

SJR Telephone Conversation Record

Claim Number: 2-7315A

Date: 11/21

Time: AM

Caller: Don Leonard

Notes: TC ← msg

don't understand

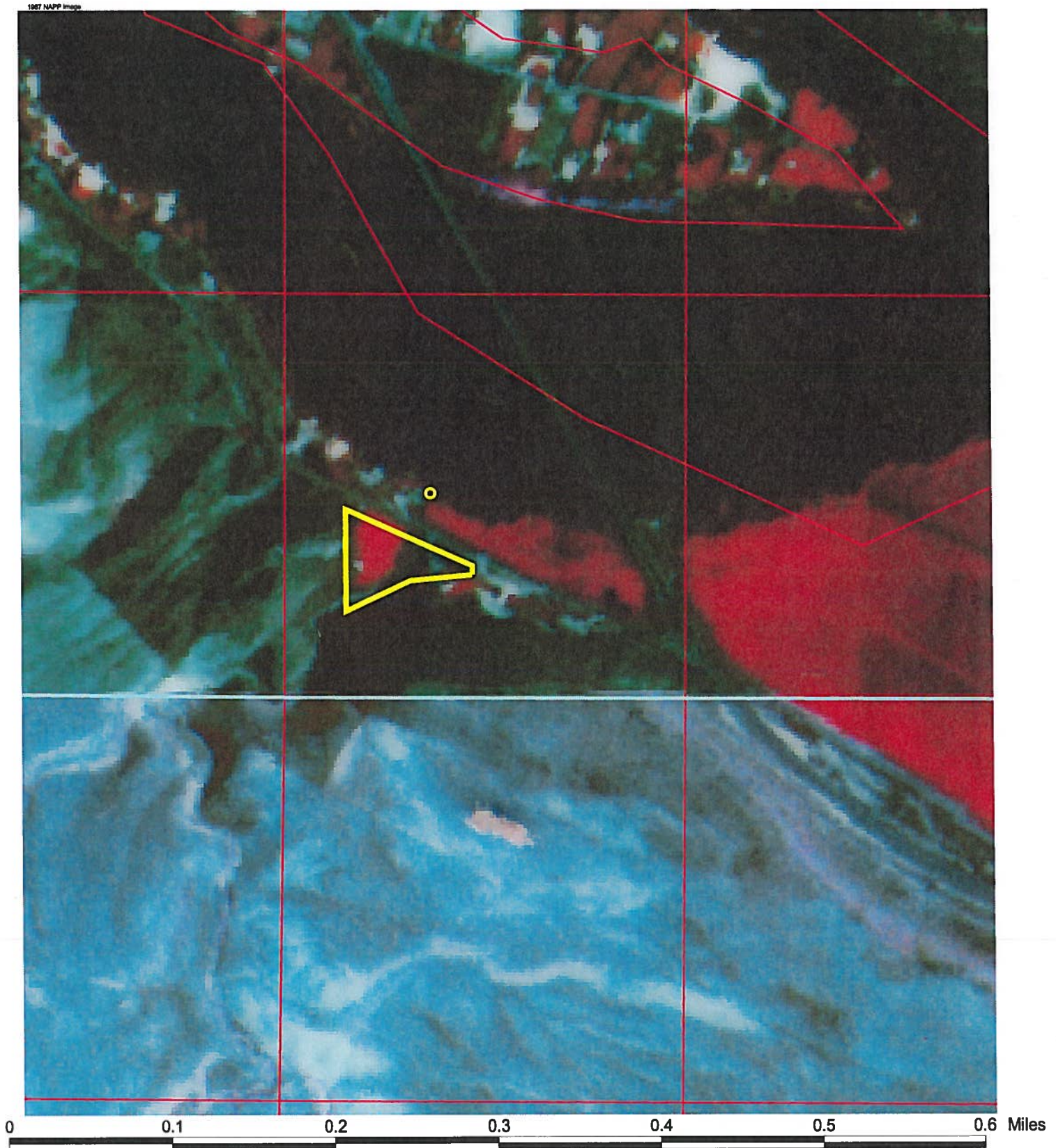
726-5696 Chateau Drive

res
permit for 6ac in lot 9 assigned to Egon in 1986
sketch in permit map indicates north of
5ac, 0.12 cfs licensed under permit w/ 81 date
1.5 ac ~~nothing~~ licensed south of county road
3.5 ac licensed north of road
Mellane to Mellane, Brook to Mellane - south of road
Beck 2.1 ac in tax lots → share 3.5 ac $\pm (\frac{3.5}{5} \times .12)$ cfs
Egon 1.2 ac
Leonard 1.5 ac $\pm (\frac{1.5}{5} \times .12)$ cfs

11/23 TC → 1-208 736-5696 gone for the day

11/30 TC ← game w southern. Explained had redone
recommendation, still need to make layout
haven't sent & may not before final. They can
call me if they need more info

