$123,000.00 bearing interest at the rate of 10.5% interest, which said contract reposes in escrow at West One Bank, Nampa, Idaho. Gary L. Morgan shall have an opportunity to review the "Perkins contract" to ascertain that the same is legal and valid; that it is held in escrow; that it does have an approximate unpaid principal balance owing of \$123,000.00; and that there is clear title to the underlying property which is the security for said contract except for a first mortgage.

5. Sam and Gail Ashe surrender all of their right, title and interest in and to the contract of sale known as the "Gannuscio contract".

6. The decedent's estate surrenders to Sam Ashe all of the crops growing upon estate property for the 1990-1991 farm year and the proceeds received from the sale thereof, subject to any and all farming expenses relating to said crops which shall include the 1990 real property taxes and the first seven

1 (7) months' property taxes for the 1991 year; all water
2 assessments for the 1990-1991 farm year; and any and all
3 accounting fees which may be incurred by Sam Ashe for the 1990-
4 1991 farm year.

5 7. The 1969 Volkswagen which is located at Meridian,
6 Idaho shall be transferred to Brett Hurt and it shall be Brett
7 Hurt's responsibility to acquire physical possession of this
8 vehicle. The estate shall execute any and all documents which
9 may be required to transfer title to Brett Hurt.

10 8. Sam and Gail Ashe relinquish all of their right,
11 title and interest in and to the mineral rights of any property
12 located in Kern County, California which are in the name of
13 Esther Ashe and/or Sam Ashe and they will execute any and all
14 documents which may be necessary to transfer said mineral
15 rights to the decedent's estate.

16 9. The decedent's estate shall be responsible for
17 preparation and filing of the Federal 706 tax return and the
18 estate shall be responsible for any and all tax liability
19 concerning the estate. The estate shall also be responsible
20 for any and all remaining expenses incurred from and after July
21 30, 1991 as they shall pertain to accountant fees, personal
22 representative fees, attorney fees, etc.

23 10. Sam Ashe hereby terminates and forever relinquishes
24 any claim he may have against the decedent's estate for any

Amended Order - 6

MICROFILMED

AUG 07 1992

1 statutory allowances such as statutory living allowance,
2 statutory personal property allowance, statutory homestead
3 allowance and any claim he may have for management fees. The
4 estate shall relinquish any claim it has against Sam Ashe for
5 the approximate \$18,000.00 on deposit in the First National
6 Bank Checking Account held in the names of Sam and Esther Ashe
7 at the time of Esther's death, together with accrued interest
8 thereon.

9 11. The estate terminates and forever relinquishes its
10 claim against Sam Ashe for any monies held in any stock
11 brokerage accounts that were in existence at the time of
12 decedent's death and any transactions that Sam Ashe made with
13 these monies since the date of decedent's death.

14 12. Sam Ashe shall have no further involvement in any
15 estate matters except for his interest in the crops and crops
16 proceeds for the 1990 and 1991 farm years.

17 13. All terms of the parties stipulated agreement are
18 final and become effective as of the 30th day of July, 1991.
19 All items of property in the possession and Sam and Gail Ashe
20 as of July 30, 1991 which belong to the estate shall be
21 immediately surrendered to the estate; provided that those
22 properties which presently have growing crops shall be turned
23 over to the estate at such time as said crops are harvested,
24 but in no event later than November 1, 1991. All farm

implements and irrigation equipment, including irrigation pumps, shall be immediately delivered to the estate. All rent owing on the home located at Marsing, Idaho from and after July 30, 1991 shall belong to the decedent's estate and in the event Sam Ashe should collect any rents from and after July 30, 1991, these rents shall be delivered to the decedent's estate. All further payments owing under the Gannuscio contract as of July 30, 1991 belong to the estate and any payments received by Sam Ashe from and after July 30, 1991 shall be delivered to decedent's estate. One-half (1/2) of all principal and accruing interest under the Perkins Contract which reposes in escrow at West One Bank from and after July 30, 1991 shall be paid to the decedent's estate and said escrow holder is hereby directed to apply 50% of all payments of principal and interest from and after July 30, 1991 to the Estate of Esther Ashe or to such other person as the estate may direct.

