

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: **A02-07172S**
Date Received: 11/ 8/1989
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: RONALD SMITH 208-366-7521
Address: PO BOX 53
HAMMETT ID 83627
AND/OR
Name: DEBORAH SMITH 208-366-7521
Address: PO BOX 53
HAMMETT ID 83627

2. Date of Priority: OCT 21, 1974

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
06S	08E	2	SE	NE	SW		ELMORE
			NE	NE	SE		ELMORE

5. Description of diverting works:
2 PUMPS 75 & 100 HP HANDLINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.040		8.00

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) 8.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	08E	2	NE	SW	5	IRR	2.0
Section Acres							2.0
Total Acres							2.0

11. Place of use in counties: ELMORE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP FOR A PORTION OF
A02-07172M.

15. Basis of Claim: LICENSE

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

*2 acres
in the
KLEW
(LOT 5)*

1. Water Right No(s).: _____

Adjudication Claim No(s).: _____

A02-07172M

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 attached to your deed or on file with the county.)

OR

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

3. Name and Address of Former
Owner/Claimant

EVAN & ALICE KOHTZ

HAMMETT ID

4. New Owner/Claimant(s)

RONALD & JON DEBORAH SMITH

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

PO BOX 53

City, State and ZIP Code

HAMMETT, ID 83627

New Telephone Number

(208) 366-7521

5. Date you acquired the property

7-20-1990

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 you irrigate 2

Number and type of stock _____

Diversion rate in CFS .04

Number of homes _____

Other uses _____

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
or Claimant(s)

Debra C Smith

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

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

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 02-7172 Priority October 21, 1974 Amount 5.98 cfs

THIS IS TO CERTIFY, that EVAN E. KOHTZ

of Hammett, Idaho, has complied with the terms and conditions of Permit No. 02-7172 issued pursuant to Application for Permit dated October 21, 1974, and has submitted proof to the Department of Water Resources on March 2, 1977, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 6.60 cfs of water from SNAKE RIVER, tributary to COLUMBIA RIVER, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from February 1 to November 1	at 5.98 cfs and	1346 acre feet
	from _____ to _____	_____ cfs and	_____
	from _____ to _____	_____ cfs and	_____

Subject, however, to the condition that no more than 5.98 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 1346 acre feet per year, said waters to be diverted within the NE&SE&NW Sec. 2, Twp. 6S, Rge. 8E, B.M. In the County of Elmore

Description and location of place of use:

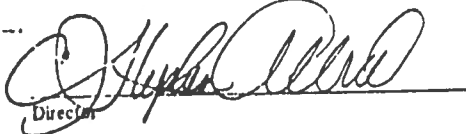
Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	8E	1						40			15	14			69
		2	40	40	40	40				28	14		14	14	230

Total number of acres irrigated 299

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of September, 19 79.


Director

CHIEF, AGENCY INVESTIGATIVE

Model No. 400 R.T.



- center rd by coffee
- W. side paved by
- 1744/1950 N. side of
- Hwy. 30 W

could
not
write
back
to
you
last
night
because

20715

[illegible]

25/5/20

9107.1076

Box 7. 2



July 19, 1999

Mr. Gary Spackman
Water Resource Board
FAX # 334-2348

Dear Mr. Spackman,

Thank you for your time on Friday when we spoke about water rights for my location in Hammett.

I spoke with Gib this morning at the King Hill Irrigation District where I work and he gave me the information I think we need to determine if we are able to obtain water rights.

I got a copy of the plot plan for our location from Elmore County Planning and Zoning that I have included with this FAX along with a copy of the map from here at the office.

Gib advised me that we are in the east $\frac{1}{2}$ of lot one block 35 of the Fruitland Subdivision.

You gave me a claim number of A02-07172 for Evan Khotz, who owned our property prior to our purchase in 1989.

Please let me know if this information is adequate or if I need more information. If you can determine where we are please advise if we need to file a change of ownership for a portion of the Khotz water right, or apply for a transfer of the water rights, or whatever we need to do to be able to draw water from the Snake River in front of our property to irrigate approximately the lower $\frac{1}{2}$ of these two properties.

Thank you for your help in this matter and your patience towards my lack of knowledge in these matters.

You can contact me here at the office til 1:00pm Monday thru Friday, 366-2243 or after that time at home at 366-7521 or FAX # 366-7315.

Again, thanks for your help.



Debra Smith

4 pages sent

THIS BLANK FURNISHED BY FIRST AMERICAN TITLE CO

WARRANTY DEED**For Value Received**

EVAN E. KOHTZ and ALICE J. KOHTZ, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys untoRONALD C. SMITH and DEBORAH C. SMITH, husband and wife
whose mailing address is**Hereinafter called the Grantee, the following described premises situated in Elmore County, Idaho, to-wit:**

A parcel of land in Lot 1, Block 35 and a portion of a certain un-named vacated road in the Fruitland Subdivision, according to the official plat thereof, filed for record in the office of the County Recorder, Elmore County, Idaho, Section 2, Township 6 South, Range 8 East, Boise Meridian, Elmore County, Idaho and being more specifically described as follows:

Commencing at the east Quarter corner of Section 2, Township 6 South, Range 8 East, Boise Meridian, a distance of 2667.06 feet on a bearing of South 89°59'06" West; thence a distance of 30.00 feet on a bearing of South 0°06'29" East, thence a distance of 638.32 feet on a bearing of South 89°59'06" West to the REAL POINT OF BEGINNING;

thence from the REAL POINT OF BEGINNING and continuing a distance of 171.00 feet on a bearing of South 89°59'06" West;

thence South 0°06'40" East a distance of 693.27 feet, more or less, to a point on the northerly boundary of the Snake River;

thence South 83°55'36" East a distance of 172.00 feet, more or less, along the northerly boundary of the Snake River to the east boundary of said Lot 1, Block 35;

thence along said east boundary a distance of 711.51 feet, more or less, on a bearing of North 0°06'40" West to the REAL POINT OF BEGINNING.

