IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 47-7263B V1

WATER RIGHT NUMBER: 47-7263B V1

Owner Type	Name and Address
Original Owner	JOHNNIE KUEST PO BOX 110 FILER, ID 83328 (208)326-4084
Current Owner	MERRILY ECKEL PO BOX 6319 KETCHUM, ID 83340 (208)726-1385

Priority Date: 01/20/1984

Basis: License

Status: Active

Source: GROUND WATER

Tributary

Beneficial Use	From	To	Diversion Rate	Annual Volume
HEATING	01/01	12/31	0.140 CFS	10.30 AF
RECREATION	01/01	12/31	0.090 CFS	27.20 AF
DOMESTIC	01/01	12/31	0.080 CFS	1.80 AF
		Total Diversion:	0.310 CFS	39.30 AF

Location of Point(s) of Diversion

GROUND WATER — NW1/4SE1/4SE1/4 — Sec. 32, Twp 08S, Rge 14E, B.M.

TWIN FALLS County

Place of Use

HEATING

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 14E 32																X	
08S 14E 33											X L 7						

RECREATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 14E 32																X	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 47-7263B V1

08S 14E 33			X L 7		

DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S 14E 32																X	
08S 14E 33											X L 7						

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. E51 Use of this right with Right No. 47-7146 is limited to a total combined diversion rate of .31 cfs.
3. HEATING USE IS FOR THREE HOMES AND ONE GREENHOUSE; DOMESTIC USE IS FOR THREE HOMES.
4. THE PLACE OF USE IS TWIN FALLS TAX PARCEL NUMBERS: RP08S14E329050T, RP08S14E329060A, RP08S14E329030T & RP08S14E336030T.

Remarks:

Comments:

1. vhancock 3/24/2005 RECOMMENDATION
Comment: BASED UPON LICENSE ISSUED 1992, FIELD EXAM 1986. ALSO SEE MEMO IN FILE AND COPY OF WATER WELL AGREEMENT IN FILE.

2. vhancock 3/24/2005 POU
Comment: THE THREE PLACES OF USE INCLUDED IN EXPLANATARY REMARK DETERMINED BY REVIEW OF LICENSING FIELD EXAM. THEY ARE RP08S14E329050T, RP08S14E329060A & RP08S14E336030T. THIS RIGHT AND 47-7146 COMBINED ARE FOR USE IN FOUR TOTAL RESIDENCES AND TWO GREENHOUSES.

3. vhancock 3/24/2005 RIGHT
Comment: CLAIM 47-7263B REPRESENTS THE ENTIRE LICENSED RIGHT. TWO OTHER PORTIONS OF THIS RIGHT CLAIMED IN THE SRBA BY OTHER PARTIES HAVE BEEN DISALLOWED.

4. vhancock 3/30/2005 POD
Comment: GPSd BY CONTRACTORY 3/30/2005

Water Supply Bank:

Oct. 26. 2006 9:44AM IDAHO DEPT OF WATER RESOURCES No. 5296 P. 1-

Form 42-241 (7-2007) July, 2000

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

RECEIVED
NOV 13 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
47-7146		—			—
47-7263B		—			—
		—			—
		—			—
		—			—

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

   A. The appropriate **FILING FEE.** See instructions for fee amounts.

   B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION.**

   C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
   PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
   OR
   If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s): JOHNNIE KUEST
   P.O. Box 110 Filer ID 83328

4. New Owner/Claimant(s): Merrily eckel
   Name Connector (Check one): [ ] and, [ ] or, [ ] and/or
   New Mailing Address: P.O. Box 6319
   City, State and ZIP Code: Ketchum ID 83340
   New Telephone Number: ( ) 208 726-1385

5. Date you acquired the property: 10/15/06

Form G-3-[illegible] July, 2000

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number 47-7146

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	.06 CFS	4 AFA 12 acres
Stock		
Domestic	.06 CFS	2.4 AFA
Other Heating	.06 CFS	18 AFA
Total	.12 CFS	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number 47-7263 B

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
~~Stock~~ Recreation	.09 CFS	27.2 AFA
Domestic	.08 CFS	1.8 AFA
Other Heating	.14 CFS	10.3 AFA
Total	.31 CFS	

7. Signature of New Owner(s) or Claimant(s) Merrily [illegible]
(include title if applicable)

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

For Office Use Only
Received by _____ Date _____ Fee _____
Receipted by _____ Date _____ Receipt No. _____
Processed by _____ AJ Date _____ WR _____ Date _____

"EXHIBIT A"

Township 8 South, Range 14 East of Boise Meridian, Twin Falls County, Idaho

Section 32: The Southeast Quarter of the Southeast Quarter

EXCEPTING the following described parcel

Commencing at the Southeast corner of said Section 32;
Thence North 0°03' West along the East line of said Section 32 a distance of 834.00 feet to the TRUE POINT OF BEGINNING;
Thence North 89°03' West 1318.29 feet to a point on the West line of said SE¼SE¼;
Thence North 0°17' West along the West line of said SE¼SE¼ a distance of 466.80 feet to the Northwest corner of said SE¼SE¼;
Thence South 89°54' East along the North line of said SE¼SE¼ a distance of 1320.00 feet to a point on the East line of said SE¼SE¼;
Thence South 0°03' East along the East line of said SE¼SE¼ a distance of 487.50 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING

Township 8 South, Range 14 East of Boise Meridian, Twin Falls County, Idaho

Section 32: That part of the SE¼SE¼ described as follows:

Commencing at the Southeast corner of said Section 32;
Thence North 89°31'46" West 793.76 feet;
Thence North 00°03'00" West 840.08 feet;
Thence South 89°03'00" East 793.85 feet;
Thence South 00°03'00" East 833.44 feet to the TRUE POINT OF BEGINNING.

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, is made by Dela Doramus, personal representative of the estate of Johnnie Kuest, deceased, Grantor, to Merrily Eckel, an unmarried person, Grantee, whose address is 4785 B River Road, Buhl, ID 83316.

WHEREAS, Grantor is the qualified personal representative of said estate, filed as Probate Number CV 2006 1718, in Twin Falls County Magistrate Court, Idaho;

THEREFORE, for valuable consideration , Grantor sells and conveys to Grantee all right, title and interest of decedent in the following described real property in Twin Falls County, Idaho:

See Attached "Exhibit A"

with all appurtenances, subject to all easements, rights of way, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by the above parties.

EXECUTED this _____ day of _____ 2006.

_____
Dela Doramus
Personal Representative of the Estate of Johnnie Kuest, deceased

ACCEPTED AND APPROVED
BY: _____

RE-11 ADDENDUM JULY, 2006 EDITION PAGE 1 OF 1

REALTOR®

RE-11 ADDENDUM # 1 (1,2,3, etc.)

Date: 09/14/06

THIS IS A LEGALLY BINDING CONTRACT. READ THE ENTIRE DOCUMENT INCLUDING ANY ATTACHMENTS. IF YOU HAVE ANY QUESTIONS, CONSULT YOUR ATTORNEY AND/OR ACCOUNTANT BEFORE SIGNING.