Idaho Department of Water Resources

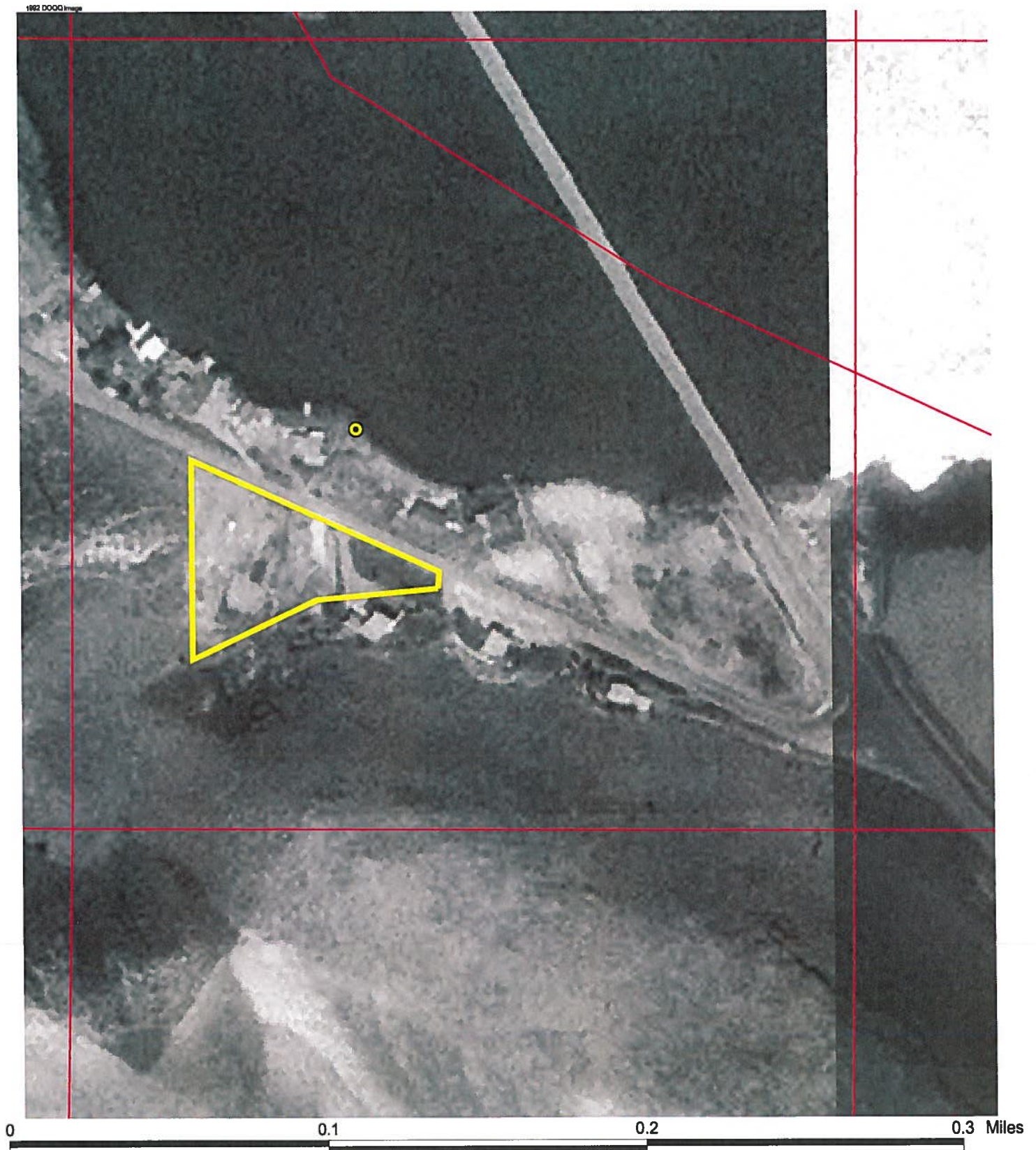


Claim Number: 2-7315A
Legal: T08S, R13E, S1, Gov Lot 9
Reviewed By: SJR 11/21/05



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

Idaho Department of Water Resources



Claim Number: 2-7315A
Legal: T08S, R13E, S1, Gov Lot 9
Reviewed By: SJR 11/21/05



-  Point of Diversion
-  Place of Use
-  08S13E GCDB

11/22/2005

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

RIGHT NUMBER: 2-7315A
NAME AND ADDRESS: DONALD J LEONARD
PO BOX 1092
KETCHUM ID 83340

KATHY MALLANE
PO BOX 1092
KETCHUM ID 83340

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 0.036 CFS
6.000 AFY
PRIORITY DATE: 01/07/1981
POINT OF DIVERSION:

T08S R13E S1 SWSE Lot 9 Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.036 CFS

PLACE OF USE: IRRIGATION Within TWIN FALLS County
T08S R13E S01 Lot 9 SWSE 1.5

1.5 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.

Water shall not be diverted under this right unless the flow of the Snake River exceeds established downstream minimum stream flows.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Idaho Department of Water Resources

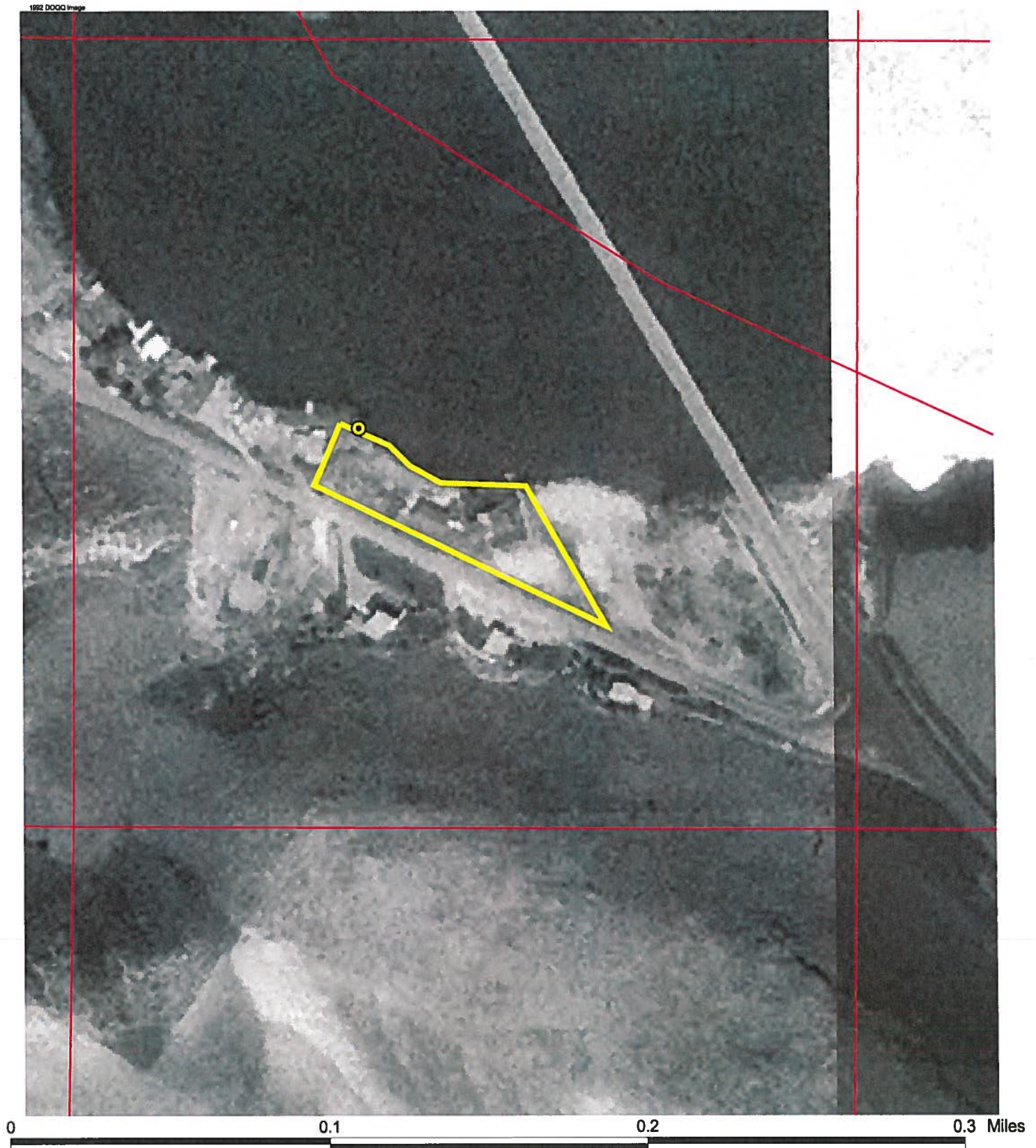


NAIP Image - 2004
Claim Numbers: 2-7315A,C,D
Legal: T08S, R13E, S1
Reviewed By: SJR 11/21/05



