

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: AUG-18-1997
PAGE: A-14

RIGHT NUMBER: 43-10029

NAME & ADDRESS: MARY ANN CLAYTON
DAN CLAYTON
KAYLA GERRATT
ALAN GERRATT
TODD GERRATT
246 EAST 300 SOUTH
BURLEY ID 83318

**EAST
3**
BRENDA GERRATT
246 EST 300 SOUTH
BURLEY ID 83318

*added A to east
already corrected 9/25/97*

SOURCE: GROUNDWATER

QUANTITY: 0.07 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 05/12/1981

POINT OF DIVERSION: T11S R26E S02 SENW Within CASSIA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.03 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within CASSIA County
T11S R26E S02

DOMESTIC Within CASSIA County
T11S R26E S02 SENW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. 11S26E020000A
STOCKWATER, 100 BEEF

Claim proofread by: KT
Date: 9-4

AJ0749NP
No. R43-10029

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 06/13/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KURT L OSTLER	05/12/1981	STOCKWATER	01-01 12-31	0.030 CFS	
C	VALAYNE L OSTLER		DOMESTIC	01-01 12-31	0.040 CFS	
TOTAL DIVERSION:					0.070 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T11S R26E S02

SENW

CASSIA County

Place of use Legal Description for: STOCKWATER

NE	SE
NENE NWNE SWNE SENE : NENW NWNW SWNW SENW : NESW NWSW SWSW SESW : NESE NWSE SWSE SESE :	
T R S : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac :	
11S 26E 2 :	S :

Place of use Legal Description for: DOMESTIC

NE	NW	SW	SE
NENE NWNE SWNE SENE : NENW NWNW SWNW SENW : NESW NWSW SWSW SESW : NESE NWSE SWSE SESE :			
T R S : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac :			
11S 26E 2 :	D :		

POU County: CASSIA

Non-Irrigation Uses: 1 HOME

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

Remarks: EXP PARCEL NO. 11S26E020000A
STOCKWATER, 100 BEEF

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

AJ0749NP
No. R43-10029

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 06/13/00
PAGE: 2

Comments: Date: 08/15/1997 User-ID: CORR3 Subject: COPIED FROM REMARKS

PARCEL NO. 11S26E020000A

OWNERSHIP CHANGE MADE 5/15/96 BY TLB.

STOCKWATER, 100 BEEF

Date: 08/22/1997 User-ID: DJONES Subject: ADDRESS DATA ENTRY
MODIFIED ADDRESS OF ONE CLAIMANT FOR CONSISTENCY WITH STANDARDS.

Date: 06/22/1998 User-ID: VHANCOCK Subject: OWNERSHIP CHANGE
GERRATT/CLAYTO TO OSTLER PER NOTICE REC'D 6-17-98

Date: 06/13/2000 User-ID: JROBERTS Subject: ADDED TRACT TO STOCKWATER POU
ADDED TRACT "SENM" TO STOCKWATER PLACE OF USE.

Audit: 06/13/00 JROBERTS

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KURT L OSTLER	05/12/1981	STOCKWATER	01-01 12-31	0.030 CFS	
C	VALAYNE L OSTLER		DOMESTIC	01-01 12-31	0.040 CFS	
TOTAL DIVERSION:					0.070 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T11S R26E S02 SENW CASSIA County

Place of use Legal Description for: STOCKWATER

NE

NENE NWNE SWNE SENE : NENW NWNW SWNW SENW : NESW NWSW SWSW SESW : NESE NWSE SWSE SESE :

T R S : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac :

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11S 26E 2 : : S : :

Place of use Legal Description for: DOMESTIC

NE

NENE NWNE SWNE SENE : NENW NWNW SWNW SENW : NESW NWSW SWSW SESW : NESE NWSE SWSE SESE :

T R S : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac :

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11S 26E 2 : : D : :

POU County: CASSIA

Non-Irrigation Uses: 1 HOME

Other Rights: NONE

- Conditions of Approval:
- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A

- DETERMINATION OF HISTORICAL BENEFICIAL USE.

N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000

- GALLONS PER DAY.

