

06/04/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 43-10147

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARY GREGERSEN
Current Owner	RAMONA SEARS HC 61 BOX 1244 MALTA, ID 83342 (208)638-5511
Original Owner	WALLACE SEARS SR HC 61 BOX 1244 MALTA, ID 83342 (208)638-5511

Priority Date: 05/20/1905
Basis: Beneficial Use
Status: Active

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	1/01	12/31	0.04 CFS		
Total Diversion			0.04 CFS		

Location of Point(s) of Diversion:

GROUND WATER NENWSW Sec. 24 Township 13S Range 25E CASSIA County

Place(s) of use:

Place of Use Legal Description: DOMESTIC CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	25E	24		NESW										

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. C18 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.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:

1. Explanatory PARCEL NO. RP13S25E244800
Water Right 43-10147

Dates:

Licensed Date:
Claim Received Date: 05/08/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Other Information:

Receipt Number(s): S007052
State or Federal: S
Owner Name Connector: AND/OR
Water District Number: 43C
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:NONE RECEIVED
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

RECEIVED

MAY 31 2001

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

Department of Water Resources
 Southern Region

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	43-70A	—		- 10147	—
	- 71A	—			—
	- 72	—			—
	73A	—			—
	74A	—			—

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s) Wallace Sears Sr
4. New Owner, Claimant(s) Ramona Sears Wallace Sears Jr.
 Name Connector (Check one): [] and, [] or, [x] and or
- New Mailing Address Hi 101 Box 1244
- City, State and ZIP Code Idaho 83342
- New Telephone Number () 638-5511
5. Date you acquired the property _____

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

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

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

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

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

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by [Signature] Date _____ Receipt No. _____
 Processed by [Signature] AJ Date 6/4/01 WR _____ Date _____

262666

Post-it® Fax Note	7671	Date 5/31/01	# of pages 3
To Trish		From Kent Hutchins	
Co./Dept.		Co.	
Phone #		Phone # 678-3250	
Fax # 208-736-3037		Fax # 678-2548	

MAGISTRATE COURT
CASSIA COUNTY IDAHO
FILED
*99 MAY 10 PM 3 13
DARRELL M. ROSKELLEY
BY *DR*
DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA
MAGISTRATE DIVISION

In the Matter of the Estate
of:

WALLACE SEARS, also
known as WALLACE
SEARS, SR.,

Deceased.

RAMONA SEARS, Petitioners.

Case No. SP-99-00150*M

DECREE VESTING ESTATE IN
SURVIVING SPOUSE

Upon consideration of the Petition filed in the above
entitled action, and after hearing, the Court finds:

1. The facts set forth in the Petition are true.
2. All notices required by law have been given or
waived.
3. Decedent, Wallace Sears, also known as Wallace
Sears, Sr., died on June 7, 1996 domiciled in Cassia County,
Idaho.
4. Venue is proper.
5. The decedent and Petitioner, Ramona Sears, were

married at Burley, Idaho on March 18, 1947 and remained married until the date of decedent's death.

6. Petitioner is the sole heir or devisee of the decedent.

7. The decedent died intestate.

8. The Schedule of Property attached to this Decree is a full and complete inventory of the property owned by the decedent.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

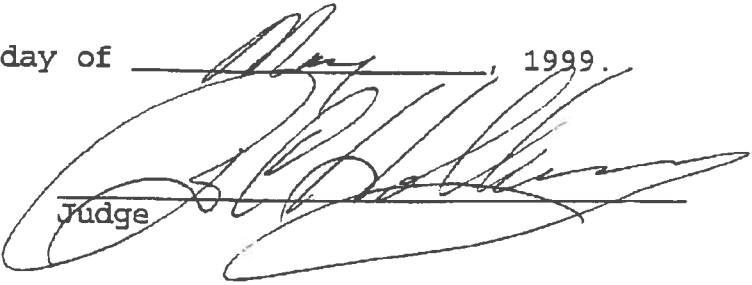
1. Ramona Sears is the surviving spouse of the decedent and is the sole heir or devisee of the decedent.

2. The property of the decedent described on the Schedule attached to this Decree is vested in and distributed to Ramona Sears free and clear of all right, title, claim or demand of any person or persons claiming or attempting to claim under the estate of the decedent as heir, devisee or otherwise except as a proper creditor.

3. Ramona Sears shall assume and be liable for any and all indebtedness that might be a claim against the estate of the decedent.

4. There shall be no administration of the estate of the decedent.

DATED this 10 day of May, 1999.


Judge

SCHEDULE OF PROPERTY

Personal Property

All vehicles, including but not limited to:

1963 Buick, ID#: 4J2-022,683

1973 Chevrolet Pick-up, ID#: CCY 143 F 473209

Miscellaneous bank accounts

Livestock

Brand

Ranch and farm equipment

Miscellaneous household goods

Personal clothing and effects

The following described real property located in Cassia County, Idaho:

East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) and the Southeast Quarter (SE $\frac{1}{4}$) of Section 24, Township 13 South, Range 25 East of the Boise Meridian.

EXCEPTING THEREFROM;

The Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 24, Township 13 South, Range 25 East of the Boise Meridian.

All in Cassia County, Idaho.

All other real or personal property owned by the decedent discovered in the future.

RECORDED AT THE REQUEST OF

Fletcher R. H. Office

FILM

1999 MAY 10 P 3:21

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER

FEE *9.00* DEPUTY *dm*

LS: *Box 748*
Burley Id

262666

State of Idaho }
County of Cassia } SS

I hereby certify that the foregoing instrument is a full, true and correct copy of the original as filed in this office.

Dated

5-10-99
Darrell M. Roskelley
Clerk of the District Court, Ex-officio Auditor and Recorder, Cassia County, Idaho

By

mk Sengale
Deputy

AJ5856NP

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

DATE: AUG-18-1997
PAGE: A-61

RIGHT NUMBER: 43-10147

NAME & ADDRESS: WALLACE SEARS SR
MARY GREGERSEN
HC 61 BOX 1244
MALTA ID 83342

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: D5/20/1905

POINT OF DIVERSION: T13S R25E S24 NENWSW Within CASSIA County

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

PLACE OF USE: DOMESTIC Within CASSIA County
T13S R25E S24 NESW

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. RP13S25E244800

Claim proofread by: KT
Date: 9-5

AJ5856NP

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

DATE: AUG-8-1997
PAGE: A-66

RIGHT NUMBER: 43-10147

NAME & ADDRESS: WALLACE SEARS SR
MARY GREGERSEN
HC 61 BOX 1244
MALTA ID 83342

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

PRIORITY DATE: 05/20/1905

POINT OF DIVERSION: T13S R25E S24 NENWSW Within CASSIA County

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

PLACE OF USE: DOMESTIC Within CASSIA County
T13S R25E S24 NESW

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

PARCEL NO. RP13S25E244800

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

Claim data entry by: KST
Date: 8/13/97
Data entry verified by: JWL
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: A43-10147
Date Received: 5/08/1989
Receipt No: S007052
Received By: JCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WALLACE SEARS, SR. 208-638-5511
Address: HC 61 BOX 1244
MALTA, ID 83342

OR

Name: MARY GREGERSEN 208-638-5511
Address: HC 61 BOX 1244
MALTA, ID 83342

2. Date of Priority: MAY 20, 1905

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	25E	24	NE	NW	SW		CASSIA

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

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

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13S	25E	24	NE SW		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:

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): Mary Gregersen Date: 5.8.89

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of May 19 89 Steve Child
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994