- Leonard_02_07315a_lots.shp
- Beck_02_07315d_lots.shp
- Exon_02_07315d_lot.shp
- Gooding taxlots
- 08S13E GCDB

Idaho Department of Water Resources

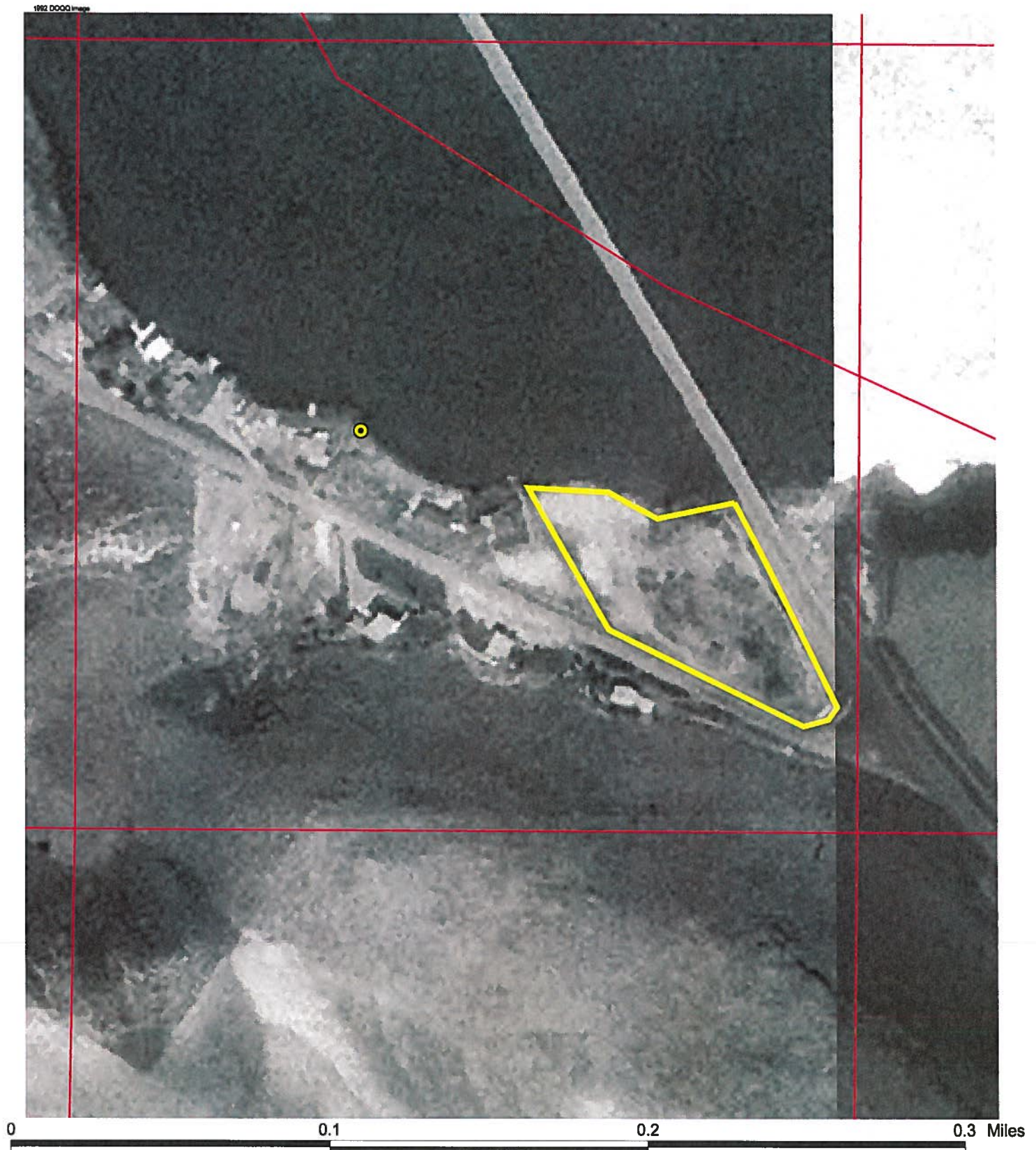


Claim Number: 2-7315C
Legal: T08S, R13E, S1, Gov Lot 9
Reviewed By: SJR 11/21/05



- Point of Diversion
- Place of Use
- 08S13E GCDB

Idaho Department of Water Resources



Claim Number: 2-7315D
Legal: T08S, R13E, S1, Gov Lot 9
Reviewed By: SJR 11/21/05



-  Point of Diversion
-  Place of Use
-  08S13E GCDB

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 02-07315

Priority: January 7, 1981

Maximum Diversion Rate:

0.12 CFS

Maximum Diversion Volume:¹

20.0 AF

This is to certify, that WILLIAM C. EXON
WYNARDA EXON

P.O. BOX 83

BLISS, ID 833140000

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 7, 1981; and has submitted Proof of Beneficial Use on July 1, 1985. An examination indicates that the works have a diversion capacity of .310 cfs of water from:

SNAKE RIVER

tributary to COLUMBIA RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.12 CFS	20.0 AF

LOCATION OF POINT(S) OF DIVERSION: LOT 9(SWSE), Sec. 1, Township 08S, Range 13E
TWIN FALLS 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>
08S	13E	1	LOT 9(SWSE)	5		5

Total number of acres irrigated: 5

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Water shall not be diverted under this right unless the flow of the Snake River exceeds established downstream minimum flows.