This is an **ADDENDUM** to the Purchase and Sale Agreement.
("Addendum" means that the information below is added material for the agreement {such as lists or descriptions} and/or means the form is being used to change, correct or revise the agreement {such as modification, addition or deletion of a term}).

PURCHASE AND SALE AGREEMENT DATED: 09/14/06 ID # 18391346

ADDRESS: 4785 B. River Road, Buhl, ID 83316

BUYER(S): Merrily Eckle

SELLER(S): Johnny Kuest Estate

The undersigned parties hereby agree as follows:

1. COMPLETE LEGAL DESCRIPTION, INCLUDING SURVEY, OF HOME, 2 GREENHOUSES, TOGETHER WITH APPROXIMATELY 10 1/2 ACRES SHALL BE CONFIRMED BY TITLE COMPANY AND ATTACHED AS EXHIBIT A.

2. SALE CONTINGENT ON THE SUBSTANTIATION TO BUYERS SATISFACTION OF SUFFICIANT WATER RIGHTS FOR DOMESTIC GEOTHERMAL WATER, AS WELL AS IRRIGATION OF GROUNDS AND GREENHOUSES. VIABLE ACCESS EASEMENT SHALL BE ESTABLISHED TO THE GEOTHERMAL WELL.

3. SALE CONTINGENT ON RESOLUTION, TO BUYERS SATISFACTION, OF THE PURCHASE DISPUTE BETWEEN KUEST AND SHEPHARD { CONCERNING THE 3RD GREENHOUSE AND TWO ACRES}.

4. SALE CONTINGENT ON REMOVAL OF ACCESS EASEMENT FOR SHEPHARD TO USE PROPERTY DRIVEWAY.

5. SELLER SHALL BE RESPONSIBLE FOR ALL FEES CONCERNING ITEMS IN PARAGRAPHS 1,2 & 3 OF THIS ADDENDUM.

6. BUYERS EARNEST MONEY SHALL BE FULLY REFUNDABLE IF ALL CONTINGENCIES ARE NOT SATISFIED WITHIN 30 DAYS OF FINAL ACCEPTANCE.

To the extent the terms of this ADDENDUM modify or conflict with any provisions of the Purchase and Sale Agreement including all prior Addendums or Counter Offers, these terms shall control. **All other terms of the Purchase and Sale Agreement including all prior Addendums or Counter Offers not modified by this ADDENDUM shall remain the same.** Upon its execution by both parties, this agreement is made an integral part of the aforementioned Agreement.

BUYER: [signature] Date: 9/18/06

BUYER: _____ Date: _____

SELLER: _____ Date: _____

SELLER: _____ Date: _____

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Printed Using Professional Computer Forms Co. On-Line Forms Software 08/06

REALTOR®

RE-21 REAL ESTATE PURCHASE AND SALE AGREEMENT

EQUAL HOUSING OPPORTUNITY

THIS IS A LEGALLY BINDING CONTRACT. READ THE ENTIRE DOCUMENT INCLUDING ANY ATTACHMENTS. IF YOU HAVE ANY QUESTIONS, CONSULT YOUR ATTORNEY AND/OR ACCOUNTANT BEFORE SIGNING.

ID# 18391346 DATE 09/14/2006

LISTING AGENCY Canyonside Realty Office Phone # 735-0590 Fax # 735-0548

Listing Agent Wanda Foster E-Mail wanda@canyonsiderealty.com Phone # 731-4352

SELLING AGENCY Canyonside Realty, Inc Office Phone # (208) 735-0590 Fax # (208) 735-0548

Selling Agent Wanda Foster/KevinOrdway E-Mail kevin@canyonsiderealty.com Phone # 293-2913

1. BUYER: Merrily Eckle and/or assigns (Hereinafter called "BUYER") agrees to purchase, and the undersigned SELLER agrees to sell the following described real estate hereinafter referred to as "PREMISES"
COMMONLY KNOWN AS 4785 B. River Road City Buhl
Twin Falls County, ID, Zip 83316 legally described as: (approximately 10 1/2 acres)
see addendum
OR Legal Description Attached as addendum # 1 (Addendum must accompany original offer.)

2. $475,000.00 PURCHASE PRICE: Four Hundred Seventy-Five Thousand and Zero/100 DOLLARS, payable upon the following TERMS AND CONDITIONS (not including closing costs) :

3. FINANCIAL TERMS: Note: A+C+D+E must add up to total purchase price.

$ 20,000.00 (A). EARNEST MONEY: BUYER hereby deposits Twenty Thousand and Zero/100 DOLLARS as Earnest Money evidenced by: ☐ cash ☒ personal check ☐ cashier's check ☐ note (due date): na ☐ other na and a receipt is hereby acknowledged. Earnest Money to be deposited in trust account ☐ upon receipt, or ☒ upon acceptance by all parties and shall be held by: ☒ Listing Broker ☐ Selling Broker ☐ other na for the benefit of the parties hereto. The responsible Broker shall be Bonny Ross.

(B). ALL CASH OFFER: ☐ NO ☒ YES If this is an all cash offer do not complete lines 32 through 61, fill blanks with "0" (ZERO.) IF CASH OFFER, BUYER'S OBLIGATION TO CLOSE SHALL NOT BE SUBJECT TO ANY FINANCIAL CONTINGENCY. BUYER agrees to provide SELLER within _____ business days from the date of acceptance of this agreement by all parties, evidence of sufficient funds and/or proceeds necessary to close transaction. Acceptable documentation includes, but is not limited to, a copy of a recent bank or financial statement or contract(s) for the sale of BUYER'S current residence or other property to be sold.

$ 0.00 (C). NEW LOAN PROCEEDS: This Agreement is contingent upon BUYER obtaining the following financing:
☐ FIRST LOAN of $_____ not including mortgage insurance, through ☐ FHA, ☐ VA, ☐ CONVENTIONAL, ☐ IHFA, ☐ RURAL DEVELOPMENT, ☐ OTHER_____ with interest not to exceed _____ % for a period of _____ year(s) at: ☐ Fixed Rate ☐ Other _____ BUYER shall pay no more than _____ point(s) plus origination fee if any. SELLER shall pay no more than _____ point(s). Any reduction in points shall first accrue to the benefit of the ☐ BUYER ☐ SELLER ☐ Divided Equally ☐ N/A.

☐ SECOND LOAN of $_____ with interest not to exceed _____ % for a period of _____ year(s) at: ☐ Fixed Rate ☐ Other _____ BUYER shall pay no more than _____ point(s) plus origination fee if any. SELLER shall pay no more than _____ point(s). Any reduction in points shall first accrue to the benefit of the ☐ BUYER ☐ SELLER ☐ Divided Equally ☐ N/A.