COPY
Do Not File
Original in Escrow

* This document does not include the property adjacent to ours on the west side, but we are pursuing rights to both properties.

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: A02-07172M
Date Received: 11/ 8/1989
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EVAN E KOHTZ 208-366-2466
Address: HAMMETT ID 83627
OR
Name: ALICE J KOHTZ 208-366-2466
Address: HAMMETT ID 83627

2. Date of Priority: OCT 21, 1974

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
06S	08E	2	SE	NE	SW		ELMORE
			NE	NE	SE		ELMORE

5. Description of diverting works:
2 PUMPS 75 & 100 HP HANDLINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	5.380		1076.00

7. Total Quantity Appropriated is:
5.380 C.F.S. (and/or) 1076.00 A.F.A.

8. Total consumptive use is 807.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

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AUG 18 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	08E	1	SW	NW		IRR	40.0
			NE	SW	7	IRR	3.0
						Section Acres	43.0
		2	NE	NE	1	IRR	40.0
			NW	NE	2	IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			SE	NW		IRR	28.0
			NE	SW	5	IRR	10.0
			NE	SE	6	IRR	14.0
			NW	SE	6	IRR	14.0
						Section Acres	226.0
						Total Acres	269.0

11. Place of use in counties: ELMORE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM REPRESENTS A PORTION OF LICENSE 02-07172.
THIS CLAIM COVERS 280 OF THE ORIGINAL 299 ACRES. CLAIMANT OWNS 252 OF THE ACRES AND HOLDS THE CONTRACT ON THE REMAINING 28 ACRES CLAIMANT WISHES TO ASSURE THE PROTECTION OF THE WATER RIGHT ON THOSE LANDS FOR WHICH CONTRACTS ARE HELD.
THE LANDS UNDER CONTRACT ARE: 14 ACRES IN THE NE,SE SECTION 2; 11 ACRES IN THE NW, SW SECTION 1 AND 3 ACRES IN THE NE,SW SECTION 1.
THIS CLAIM HAS BEEN GIVEN A \$10.00 CREDIT FOR FEES PAID IN THE 02 ADJUDICATION (ON CLAIM A02-07172A).
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM NO. 02-07172G, FEE PAID UNDER RECEIPT NO. M005180.
RDH 02-18-94.

15. Basis of Claim: LICENSE

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~~AUG 16 1994~~

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

~~MICROFILMED~~
~~AUG 16 1994~~

Water Right Number - A02-071726 MA

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

NEW

RECEIPT # X777777

Address

*** C - CURRENT OWNER ***

KOHTZ

EVAN E

1 -
2 -
3 -

State- ID Zip- 83627

City- HAMMETT
Phone - 208-366-2466

KOHTZ

ALICE J

1 -
2 -
3 -

State- ID Zip- 83627

City- HAMMETT
Phone - 208-366-2466

*** O - ORIGINAL OWNER ***

HELLER

MYRRL

1 -
2 -
3 -

State- ID Zip- 000000

City- XXXXXX
Phone - 208-000-0000

Priority Date 10/21/1974 Region ERROR IN REGION Stage Status Z - SEE REMARKS

Source SNAKE RIVER
SPLIT CLAIM Tributary COLUMBIA RIVER
SEE REMARKS

Point of Diversion

Twn	Rng	Sec	Tract	Lot	Rflg	County
06S	08E	2	SE NE SW NE NE SE		(39) (39)	ELMORE

Code Description Period From Period To Water Use Diversion Rate Diversion Volume

01 - IRRIGATION 04/01 10/31 5.600 5.38

Total Div. Rate 5.600-5.38 Total Div. Volume 1279-00 1076

807

Total Consumptive Use 5.600-807

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06S	08E	1	SW NW		40.0	01	IRRIGATION	(39) ELMORE
06S	08E	1	NE SW	7	3.0	01	IRRIGATION	(39) ELMORE
06S	08E	1	NW SW	7	11.0	01	IRRIGATION	(39) ELMORE
06S	08E	2	NE NE	1	40.0	01	IRRIGATION	(39) ELMORE
06S	08E	2	NW NE	2	40.0	01	IRRIGATION	(39) ELMORE
06S	08E	2	SW NE		40.0	01	IRRIGATION	(39) ELMORE
06S	08E	2	SE NE		40.0	01	IRRIGATION	(39) ELMORE
06S	08E	2	SE NW	28.0		01	IRRIGATION	(39) ELMORE

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AUG 16 1994

CFS = PRO-RATE - ACRES (269) (0.02) = 5.38 cfs

Div. Vol = (269) (4 AFA) = 1076 AFA

Civ. Vol = (269) (3 AFA) = 807 c.u.