MICROFILMED

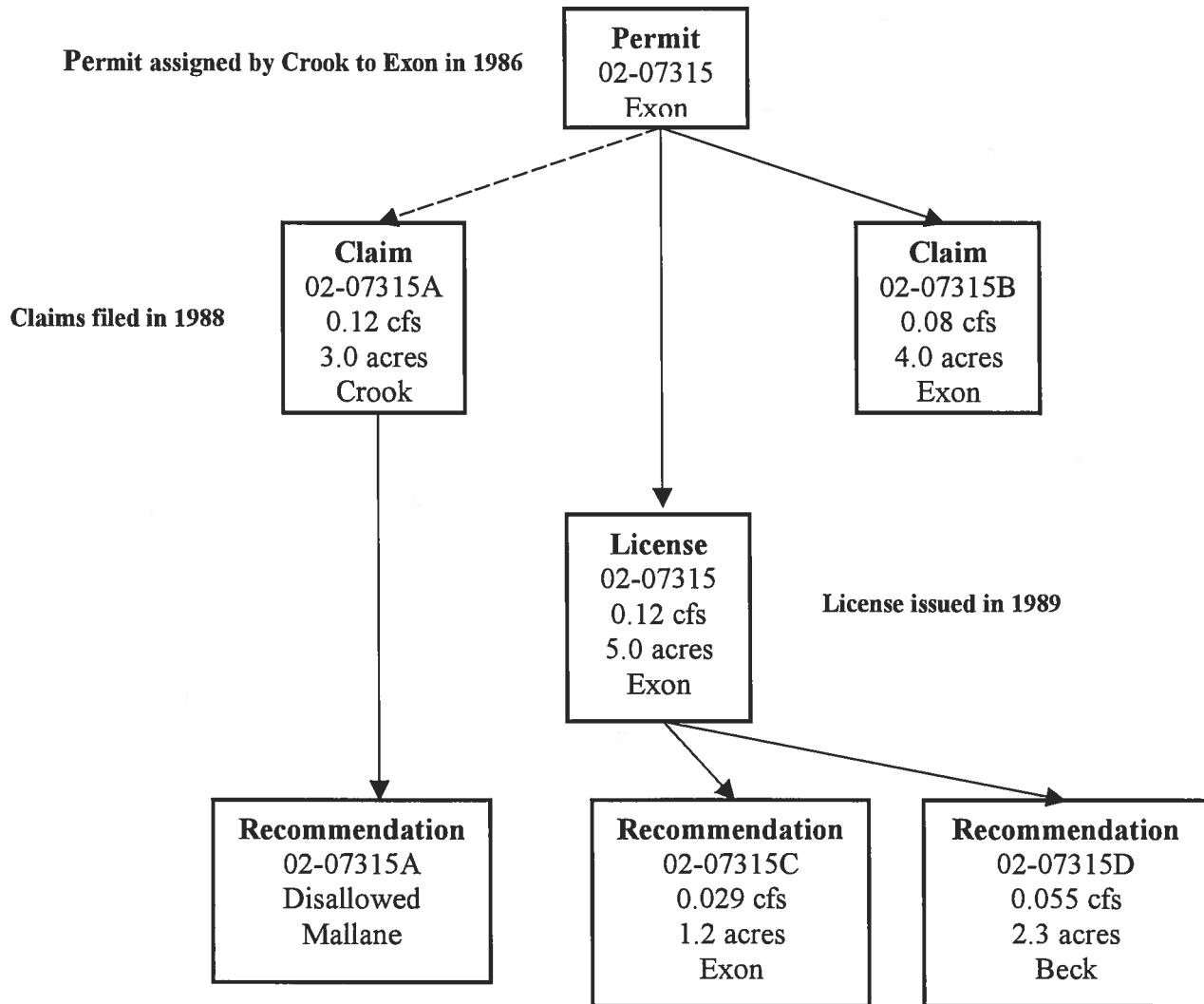
SEP 14 1989

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

RIGHT NUMBER: 2-7315A
NAME AND ADDRESS: DONALD J LEONARD
KATHY MALLANE
PO BOX 1092
KETCHUM ID 83340

RECOMMENDED AS RIGHT NOS. 02-07315C AND 02-07315D.

Summary of Splits Water Right No. 02-07315



Analysis: Although Crook filed SRBA Claim No. 02-07315A in 1988, he had previously assigned all his interest in the Permit to Exon in 1986. Exon also filed a claim (02-07315B). When the Permit was licensed in 1989, 3.5 acres were licensed north of the County Road on property that now belongs to Exon and Beck (per deeds supplied at time of ownership change). The Mallane's now own property previously owned by Crook; 1.5 acres of irrigation were developed on that property south of the County Road under license 02-07315 **but the water belongs to Exon** and there is no evidence the water was conveyed to Mallane.

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: **A02-07315A**
Date Received: 12/21/1988
Receipt No: C004349
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: KATHY MALLANE 208-788-3877
Address: PO BOX 1092
KETCHUM ID 83340
AND
Name: DONALD J LEONARD 208-788-3877
Address: PO BOX 1092
KETCHUM ID 83340
2. Date of Priority: JUN 25, 1985
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 |
|----------|-------|---------|--------|--------|-----|-----|------------|
| 08S | 13E | 1 | SW | SE | | 9 | TWIN FALLS |
5. Description of diverting works:
PUMP AND PIPELINE
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.120 | | |
7. Total Quantity Appropriated is:
0.120 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 9.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:
- | Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 08S | 13E | 1 | SW | SE | | IRR | 3.0 |

10. Place of Use: Continued

Section Acres	3.0
Total Acres	3.0

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:
NONE

14. Remarks:

OTHER PORTION BELONGS TO BILL AND WYNARDA M. EXON FOR OTHER 3
ACRES OF ORIGINAL PERMIT.

3/17/99 TF; OWNERSHIP CHANGED THOMAS AND YVONNE MALLANE TO
DONALD LEONARD AND KATHY MALLANE PER 1409(6) AND WARRANTY DEED
REC'D 12/10/98.

15. Basis of Claim: LICENSE



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

March 30, 1999

KATHY MALLANE
DONALD J LEONARD
PO BOX 1092
KETCHUM ID 83340

RE: SRBA Claim(s) A02-07315A

Dear Claimants:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

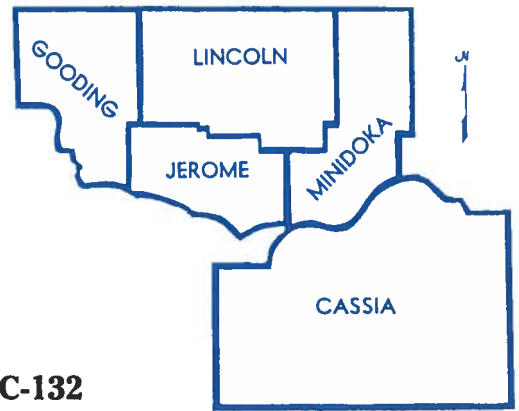
A handwritten signature in cursive script that reads "Trish Fawcett".

Trish Fawcett
Technical Records Specialist

enc.

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO:
OFFICE:

EC-132
Gooding

December 8, 1997

**State of Idaho
Department of Water Resources
Southern Region
1341 FILLMORE SUITE 200
Twin Falls, Idaho 83301-3380**

RECEIVED

DEC 10 1998

*Department of Water Resources
Southern Region*

**RE: Notice of Change of Water Right Ownership
Mallane to Leonard-Mallane
Cert. Mail #Z 380 159 342**

Dear Sirs:

At the request of the Buyer, we are forwarding to your office the following in connection with the above referenced:

- Notice of Change of Water Right Ownership**
- Copy of Deed # 1998021366**
- Copy of Map**

Thank You,

LAND TITLE AND ESCROW, INC.