Remarks: EXP PARCEL NO. 11S26E020000A

STOCKWATER, 100 BEEF

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag: Presumption Flag:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

June 13, 2000

CURT OSTLER
6616 W 10760 N
HIGHLAND UT 84003

RE: ADJUDICATION CLAIMS A43-02412 and A43-10029

Dear Mr. Ostler,

AS promised, enclosed are proof reports for the two adjudication filings I found under your name. A43-02412 is for 131 acres of irrigation and A43-10029 is for domestic and stockwater use. The Director's Report for these claims is due to be filed sometime within the next few months. I have pretty much completed my review of these rights, and except for a few minor corrections or clarifications, they will be recommended as claimed.

If you have any questions, feel free to give me a call at the office.

Sincerely,

A handwritten signature in cursive script that reads 'Jeanie Robertson'.

Jeanie Robertson
Sr. Water Resource Agent

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: **A43-10029**
Date Received: 3/ 7/1989
Receipt No: S006467
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: KURT E OSTLER 801-763-0377
Address: 6616 W 10760 N
HIGHLAND UT 84003
AND
Name: VALAYNE L OSTLER 801-763-0377
Address: 6616 W 10760 N
HIGHLAND UT 84003

2. Date of Priority: MAY 12, 1981

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	26E	2		SE	NW		CASSIA

5. Description of diverting works:
370'X8" WELL, 2HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.030		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 GARDEN, S/100 BEEF STOCK

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11S	26E	2	SE NW		STOCK DOMEST	

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:

OWNERSHIP CHANGE MADE 5/15/96 BY TLB.

6-22-98: CHANGE OF OWNERSHIP GERRATT/CLAYTO TO OSTLER PER NOTICE
REC'D 6-17-98 - VH

15. Basis of Claim: BENEFICIAL USE



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 22, 1998

Kurt E. and Valayne L. Ostler
6616 West 10760 North
Highland, Utah 84003

RE: Snake River Basin Adjudication (SRBA)
Claim No.(s): A43-02412 and A43-10029
Change of Ownership Notification

Dear Claimant(s):

We have been notified that you have purchased property with the above referenced Snake River Basin Adjudication claim(s), and our records have been changed, accordingly. **The enclosed copies are for your records**, please review these documents for accuracy in all respects. If you have any questions, please contact me at this office.

Sincerely,

Vikie Hancock
S.R.B.A. Records Clerk

ENCLOSURES

Form 42-34842-1 (07/96) 6/11/98

JUN 17 1998

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources
Southern RegionPlease print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.1. Water Right Number(s) A 443-02412 and A43-10029

Adjudication Claim Number(s) _____

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

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Todd and Brenda Gerratt, Alan and Kayla Gerratt, Dan and Mary Ann Clayton246 East 300 South, Burley, ID 833184. New Owner/Claimant(s) Kurt E. Ostler and Valayne L. OstlerName connector (check one): ☐ AND ☐ OR ☐ AND/ORNew Mailing Address 6616 West 10760 NorthCity, State and ZIP Code Highland, Utah 84003New Telephone Number (801) 763-03775. Date you acquired the property June 11, 1998

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Kurt E. Ostler Date 6/11/98Valayne L. Ostler Date 6/11/98

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

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

WARRANTY DEED

#29673

256040

For Value Received

TODD GERRATT and BRENDA GERRATT, husband and wife and
ALAN GERRATT and KAYLA GERRATT, husband and wife and
DAN CLAYTON and MARY ANN CLAYTON, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

KURT E. OSTLER and VALAYNE L. OSTLER, husband and wife
Address: 6616 WEST 10760 NORTH, HIGHLAND, UT 84003

Hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho, to-wit:

PARCEL NO. 1:

TOWNSHIP 11 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 2: E $\frac{1}{2}$ and E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$, EXCEPT the following described tract of land:

Beginning at the N $\frac{1}{4}$ corner of said Section 2, said corner marked by a
U.S. General Land office iron pipe with brass cap; Thence North 89°38'14"
West along the North section line for a distance of 200.00 feet to a $\frac{1}{2}$ inch
rebar which shall be the Point of Beginning;
Thence South 00°03'19" East for a distance of 2659.91 feet to the South
line of the E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$;
Thence North 89°47'42" West along said line for a distance of 461.85 feet
to the Southwest corner of the E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$;
Thence North 00°05'46" West along the West line of the E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ for a
distance of 2661.19 feet to the Northwest corner of the
E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$;
Thence South 89°38'14" East along the North section line for a distance
of 463.76 feet to the Point of Beginning.