Water right number - A02-07172G Prefix Translation: ADJUDICATION CLAIM

Trn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06S	08E	2	NE SW	5	10.0	01	IRRIGATION	(39) ELMORE
06S	08E	2	NE SE	6	14.0	01	IRRIGATION	(39) ELMORE
06S	08E	2	NW SE	6	14.0	01	IRRIGATION	(39) ELMORE

Total Acres: ~~280.0~~ 269 AC

- - - Diversion Means - 2 PUMPS 75 & 100 HP HANDLINES

- - - Non-Irrigation Use - NONE

- - - Other Rights for Same Use - NONE

- - - Remarks

THIS CLAIM REPRESENTS A PORTION OF LICENSE 02-07172.
THIS CLAIM COVERS 280 OF THE ORIGINAL 299 ACRES. CLAIMANT OWNS
252 OF THE ACRES AND HOLDS THE CONTRACT ON THE REMAINING 28 ACRES
CLAIMANT WISHES TO ASSURE THE PROTECTION OF THE WATER RIGHT ON
THOSE LANDS FOR WHICH CONTRACTS ARE HELD.
THE LANDS UNDER CONTRACT ARE: 14 ACRES IN THE NE, SE SECTION 2;
11 ACRES IN THE NW, SW SECTION 1 AND 3 ACRES IN THE NE, SW SECTION
1.

THIS CLAIM HAS BEEN GIVEN A \$10.00 CREDIT FOR FEES PAID IN THE
02 ADJUDICATION (ON CLAIM A02-07172A).

SEE NOS. 02-07172M & 02-07172N.

ADO - This claim is a result of a change in ownership for a portion of claim
A02-07172G. Fee paid under RECEIPT NO. M005180
Rsh 2-19-94.

A0207172 / A02-07172G

Old Water Right Numbers -
Conditions of Approval -
No Conditions of Approval found.

- - - Decree Plaintiff - - - + - - - Decree Defendant - - - + - - - Decree Date - - - +
00/00/0000

- - - Comments - - - +
No Comments Found

- - - Audit Fields - - - +
02/22/94 HOMERTON

- - - Adjudication Rights Dates and Flags Area - - - +
Court Report Filing - 00/00/0000 Field Inspection Made - 00/00/0000 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Field Inspection Flag - 02/22/1994 Old Case Number -
Response Filed Date - 00/00/0000 Verified Date - 00/00/0000 Old Judicial District -
Claim Received Date - 11/08/1989 Last Amended Date - 00/00/0000 Temporary Right - P
Receipt Number - M005180 Water District -

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AUG 16 1994

Water right number - A02-07172G

Prefix Translation: ADJUDICATION CLAIM

+ - Adjudication Rights Dates and Flags Area - +
POU Ownership Flag - N Federal/State Indicator - S
Name Connector - OR Presumption Flag -
Notice of Error Flag -

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AUG 16 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DEC 16 1992

Department of Water Resources
Western Regional Office

DATE OF CLOSING: 10-23-92

LEGAL DESCRIPTION OF PROPERTY: Township 6South Range 8 East
Section 1, NW 1/4 of NW 1/4 of SW 1/4, Govt. Lot , BM.
Lot 1, Block, 32, Subdivision/Townsite Fruitland Sub

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

See attached Exhibit "A" for complete legal description

[] 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: (see Attached)

[] Name and Address of Former
Owner/Claimant(s)(Seller): Cobbs & Milvania, an Idaho general partnership
C/O Idaho Properties

[] New Owner/Claimant
(Purchaser): 326 North Orchard, Boise, Idaho 83706
Dorian Duffin and Susanne Vader, Husband and Wife

[] New Mailing Address: 7840 Apache Way
Boise, Idaho 83703

[] New Telephone Number: (208) 853-5005 hm - 386-5251 wk

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes XX 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: See 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): Susanne L Vader Date 12-4-92

[] Signature of Former
Owner/Claimant(s): Donna Cobbs Date 10-20-92

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

(See 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:

MICROFILMED

AUG 16 1994

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

WARRANTY DEED

POOR ORIGINAL

For Value Received Evan E. Kohtz and Alice J. Kohtz, husband and wife,
and Myrri W. Heller, a widow,

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto Idaho Properties
Company, an Idaho corporation, 326 N. Orchard
Boise, Idaho,

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

All that certain real property described in Exhibit "A"
hereto, which exhibit is incorporated herein by this
reference;

Subject to the restrictive covenants set forth in
Exhibit "B" hereto, which exhibit is incorporated
herein by this reference, it being specifically
agreed between the parties that said restrictive
covenants shall run with the land and be binding
upon the Grantee and the Grantee's successors,
assigns, and transferees of any nature, forever;

Subject to an easement reserved in and to the Grantor
extending along the (easterly) side of said property
from the south boundary thereof to the north boundary
thereof, which easement shall be sufficient in width
for the installation, operation, and maintenance of
an irrigation mainline, the same to be used for such
purpose;

And, subject to the right reserved in the Grantor to
maintain an irrigation pump along the river at or near
the west edge of said property.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and
to the Grantee's heirs and assigns forever. And 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 incum-
brances except as above described and that Grantor will warrant and defend the same from all lawful
claims whatsoever.

Dated: November 9, 1977.