Keri Craig

Keri Craig

(208) 934-8477

P.O. Box 473, 546 Main Street

Gooding, Idaho 83330

cc:

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

BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5880

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0806 - FAX 436-1199

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 this page.
Incomplete forms will be returned.

RECEIVED

DEC 10 1998

Department of Water Resources
Southern Region

1. Water Right Number(s) AJ0749NP

Adjudication Claim Number(s) A02-07315A

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) Thomas and Yvonne Mallane

17 Bell Rapids Rd., Hagerman, ID 83332

4. New Owner/Claimant(s) Donald J. Leonard and Kathy Mallane

Name connector (Check one): ☒ AND, ☐ OR, ☐ AND/OR

New Mailing Address P.O. Box 1092

City, State and ZIP Code Ketchum, ID 83340

New Telephone Number (208) 788 - 3877

5. Date you acquired the property 11/30/98

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)

Donald J. Leonard

Date 12-4-98

Kathy Mallane

Date 12-4-98

(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

Twin Falls County, Idaho
Recorded for:
LAND TITLE & ESCROW #EC-132
03:03pm Nov. 27, 1998
1998-021366
No. of Pages: 3 Fee: \$9.00
ROBERT S. FORT
Ex-Officio Recorder
Deputy: SL

T-23916LA

For Value Received

THE TOMMY AND VONNIE MALLANE LIVING TRUST dated Nov. 4, 1994

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

DONALD J. LEONARD and KATHY MALLANE, AN UNMARRIED MAN and AN UNMARRIED WOMAN

Address: P.O. BOX 1092, KETCHUM, ID 83340

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

SEE ATTACHED SCHEDULE C

TOGETHER WITH all water and water rights, ditches and ditch rights, used thereon or appurtenant thereto and also including any licensed domestic or irrigation water rights, licenses with the State of Idaho.

SUBJECT TO:

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

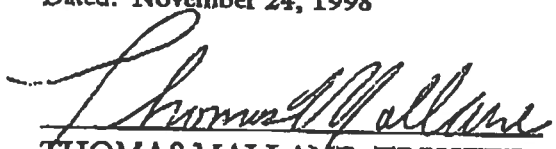
Taxes subsequent to the year 1998, which are not yet due and payable.

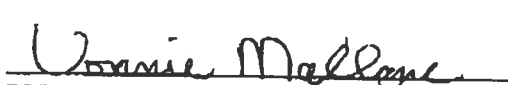
Right-of-way for ditches, tunnels and telephone and transmission lines constructed by authority of the United States, as granted to the United States under provisions of Section 58-604, Idaho Code 1947.

An easement in favor of Idaho Power Company, a corporation, recorded December 20, 1974, as Instrument No. 673965.

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: November 24, 1998


THOMAS MALLANE, TRUSTEE

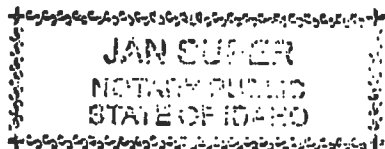

VONNIE MALLANE, TRUSTEE

RECEIVED
DEC 10 1998
Department of Water Resources
Southern Region

STATE OF IDAHO)

COUNTY OF Blaine) ss.

On this 27th day of November, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared Thomas Mallane, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of the Tommy and Vonnice Mallane Living Trust dated November 4, 1994, and acknowledged to me that he executed the same as such Trustee.



Jan Super
Notary Public

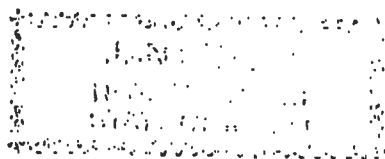
Residing at: Blaine County

My Commission expires: 5/26/2004

STATE OF IDAHO)

COUNTY OF Blaine) ss.

On this 27th day of November, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared Vonnice Mallane, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of the Tommy and Vonnice Mallane Living Trust dated November 4, 1994, and acknowledged to me that she executed the same as such Trustee.



Jan Super
Notary Public

Residing at: Blaine County

My Commission expires: 5/26/2004



RECEIVED

DEC 10 1998

Department of Water Resources
Southern Region

Form No. 1056-4
All Policy Forms
T-23916LA

SCHEDULE C

The land referred to in this policy is situated in the State of Idaho and is described as follows: County of Twin Falls

PARCEL I

Township 8 South, Range 13 East of the Boise Meridian, Twin Falls County, Idaho.

Section 1: A parcel of Lot 9 further described as follows:

COMMENCING at the South Quarter Corner of said Section;
THENCE North 89°43' East, along the South line of said Section, 400.00 feet to the TRUE POINT OF BEGINNING;
THENCE continuing along said South line North 89°43' East, 200.00 feet;
THENCE North 0°08' East 438.94 feet to a point on the centerline of a county road known as Old Highway No. 30;
THENCE along said centerline North 63°36' West, 223.02 feet;
THENCE leaving said centerline, South 0°08' West, 539.09 feet to the TRUE POINT OF BEGINNING.

PARCEL II

A tract of land in Lot 9 of Section 1, Township 8 South, Range 13 East of the Boise Meridian, Twin Falls County, Idaho described as follows:

BEGINNING at a point on the South line of said Lot 9, from which the Southwest corner of said Lot bears South 89°43'00" West, 189.00 feet;
THENCE North 0°08'00" East 644.75 feet to a point in the centerline of a County Road known as Old Highway 30;
THENCE South 63°36'00" East, along said centerline, 235.29 feet;
THENCE South 0°08'00" West, 539.09 feet, to the South line of said Lot 9;
THENCE South 89°43'00" West, 211.00 feet, to the POINT OF BEGINNING.

NOTE: Assessment records indicate the address to be:
NONE SHOWN

This information is outside of the insuring provisions of the policy.

36/3
11/6

11/6
12/7

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: **A02-07315A**

Date Received: 12/21/1988

Receipt No: C004349

Received By: _____

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

1. Name: THOMAS MALLANE
Address: 17 BELL RAPIDS RD.
HAGERMAN ID 83332

AND/OR

Name: YVONNE MALLANE
Address: 17 BELL RAPIDS RD.
HAGERMAN ID 83332

2. Date of Priority: JUN 25, 1985

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
08S	13E	1	SW	SE		9	TWIN FALLS

5. Description of diverting works:
PUMP AND PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.120		

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

8. Total consumptive use is 9.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	13E	1	SW	SE		IRR	3.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	3.0
					Total Acres	3.0

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:
NONE

14. Remarks:
OTHER PORTION BELONGS TO BILL AND WYNARDA M. EXON FOR OTHER 3
ACRES OF ORIGINAL PERMIT.

15. Basis of Claim: PERMIT

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)
) SS.
County of _____)

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)

DATE OF CLOSING: September 6, 1991

RECEIVED
SEP 13 1991
Department of Water Resources
Southern Region Office

LEGAL DESCRIPTION OF PROPERTY: Township 8 South Range 13 EBM
Section 1, 1/4 of 1/4 of 1/4, Govt. Lot 9, BM.