14. Sam Ashe shall relinquish and forever release any and all claims or causes of action for monies owing or damages against the Estate of Esther Ashe previously accruing or which may hereafter accrue as they shall pertain to the Estate of Esther Ashe, Jack Hurt and the heirs of Esther Ashe and James E. Schiller, Personal Representative.

15. Jack Hurt shall relinquish and forever release any and all claims or causes of action for monies owing or damages

1 against the Estate of Esther Ashe previously accruing or which
2 may hereafter accrue as they shall pertain to the Estate of
3 Esther Ashe, Sam Ashe and the heirs of Esther Ashe and James E.
4 Schiller, Personal Representative.

5 16. All conveyances of properties and all
6 relinquishment of rights in and to properties by Sam Ashe as
7 herein set forth not only pertain to his ownership of his
8 community interest in and to said property, but also pertain
9 to his ownership in the estate by reason of his acquiring all
10 of the estate interest of the heirs, Brett Hurt and Timothy
11 Hurt.

12 17. Sam Ashe, Gail Ashe and Jack Hurt shall execute any
13 and all necessary documents which may be required to effectuate
14 the terms of this agreement.

15 18. This Order and Decree of Distribution may be
16 recorded with the office of the Owyhee County Recorder and by
17 its terms is adopted by the Court as a Partial Decree of
18 Distribution.

19 19. The remaining heirs of the Estate of Esther Ashe,
20 and their respective percentage ownership interest in and to
21 the Estate of Esther Ashe are as follows:

22 Sam Ashe - 0%;
23 Brett Hurt - 0%
24 Timothy Hurt - 0%
Jack Hurt - 40.74%
Michael Hurt - 19.75%

Alan Hurt - 19.75%
Adam Hurt - 9.88%
Kevin Hurt - 9.88%

20. James E. Schiller, Personal Representative, or his replacement, is hereby directed to take all steps which may be necessary to effectuate the conclusion of this estate and to carry out all provisions herein contained and to do any and all acts which may be necessary to finalize this estate and distribute the estate's remaining assets.

Dated this 29th day of August, 1991.

A. MARVIN CHERIN

A. Marvin Cherin
Magistrate

GARY L. MORGAN, P.A.
ATTORNEY AT LAW
Steenenbergh Bldg.
708 Main Street P. O. Box 809
CALDWELL, IDAHO 83606-0309
TELEPHONE (208) 450-0376

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: A02-02073
Date Received: 12/07/1988
Receipt No: C003799
Received By: RLT.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SAM ASHE
Address: P.O. BOX 501
MARSING, ID 83639
208-896-4250

2. Date of Priority: JAN 19, 1949

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
02N	04W	26		1	OWYHEE
			NE NW	1	OWYHEE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION			2.900		
DOMESTIC					

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	04W	23	SW NW	2	IRR	40.0
			NW SW	3	IRR	52.0

A02-02073

Page 1

Date: 12/07/88

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	04W	23	SW	SW		IRR	10.0
			SE	SW	4	IRR	29.0
						Section Acres	131.0
		26	NE	NW	1	IRR	14.0
						Section Acres	14.0
						Total Acres	145.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 20937

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): Sam Ashie Date: 12-7-88

Date: _____

State of Idaho)

County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 7th day

of December 19 88

Glen Fanning
Notary Public

Seal

Residing at Boise, Idaho

My Commission Expires 12-1-1994

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF _____
SNAKE RIVER FROM BASE OF HILNER
DAM TO OREGON DRAINAGE BASIN.
BORDER.

**NOTICE OF CLAIM
TO A
WATER RIGHT**

02-1409	I.D. No.	Map No.
\$ 10	Fee Paid	11-55 Receipt No.