Evan E. Kohtz
Evan E. Kohtz

Alice J. Kohtz
Alice J. Kohtz

Myrri W. Heller
Myrri W. Heller

266633

STATE OF IDAHO, COUNTY OF Ala

On this 9th day of Sept, 19 77,
before me, a Notary Public in and for said State, per-
sonally appeared Evan E. Kohtz and
Alice J. Kohtz, and Myrri
W. Heller,

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged
to me that they executed the same.

Residing at

Boise, Idaho.
Notary Public

STATE OF IDAHO, COUNTY OF Elmore

I hereby certify that this instrument was filed for record
at the request of FIRST AMERICAN
at 40 minutes past 1:00 o'clock P. M.,
this 17 day of December,
19 77, in my office, and duly recorded in Book
of Deeds at page

RAMONA YRAZABAL
Ex-Officio Recorder

By

Merle L. Sacker
Fees \$15.00
Mail to:

Deputy.

Instrument No.

EXHIBIT A

The west 826.5 feet of Lot 1, Block 32, Fruitland Subdivision,
located in Township 6 South, Range ~~18~~ East, Boise Meridian;

Together with all the right, title, and interest of the Grantor
in and to the vacated roadway located between the south boundary
of the above-described property and the north meander line of the
Snake River, said strip of land being bounded on the east side
by an extension of the east boundary of the above-described parcel
to the north meander line of said river and being similarly bounded
on the west by an extension of the west boundary of the above-
described parcel to the north meander line of said river.

WARRANTY DEED

For Value Received

COBBS AND MULVANIA, an Idaho General Partnership

The grantors, do hereby grant, bargain, sell and convey unto

DORIAN DUFFIN and SUSANNE VADER, husband and wife

the grantees, whose current address is 7840 Apache Way, Boise, Idaho 83703

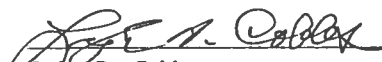
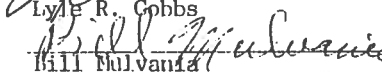
the following described premises, in Elmore County Idaho, to-wit:

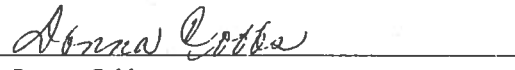
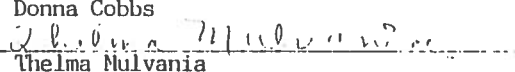
The West 826.5 feet of Lot 1, Block 32, Fruitland Subdivision, Elmore County, Idaho, according to the official plat thereof on file and of record in the office of the County Recorder of Elmore County, Idaho, together with all rights to any vacated streets adjoining subject property.

SAVE AND EXCEPT those portions of roadway deeded to the public as disclosed in Quit Claim Deed recorded December 8, 1977, as Instrument No. 177775, records of Elmore County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s their heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances EXCEPT reservations, restrictions, dedications, easements, rights of way and agreements, (if any), of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the year 1992, which are not yet due and payable. and that the y will warrant and defend the same from all lawful claims whatsoever.

Dated: October 19, 1992


Lyle R. Cobbs

Bill Mulvania


Donna Cobbs

Thelma Mulvania

State of Idaho
County of Ada

On this 20th day of October, in the year 1992, before me, a Notary Public, personally appeared, Lyle R. Cobbs, Donna Cobbs, Bill Mulvania and Thelma Mulvania, known or identified to me to be the partners in the partnership of Cobbs and Mulvania and the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said partnership name.


Notary Public for Idaho
Residing in Boise, Idaho
My Commission Expires 7/15/98

271138

ELMORE COUNTY, IDAHO, ss
Request of GUARANTY TITLE, INC.

Time 3:32 P.M.
Date October 23, 1992
By 
Dolores Robison
Deputy
Fee \$3.00

WARRANTY DEED

POOR ORIGINAL

For Value Received Evan E. Kohtz and Alice J. Kohtz, husband and wife,
and Myrri W. Heller, a widow,

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto Idaho Properties Company, an Idaho corporation, 326 N. Orchard
Boise, Idaho,

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

All that certain real property described in Exhibit "A" hereto, which exhibit is incorporated herein by this reference;

Subject to the restrictive covenants set forth in Exhibit "B" hereto, which exhibit is incorporated herein by this reference, it being specifically agreed between the parties that said restrictive covenants shall run with the land and be binding upon the Grantee and the Grantee's successors, assigns, and transferees of any nature, forever;

Subject to an ~~easement~~ reserved in and to the Grantor extending along the (easterly) side of said property from the south boundary thereof to the north boundary thereof, which easement shall be sufficient in width for the installation, operation, and maintenance of an irrigation mainline, the same to be used for such purpose;

And, subject to the right reserved in the Grantor to maintain an irrigation pump along the river at or near the west edge of said property.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And 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: November 9, 1977.
September 9

Evan E. Kohtz
Alice J. Kohtz

Myrri W. Heller

266633

STATE OF IDAHO, COUNTY OF Ada
On this 9th day of Sept November, 19 77

before me, a Notary Public in and for said State, personally appeared Evan E. Kohtz and Alice J. Kohtz, and Myrri W. Heller,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Residing at

Notary Public

Boise, Idaho.STATE OF IDAHO, COUNTY OF Elmore

I hereby certify that this instrument was filed for record at the request of FIRST AMERICAN
at 40 minutes past 1:00 o'clock P. M.,
this 19 day of December,
19 77, in my office, and duly recorded in Book
of Deeds at page