LOAN APPLICATION: BUYER ☐ has applied ☐ shall apply for such loan(s) within _____ business day(s) of SELLER'S acceptance. Within _____ business days of final acceptance of all parties, BUYER agrees to furnish SELLER with a **written confirmation showing lender approval of credit report, income verification, debt ratios in a manner acceptable to the SELLER(S) and subject only to satisfactory appraisal and final lender underwriting.** If such written confirmation is not received by SELLER(S) within the strict time allotted, SELLER(S) may at their option cancel this agreement by notifying BUYER(S) in writing of such cancellation within _____ business day(s) after written confirmation was required. If SELLER does not cancel within the strict time period specified as set forth herein, SELLER shall be deemed to have accepted such written confirmation of lender approval and shall be deemed to have elected to proceed with the transaction. SELLER'S approval shall not be unreasonably withheld. **If an appraisal is required by lender, the property must appraise at not less than purchase price** or BUYER'S Earnest Money may be returned at BUYER'S request. *BUYER may also apply for a loan with different conditions and costs and close transaction provided all other terms and conditions of this Agreement are fulfilled, and the new loan does not increase the costs or requirements to the SELLER*

FHA / VA: If applicable, it is expressly agreed that notwithstanding any other provisions of this contract, BUYER shall not be obligated to complete the purchase of the property described herein or to incur any penalty or forfeiture of Earnest Money deposits or otherwise unless BUYER has been given in accordance with HUD/FHA or VA requirements a written statement by the Federal Housing Commissioner, Veterans Administration or a Direct Endorsement lender setting forth the appraised value of the property of not less than the sales price as stated in the contract. SELLER agrees to pay fees required by FHA or VA.

$ _____ (D). ADDITIONAL FINANCIAL TERMS:
☒ Additional financial terms are specified under the heading "OTHER TERMS AND/OR CONDITIONS" (Section 4).
☐ Additional financial terms are contained in a **FINANCING ADDENDUM** of same date, attached hereto, signed by both parties.

@ 455,000.000 **Line E below is the total of the Purchase Price minus Lines A, C, and D. Only use numbers in these lines.**

$ 455,000.00 (E). APPROXIMATE FUNDS DUE FROM BUYERS AT CLOSING *(Not including closing costs)*: Cash at closing to be paid by BUYER at closing in GOOD FUNDS, includes: **cash, electronic transfer funds, certified check or cashier's check.** NOTE: *If any of above loans being Assumed or taken "subject to", any net differences between the approximate balances and the actual balance of said loan(s) shall be adjusted at closing of escrow in:* ☒ Cash ☐ Other: _____.

BUYER'S Initials (MW X _____) Date 9/14/06 SELLER'S Initials (_____)(_____) Date _____

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First American Title Company
260 Third Avenue North, Twin Falls, ID 83303
(208)734-2905- Fax (208)734-2945

2006 025938

FAX TRANSMITTAL

DATE: **11/28/2006 09:34:43 AM** FILE NO.: **184574-TF**

From ~~TO~~: **Carrie** FAX: **1(208)736-3037**
Attn:

TO ~~FROM~~: **Karen Gudgell**

Karen, I need something that has been signed.
Carrie

Special Instructions/Comments: **Re: 184574**

Hope this is the deed that you were looking for.

CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt for disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address.

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Should any of these papers require an **ORIGINAL SIGNATURE** and your fax machine produces the facsimile on thermal paper, please **PHOTOCOPY** then sign the photocopy.
We will "not" accept an Original Signature on THERMAL fax paper.
Thank you for your cooperation in this matter.

IF TRANSMISSION OF ALL PAGES IS NOT COMPLETE OR IF AN ORIGINAL IS NEEDED, PLEASE CONTACT THE SENDER.

184574

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, is made by Dela Doramus, personal representative of the estates of Johnnie Kuest, deceased, and Bessie Kuest, aka Elsie Kuest, deceased, Grantor, to Merrily Eckel, an unmarried person, Grantee, whose address is 4785 B River Road, Buhl, ID 83316.

WHEREAS, Grantor is the qualified personal representative of said consolidated estates, filed as Probate Number CV 2006 1718, in Magistrate Court, Twin Falls County, Idaho;

THEREFORE, for valuable consideration , Grantor sells and conveys to Grantee all right, title and interest of said decedents in the following described real property in Twin Falls County, Idaho:

See Attached "Exhibit A"

TWIN FALLS COUNTY
RECORDED FOR:
FIRST AMERICAN TITLE CO
4:35:54 pm 10-13-2006
2006-025928
NO. PAGES: 3 FEE: $9.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: CDUNBAR

with all appurtenances.

EXECUTED this 13th day of October 2006.

Dela Doramus pr

Dela Doramus, personal representative of the consolidated estates of Johnnie Kuest and Bessie Kuest, aka Elsie Kuest, both deceased

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

On this 13th day of October, 2006, before me, the undersigned, a Notary Public in and for said County, personally appeared Dela Doramus, known to me or identified to me to be the person whose name is subscribed to the within instrument as the personal representative of the consolidated estates of Johnnie Kuest and Bessie Kuest, aka Elsie Kuest, both deceased, and acknowledged to me that she executed the same as such personal representative.

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

NOTARY PUBLIC for Idaho
Residing in Twin Falls
Commission Expires: 9-27-11

JOHN A. DOERR
NOTARY PUBLIC
STATE OF IDAHO

"EXHIBIT A"

Township 8 South, Range 14 East of Boise Meridian, Twin Falls County, Idaho

Section 32: The Southeast Quarter of the Southeast Quarter

EXCEPTING the following described parcel

Commencing at the Southeast corner of said Section 32;
Thence North 0°03' West along the East line of said Section 32 a distance of 834.00 feet to the TRUE POINT OF BEGINNING;
Thence North 89°03' West 1318.29 feet to a point on the West line of said SE¼SE¼;
Thence North 0°17' West along the West line of said SE¼SE¼ a distance of 466.80 feet to the Northwest corner of said SE¼SE¼;
Thence South 89°54' East along the North line of said SE¼SE¼ a distance of 1320.00 feet to a point on the East line of said SE¼SE¼;
Thence South 0°03' East along the East line of said SE¼SE¼ a distance of 487.50 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING

Township 8 South, Range 14 East of Boise Meridian, Twin Falls County, Idaho

Section 32: That part of the SE¼SE¼ described as follows:

Commencing at the Southeast corner of said Section 32;
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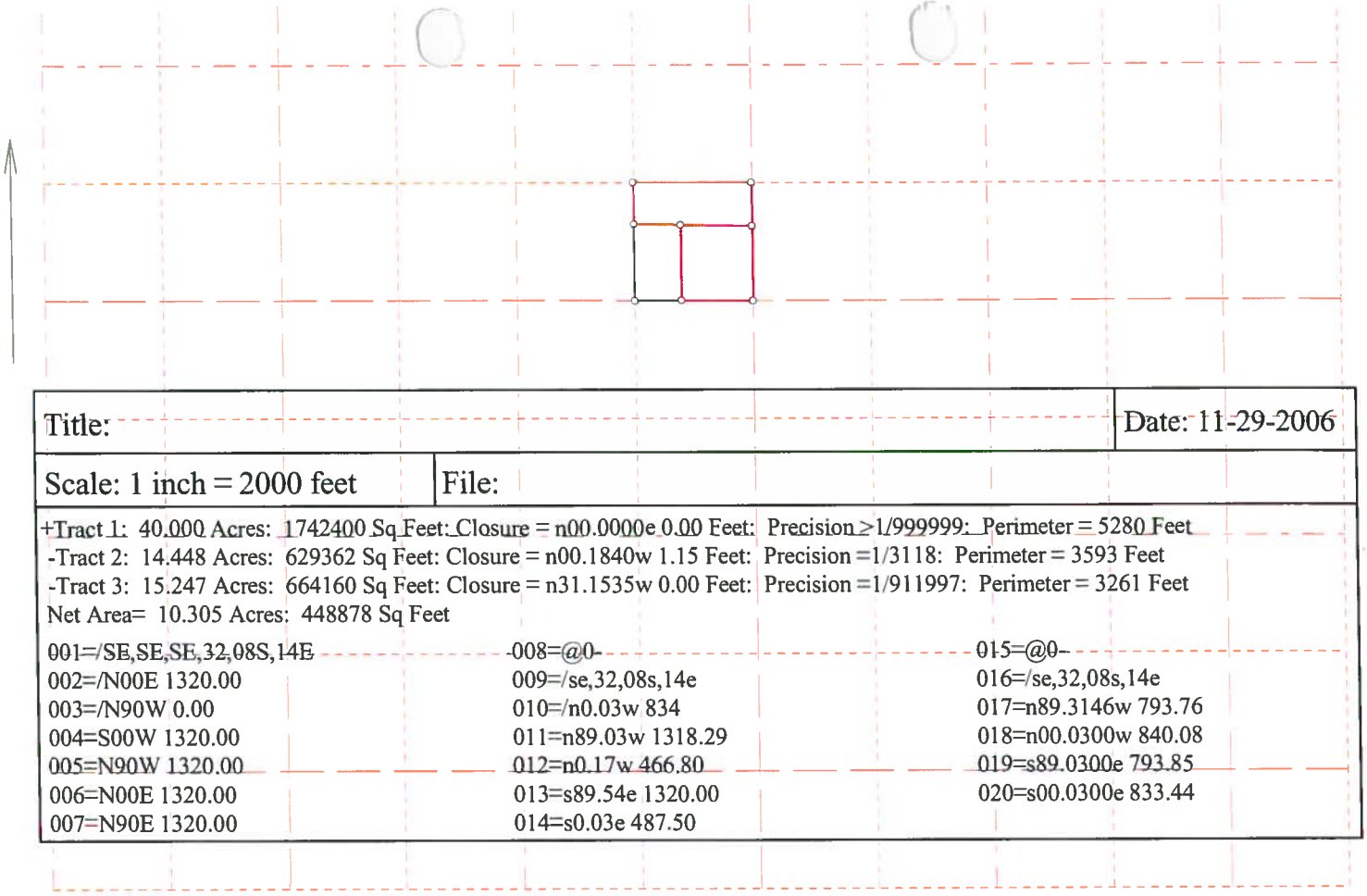
Thence North 00°03'00" West 840.08 feet;
Thence South 89°03'00" East 793.85 feet;
Thence South 00°03'00" East 833.44 feet to the TRUE POINT OF BEGINNING.



Title:	Date: 11-29-2006
Scale: 1 inch = 2000 feet	File:

+Tract 1: 40.000 Acres: 1742400 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 5280 Feet
-Tract 2: 14.448 Acres: 629362 Sq Feet: Closure = n00.1840w 1.15 Feet: Precision =1/3118: Perimeter = 3593 Feet
-Tract 3: 15.247 Acres: 664160 Sq Feet: Closure = n31.1535w 0.00 Feet: Precision =1/911997: Perimeter = 3261 Feet
Net Area= 10.305 Acres: 448878 Sq Feet

001=/SE,SE,SE,32,08S,14E
002=/N00E 1320.00
003=/N90W 0.00
004=S00W 1320.00
005=N90W 1320.00
006=N00E 1320.00
007=N90E 1320.00
008=@0-
009=/se,32,08s,14e
010=/n0.03w 834
011=n89.03w 1318.29
012=n0.17w 466.80
013=s89.54e 1320.00
014=s0.03e 487.50
015=@0-
016=/se,32,08s,14e
017=n89.3146w 793.76
018=n00.0300w 840.08
019=s89.0300e 793.85
020=s00.0300e 833.44

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

JAMES E. RISCH
Governor

KARL J. DREHER
Director

November 29, 2006

MERRILY ECKEL
PO BOX 6319
KETCHUM ID 83340

Re: 47-7146, 47-7263B

Dear Ms. Eckel,

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

Sincerely,

Carrie Hahn
Office Specialist

Enc.

Title:	Date: 11-29-2006
Scale: 1 inch = 2000 feet	File:

Tract 1: 2.126 Acres: 92610 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 1217 Feet

001=/sw,33,08s,14e
002=/n0.03w 698
003=n89.57e 308.70
004=n0.03w 300
005=s89.57w 308.70
006=s0.03e 300

tim Kai Lou

Deed
returned
Attached well
producing hot water
well approved 8/25/77
with Berthoud

SCANNED
MAR 16 2012

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: A47-07263B
Date Received: 12/08/1988
Receipt No: S004341
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: JOHNNIE KUEST 208-326-4084
   Address: P.O BOX 110
   FILER, ID 83328

2. Date of Priority: MAY 01, 1974

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
08S	14E	32	SW SE SE		TWIN FALLS

5. Description of diverting works:
   WELL AND PUMP; ARTESIAN FLOW.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
HEATING	01/01	12/31	0.120		
RECREATION	01/01	12/31	0.880		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   D/1 HOUSE G/ & R/ GREENHOUSE, POOL, HOUSE.

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08S	14E	32	SE SE		DOMEST	

MICROFILMED
MAR 11 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
08S	14E	32	SE	SE		HEAT	
			SE	SE		REC	

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:
THIS WELL IS SHARED BY SEVERAL WATER USERS. PORTION OF THE WR #47-07263 FOR 1.0 CFS. THIS CLAIMANT SOLD OFF PORTIONS TO THE OTHER WATER USERS EQUAL TO 20 GPM. THE REMAINDER OF THE WR HAS BEEN RETAINED BY CLAIMANT.

