

50 + 3.

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: A71-02085A
Date Received: 12/12/1989
Receipt No: 5010717
Received By: SCC *lw*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JACK B. FUREY 208-876-4491
Address: P.O. BOX 280
CHALLIS, ID 83226

OR

Name: LOUIS F. RECINE, JR.
Address: P.O. BOX 1391
POCATELLO, ID 83204

2. Date of Priority: JUL 27, 1959

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	14E	8	SE	NE	SE		CUSTER

5. Description of diverting works:
DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.160		

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

8. Total consumptive use is 237.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/200 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	14E	4	NW	SW		IRR	5.0
			SW	SW		IRR	30.0
			SE	SW		IRR	10.0
						Section Acres	45.0
		9	NE	NW		IRR	10.0
			NW	NW		IRR	30.0
			SW	NW		IRR	10.0
						Section Acres	50.0
						Total Acres	95.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:

A71-00036A, A71-00033, A71-02004C, A71-10107

14. Remarks:

THIS IS A PORTION OF THE WR 71-02085.

INSTREAM STOCKWATER USE IS USED FROM THE WATERS DESCRIBED HEREIN
FOR 200 HEAD RANGE CATTLE.

15. Basis of Claim: LICENSE

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. Sney Date: Dec 19, 1989
Date:

State of Idaho)
County of TF) SS.

Subscribed and sworn (or affirmed) before me this 19 day th
of Dec 19 89 Lois White
Notary Public

Seal

Residing at TF
My Commission Expires 5/94

Water Right Number - 71-02085 A

Adj. Flag Translation: Standard Water Right Number

Old (D) Number - 28070

*** C - CURRENT OWNER ***
FUREY

JACK B.

FUREY, JR.

SHERMAN F.

1 -
2 -
3 -
City- SALMON
phone -
1 -
2 -
3 -
City-
phone -

State- ID Zip-

State- Zip-

Priority Date - 07/27/1959

Region - 17

Stage - L - LICENSE

Status -

SOURCE
SALMON RIVER

Tributary
SNAKE RIVER

Twn Rng Sec Tract Lot RFlg County Point of Diversion
08N 14E 8 NE SE (37) CUSTER

Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 2.160

Total Div. Rate - 2.160 + Total Div. Volume - + Total Div. Capacity - +

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
09N	14E	32	SW NE		18.0	01	IRRIGATION	(37) CUSTER	
09N	14E	32	SE NE		30.0	01	IRRIGATION	(37) CUSTER	
09N	14E	32	NE SE		20.0	01	IRRIGATION	(37) CUSTER	
09N	14E	32	NW SE		40.0	01	IRRIGATION	(37) CUSTER	

Total Acres:

108.0

+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use - FISHER CK. DECREE.

58 Ac.

1.19685

MICROFILMED
MAR 17 1993

14E.

BM
6742

Gravel Pit
Mile
390

P.U.

SEC.
4

8N.

SEC.
9

Delivery
Ditch

P.D.

SALMON
RIVER

16

15

Champion

NATIONAL
FOREST

20

Altuna Lake
Creek

BM 6830

93 Mile
394

A71-02085A
MICROFILMED
MAR 17 1993

Custer County Title, Inc.

BOX 37
Challis, Idaho

orig. to Ray
9-16-66

HOWARD BAXTER, SECTY.
TEL. 879-3562

J. LESSIL SHARP, PRES.
TEL. 879-3151

PRELIMINARY REPORT ONLY

OUR NO. 1318

SHERMAN F. FUREY, Jr.
Attorney at Law
Salmon, Idaho 83467

Dear Attorney Furey:

We are prepared to issue Title Insurance (The Title Insurance Company) in the usual form insuring the title to the land hereinafter described.

Dated as of September 14, 1966, at 5:00 o'clock P.M.

CUSTER COUNTY TITLE, Inc.