Notice is hereby given that Sara Asha

(Name of Claimant)

Box 197, Marsing, ID 83639

(Mailing Address)

(Zip Code)

Telephone No. _____

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) 1/29/1949
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Snake River tributary to Columbia River
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | |
|---|--|--|
| Quantity <u>2.2 cfs</u>
(CFS, GPD, AF) | Use <u>Irrigation A</u>
(Domestic, irrigation, stock, etc.) | Period of Use From <u>3/15</u> To <u>11/1</u>
(Mo., Day) (Both dates inclusive) |
| Quantity _____ | Use _____ | Period of Use From _____ To _____
(Mo., Day) (Both dates inclusive) |
| Quantity _____ | Use _____ | Period of Use From _____ To _____
(Mo., Day) (Both dates inclusive) |
| Quantity _____ | Use _____ | Period of Use From _____ To _____
(Mo., Day) (Both dates inclusive) |
- (4) 264 2.2 cfs TOTAL QUANTITY CLAIMED. NE Lot 4
- (5) A) Point of Diversion: Give location of point where water is diverted from its source NE SE 1/4 SW 73
Sec. 23, Twp. 2N, Rge. 4W, B.M., Overhead County
Additional Points: SEC 1: 2720(1) 429.1
B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
Pump and Pipeline

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	4W	23							1.2			1.3	2.4	2.7					11.3
		26					1.1												1.9

Total no. of acres 132

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: _____

- (7) If you are claiming water as a member of an organization, list name of organization: _____
- (8) Remarks _____
- (9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
DVS ☐ B) Right decreed by court, cite title of case. _____
☒ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. 20237/02-2073

KEYPUNCHED

CW 8/28/84

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

April 22, 1981
(Date)

(Signature of Claimant)

(Signature of Spouse)

Organization

(Signature of Authorized Agent)

State of Idaho

Organization

County of Ada ss.

Seal

On this 22nd day of April, in the year 1981 before me

a notary public, personally appeared Sara Asha
known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or _____) executed the same.

State of Idaho
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Review by D. SHAFF

Date 5/19/83

Right No. 02-2073

Claimant ASHE

Recommendation differs from claim:
(Document any differences)

☒ Yes

☐ No

☐ Disallow

Claim Details Verified Against:

Check (X or ✓) those searched. Circle records used for recommendation.
Include copies or memos where applicable to explain findings.

☒ License

☐ Previous Statutory Claim.

☐ Permits, valid or lapsed. Number(s) if different than above _____

☐ Decree. Name & date _____

☐ Conveyance Loss Calculations. See printout included.

☐ Title abstract. ☐ In file. Or, Name & location _____

☐ County records. ☐ In file. Or, Name & location _____

☐ Affidavits. ☐ In file.

☐ Posted Notices, Water Locations Notices. ☐ In file.

☐ Deed Records. ☐ In file. Or, Name & location _____

☐ Patent Records. ☐ In file. Or, Name & location _____

☐ Metzker Maps. Identify _____

☒ A.S.C.S. Records. Year & Photograph No. COPY IN THIS FILE

☐ Irrigation Company/District Records. ☐ In file. Or Name & location _____

☐ Historical Books. Name(s) & location _____

☐ Interview(s). Attach conversation memorandum.

☐ Other _____

☐ _____

Field Exam Made: ☒ Yes ☐ No Date _____

☒ Adj. Report in file
5/16/83 MEMO

☒ Beneficial Use Report in License (S.O.) File
COPY IN THE FILE

Measurement _____ cfs. Amount recommended _____ cfs.