15. Basis of Claim: PERMIT

MICROFILMED
MAR 11 1993

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: 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): Johnnie Kuest Date: 12/8/88

Date:

State of Idaho)
) SS.
County of Twin Falls)

Subscribed and sworn (or affirmed) before me this 8th day of December 19 88

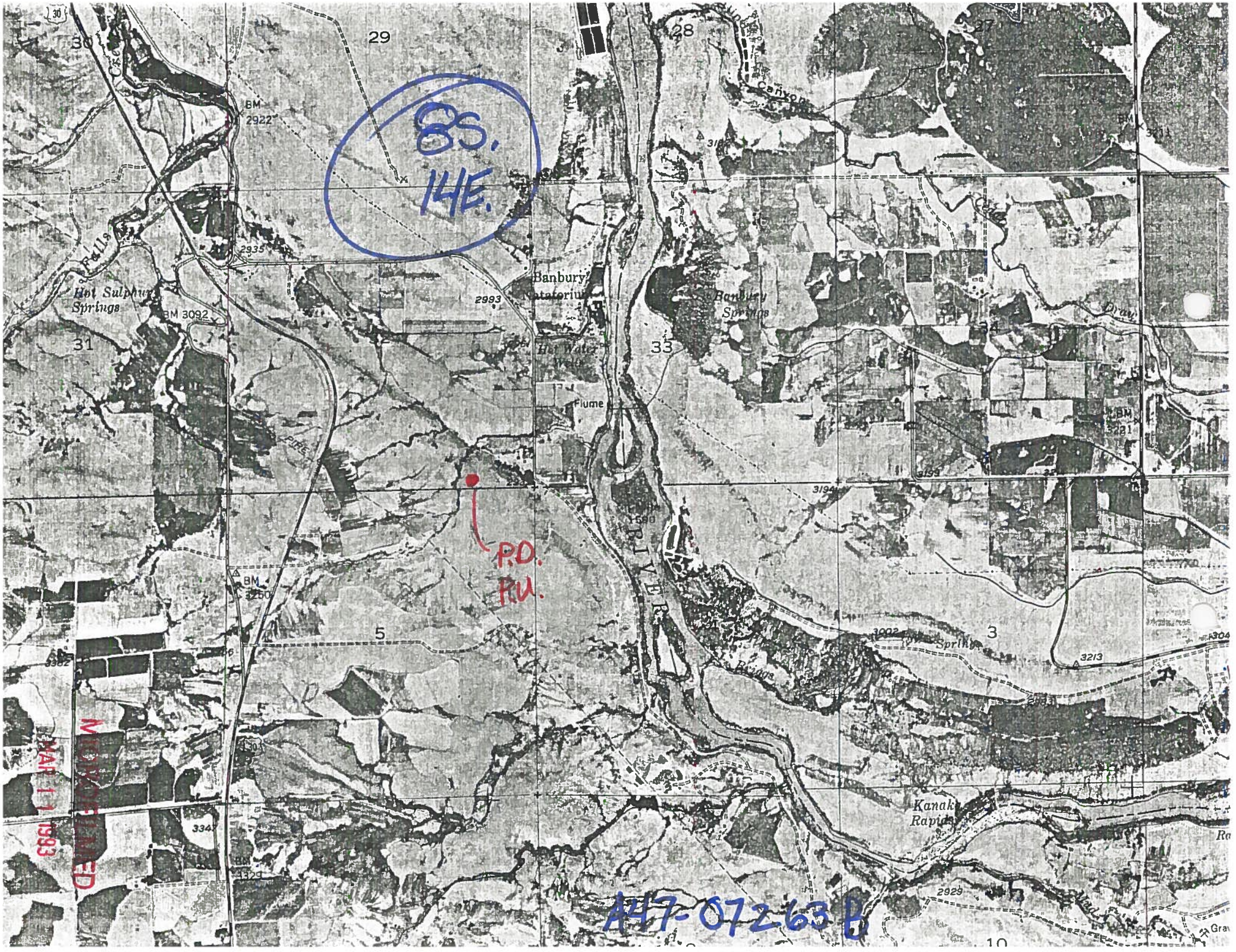
Steve Callen
Notary Public

Seal

Residing at Twin Falls

My Commission Expires Nov 1994

MICROFILMED
MAR 11 1993



8S.
14E.
P.D.
P.U.
Banbury Natatorium
Hot Sulphur Springs
Banbury Springs
Hot Water Wells
Flume
Kanaka Rapids
Canyon
Falls
Spring
Briggs
RIVER
29
28
30
31
33
5
3
BM 2922
BM 3092
BM 3250
BM 3221
2935
2993
3194
3002
3213
2929
3347
MICROFILMED
MAR 11 1993
A47-07263 B

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Georgia Satterlee

DATE	CUSTOMER
December 15, 1998 9:57am	**Rex Hiatt**

SUBJECT: A47-07263A,-07263B

phone call (.) walk-in (x)

He is concerned about not getting his hot water for heat, (the well is on Kuest's property per A47-07263B {licensed right 47-07263}). He came in the office (I ran profile reports for him). He asked, "What was the department going to do about him not getting his water and when will flow meters be required?" I said IDWR has recognized the right(s) with the claims that have been filed, requirements for measuring water in Basin 47 is down the road and, at this point, it sounds like the problem may be a civil dispute.

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent *TARA BACKLUND*

DATE *CUSTOMER*
August 17, 1995 12:12pm ***KENNAWETH***

SUBJECT: *A47-07263B*
phone call (X) walk-in (.)

HE CALLED TODAY TO CHECK UP ON THE CLAIM. I TALKED TO STEVE, AND

HE SAID THAT IT WA UP TO HIM TO DECIDE IF THE CLAIM WAS TO BE HIS

OR NOT. I TOLD HIM IF HE COULD TALK TO MR. KUEST TO SEE IF THIS CLAIM WAS THE PART HE SOLD, THAT IT WOULD ANSWER THE QUESTION. MR. KENNAWETH ASKED WHAT COULD BE GIVEN AS PROOF. I TOLD HIM A LETTER FROM MR. KUEST WOULD BE FINE. HE SAID HE WOULD TALK TO MR. KUEST

NOV 2 8 1996

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent TARA BACKLUND

DATE CUSTOMER
August 16, 1995 2:56pm **BRYAN KENNAWETH**

SUBJECT: A47-07263B

phone call (.) walk-in (X)

MR. KENNAWETH CAME IN TO LOOK UP IF THERE WERE HOT WATER RIGHTS UNDER THE NAME OF ROBERT BARNES IN T8S, R14E, SEC 32. I FOUND NOTHING UNDER THAT NAME. KENNAWETH THOUGHT IT BARNES GOT IT FROM KEN JONES. I DID ANOTHER QUERY, AND STILL FOUND NOTHING. I DID FIND THE NAME OF JOHNIE KUEST THAT KENNAWETH HAD PURCHASED PROPERTY FROM THAT WAS ADJOINING. IT LOOKED LIKE KUEST HAS A LICENSED RIGHT FOR THE PROPERTY IN QUESTION. I SAID HE MAY WANT TO GO THE COURTHOUSE AND CHECK WARRANTY DEEDS TO SEE IF BARNES HAD ANY CONNECTION TO KUEST. HE CAME BACK WITH A WARRANTY DEED GOING FROM KUEST TO BARNES. I TOLD HIM I WOULD TAKE IT TO STEVE AND LET HIM HANDLE THE CLAIM

NOV 2 8 1996

RECEIVED
AUG 16 1995
Department of Water Resources
Southern Region

TITLEFACT, Inc.