Lot _____, Block, _____, Subdivision/Townsite _____.

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

☐ 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: A0207315A

☐ Name and Address of Former Owner/Claimant(s)(Seller): Wilbur J. and Sadie Crook

1432 North Fillmore

Jerome, ID 83338

☐ New Owner/Claimant (Purchaser): Thomas and Yvonne Mallane

☐ New Mailing Address: 17 Bell Rapids Road

Hagerman, ID 83332

☐ New Telephone Number: () _____ - _____

☐ 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: See attached copy of 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) Thomas Mallane Date 9/11/91

Yvonne Mallane Date 9-11-91

☐ Signature of Former Owner/Claimant(s): Wilbur Crook Date 9-12-91

Sadie M Crook Date 9-12-91

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 2/17/92 By: LS

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 2/17/92 By: LS

Claim Numbers of Split, if any:

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

MICROFILMED

MAR 20 1993



WARRANTY DEED

For Value Received

RECEIVED
SEP 13 1991
Department of Water Resources
Southern Region Office

Wilbur J. Crook and Sadie M. Crook, husband and wife, hereby convey unto hereinafter referred to as Grantor, does hereby grant, bargain, sell,

Thomas Mallane and Yvonne Mallane, husband and wife, hereinafter referred to as Grantee, whose current address is

17 Bell Rapids Road, Hagerman, ID 83332

the following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof.

TWIN FALLS COUNTY, IDAHO

RECORDED FOR:

FIRST AMERICAN TITLE COMPANY

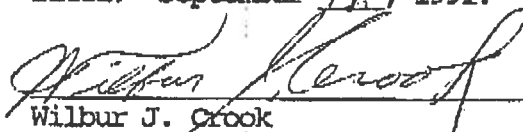
1991 SEP 12 A 10:57

91 007878

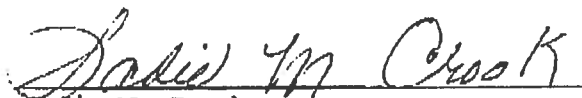
LIBRARY
EX-OFFICIO RECORDER
FEE: 6.00 DEPUTY: U

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: September 11, 1991.



Wilbur J. Crook



Sadie M. Crook

STATE OF IDAHO)

COUNTY OF ~~Twin Falls~~ Gooding)

: SS

On This 11th day of September, in the year 1991, before me, a Notary Public in and for said State, personally appeared Wilbur J. Crook and Sadie M. Crook, 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.





Notary Public for Idaho

EXHIBIT A

PARCEL I

Township 8 South, Range 13 East of the Boise Meridian, Twin Falls County, Idaho.

Section 1: A parcel of Lot 9 further described as follows:

COMMENCING at the South Quarter Corner of said Section;

THENCE North 89°43' East, along the South line of said Section, 400.00 feet to the TRUE POINT OF BEGINNING;

THENCE continuing along said South line North 89°43' East, 200.00 feet;

THENCE North 0°08' East 438.94 feet to a point on the centerline of a county road known as Old Highway No. 30;

THENCE along said centerline North 63°36' West, 223.02 feet;

THENCE leaving said centerline, South 0°08' West, 539.09 feet to the TRUE POINT OF BEGINNING.

PARCEL II

A tract of land in Lot 9 of Section 1, Township 8 South, Range 13 East of the Boise Meridian, Twin Falls County, Idaho described as follows:

BEGINNING at a point on the South line of said Lot 9, from which the Southwest corner of said Lot bears South 89°43'00" West, 189.00 feet;

THENCE North 0°08'00" East 644.75 feet to a point in the centerline of a County Road known as Old Highway 30;

THENCE South 63°36'00" East, along said centerline, 235.29 feet;

THENCE South 0°08'00" West, 539.09 feet, to the South line of said Lot 9;

THENCE South 89°43'00" West, 211.00 feet, to the POINT OF BEGINNING.

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MAR 20 1993

SD-0604-2 Township: 08S Range: 13E Section: 1				Tract:		Lot:	
S	L	Water	Name	O	S	Max # Records	204
E	O			W	T	Priority	Use
L	Tract	Right No.	Last, First	N	AC	Date	Code Desc
---	---	-----	-----	---	---	-----	---
---	SWSE	A02-10004	WEBB, IONA	C		S 01/01/1950	
---	SWSE	A47-11138	WEBB, BURTON	C		J 01/01/1950	43 DOMEST
---			WEBB, IONA	C			
---	SWSE	A47-13935	CROOK, WILBUR	C		J 07/31/1978	43 DOMEST
---			CROOK, SADIE M.	C			
---	SWSE	A02-07315A	CROOK, WILBUR J.	C	3	P 06/25/1985	01 IRR
---			CROOK, SADIE M.	C			
---	SWSE	9 A02-07315B	CROOK, WILBUR J.	O	4	P 01/07/1981	01 IRR
---			CROOK, SADIE M.	O			
---			EXON, WILLIAM C.	C			
---			EXON, WYNARDA M.	C			
---	SWSE	9 A02-07315	CROOK, WILBUR J.	O	6	01/07/1981	01 IRR
---			CROOK, SADIE M.	O			
---			EXON, WILLIAM C.	C			
---			EXON, WYNARDA	C			
---	SWSE	9 A47-07724	WHIPKEY, ROBERT	C		P 03/31/1981	01 IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

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MAR 20 1993

SD-33	Last Name: CROOK		STATE				
S	O						
E	W	Water	Priority		Total	Use	
L	N	Right No.	Date	Source	Diversion	Code	Desc

CROOK							
—	WILBUR J.	O A02-07315	01/07/1981	SEE REMARKS	0.120	01	IRR
—	SADIE M.	O A02-07315	01/07/1981	SEE REMARKS	0.120	01	IRR
—	WILBUR J.	C A02-07315A	06/25/1985	SNAKE RIVER	0.120	01	IRR
—	SADIE M.	C A02-07315A	06/25/1985	SNAKE RIVER	0.120	01	IRR
—	WILBUR J.	O A02-07315B	01/07/1981	SNAKE RIVER	0.080	01	IRR
—	SADIE M.	O A02-07315B	01/07/1981	SNAKE RIVER	0.080	01	IRR
—							
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(Enter=Continue)
(GOLD7=This Query)
(Menu _____)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

24-Jan-1992 13:44

THOMAS & YVONNE MALLANE
17 BELL RAPIDS RD.
HAGERMAN ID 83332

Re: Ownership Change for Adjudication Claim NO.(S): A02-07315A
- WILBUR & SADIE CROOK

Dear Claimant(s):

Pursuant to the notification that you presently own the property in which the above-referenced Adjudication Claim(s) is appurtenant, the Department has changed the record of the current owners as you requested. Please find enclosed a copy of the computer record of the claim(s) noting the change in claimant.