PARCEL NO. 2:

TOWNSHIP 11 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 2: Part of the SW $\frac{1}{4}$, more particularly described as follows:

Beginning at the S $\frac{1}{4}$ corner of said Section 2, said corner marked by a
U.S. General Land Office iron pipe with brass cap which shall be the
Point of Beginning;
Thence North 89°46'40" West along the South section line for a distance
of 1850.91 feet;
Thence North 00°13'26" East for a distance of 30.28 feet to a highway
right of way marker;
Thence North 89°46'14" West for a distance of 95.82 feet to a $\frac{1}{2}$ inch
rebar;
Thence North 00°12'07" East for a distance of 1882.61 feet to a $\frac{1}{2}$ inch
rebar;
Thence South 89°46'40" East for a distance of 1738.14 feet to a $\frac{1}{2}$ inch
rebar;
Thence North 00°03'19" West for a distance of 733.23 feet to the North
line of the SW $\frac{1}{4}$;
Thence South 89°47'42" East along said line for a distance of 200.00 feet
to the Center $\frac{1}{4}$ corner;
Thence South 00°03'19" East along the East line of the SW $\frac{1}{4}$ for a
distance of 2646.21 feet to the Point of Beginning.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to State of Idaho Water Adjudication Numbers A43-10029 and A43-02412.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 1998 and subsequent years.

Agreement For Purchase of Power between Raft River Rural Electric Cooperative, Inc., the Seller, and Ivan E. Schrenk, Viola E. Schrenk, his wife and B.L. Hofman, as Consumer, dated November 30, 1954 and recorded August 5, 1955 as Instrument No. 187082 in Book 9 of Bills of Sales and Agreements, Page 115, records of Cassia County, Idaho, Covering the South half, Section 2, Township 11 South, Range 26 East.

Easement from Bernard L. Hofman and Bertha C. Hofman, husband and wife, to the Ruby Company, a Utah Corporation, dated September 28, 1964, and recorded October 5, 1964 as Instrument No. 20752 on Film No. 30, records of Cassia County, Idaho, granting to said corporation an easement 50 feet in width and 1 mile long, along the East boundary of Section 2, Township 11 South, Range 26 East of the Boise Meridian.

Billboard and building restrictions and access limitations as set forth in Deed to the State of Idaho, dated November 19, 1964, and recorded December 28, 1964, as Instrument No. 21857 on Film No. 31, records of Cassia County, Idaho.

Agreement For Purchase of Power between Raft River Rural Electric Cooperative, Inc., as Seller, and D. R. Satterwhite, as Consumer, dated March 18, 1971, and recorded September 1, 1972 as Instrument No. 64982 on Film No. 78, records of Cassia County, Idaho, covering the S½; E½; NE¼ of Section 2, Township 11 South, Range 26 East of the Boise Meridian.

Agreement for Electric Service executed by Todd Gerratt, Alan Gerratt, Dan Clayton to Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, dated March 18, 1997, and recorded June 16, 1997 as Instrument No. 249570 on Film No. 288, records of Cassia County, Idaho, covering the E½ and E½E½NW¼ of Section 2 Township 11 South Range 26 East of the Boise Meridian.

Grant of Easements by and between James B. Bodily and Melba R. Bodily, a/k/a Melba Bodily, husband and wife and Todd Gerratt and Brenda Gerratt, husband and wife; Alan Gerratt and Kayla Gerratt, husband and wife; and Dan Clayton and Mary Ann Clayton, husband and wife, dated September 29, 1997 and recorded October 6, 1997 as Instrument No. 251548 on Film No. 291, records of Cassia County, Idaho.

Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc, an Idaho rural electric Cooperative of Malta, Seller, and Ida Gold Farms, Larry Gerratt, Consumer, dated March 16, 1998 and recorded March 30, 1998 as Instrument No. 254574 on Film No.297, records of Cassia County, Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: June 10, 1998

Todd Gerratt
TODD GERRATT

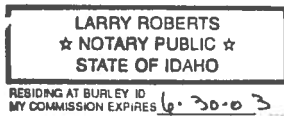
BY: Larry Gerratt
LARRY GERRATT, his Attorney-In-Fact

Brenda Gerratt
BRENDA GERRATT

BY: Larry Gerratt
LARRY GERRATT, her Attorney-In-Fact

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this 11th day of June, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared LARRY GERRATT, known or identified to me to be the person whose name is subscribed to the within instrument, as the Attorney-In-Fact of Todd Gerratt and Brenda Gerratt and acknowledged to me that he subscribed the name of Todd Gerratt and Brenda Gerratt thereto as principal, and his own name as Attorney-In-Fact.



Larry Roberts
Notary Public
Residing at: Burley
My Commission expires: 06/30/03

Alan Gerratt
ALAN GERRATT

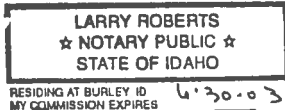
BY: Larry Gerratt
LARRY GERRATT, his Attorney-In-Fact

Kayla Gerratt
KAYLA GERRATT

BY: Larry Gerratt
LARRY GERRATT, her Attorney-In-Fact

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this 11th day of June, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared LARRY GERRATT, known or identified to me to be the person whose name is subscribed to the within instrument, as the Attorney-In-Fact of Alan Gerratt and Kayla Gerratt and acknowledged to me that he subscribed the name of Alan Gerratt and Kayla Gerratt thereto as principal, and his own name as Attorney-In-Fact.



Larry Roberts
Notary Public
Residing at: Burley
My Commission expires: 06/30/03

Dan Clayton
DAN CLAYTON

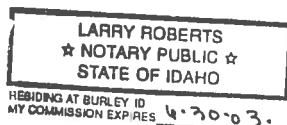
BY: Larry Gerratt
LARRY GERRATT, his Attorney-In-Fact

Mary Ann Clayton
MARY ANN CLAYTON

BY: Larry Gerratt
LARRY GERRATT, her Attorney-In-Fact

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this 11th day of June, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared LARRY GERRATT, known or identified to me to be the person whose name is subscribed to the within instrument, as the Attorney-In-Fact of Dan Clayton and Mary Ann Clayton and acknowledged to me that he subscribed the name of Dan Clayton and Mary Ann Clayton thereto as principal, and his own name as Attorney-In-Fact.



Larry Roberts
Notary Public
Residing at: Burley
My Commission expires: 06/30/03

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ORTHO WITH
1997 SLIDES

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WINDBREAK

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ORTHO WITH 1997 SLIDES

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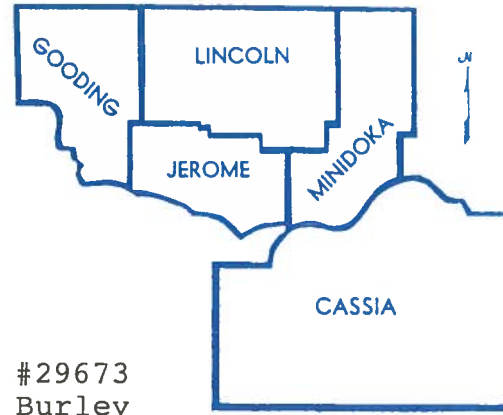
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Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: #29673
OFFICE: Burley

June 16, 1998

Idaho Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED

JUN 17 1998

Department of Water Resources
Southern Region

Dear Sir or Madam:

Enclosed with this letter please find an original executed Notice of Change of Water Right Ownership on property located in Cassia County.

Would you please make the necessary changes in your records to indicate the new owners for future water assessments. Please send a receipted copy to this office.

Should you have any questions concerning this letter, please do not hesitate to contact this office. Thank you.

Very truly yours,
LAND TITLE AND ESCROW, INC.

Nancy Garrett

Nancy Garrett
Reconveyance Department

/nrg
enc.