By J. Lessil Sharp Title Officer

Vestee: JACK B. FUREY and NANCY J. FUREY, husband and wife, and SHERMAN F. FUREY, Jr. and JOANN FUREY, husband and wife

Description: The following described real estate lying, being and situate in the County of Custer, State of Idaho, to-wit:

TOWNSHIP 9 NORTH, RANGE 14 EAST, BOISE MERIDIAN

Section 32: All of the S $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ lying and being Easterly of the right-of-way for U. S. Highway No. 93;

Section 33: S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$; EXCEPTING a tract of land lying and being in the W $\frac{1}{2}$ SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 33 described as follows to-wit: Commencing at the Southeast corner of the said W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 33; run thence N. 0°02' W. along the East boundary of the said W $\frac{1}{2}$ SE $\frac{1}{4}$ a distance of 503.3 feet to the point of beginning; thence S. 54°02' W. 241.9 feet; thence N. 50°34' W. 572.0 feet; thence N. 62°46' W. 162.0 feet; thence N. 45°04' W. 301.0 feet; thence N. 15°37' W. 171.0 feet; thence N. 48°42' W. 449.0 feet; thence N. 88°48' E. 590.2 feet; thence N. 65°34' E. 884.9 feet to a point on the East boundary of the W $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 33; thence S 0°02' E. along said East boundary of the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 33 a distance of 1352.3 feet to the point of beginning; Also: An access Right-of-way 20.0 feet wide along the South side of said Section 33 to the Southeast corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33; thence N. 0°02' W. along the East side of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33 a distance of 210 feet; thence N. 48°00' W. 250.0 feet; more or less, to the Southerly corner of the tract of land herein described, said latter courses being the Northeasterly boundary of said Right-of-way.

Subject to the usual printed exceptions and:

1. General taxes for the year 1966, and accruing lien not yet due or payable.
2. Mortgage executed November 4, 1964, by JACK B. FUREY and NANCY J. FUREY, husband and wife, and SHERMAN F. FUREY, Jr. and JOANN FUREY, husband and wife, to JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY, a Massachusetts corporation, securing the payment of \$16,800.00 and interest, recorded November 5, 1964, in Book 17 of Mortgages at page 77 under Recorder's reception number 114854, records of Custer County, Idaho.
3. Ditch and water Agreement by and between MORGAN C. WILLIAMS and JEAN MARIE

MICROFILMED
MAR 17 1993

Custer County Title, Inc.

BOX 37

Challis, Idaho

HOWARD BAXTER, SECTY.

TEL. 879-3562

J. LESSIL SHARP, PRES.

TEL. 879-3151

WILLIAMS, husband and wife, parties of the first part, and SHERMAN F. FUREY, Jr. and JoANN FUREY, and JACK B. FUREY and NANCY J. FUREY, parties of the second part, dated September 30, 1958, and recorded November 19, 1958, in Book 5 of Bonds and Agreements at page 308 under Recorder's reception No. 112450, records of Custer County, Idaho.

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MAR 17 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Dec. 21, 1989

JACK B FUREY
P O BOX 280
CHALLIS ID 83226

A71-10110
A71-10108

Re: A71-00036A

A71-02085A
A71-00037
A71-00030
A71-00031
A71-02004C
A71-10107

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

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

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED

MAR 17 1993

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED

OCT 27 1961

Water Right Number - A71-02085A

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

+ - First Name - - - +

+ - - - - Address - - - - +

*** C - CURRENT OWNER ***
RENUMBERED BY AMENDMENT TO A71-10767*** O - ORIGINAL OWNER ***
FUREY

JACK B.

1 -
2 -
3 -
City- X
Phone - 208-000-0000

State- ID Zip- 0

RECINE, JR.

LOUIS F.