RAMONA YRAZABAL

Ex-Officio Recorder

By Marla L. Becker Deputy.Fees \$15.00

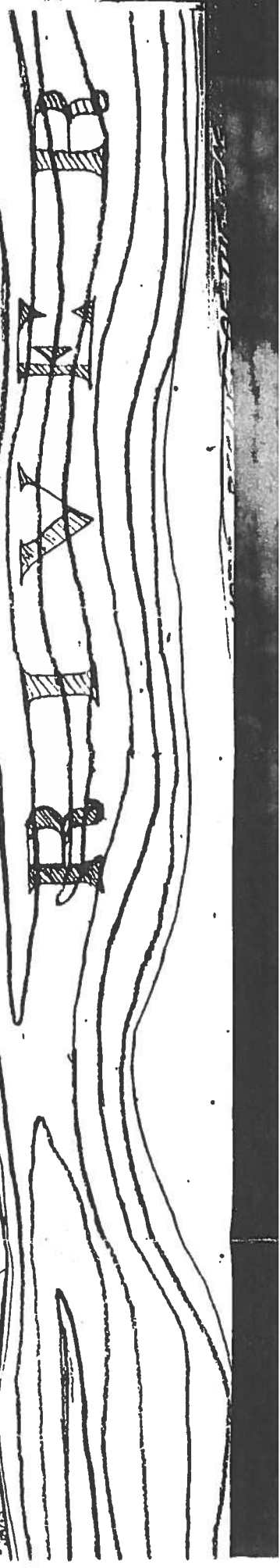
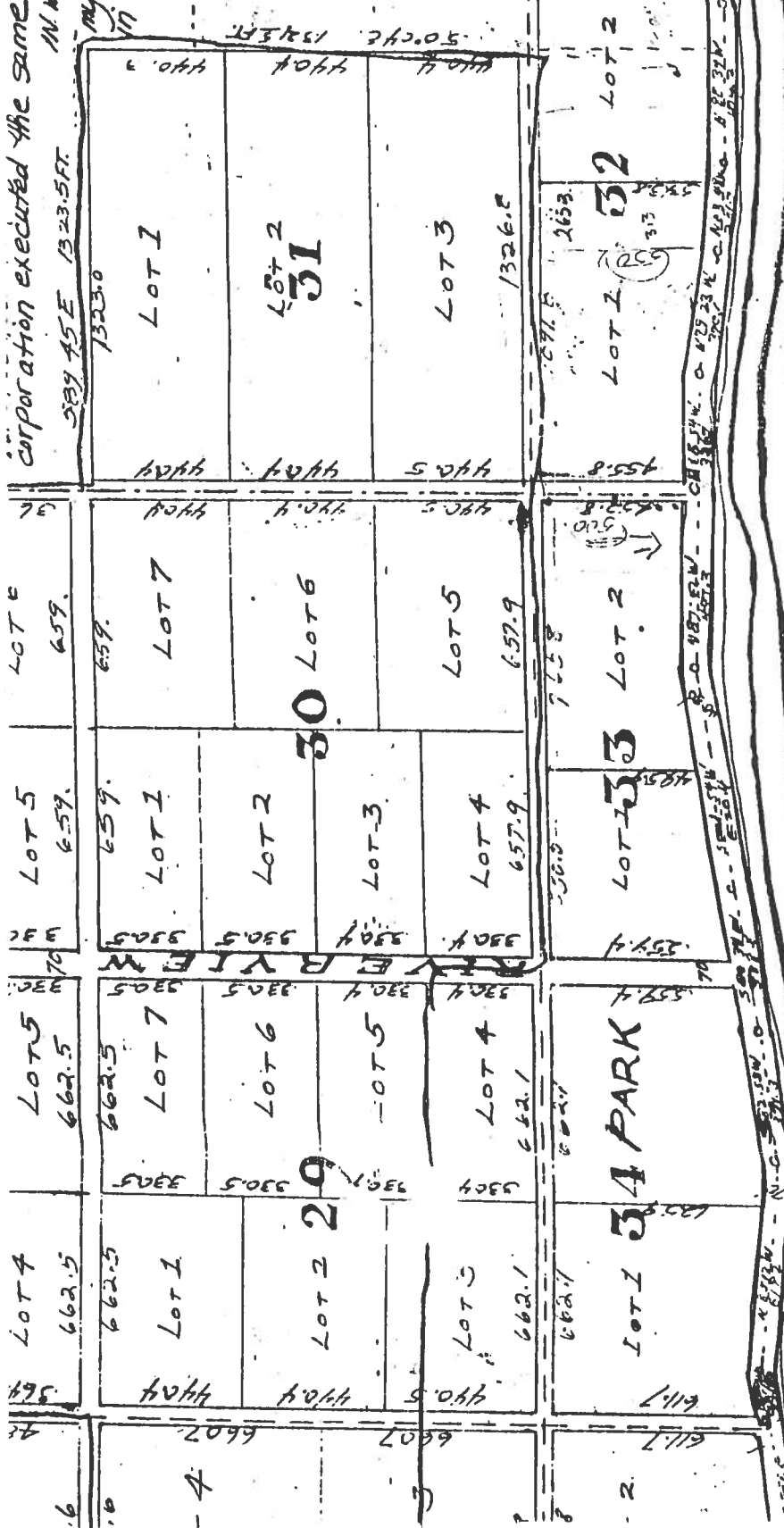
Mail to:

Instrument No.