1994011506

TitleFact, Inc.
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

***** *SPACE ABOVE FOR RECORDER* *****
35462fc

WARRANTY DEED

FOR VALUE RECEIVED **JOHNIE KUEST aka JOHNNIE KUEST AND ELSIE KUEST, husband and wife,** hereinafter called the grantor, hereby grants, bargains, sells and conveys unto **ROBERT J. BARNES AND LOUISE A. BARNES, husband and wife,** hereinafter called grantee, whose address is: **4791 River Road, Buhl, ID 83316** the following described premises, in Twin Falls County, Idaho, to-wit:

Township 8 South, Range 14 East, Boise Meridian, Twin Falls County, Idaho
Section 32: A parcel of ground located in the SE¼SE¼, more particularly described as follows:
COMMENCING at the Southeast corner of said Section 32;
THENCE North 00°03' West along the East line of said Section 32, a distance of 519.00 feet to the TRUE POINT OF BEGINNING;
THENCE North 89°03' West, a distance of 241 feet;
THENCE North 00°03' West, a distance of 271 feet;
THENCE South 89°03' East a distance of 241 feet to a point on the East line of said Section 32;
THENCE South 00°03' East a distanc ... ection 32 to the TRUE POINT OF BEGINN

SUBJECT TO: Twin Falls County H

TOGETHER WITH: 1/50 shares of B

Tara — 837-4896 8/16/95
4532
Mr. Bryan Kennaweth
NOV 28 1996
will call you to see if these documents are enough to do a chg. of ownership.
MB

TO HAVE AND TO HOLD the said prem ... d Grantee and the Grantee's heirs and assigns foreve ... ant to and with the said Grantee, that the Grantor is t ... at are free from all encumbrances except as describe ... defend the same from all lawful claims whatsoever.

Dated: June 23, 1994

Johnnie Kuest
JOHNIE KUEST aka JOHNNIE KUEST

Elsie Kuest
ELSIE KUEST

WARRANTY DEED

For Value Received

JOHNNIE KUEST and ELSIE KUEST, husband and wife

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

KENNETH D. JONES and [illegible] E. JONES, husband and wife

whose address is [illegible]

Hereinafter called the grantee, the following described premises, to Twin Falls County, Idaho, to-wit:

A parcel of ground located in the [illegible] of Section 32, Township 8 South, Range 14 East, B.M., Twin Falls County, Idaho, described as follows, to-wit:

COMMENCING at the Southeast corner of said Section 32;
THENCE North 0°03' West along the East line of said Section 32, a distance of 219.00 feet to the TRUE POINT OF BEGINNING;
THENCE North 89°03' West, a distance of 241 feet;
THENCE North 0°03' West, a distance of 271 feet;
THENCE South 89°03' East a distance of 241 feet to a point on the East line of said Section 32;
THENCE South 0°03' East, a distance of 271 feet along the East line of said Section 32 to the TRUE POINT OF BEGINNING.

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 said 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 described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated [illegible] 1982

Johnnie Kuest — Elsie Kuest

STATE OF IDAHO, COUNTY OF [illegible]
On this 6th day of Aug 1982 before me, a notary public in and for said State, personally appeared [illegible]

NOTARY PUBLIC
DONELL GARCIA
STATE OF IDAHO

[illegible]

STATE OF IDAHO, COUNTY OF TWIN FALLS
I hereby certify that this instrument was filed for record at the request of TITLEFACT, INC.
at [illegible] minutes past [illegible] o'clock [illegible]
AUG 6 1982 [illegible]
[illegible]

RICHARD A. FENCE
Twin Falls Co. Recorder

[illegible]

Twin Falls Life

Grantee above

RECEIVED
AUG 16 1995
Department of Water Resources

NOV 28 1996

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 47-7263B V1

WATER RIGHT NUMBER: 47-7263B V1

Owner Type	Name and Address
Original Owner	JOHNNIE KUEST PO BOX 110 FILER, ID 83328 (208)326-4084
Current Owner	MERRILY ECKEL PO BOX 6319 KETCHUM, ID 83340 (208)726-1385

Priority Date: 01/20/1984

Basis: License

Status: Active

Source: GROUND WATER

Tributary

Beneficial Use	From	To	Diversion Rate	Annual Volume
HEATING	01/01	12/31	0.140 CFS	10.30 AF
RECREATION	01/01	12/31	0.090 CFS	27.20 AF
DOMESTIC	01/01	12/31	0.080 CFS	1.80 AF
		Total Diversion:	0.310 CFS	39.30 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4SE1/4SE1/4 Sec. 32, Twp 08S, Rge 14E, B.M.

TWIN FALLS County

Place of Use

HEATING

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 14E 32																X	
08S 14E 33												X L 7					

RECREATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 14E 32																X	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 47-7263B V1

08S 14E 33												X								
												L 7								

DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 14E 32																X	
08S 14E 33												X L 7					

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. E51 Use of this right with Right No. 47-7146 is limited to a total combined diversion rate of .31 cfs.
3. HEATING USE IS FOR THREE HOMES AND ONE GREENHOUSE; DOMESTIC USE IS FOR THREE HOMES.
4. THE PLACE OF USE IS TWIN FALLS TAX PARCEL NUMBERS: RP08S14E329050T, RP08S14E329060A, RP08S14E329030T & RP08S14E336030T.

Remarks:

Comments:

1. vhancock 3/24/2005 RECOMMENDATION
Comment: BASED UPON LICENSE ISSUED 1992, FIELD EXAM 1986. ALSO SEE MEMO IN FILE AND COPY OF WATER WELL AGREEMENT IN FILE.

2. vhancock 3/24/2005 POU
Comment: THE THREE PLACES OF USE INCLUDED IN EXPLANATARY REMARK DETERMINED BY REVIEW OF LICENSING FIELD EXAM. THEY ARE RP08S14E329050T, RP08S14E329060A & RP08S14E336030T. THIS RIGHT AND 47-7146 COMBINED ARE FOR USE IN FOUR TOTAL RESIDENCES AND TWO GREENHOUSES.

3. vhancock 3/24/2005 RIGHT
Comment: CLAIM 47-7263B REPRESENTS THE ENTIRE LICENSED RIGHT. TWO OTHER PORTIONS OF THIS RIGHT CLAIMED IN THE SRBA BY OTHER PARTIES HAVE BEEN DISALLOWED.

4. vhancock 3/30/2005 POD
Comment: GPSd BY CONTRACTORY 3/30/2005

5. jroberts 5/5/2010 ownership of right
Comment: IDWR attorneys have concluded that this entire right belongs to the well owner and the well agreements signed by other users provide a contractural agreement for USE of the water but not a part of the right. Transfers or ownership changes should not be processed to split this right unless the owner quitclaims a part of the right to them.

Water Supply Bank:

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

November 7, 2008

Julene Hiatt
19950 US HWY 30
BUHL ID 83316

Re: Water rights on your property in Hagerman, parcel RP08S14E329060

Dear Ms. Hiatt,

After you left my office earlier this afternoon, I did a little more research and noticed that there is a second water right, 47-7146, which is also appurtenant to your property and diverts from the same shared well. I have enclosed a copy of this right and a copy of the well agreement with the Robertson's, the previous owners of the property. While neither 47-7263B nor 47-7146 is in your name, the place of use includes your property.