1 - P.O. BOX 280
2 -
3 -
City- CHALLIS
Phone - 208-876-4491
1 - P.O. BOX 1391
2 -
3 -
City- POCATELLO
Phone - 208-000-0000

State- ID Zip- 83204

+ - - Priority Date - - +
07/27/1959+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +

+ - - Status - - - +
2 - SEE REMARKS+ - - Source - - - - +
SALMON RIVER
RENUMBERED A71-10767+ - - Tributary - - - - +
SNAKE RIVER+ - - Point of Diversion - - - - +
Twn Rng Sec Tract Lot RFlg County

08N 14E 8 SE NE SE (37) CUSTER

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

01 - IRRIGATION

04/01 11/01

1.160

+ - Total Div. Rate - + + - Total Div. Volume - +
1.160+ - Total Consumptive Use - + + - KW Usage - +
237.5

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
08N	14E	4	NW SW		5.0	01	IRRIGATION	(37) CUSTER
08N	14E	4	SW SW		30.0	01	IRRIGATION	(37) CUSTER
08N	14E	4	SE SW		10.0	01	IRRIGATION	(37) CUSTER
08N	14E	9	NE NW		10.0	01	IRRIGATION	(37) CUSTER
08N	14E	9	NW NW		30.0	01	IRRIGATION	(37) CUSTER
08N	14E	9	SW NW		10.0	01	IRRIGATION	(37) CUSTER

Total Acres: 95.0

MICROFILMED
OCT 27 1994

Remarks

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+-----+
7102085      Old Water Right Numbers +-----+
```

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+-----+ Conditions of Approval -----+
+-----+ No Conditions of Approval found. +
```

Decree Plaintiff	DAN J. CAVANAGH	Decree Defendant	WM. MERRITT, ET AL.	Decree Date	01/16/1940
------------------	-----------------	------------------	---------------------	-------------	------------

+ - - - - Comments - - - - +
+ - - - - No Comments Found - - - - +

Adjudication Rights Dates and Flags Area

Receipt Number	- S010717	Water District	-
POU Ownership Flag	- Y	Federal/State Indicator	- S
Name Connector	- OR	Presumption Flag	- D

MICROFILMED
OCT 27 1964

Water Right Number - R71-02085A

Prefix Translation: RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***
FUREY JACK B
1 - PO BOX 280
2 -
3 -
City- CHALLIS
Phone - 208-876-4491
1 - PO BOX 1391
2 -
3 -
City- POCATELLO
Phone - 208-000-0000
State- ID Zip- 83226

RECINE JR

LOUIS F

State- ID Zip- 83204

Priority Date - 07/27/1959
Region - 17 SOUTHERN
Stage -
Status - Z - SEE REMARKS

Source - SALMON RIVER
Tributary - SNAKE RIVER

Twn Rng Sec Tract Lot Rflg County Point of Diversion
08N 14E 8 SE NE SE (37) CUSTER

Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 1.160
+ - Total Div. Rate - 1.160
+ - Total Div. Volume - 1.160
+ - Total Consumptive Use - 237.5
+ - KW Usage -

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
08N	14E	4	NW SW		5.0	01 IRRIGATION	(37) CUSTER		
08N	14E	4	SW SW		30.0	01 IRRIGATION	(37) CUSTER		
08N	14E	4	SE SW		10.0	01 IRRIGATION	(37) CUSTER		
08N	14E	9	NE NW		10.0	01 IRRIGATION	(37) CUSTER		
08N	14E	9	NW NW		30.0	01 IRRIGATION	(37) CUSTER		
08N	14E	9	SW NW		10.0	01 IRRIGATION	(37) CUSTER		

Total Acres: 95.0

+ - Diversion Means - DITCH.
+ - Non-Irrigation Use - S/200 RANGE
+ - Other Rights for Same Use - A71-00036A, A71-00033, A71-02004C, A71-10107

MICROFILMED
OC

Water right number - R71-02085A

Prefix Translation: RESEARCH

SEE NO. 71-10767.

7102085

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

Decree Plaintiff - - - +
DAN J. CAVANAGH

Decree Defendant - - - +
WM. MERRITT, ET AL.

Decree Date - +
01/16/1940

Date: 03/08/1994 User Id: MERRITT Subject: COPIED FROM REMARKS
THIS IS A PORTION OF THE WR 71-02085.