Type of measuring device: _____ Meter No. _____

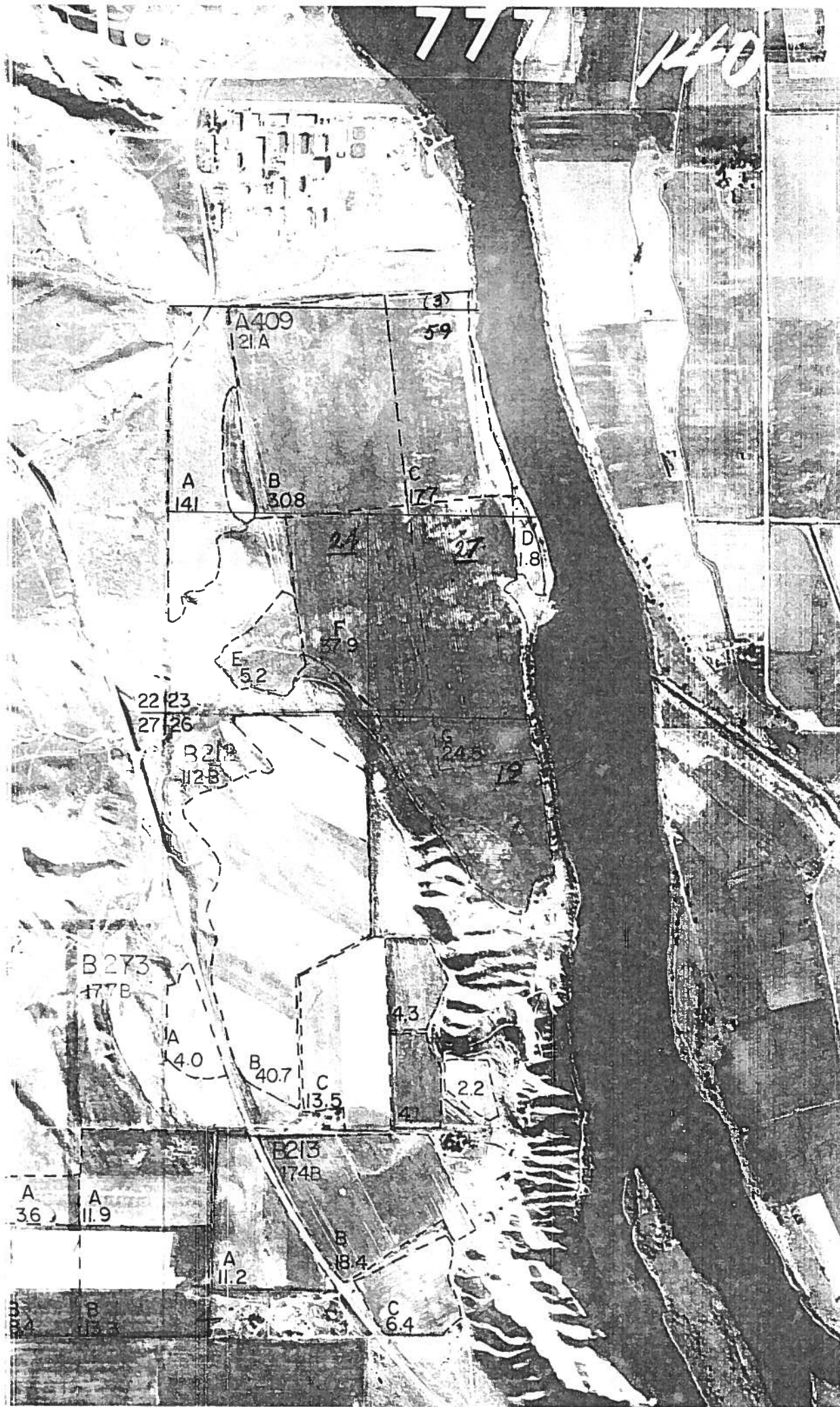
Condition _____ Date _____ Time _____

Adjudication Photo(s) Used: Name or No. OPALENE GULCH 1977 U-2 2874-77-138.

Field Photographs Taken ☐ Yes ☒ No

Memorandum in file ☒ Yes ☐ No

Remarks _____



CONVERSATION MEMORANDUM

Field Trip

DATE 5/16/83FILE 02-2073NAME OF PARTY Sam A. SteEMPLOYEE John K. Meyer.

RE: Original P.D. L1 NE NW Sec 26 T2N
R4W has been abandoned. New P.D
is lot 4^{NE} (SE SW) Sec 23 T2N R4W. 100 HP G.E
motor serial # AJO 4201 used to pressurize
sprinkler system - 15 HP Solen motor Serial
A01014033 lifter pump - to pump water
from back R. into holding tank for
larger motor. 139 acres sprinkled
out of this site - AEC's acreage.
No transfer of P.D. in vault.

THIS PLAT OF
T. 2 N., R. 4 W.,
TRACEMENT AND REES
THE LINES OF THE C
AS SHOWN UPON THE
MAY 1, 1874. IN TH
INAL POSITION ACCO
BEST AVAILABLE EVI
POSITION OF THE OI
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UREMENTS SHOWN ON
PLAT AND THOSE DEI
TRACEMENT HAVE BEI
PROPORTIONALLY BEI
CORNERS IN ACCORD
VEYING RULES; REFI
MADE TO THE ORIGI
SHOWING OF THE AR
TAILED DESCRIPTIO
SMALLER SUBDIVISI