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8861

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0806 - FAX 436-1198

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: AUG-8-1997
PAGE: A-15

RIGHT NUMBER: 43-10029

NAME & ADDRESS: MARY ANN CLAYTON
DAN CLAYTON
KAYLA GERRATT
ALAN GERRATT
TODD GERRATT
246 EAST 300 SOUTH
BURLEY ID 83318

BRENDA GERRATT
246 EST 300 SOUTH
BURLEY ID 83318

"EAST" ✓ IDJ 8/22/97

SOURCE: GROUNDWATER

QUANTITY: 0.07 CFS

PRIORITY DATE: 05/12/1981

POINT OF DIVERSION: T11S R26E S02 SENW Within CASSIA County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.03 CFS
	DOMESTIC DOMESTIC, 1 HOME; STOCKWA	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within CASSIA County
T11S R26E S02

DOMESTIC Within CASSIA County
T11S R26E S02 SENW

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

PARCEL NO. 11S26E020000A

OWNERSHIP CHANGE MADE 5/15/96 BY TLB.

- copy to amts

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

Claim data entry by: EST

Date: 8/13/97

Data entry verified by: [Signature]

Date: 8-15-97

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: A43-10029
Date Received: 3/ 7/1989
Receipt No: S006467
Received By: O/C FJB

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: TODD GERRATT
Address: 246 EAST 300 SOUTH
BURLEY ID 83318
AND
Name: BRENDA GERRATT
Address: 246 EAST 300 SOUTH
BURLEY ID 83318
AND
Name: ALAN GERRATT
Address: 246 EAST 300 SOUTH
BURLEY ID 83318
AND
Name: DAN CLAYTON
Address: 246 EAST 300 SOUTH
BURLEY ID 83318
AND
Name: MARY ANN CLAYTON
Address: 246 EAST 300 SOUTH
BURLEY ID 83318
AND
Name: KALYLA GERRATT
Address: 246 EAST 300 SOUTH
BURLEY ID 83318

2. Date of Priority: MAY 12, 1981

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11S	26E	2	SE	NW			CASSIA

5. Description of diverting works:
370'X8" WELL, 2HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.030		
DOMESTIC	01/01	12/31	0.040		

7. Total Quantity Appropriated is:

0.070 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

D/1 GARDEN, S/100 BEEF STOCK

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11S	26E	2	SE	NW	STOCK DOMEST	

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

NONE

14. Remarks:

OWNERSHIP CHANGE MADE 5/15/96 BY TLB.

15. Basis of Claim: BENEFICIAL USE

Water Right Number - R43-10029

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - - +

+ - - - - Address - - - - -

+ - - - -

*** C - CURRENT OWNER ***
GERRATT

BRENDA

GERRATT

TODD

CLAYTON

MARY ANN

CLAYTON

DAN

GERRATT

KAYLA

GERRATT

ALAN

*** O - ORIGINAL OWNER ***
BODILY

JAMES B

1 - 246 EST 300 SOUTH
2 -
3 -
City- BURLEY
Phone - 208-000-0000
1 - 246 EAST 300 SOUTH
2 -
3 -
City- BURLEY
Phone - 208-000-0000
1 - 246 EAST 300 SOUTH
2 -
3 -
City- BURLEY
Phone - 208-000-0000
1 - STAR RT BOX 76
2 -
3 -
City- DECLO
Phone - 208-349-5776
State- ID Zip- 83318
State- ID Zip- 83318
State- ID Zip- 83318
State- ID Zip- 83318
State- ID Zip- 83318
State- ID Zip- 83323

+ - - Priority Date - - +
05/12/1981

+ - - - Region - - - +
ERROR IN REGION

+ - - - Stage - - - +
J - BENEFICIAL USE

+ - - - Status - - - +

+ - - - - Source - - - - - +
GROUNDWATER

+ - - - - Tributary - - - - -

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County
11S 26E 2 SE NW (31) CASSIA

Receipt Number	Owner	Master Card	Cardholder
POU Ownership Flag	- Y	Federal/State Indicator	- S
Name Connector	- AND	Presumption Flag	-
		Notice of Error Flag	-



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

JUN 10, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

GERRATT, GERRATT, & CLAYTON
246 EAST 300 SOUTH
BURLEY ID 83318

RE: SRBA CLAIM(S): A43-10029 & A43-02412
BODILY

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM(S). WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THIS COPY IS FOR YOUR RECORDS.** PLEASE REVIEW THESE RECORDS FOR ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CALL ME AT THIS OFFICE.