Comments - - - - -
INSTREAM STOCKWATER USE IS USED FROM THE WATERS DESCRIBED HEREIN

Date: 03/08/1994 User Id: MERRITT Subject: DISALLOWAL
FOR 200 HEAD RANGE CATTLE.
TO DATE NO EVIDENCE FOUND TO SUPPORT THAT PORTION OF RIGHT
TO MOVE AND USE ELSEWHERE. USFS NOW OWNS SUBDIVISION AND
RIGHTS WHICH WERE APPURTENANT.
THE SUBDIV. TO THE USFS HOWEVER SINCE THEY HAVE NOT USED
DUE TO FORFEITURE.
Date: 03/17/1994 User Id: MERRITT Subject: CLAIM AMENDED TO CHANGE BASIS FROM THIS LICENSE
TO THAT OF BENEFICIAL USE. SEE A71-10767 FOR WHAT THE CLAIM HAS BEEN AMENDED.

Audit Fields - - - +
03/17/94 MERRITT

Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	Field Inspection Made	Civil Case Number
Objection Filed Date - 00/00/0000	Field Inspection Flag - 00/00/0000	Old Case Number - 39576
Response Filed Date - 00/00/0000	Verified Date - 00/00/0000	Old Judicial District -
Claim Received Date - 12/19/1989	Last Amended Date - 00/00/0000	Temporary Right - P
	Receipt Number - S010717	Water District -
	POU Ownership Flag - Y	Federal/State Indicator - S
	Name Connector - OR	Presumption Flag - D
		Notice of Error Flag -

MICROFILMED

03/17/94

Evaluation of Portions of Rights
71-00028, 71-00029 & 71-02085

ADM

3/17/94

On 3/15/94 I met with Jack Furey, a former owner of a portion of the Shaw place. He provided me copies of a deed when he sold the portion of the ranch on the west side of the highway (93) 75 to Sawtooth Valley Corporation in 1964 for development of the Sawtooth Valley Acres Subdivision. In the deed the reserved rights of the permit ZF070 which was later numbered 71-02085 were specifically reserved. He also provided a copy of the deed when he sold the remaining portion of the ranch on the east side of the highway to Fred Humphreys et al. In that deed he gave all 71-00028 & 71-00029 to Humphreys and also what appears to be all of 71-02085.

When we met I discussed with him the land on the west side of the highway and he indicated to his knowledge Fisher Creek was never used there and that the Salmon River was used there.

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OCT 27 1994

He indicated that when he initially filed his AJ claims he thought that he had retained the portion of 71-02085 and had filed a claim for use of this water on the Thousand Springs Ranch but after reviewing the Fungy to Humphrey deed he decided to amend the basis of his filing to that of B.U.

It is clear from these documents that the WFS claims to portions of 71-00028, 71-00029 & 71-02085 should be disallowed. Basically since these rights were removed by the deed. The first two also since they were never used there. A71-02085A is being "2"ed and replaced by the B.U. claim A71-10767. Claims by Humphreys for A71-00028 & A71-00029 will be allowed in full.

MICROFILMED

OCT 27 1981

POOR ORIGINAL

FOR VALUE RECEIVED, TWIN FALLS TITLE & TRUST COMPANY, a corporation duly organized and existing under the laws of the State of Idaho, Trustee, Under Subdivision Trust dated June 1, 1962 hereinafter called the grantor, does hereby Grant, Bargain, Sell and Convey unto JOHN J. RUSNARESKY and RIVA M. RUSNARESKY, husband and wife hereinafter called the grantee, the following described real estate, to-wit:

Lot 26 in Block B of SWISS VILLA SUBDIVISION, Custer County, Idaho, according to the plat thereof recorded under Instrument No. 116561, records of said County.

Subject to the restrictive covenants of said subdivision recorded July 3, 1962, in Book 6 of Bonds and Agreements, Page 60, Records of Custer County, Idaho.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Assistant Secretary.

Dated: May 11, 1964

TWIN FALLS TITLE & TRUST COMPANY, Trustee

By Gordon Gray
PRESIDENT.

ATTEST:

No signature affixed
ASSISTANT SECRETARY.

(Seal)

STATE OF IDAHO,)
) ss.
County of Twin Falls,)

On this 11th day of May, 1964, before me, Notary public in and for said State, personally appeared Gordon Gray and R. L. Smith, known to me to be the President and Assistant Secretary of the Corporation that this instrument or the persons who executed executed/the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same as Trustee.