N 0° 14' W

Soc. 13

Soc. 24

Soc. 25

SURVEYED

BY

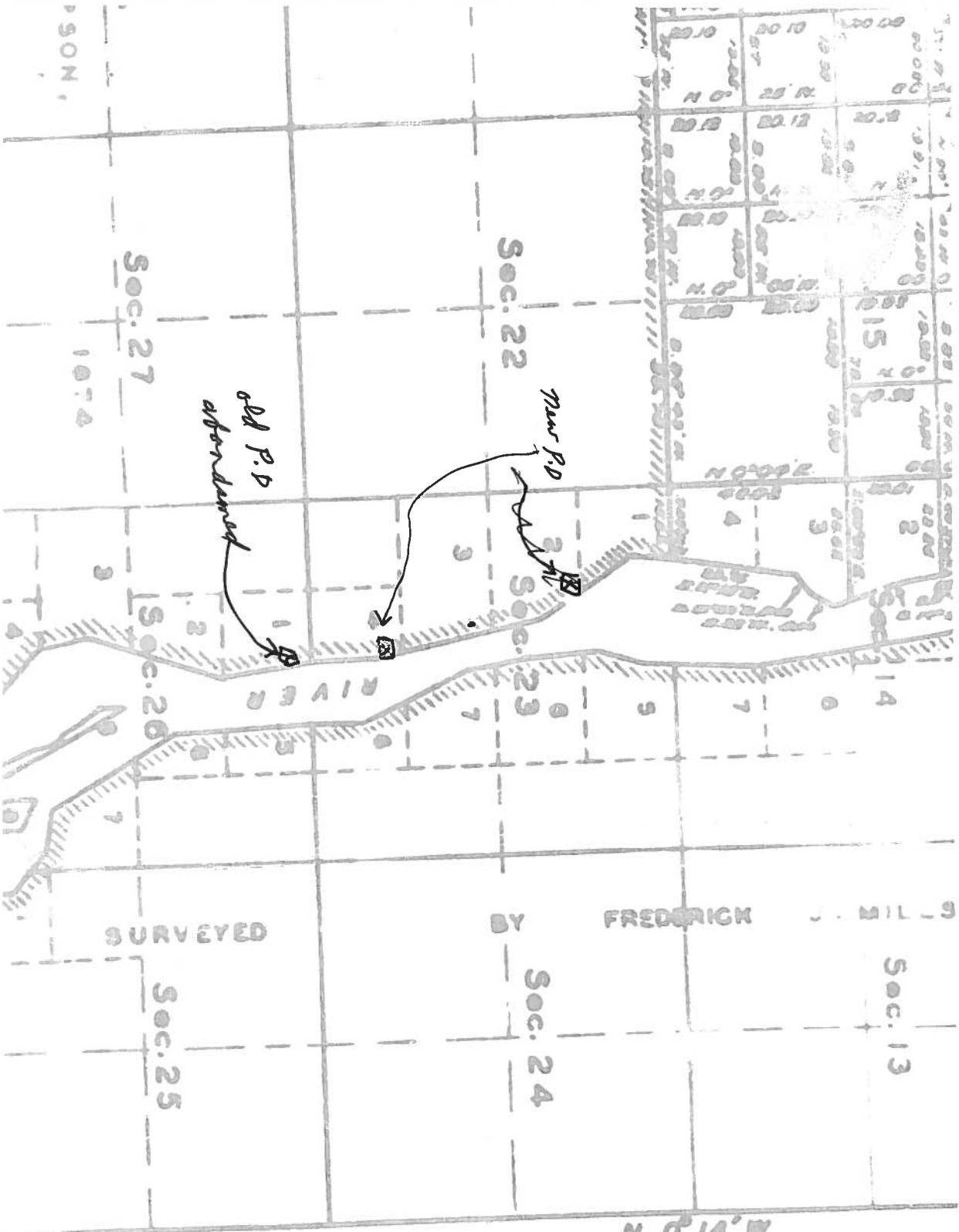
FREDERICK J. MILLS

Soc. 22

Soc. 27

old P.D.
abandoned

New P.D.