SINCERELY,

A handwritten signature in cursive script that reads "Tara L. Backlund".

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/tlb
ENCLOSURES

CC: N. GARRETT, LAND TITLE & ESCROW, BOX 177, BURLEY, ID 83318

NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

DATE OF CLOSING: April 22, 1996

APR 25 1996

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM. _____
Lot _____, Block _____, Subdivision/Townsite _____
Department of Water Resources
Southern Region

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

See attached Exhibit "A" for legal description

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

A43-10029

[] Water Right Number(s)
Assigned by IDWR: A-43-02412 and A43-04020

[] Name and Address of Former Owner/Claimant(s)(Seller): James B. Bodily and Melba Bodily
Star Route Box 76
Declo, Idaho 83323

[] New Owner/Claimant (Purchaser): Todd & Brenda Gerratt, Alan & Kayla Gerratt, and
Dan & Mary Ann Clayton

[] New Mailing Address: 246 East 300 South
Burley, Idaho 83318

[] New Telephone Number: () _____ - _____

[] 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: recorded Warranty Deed

(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)	<u>X Alan Gerratt</u>	<u>X Kayla Gerratt</u>	Date _____
		<u>X Dan Clayton</u>	<u>X Mary Ann Clayton</u>	Date _____
[]	Signature of Former Owner/Claimant(s):	<u>X [Signature]</u>	<u>X [Signature]</u>	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 5/15/96 By HLB
Claim Numbers of Split, if any: _____

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

242343

WARRANTY DEED

#26960

For Value Received

JAMES B. BODILY and MELBA BODILY, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

TODD GERRATT and BRENDA GERRATT, husband and wife AND ALAN GERRATT and KAYLA GERRATT, husband and wife AND DAN CLAYTON and MARY ANN CLAYTON, husband and wife
Address: 246 EAST 300 SOUTH, BURLEY, ID 83318

Hereinafter called the Grantee, the following described premises situated in CASSIA County, Idaho, to-wit:

TOWNSHIP 11 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 2: E½ and E½E½NW¼

TOGETHER WITH all water and water rights, ditches or ditch rights used thereon or appurtenant thereto, including but not limited to water under license No. A43-02412, A43-10029 and claim to water No. 43-04020.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 1996 and subsequent years.

Agreement to Purchase Power dated November 30, 1954, and recorded August 5, 1955 as Instrument No. 187082 in Book 9 of Bills of Sale and Agreements, page 115, records of Cassia County, Idaho.

Easement dated September 28, 1964, and recorded October 5, 1964 as Instrument No. 20752 on Film No. 30, records of Cassia County, Idaho.

Agreement For Purchase of Power dated March 18, 1971 and recorded September 1, 1972 as Instrument No. 64982 on Film No. 78, records of Cassia County, Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: April 22, 1996

James B. Bodily
JAMES B. BODILY

Melba Bodily
MELBA BODILY

STATE OF IDAHO)
COUNTY OF CASSIA) ss.

On this 22nd day of April, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared JAMES B. BODILY and MELBA BODILY, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

LARRY ROBERTS
☆ NOTARY PUBLIC ☆
STATE OF IDAHO
RESIDING AT BURLEY, ID
MY COMMISSION EXPIRES 6-30-97

Notary Public
Residing at: Burley
My Commission expires: 6.30.97

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILM 276

1996 APR 22 P 3:52

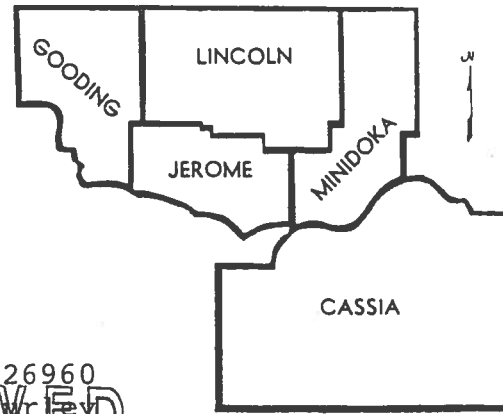
CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER

FEE 3.00 DEPUTY LM
LAND TITLE & ESCROW

242343

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: #26960
OFFICE: Burley
RECEIVED

April 24, 1996

APR 25 1996

Idaho Dept. of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

Department of Water Resources
Southern Region

Dear Clerk:

Enclosed please find an original executed Notice of Change of Water Right Ownership on property located in Cassia County.