These rights have not yet been decreed so they are protected from forfeiture at this time. Once a decree has been issued, and a right is not used for five years from the decreed date, forfeiture can occur.

Please give me a call if you have any questions.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

03/30/2005

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 47-7263B

NAME AND ADDRESS: JOHNNIE KUEST
PO BOX 110
FILER ID 83328

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.310 CFS
39.300 AFY

Use of this right with Right No. 47-7146 is limited to a total combined diversion rate of .31 cfs.

PRIORITY DATE: 01/20/1984

POINT OF DIVERSION:

T08S R14E S32 NWSESE Within TWIN FALLS County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
HEATING	01/01 12/31	0.140 CFS 10.30 AFY
RECREATION	01/01 12/31	0.090 CFS 27.20 AFY
DOMESTIC	01/01 12/31	0.080 CFS 1.80 AFY

PLACE OF USE:

HEATING Within TWIN FALLS County

T08S R14E S32 SESE T08S R14E S33 Lot 7 SWSW

RECREATION Within TWIN FALLS County

T08S R14E S32 SESE T08S R14E S33 Lot 7 SWSW

DOMESTIC Within TWIN FALLS County

T08S R14E S32 SESE T08S R14E S33 Lot 7 SWSW

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.

EXPLANATORY MATERIAL: License

THE PLACE OF USE IS TWIN FALLS TAX PARCEL NUMBERS: RP08S14E329050T, RP08S14E329060A, RP08S14E329030T & RP08S14E336030T.

HEATING USE IS FOR THREE HOMES AND ONE GREENHOUSE; DOMESTIC USE IS FOR THREE HOMES.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 47-7263B V1

WATER RIGHT NUMBER: 47-7263B V1

Owner Type	Name and Address
Current Owner	JOHNNIE KUEST PO BOX 110 FILER, ID 83328 (208)326-4084

Priority Date: 01/20/1984

Basis: License

Status: Active

Source: GROUND WATER

Tributary:

Beneficial Use	From	To	Diversion Rate	Annual Volume
HEATING	01/01	12/31	0.140 CFS	10.30 AF
RECREATION	01/01	12/31	0.090 CFS	27.20 AF
DOMESTIC	01/01	12/31	0.080 CFS	1.80 AF
		Total Diversion:	0.310 CFS	39.30 AF

Location of Point(s) of Diversion

GROUND WATER — SE1/4SE1/4 — Sec. 32, Twp 08S, Rge 14E, B.M.

TWIN FALLS County

Place of Use

HEATING

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 14E 32																X	
08S 14E 33											X L7						

RECREATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 14E 32																X	
08S 14E 33											X L7						

DOMESTIC

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 47-7263B V1

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	14E	32																X	
08S	14E	33											X L 7						

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

1. Explanatory HEATING USE IS FOR THREE HOMES AND ONE GREENHOUSE; DOMESTIC USE IS FOR THREE HOMES.

2. Explanatory THE PLACE OF USE IS TWIN FALLS TAX PARCEL NUMBERS: RP08S14E329050T, RP08S14E329060A, RP08S14E329030T & RP08S14E336030T.

3. Quantity Use of this right with Right No. 47-7146 is limited to a total combined diversion rate of .31 cfs.

Comments:

1. vhancock 3/24/2005 RECOMMENDATION
Comment: BASED UPON LICENSE ISSUED 1992, FIELD EXAM 1986. ALSO SEE MEMO IN FILE AND COPY OF WATER WELL AGREEMENT IN FILE.

2. vhancock 3/24/2005 POU
Comment: THE THREE PLACES OF USE INCLUDED IN EXPLANATARY REMARK DETERMINED BY REVIEW OF LICENSING FIELD EXAM. THEY ARE RP08S14E329050T, RP08S14E329060A & RP08S14E336030T. THIS RIGHT AND 47-7146 COMBINED ARE FOR USE IN FOUR TOTAL RESIDENCES AND TWO GREENHOUSES.

3. vhancock 3/24/2005 RIGHT
Comment: **CLAIM 47-7263B REPRESENTS THE ENTIRE LICENSED RIGHT. TWO OTHER PORTIONS OF THIS RIGHT CLAIMED IN THE SRBA BY OTHER PARTIES HAVE BEEN DISALLOWED.**

4) POD gps'd by contractor 3/30/05 - VH

Hancock, Vikie

From: Spencer, Nick
Sent: Tuesday, March 22, 2005 5:10 PM
To: Hancock, Vikie
Subject: RE: 47-7263

Vikie, I agree that the uninitialed remark on the claim is confusing insofar as it refers to the "right" rather than just to the "water". However (and thank goodness for lawyers) the water agreement is much clearer than it could have been. I think it was drafted specifically to provide that Kuest was simply selling water (in consideration of the other folks buying a portion of the property) and did not convey a portion of the right itself. It is unusual for a private individual to be in the business of selling water; normally it is some type of business or corporate entity that historically did this. But I know of no reason offhand why an individual cannot sell water the same as a for-profit water distribution company. Therefore the 20 gpm sold to the Robertsons is not a water right conveyed to them. Rather they simply have a contractual right to be supplied with water per the terms of the contract. The water right itself is retained by Kuest. Of course, this only speaks to the Kuest-Robertson relationship. You say there are other people who get water from the well. Without seeing the language of the agreements providing for this it is impossible to say whether those other people might or might not own a slice of the right itself. Since you have a copy of the agreement with the Robertsons, do you also have a copy of the agreements with the other folks? If you do, and if they look different from this agreement, I'd be happy to look them over for you. NBS

-----Original Message-----
From: Hancock, Vikie
Sent: Tuesday, March 22, 2005 3:57 PM
To: Spencer, Nick
Subject: 47-7263

Nick,

The original licensee, Johnnie Kuest, filed an SRBA claim on this right 47-7263 for the amount permitted, which is greater than what was eventually licensed. It is in the Banbury area and the uses include heating, recreation & domestic for several houses from a hot well. The license was issued in 1992 solely in the name of the licensee, even though it was known that others owned portions of the place of use, i.e.: the other houses & pools.
In addition to the licensee, two other parties have also filed SRBA claims for a portion of the right. I have attached one copy of the Well Agreement they signed. Is it clear to you whether Kuest legally retained the entire water right and just agreed to furnish water to the other parties, or do the other parties own a portion of the right? To confuse things more, a comment on claim 47-7263 filed by Kuest in 1988 says "This well is shared by several water users. The claimant sold off portions to the other water users equal to 20 gpm. The remainder of the right has been retained by claimant." but there are no initials associated with this comment, so I don't know where the info came from.

Your assistance is much appreciated - Vikie H.