State of Idaho License and Certificate of Water Right

Water License No. 209 Amount 2.0 cfs.
Water District No. Priority Date 7-1-1949

THIS IS TO CERTIFY that [redacted] of [redacted] made application for a permit to appropriate the public waters of the State of Idaho, dated [redacted], 19 [redacted]; that Permit No. 209 [redacted] was issued under said application; that Certificate of Completion of works, with a carrying capacity of [redacted] cubic feet, was issued thereunder on [redacted], 19 [redacted], showing that said works were completed on the [redacted] day of [redacted], 19 [redacted]; and that on the [redacted] day of [redacted], 19 [redacted], [redacted] of [redacted], State of [redacted], made proof to the satisfaction of the State Engineer of Idaho, of the right to use the waters of Snake River [redacted] tributary of [redacted] for the purpose of [redacted] and [redacted] under the Permit No. [redacted] of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume [redacted] of Licenses at page [redacted], on the 13 day of May, 1950:

The right hereby confirmed dates from [redacted], 19 [redacted].

The Point of Diversion is located [redacted] Lot 1 in the [redacted] Sec. 26, Twp. 2 N., R. 1 W., B. M. Owyhee County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
2 N.	4 W.	23	SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 2)	42.5	40
			NE $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 3)	59.5	52
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40.0	10
			SE $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 4)	29.4	29
		26	NE $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 1)	32.3	14
			Total number of acres to be irrigated:		145

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 13 day of May, 19 60.

GEO. W. CARTER
State Reclamation Engineer.

(SEAL)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE IDAHO
REPORT OF ENGINEER

Permit No. 20937

This proof is for Beneficial Use

In Water District No.

1. Name of Applicant Harry G. Hoskins, 634 E. Washington St., Meridian, Idaho
2. Source of water supply: Snake River, Tributary of the Columbia River
3. Location of point of diversion: Is in the Lot 2, Sec. 23, and Lot 1 of Section 26
T. 2 N. R. 4 W. County of Owyhee
4. Describe works as they exist, giving dimensions and capacities of same: *Two pumps*
Barkley Pump Century Direct Connected
No. 1 6" x 6" 10" W. 1.5 H.P. Motor - Suction Pipe 8" 30' long.
Rise 31 Vertical Lift thru 6" pipe 110' long with 8" on upper end
90' long. No 2 6" Peerless pump belt driven GE motor 25 H.P.
suction pipe 8" by 40' discharge thru 10" 520' long. Rise
12 ft.
5. Water is used for: Irrigation and domestic purposes
6. State whether or not water has been turned into works of diversion: *Yes*
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):
SW 1/4, Lots 2, 3, and 4, Sec. 23; Lot 1, Sec. 26, all in T. 2 N.,
R. 4 W., B.M.

(Submit map on attached plat, showing location and details of above description)

What large stream would the water here appropriated finally reach?

Remarks:

The No 2 was pumping to the upper Birch and was
delivering a good flow no measurement was
taken.