IN WITNESS WHEREOF
my hand and official
in this certificate of
Oliver C.

POOR ORIGINAL

Distances mea:
Center of Street



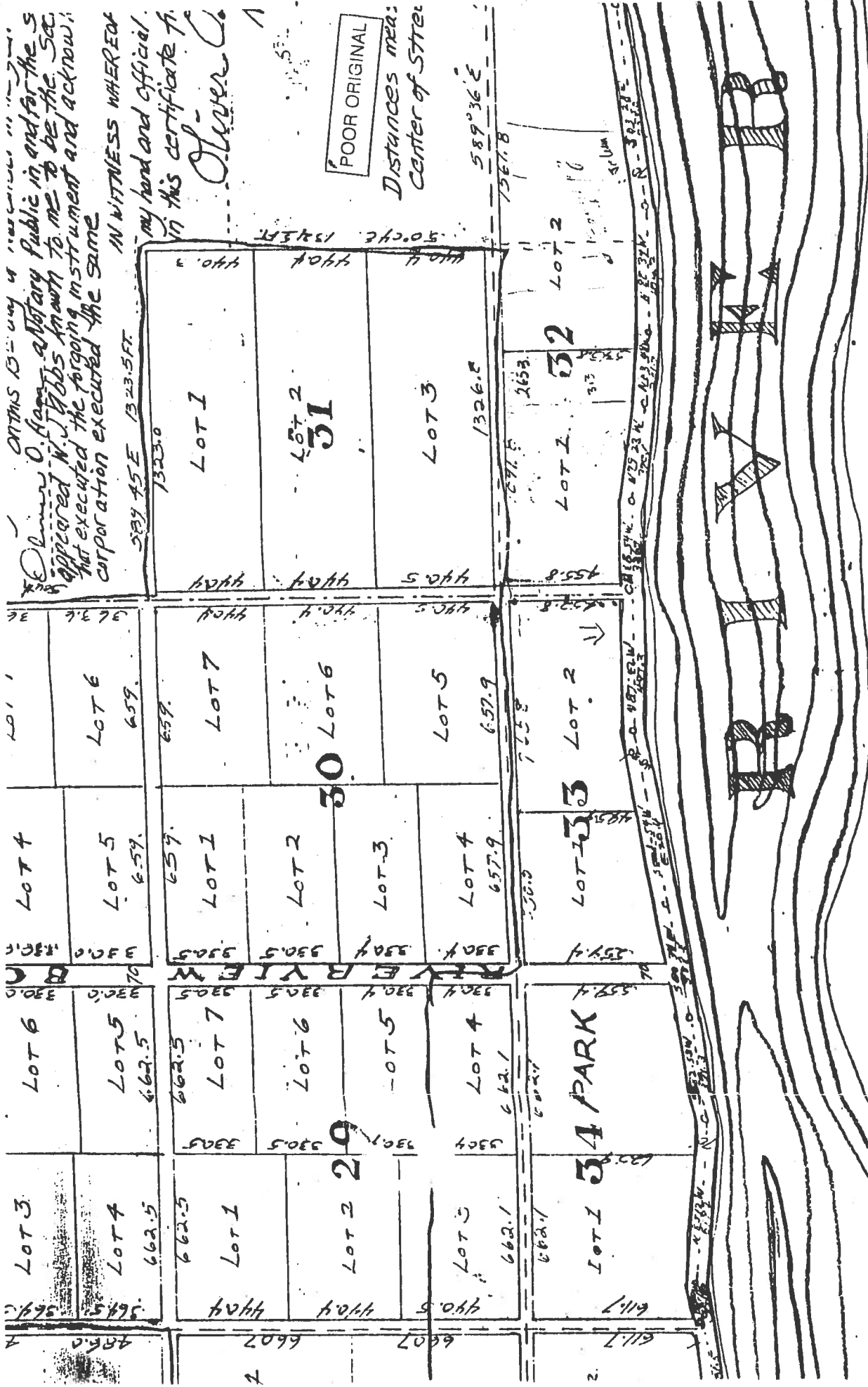
ON THIS 13th day of November 1911, I, Oliver O. Higgins, a Notary Public in and for the State of Ohio, appeared W. J. Gibbs known to me to be the Sec. of the corporation executed the foregoing instrument and acknowledged the same.

IN WITNESS WHEREOF I have hereunto set my hand and official seal this 13th day of November 1911.