Please review the record and if you have any corrections or questions, please feel free to call this office.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures

c.c. Susan Bolton
Manager
P.O. Box 446
Gooding, ID 83330

MICROFILMED

MAR 20 1993

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: A02-07315A

Date Received: 11/03/1988

Receipt No: C004349 *pld*

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILBUR J. CROOK 208-837-6150
Address: RT. 1, BOX 85
HAGERMAN, ID 83332

AND/OR

Name: SADIE M. CROOK 208-837-6150
Address: RT. 1, BOX 85
HAGERMAN, ID 83332

2. Date of Priority: JUN 25, 1985

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
08S	13E	1	SW	SE		9	TWIN FALLS

5. Description of diverting works:
PUMP AND PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.120		

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

8. Total consumptive use is 9.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	13E	1	SW	SE		IRR	3.0
Section Acres							3.0
Total Acres							3.0

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:
NONE

14. Remarks:
OTHER PORTION BELONGS TO BILL AND WYNARDA M. EXON FOR OTHER 3
ACRES OF ORIGINAL PERMIT.

15. Basis of Claim: PERMIT

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 _____

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:

Ident. Number

Date Received

Receipt Number

39576

A02-07315A

11-3-88

C00 4349

RECEIVED

NOV 3 1988

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Wilbur J. and/or Sadie M. Crook Phone (208) 837-6150Mailing Address Rt. 1 Box 85 , Hageman, ID Zip 833322. Date of Priority (Only one (1) per claim) June 25, 19853. Source of water supply (a) Snake River
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 8 S Range 13 EBM Section 1,
1/4 of SW 1/4 of SE 1/4, Govt. Lot, 9 B.M., County of Twin Falls

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township 8S 13 EBM Range 13 EBM Section 1, 1/4 of SW 1/4 of SE 1/4,Govt. Lot _____ B.M., County of Twin Fallsending point is: Township 8S Range 13 EBM Section 1, 1/4 of SW 1/4 of
SE 1/4, Govt. Lot _____ B.M., County of Twin Falls5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates , Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Pump and pipeline

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MAR 20 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from March 15 to Nov. 15 amount 0.12 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .0 .12 cfs. (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 3 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
8 S	13	1															3		3

Total number of acres irrigated 3 acres

11. In which county (ies) are lands listed above as place of use located? Twin Falls

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
This water right is a part of Permit No. 02-7315 filed on 7/8/85 by Wilbur J. Crook. One-half or None ()
of this permit is under the name of Bill and Wynarda M. Exon for three acres.

14. Remarks:

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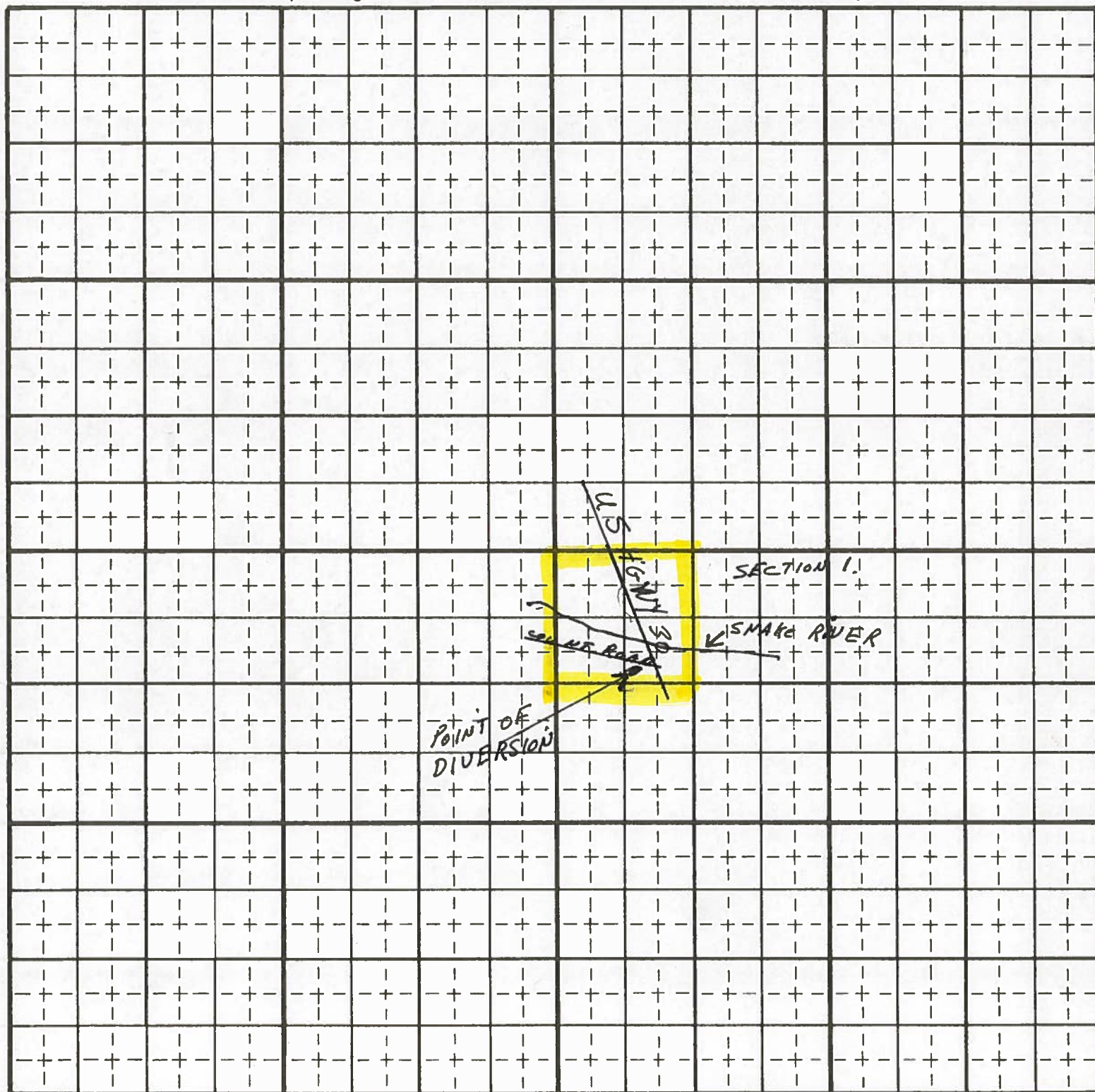
Last Name Crook Ident No. _____