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

(Seal)

Janice Lynn Stover
Notary Public for the State of Idaho,
Residing at Twin Falls, Idaho.

STATE OF IDAHO, County of Custer, ss.

I hereby certify that this instrument was filed for record at the request of Custer County Title, Inc. at 3:00 o'clock P. M., this 5th day of June, 1964, in my office, and duly recorded in Book 35 of Deeds at Page 237

Eva Mann
Ex-Officio Recorder.

By Margaret Beaton
Deputy

Fees \$4.90

513.00 in Revenue Stamps
Attached & Cancelled

No. 142326

WARRANTY DEED

THIS INDENTURE, made this 18th day of March, 1964 between SHERMAN F. FUREY, JR. and JO ANN FUREY, his wife, of Salmon, Idaho, GEORGE SALTER and HELEN SALTER, his wife, and JACK R. FUREY and NANCY J. FUREY, his wife, of Challis, State of Idaho, the parties of the first part and SALTUCHI VALLEY CORPORATION, an Idaho corporation of Challis, County of Custer, State of Idaho, the party of the second part,

ATTESTETH, that the said parties of the first part, for and in consideration of the sum of \$11 and No/100 (\$10.00) Dollars lawful money of the United States of America and other good and valuable consideration, to them in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold, and by these presents, do grant, bargain, sell and convey and confirm unto

MICHA
OCT

POOR ORIGINAL

State, situated in the County of Custer, State of Idaho, to-wit:

That part of the SW-NE-1/4 and that part of the SE-1/4 lying west of U. S. Highway No. 2, and the NW-SE-1/4, all in Section 32, Township 9 North, Range 14 E. Boise Meridian.

SPECIFICALLY RESERVED from the above-described real estate are all water and water rights and ditches and ditch rights described in that certain decree, dated January 16, 1940, entitled Dan J. Savannah, Plaintiff, vs. Wm. Herritt, et. al., defendants; Marjorie L. Shaw, Intervenor, vs. Wm. Herritt, et. al., defendants; and John H. Thompson, et. al., Intervenor, and duly recorded in Book 6 of Judgments, page 150, therein, Official Records of Custer County, Idaho; also those described in that certain State of Idaho Department of Reclamation Permit number 28070, recorded in Book 99 at page 28070 of said Department.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity of the said parties of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together with the appurtenances unto the party of the second part, and to its heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, its heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Sherman J. Furey, Jr. (SEAL)
Jo Ann Furey (SEAL)
Jack B. Furey (SEAL)
Nancy J. Furey (SEAL)
George Santee (SEAL)
Helen Santee (SEAL)

STATE OF IDAHO,)
County of Custer) ss.

On this 18th day of March in the year 1964, before me the undersigned, a Notary Public in and for said State, personally appeared Sherman F. Furey, Jr., Jo Ann Furey, George Santee, Helen Santee, Jack B. Furey, and Nancy J. Furey known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

James R. Bennetts
Notary Public for the State of Idaho,
Residing at Challin, Idaho, therein.
My Commission Expires: 1-2-67

Seal)
STATE OF IDAHO,)
County of Custer) ss.

I hereby certify that this instrument was filed for record at request of Jack B. Furey at 30 minutes past 10:00 o'clock A. M., this 20th day of June, 1964, in my office and duly entered in Book 55 of Deeds at page 237.

es, \$1.30

Eva Mann
Ex-Officio Recorder
By Margaret L. Linder Deputy

MICROFILMED
OCT 2 1964

172209

WARRANTY DEED

For Value Received JACK B. FUREY and NANCY J. FUREY, husband and wife, of Challis, Idaho, and SHERMAN F. FUREY, JR. and JO ANN FUREY, husband and wife, of Salmon, Idaho, the grantors, do hereby grant, bargain, sell and convey unto ERNEST E. DAY and LOIS H. DAY, husband and wife, and FRED C. HUMPHREYS and MARGARET JANE HUMPHREYS, husband and wife, all of Boise, Idaho, the grantees, the following described premises, in Custer County, Idaho, to wit:

POOR ORIGINAL

The S $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32; S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 33; all in Township 9 North, Range 14 E.B.M.; EXCEPTING THEREFROM the following described highway right-of-way: A strip of land 66 feet wide, being 33 feet on each side of the following described center line across the W $\frac{1}{2}$ SE $\frac{1}{4}$ and the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 32 of said Township and Range: Beginning at Station 1300 + 01.7 of the Ketchum-Clayton Highway Survey, which station is approximately 1,320 feet North and 805 feet West, more or less, from the Southeast corner of said Section 32; thence running in a general northerly direction approximately 2,829.4 feet to Station 1328 + 31.1 of said survey, which station is approximately 3,960 feet North and 1,830 feet west, more or less, from the Southeast corner of said Section 32, Township 9 North, Range 14 E.B.M., as shown on the official plats of said Ketchum-Clayton Highway Survey on file in the office of the Department of Public Works of the State of Idaho. Excepting also therefrom that part of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and that part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 9 North, Range 14 East, Boise Meridian; lying and being West of U. S. Highway No. 93.

Also, decreed water rights for 210 inches with date of priority June 19, 1908, and 112.5 inches with date of priority March 22, 1910, all from Fisher Creek as provided in decree in the case of Cavanaugh vs. Merritt et al; also a water right licensed by the Department of Reclamation, State of Idaho, being license No. 28070 for irrigation water from Salmon River, to be conveyed through the Williams-Furey Canal, and together with all of sellers' rights in and to said Williams-Furey Canal.

EXCEPTING THEREFROM, the following tract of land and right-of-way: A tract of land lying and being in the W $\frac{1}{2}$ SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, T. 9 N., R. 14 E., Boise Meridian, more particularly described as follows, to-wit: Commencing

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at the Southeast corner of the said $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, run thence N. $0^{\circ}02'$ W. along the East boundary of the $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33 a distance of 503.3 feet to the point of beginning; thence S. $54^{\circ}02'$ W. 241.9 feet; thence N. $50^{\circ}34'$ W. 572.0 feet; thence N. $62^{\circ}46'$ W. 162.0 feet; thence N. $45^{\circ}04'$ W. 301.0 feet; thence N. $15^{\circ}37'$ W. 171.0 feet; thence N. $48^{\circ}42'$ W. 449.0 feet; thence N. $88^{\circ}48'$ E. 590.2 feet; thence N. $65^{\circ}34'$ E. 884.9 feet to a point on the East boundary of the $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 33; thence S. $0^{\circ}02'$ E. along said East boundary of the $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33 a distance of 1352.3 feet to the point of beginning. Containing 24.342 acres. Also: An access right-of-way 20.0 feet wide along the South side of Section 33 to the Southeast corner of the $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33; thence N. $0^{\circ}02'$ W. along the East side of the $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33 a distance of 210 feet; thence N. $48^{\circ}00'$ W. 250.0 feet, more or less, to the Southerly corner of the tract of land now conveyed.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors 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, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: August 20, 1966

Jack B. Furey
Jack B. Furey

Nancy J. Furey
Nancy J. Furey

Sherman F. Furey, Jr.
Sherman F. Furey, Jr.

Jo Ann Furey
Jo Ann Furey

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POOR ORIGINAL

STATE OF IDAHO)
) ss.
County of Custer)

On this 15th day of October, 1966, before me, a
notary public in and for said State, personally appeared JACK
B. PUREY, NANCY J. PUREY, SHERMAN P. PUREY, JR. and JO ANN PUREY,
known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the
same.

Phoda A. Stevens
Notary Public for Idaho
Residing at Challis, Idaho
My Commission Expires: 4-13-67

STATE OF IDAHO)
COUNTY OF CUSTER) ss.

This instrument was filed for record
at the request of Jack B. Purey
at 3:00 o'clock P.M. September 15, 1966
and duly filed and indexed in the Records of Custer
County.

Phoda A. Stevens
Ex Officio Recorder

By Phoda A. Stevens Deputy

Filed 9/15/66



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BENNETTS
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