Would you please make the necessary changes in your records to indicate the new owners as Gerratts and Claytons. Please send a receipted copy to this office.

Should you have any questions concerning this letter, please do not hesitate to contact this office.

Very truly yours,
LAND TITLE AND ESCROW, INC.

A handwritten signature in cursive script that reads "Nancy Garrett".

Nancy Garrett
Reconveyance Department

/nrg
enc.

BOX 177, BURLEY, IDAHO 83318
PHONE 878-3524 - FAX 878-4435

BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8981

BOX 473, GOODING, IDAHO 83330
PHONE 834-8477 - FAX 834-5880

BOX 111, RUPERT, IDAHO 83350
PHONE 438-0806 - FAX 438-1189

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: A43-10029
Date Received: 3/07/1989
Receipt No: S006467
Received By: tw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES B. BODILY 208-349-5776
Address: STAR RT BOX 76
DECLO, ID 83323

2. Date of Priority: MAY 12, 1981

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	26E	2	SE	NW			CASSIA

5. Description of diverting works:
370'X8" WELL, 2HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.030		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 GARDEN, S/100 BEEF STOCK

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	26E	2	SE	NW		STOCK DOMEST	

A43-10029

Page 1

Date: 03/07/89

MICROFILMED

MAR 05 1989

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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): James B Bodily Date: 3/7/89
Melba Bodily Date: 3/7/89

State of Idaho)
County of TF) SS.

Subscribed and sworn (or affirmed) before me this 7 day
of March 19 89

Len White
Notary Public

Seal

Residing at TF
My Commission Expires 3/94

WATER RIGHT NUMBER - A43-10029

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - LAST NAME - - - - +

+ - - - - FIRST NAME - - - - +

+ - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***

BODILY

JAMES B.

1 - STAR RT BOX 76

2 -

3 -

CITY- DECLU

PHONE - 208-349-5776

STATE- ID ZIP- 83323

+ - - PRIORITY DATE - - +

05/12/1981

+ - - REGION - - - +

ERROR IN REGION

+ - - STAGE - - - +

J - BENEFICIAL USE

+ - - SOURCE - - - - +

GROUNDWATER

+ - - - - TRIBUTARY - - - - - +

+ - - - - POINT OF DIVERSION - - - - - +

TWN RNG SEC TRACT LOT RFLG COUNTY

STREAM INDEX (BLANK IF NO INDEX CODE)

11S 26E 2 SE NW (31) CASSIA

+ - - - - DESCRIPTION

04 - STOCKWATER

43 - DOMESTIC

01/01 12/31 0.030

01/01 12/31 0.040

PERIOD FROM PERIOD TO

WATER USE

DIVERSION RATE

DIVERSION VOLUME

+ - - TOTAL DIV. RATE - +

0.070

+ - - TOTAL DIV. VOLUME - +

+ - - TOTAL CONSUMPTIVE USE - +

+ - - KW USAGE - +

+ - - - - TRACT

11S 26E 2 SE NW

11S 26E 2

PLACE OF USE

04 STOCKWATER

43 DOMESTIC

DESCRIPTION

COUNTY

(31) CASSIA

(31) CASSIA

+ - - DIVERSION MEANS - 370'X8" WELL, 2HP PUMP

+ - - NON-IRRIGATION USE - D/I GARDEN, S/100 BEEF STOCK

+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - REMARKS - - - - - +

NO REMARKS FOUND.

+ - - - - OLD WATER RIGHT NUMBERS - - - - - +

NO OLD WATER RIGHT NUMBERS FOUND.

+ - - - - CONDITIONS OF APPROVAL - - - - - +

NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - - +

+ - - - - DECREE DEFENDANT - - - - +

+ - - DECREE DATE - +

00/00/0000