MAR 20 1983
Copies: White-Blue Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

Section 1 Township 8 Range 13 EBM, E. 2.867 A. of SW 5.75A of Lot 9, South of Hwy 30



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Last Name Crook Ident No. _____

Copies White State, Yellow-Claimant

MAR 20 1993

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit X
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) X Weber Crook Date X 11-1-88
X Sadie M Crook Date X 11-1-1988

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 10th day of November 19 88

SEAL

Notary Public Nynarda Eron

Residing at Wegman, Idaho

My Commission Expires Life

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Crook Ident. Number _____

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MAR 20 1993

Copies White State, Yellow-Claimant

1 - P.O. BOX 83
2 -
3 -

WYNARDA

WILBUR J.

CROOK

Diversion Means - Pump & Pipeline

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MAR 20 1993

Water right number - 02-07315

+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -

+ - - Other Rights for Same Use -	- - - Remarks -	- - - +
+ - - - -	No Remarks found.	- - - -

No	Date	Name	Remarks
1	1960-10-10	J. Edgar Hoover	No Remarks found.
2	1960-10-10	J. Edgar Hoover	Conditions of Approval

[illegible][illegible]

+	-	-	Microfilm Rolls -		
				04/30/88	CONVERT
				02/05/88	

+ - - Audit Fields - 02/05/88

abts Dates and Flags Area - - - -

Field Exam Made	-	07/21/1986
Protested Date	-	00/00/0000
Hearing Date	-	00/00/0000
Verified Date	-	00/00/0000
Receipt Number	-	
Appl Received	-	07/01/1985

Field Exam Fee	-	2	P
Swan Falls	-		
Temporary Right	-		
DLE/Carey Act	-		
Water District	-		
Transfer/Amended	-		

MAR 20 1945

DATE RECEIVED 11-3-88

CK # 000 4349

AMOUNT \$ _____

	YES	NO
1. Is the name and address complete with zip code?	☒	☐
2. Is a priority date entered?	☒	☐
Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued? A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.		
3. (a) Is a source entered?	☒	☐
(b) Is a tributary to entered? (if required)	☐	☒
4. Is the legal description of the p.d. sufficient?	☒	☐
5. Is there a description of the diverting works?	☒	☐
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.	☒	☐
Is the period of use included?	☒	☐
Is a quantity claimed for each use?	☒	☐
7. Is a total quantity claimed entered?	☒	☐
8. If required is a consumptive use entered?	☒	☐
Is the consumptive use correct?	☒	☐
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.	☒	☐
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐
11. Is (are) the county(ies) entered?	☒	☐
12. Is the ownership of p.u. checked?	☒	☐
13. Are other water rights listed or "none" indicated?	☐	☒
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	☒	☐
15. Is the basis of the claim indicated?	☐	☐
16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)	☒	☐
Has the claim been signed, sealed, and dated by a notary?	☒	☐
Was this claim filed on time, or was an extension granted?	☒	☐
Is the fee enclosed correct?	☒	☐
If this claim is based on an existing water right, has the identification number been entered?	☐	☒
Should this claim be receipted and data entered?	☒	☐

Claim checked by: lat

Copy to File A02-07315A

6-28-89 CT

C004349

Number Change

12/21/88
16:07:53

CROOK, WILBUR/SADIE

ADJUDICATION FEE

0410162 9337 6490

\$53.00

\$53.00

CHECK 3550

WR/NO: A02-07315A

Idaho Department of Water Resources

Region: STATE

Signature: _____

MICROFILMED

MAR 20 1993



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

June 25, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Jack Wright
Wright Realty
P.O. Box 578
Hagerman, ID 83332

Dear Mr. Wright:

Pursuant to your recent request, I have enclosed a copy of a proof report of Snake River Basin Adjudication Claim, A02-07315A, filed in the name of Thomas and Yvonne Mallane. This particular claim is appurtenant to property located in Twin Falls County, south of the Snake River.

SNAKE RIVER BASIN ADJUDICATION CLAIM A02-07315A was originally filed by Wilber and Sadie Crook, in 1988. This particular claim was filed, based on a part of water right permit 02-07315, for the diversion of 0.12 cfs from the Snake River for the irrigation of 3.0 acres. In addition, another Snake River Basin Adjudication Claim, A02-07315B, was filed in 1988. Claim A02-07315B was filed, based on a part of water right permit 02-07315, for the diversion of 0.08 cfs from the Snake River for the irrigation of 4.0 acres. This particular claim was later split into parts A02-07315C (0.03 cfs for 1.5 acres) and A02-07315D (0.05 cfs for 2.5 acres). Therefore, the following represents a summary of the Snake River Basin Adjudication Claims that are filed based on water right 02-07315:

SRBA CLAIM #	DIVERSION RATE	ACRES IRRIGATED
A02-07315A	0.12 cfs	3.0 acres
A02-07315C	0.03 cfs	1.5 acres
A02-07315D	0.05 cfs	2.5 acres

June 25, 1997
PAGE 2

Water right 02-07315 was originally permitted for the diversion of 0.12 cfs for the irrigation of 6.0 acres. This allowed the permit holder to develop a water right up to these particular amounts. After the permit holder filed proof of beneficial use (a statement saying he has completed the development authorized under his permit) with the department, a department representative conducted a field exam to determine the extent of development. The department representative determined that 5.0 acres were actually irrigated. Therefore, water right license 02-07315 was issued (in 1989) for the diversion of **0.12 cfs** (the maximum amount allowed under the permit) for the irrigation of **5.0 acres** (the number of acres determined to actually be irrigated). I have enclosed a copy of a proof report of this particular water right license for your reference.

Comparing the amounts under water right license 02-07315 to the Snake River Basin Adjudication claims summarized on the previous page reveals that the claims exceed the amounts licensed under water right 02-07315. Therefore the Snake River Basin Adjudication claims do not reflect the actual amounts of water and irrigated acres authorized under water right 02-07315. At this juncture, I can not determine which particular claims based on this water right have been overstated, but the Mallane's claim of 0.12 cfs for the irrigation of 3.0 acres appears to be excessive.

If you have any questions, or if I can be of any further assistance, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Corey Skinner".

Corey Skinner, EIT
Dam Safety Section

Enclosures