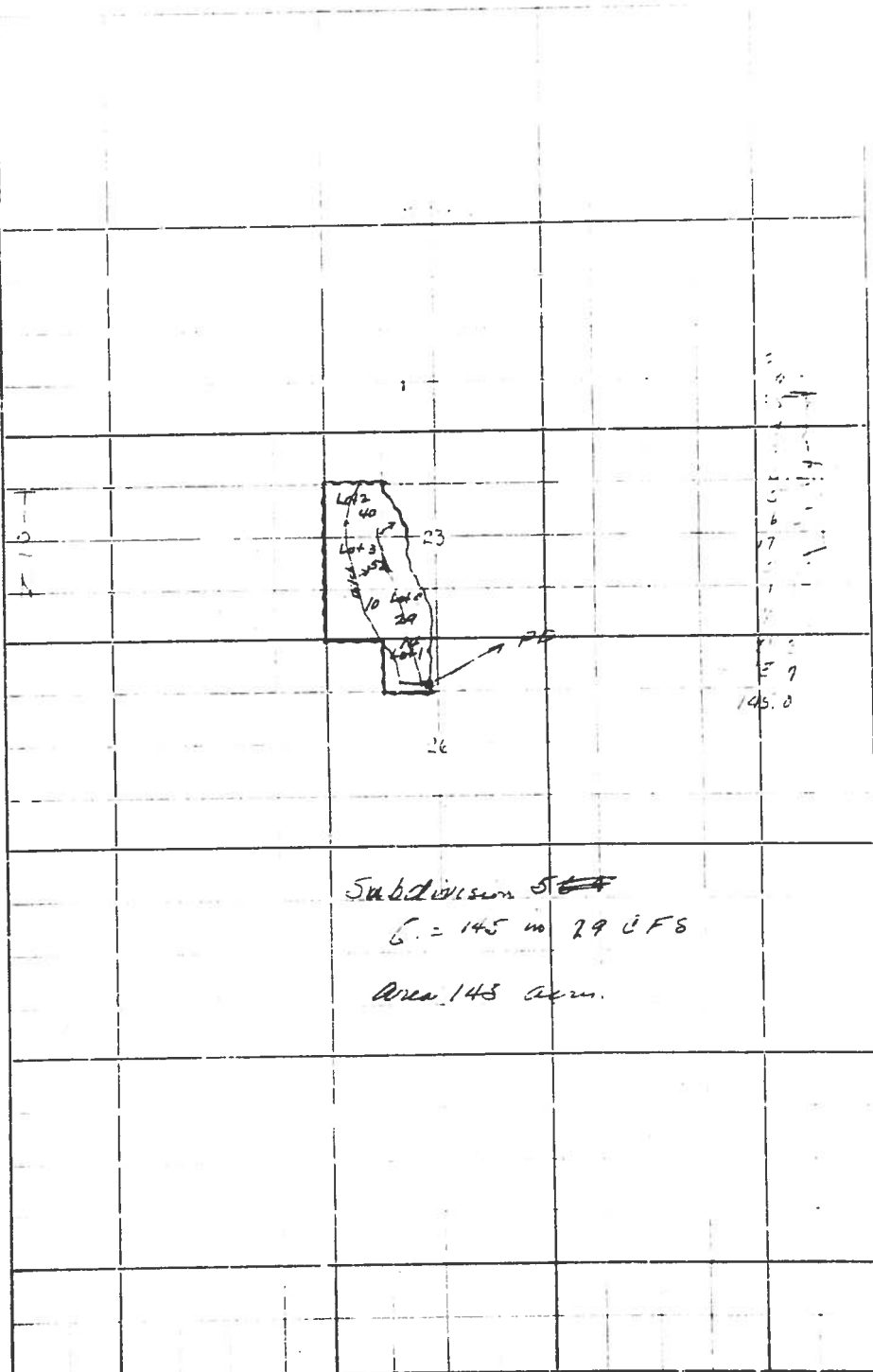
The pump was present during examination
by excavation capacity is more than 2 cfs.

This examination was made on the

18
(Signed)

day of April 1960
B. T. Hansen
Exam. by

20937



Subdivision ~~564~~

G. = 145 no 29 CFS

Area 145 acm.

Scale: 2 inches Equals 1 Mile. Draw Map in Ink.

20957

ER RIGHT NUMBER 02-2073 ✓

ADJUDICATION PROOF READING REPORT

12/12/84

PAGE

ER LAST NAME - RSHE

RESS LINE 1 - P.O. BOX 197

RESS LINE 3 -

ACE - SNAKE RIVER

HE -

STATUS -

00 AFR TRFR/RMEND -

WATER DIST. - 02 DLE/CAREY ACT -

PRIORITY - 01-29-1949 COUNTY - QUAYEE

TRIBUTARY OF - COLUMBIA RIVER

CITY - MARSHING

ADDRESS LINE 2 -

FIRST NAME - SHM

ORIG OWNER -

STATE - ID ZIP CODE - 83639

TOTAL DIV. RATE -

RIGHT BASIS - E

USE DIV. RATE -

2.6400 CFS USE DIV. VOLUME -

00 AFR

PLACE OF USE - TWIN 02N RING 04W SEC 26 TRACT NENM LOT 01 AC 19

PLACE OF USE - TWIN 02N RING 04W SEC 23 TRACT SMM LOT 02 AC 03 TRACT

DATE -

TRACT SMM LOT

HC 24 TRACT

SESM LOT 04 AC 27

NMSM LOT 03 AC 59

TOTAL ACRES

132

IRRIQ USE -

R RIGHTS FOR SAME USE -

PERMIT/DENIED -

F DUE -

F MADE -

FLD EXAM -

COND. OF APPROVAL -

PROTESTED -

HERRING -

OLD NO. -