Oliver O. Higgins

POOR ORIGINAL

Distances near Center of Street



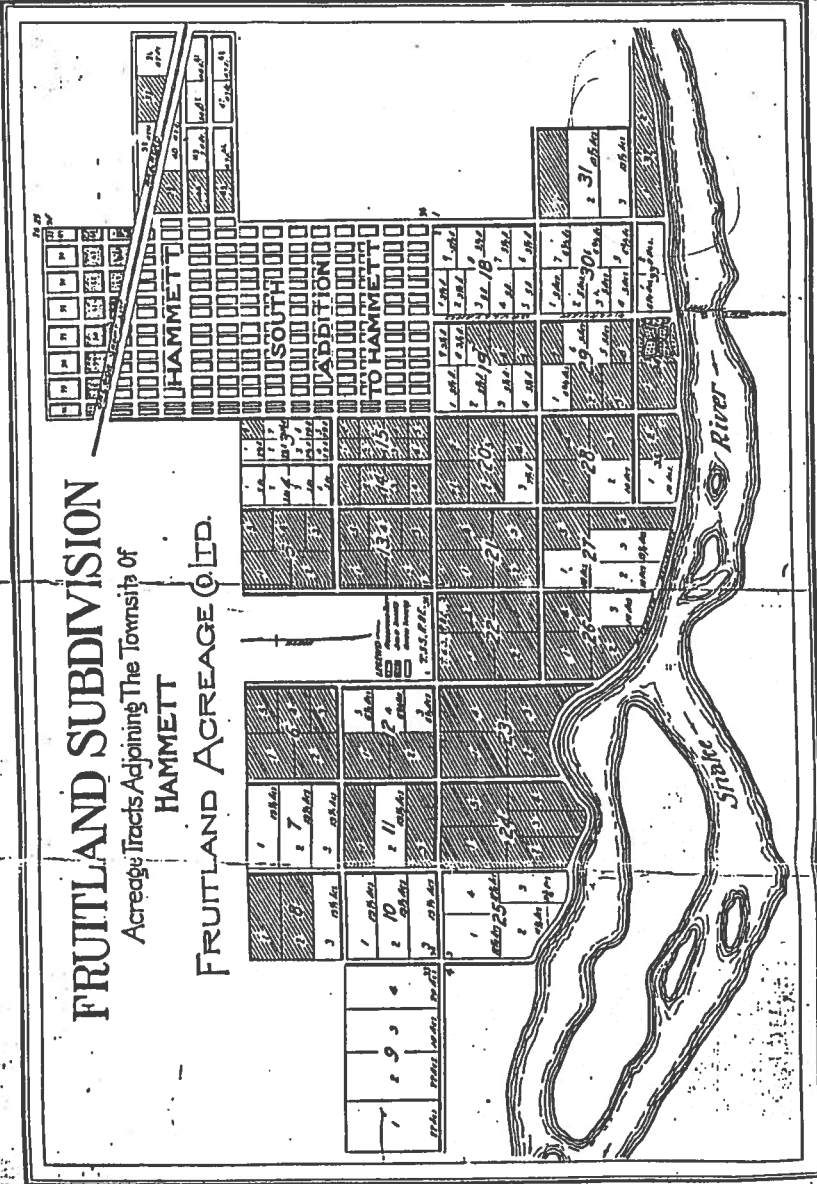
POOR ORIGIN

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GRANTEE
C. A. Davis
Bonds 211, 6
Hammitt or Hammitt
Hammitt
C. A. Davis
Hammitt 211, 6
Hammitt 211, 6
Hammitt 211, 6

GRANTOR
J. A. Davis
Bonds 211, 6
Hammitt or Hammitt
Hammitt
C. A. Davis
Hammitt 211, 6
Hammitt 211, 6
Hammitt 211, 6

DOCUMENT NO.	PAGE
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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: A02-07172G
Date Received: 11/08/1989
Receipt No: MOD 5780
Received By: B

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EVAN E. KOHTZ 208-366-2466
Address: HAMMETT, ID 83627

OR
Name: ALICE J. KOHTZ 208-366-2466
Address: HAMMETT, ID 83627

2. Date of Priority: OCT 21, 1974

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
06S	08E	2	SE	NE	SW		ELMORE
			NE	NE	SE		ELMORE

5. Description of diverting works:
2 PUMPS 75 & 100 HP HANDLINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	5.600		

7. Total Quantity Appropriated is:
5.600 C.F.S. (and/or) 1279.00 A.F.A.

8. Total consumptive use is 840.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	08E	1	SW	NW		IRR	40.0
			NE	SW	7	IRR	3.0
			NW	SW	7	IRR	11.0
						Section Acres	54.0
		2	NE	NE	1	IRR	40.0
			NW	NE	2	IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			SE	NW		IRR	28.0
			NE	SW	5	IRR	10.0
			NE	SE	6	IRR	14.0
			NW	SE	6	IRR	14.0
						Section Acres	226.0
						Total Acres	280.0

11. Place of use in counties: ELMORE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM REPRESENTS A PORTION OF LICENSE 02-07172.

THIS CLAIM COVERS 280 OF THE ORIGINAL 299 ACRES. CLAIMANT OWNS 252 OF THE ACRES AND HOLDS THE CONTRACT ON THE REMAINING 28 ACRES CLAIMANT WISHES TO ASSURE THE PROTECTION OF THE WATER RIGHT ON THOSE LANDS FOR WHICH CONTRACTS ARE HELD.

THE LANDS UNDER CONTRACT ARE: 14 ACRES IN THE NE,SE SECTION 2;
11 ACRES IN THE NW, SW SECTION 1 AND 3 ACRES IN THE NE,SW SECTION
1.

THIS CLAIM HAS BEEN GIVEN A \$10.00 CREDIT FOR FEES PAID IN THE
02 ADJUDICATION (ON CLAIM A02-07172A).

15. Basis of Claim: LICENSE

~~MICROFILMS~~

AUG 16 1994

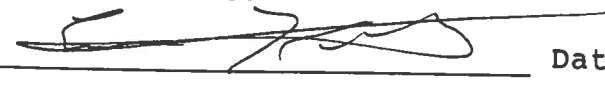
16. Signature(s)

(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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

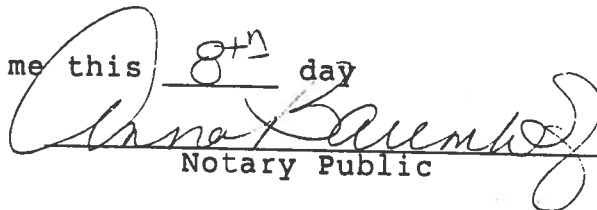
For Individuals:

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

Signature of Claimant(s): X  Date: 11/8/89
_____ Date: _____

State of Idaho)
County of Elmore) SS.

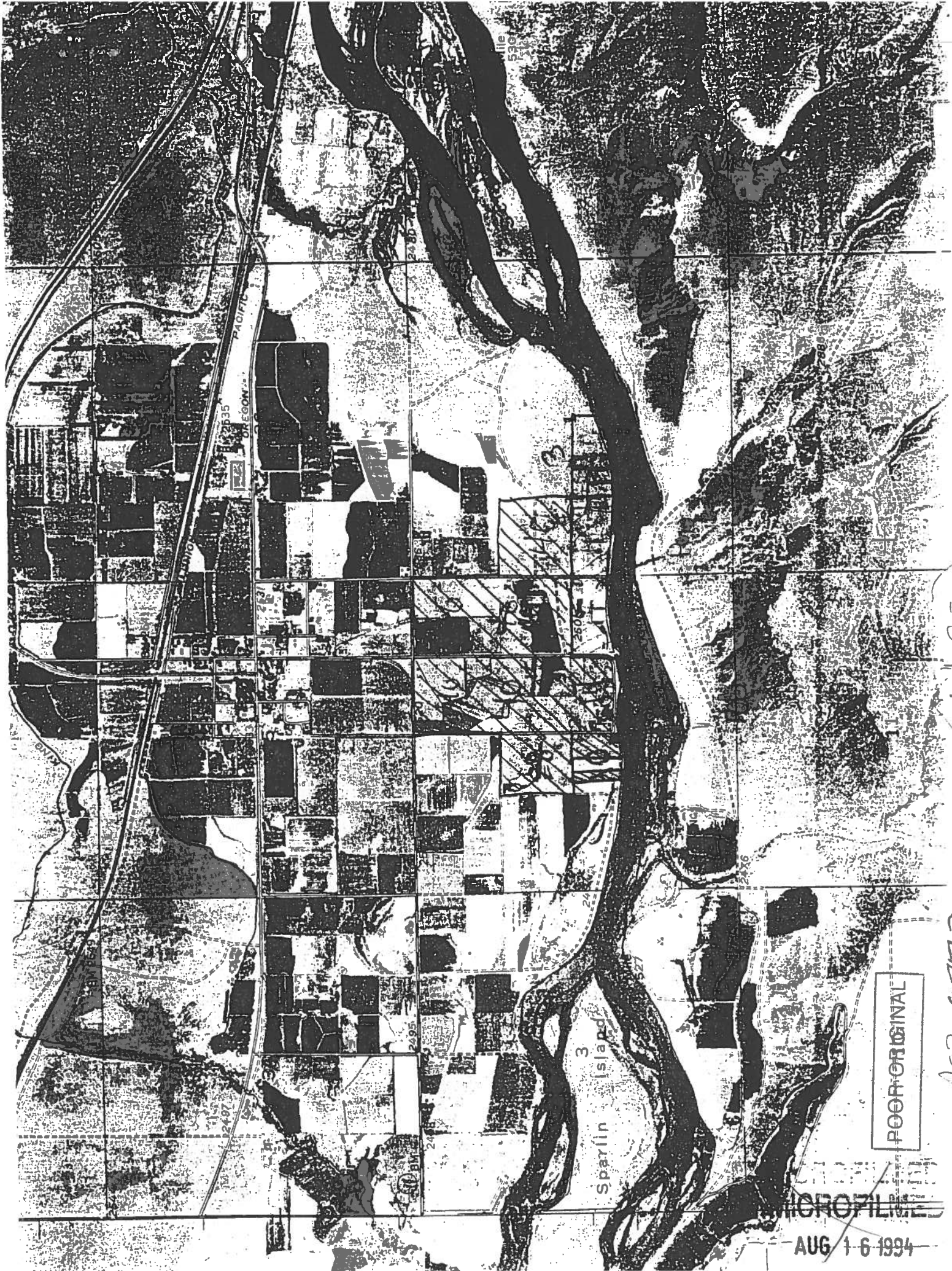
Subscribed and sworn (or affirmed) before me this 8th day
of November 19 89


Notary Public

Seal

Residing at _____

My Commission Expires _____



POOR ORIGINAL

AUG 16 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 23, 2000

RONALD SMITH
DEBORAH SMITH
PO BOX 53
HAMMETT ID 83627

Re: Original Notice of Claim to a Water Right No. A02-07172M

Renumbered Notice of Claim to a Water Right No. A02-07172S

Dear Mr. & Mrs. Smith:

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim by adding alpha suffixes to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time. You will be notified of any future action taken on this claim.

Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

Adjudication Section
Western Region

LH:1
Enclosure