MEMO TO FILE

From: Vikie Hancock **3/25/05**
Re: Recommendation
Claim No(s): 47-7263A, 47-7263B & 47-17122 and 47-7146

The following claims were filed in the SRBA against right 47-7263, licensed in 1992, field exam in November 1986:

47-7263A filed by Rex Hiatt who purchased his property from Robertson
47-7263B filed by Johnny Kuest the original licensee of the right
47-17122 Angela Calkins who purchased her property from Bertholf

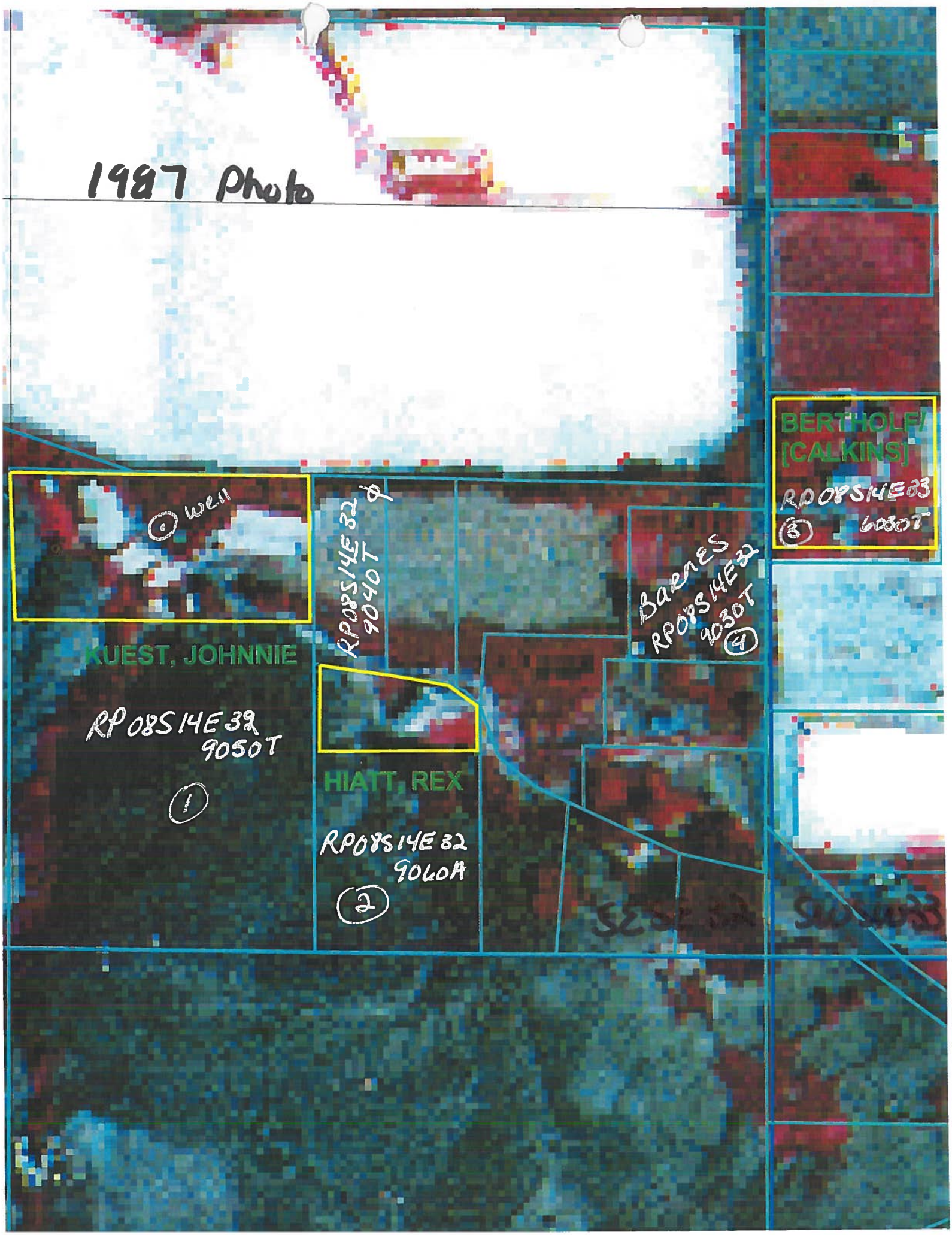
Kuest filed his claim at the time that this water right was still in the permit stage and it is unclear whether he intended to file on all or part of the right. Hiatt and Calkins filed claims asserting that they had a separate right to a portion of 47-7263. It is clear from the licensing field exam that the Hiatt and Calkins residences are included in right 47-7263.

Predecessors of both Hiatt and Calkins signed identical well agreements with Kuest in 1977. IDWR deputy attorney general Nick Spencer reviewed a copy of the agreements and determined that Kuest retained ownership of the entire water right, agreeing to provide water to what is now the Hiatt and Calkins residences. [See copies in file].

Based upon the determination by Nick Spencer, I am disallowing claims 47-7263A and 47-17122 and recommending 47-7263B to Kuest for the full amount of the licensed right. The right of Hiatt and Calkins to water from this well, if any, lies within the agreement between private parties.

License and claim 47-7146 in Mr. Kuest's name also covers water use on residential lots from the same hot well. The licensing field exam for 47-7146 is not as detailed as 47-7263, however a review of license files provides information that 47-7146 was permitted for two residences and one greenhouse, but that Kuest developed water for four residences and two greenhouses and thus filed a second permit, 47-7263. According to a memo from Jim Johnson dated June 1984, the extent of development in 1984 was four houses and two greenhouses [see copy in file].

On 4/12/2004 Johnnie Kuest identified four houses and three greenhouses that were currently being provided with water from the well. A review of aerial photos shows that the third greenhouse was built on parcel RP08S14E329040T east of the Kuest house sometime after 1992 and before 2002. My SRBA recommendation identifies the original four residences and two greenhouses as the combined place of use for both rights.


1987 Photo
BERTHOLF/
[CALKINS]
RP08S14E33
6030T
3
well
RP08S14E32
9040T
Barnes
RP08S14E32
9030T
4
KUEST, JOHNNIE
RP08S14E32
9050T
1
HIATT, REX
RP08S14E32
9060A
2

WATER WELL AGREEMENT

THIS AGREEMENT made and entered into this 25th day of August, 1977, by and between JOHNNIE KUEST and BESSIE KUEST, husband and wife, hereinafter referred to as "First Parties", and TONY H. BERTHOLF and DONNA L. BERTHOLF, husband and wife, hereinafter referred to as "Second Parties".

WITNESSETH:

WHEREAS, first parties are the owners of realty located in the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$) of Section 32, Township 8 South, Range 14 East, Boise Meridian, Twin Falls County, Idaho, and

WHEREAS, first parties have agreed to sell, and second parties have agreed to purchase the following described real property:

> A tract of land in Lot 7, Section 33, Township 8 South, Range 14, E. B.M., Twin Falls County, Idaho, and being more specifically described as follows:
>
> Commencing at the Southwest corner of said Section 33; thence North 0°03' West along the West line of said Section 33 a distance of 698.00 feet to the true point of beginning; thence North 89°57' East 308.70 feet; thence North 0°03' West 300.00 feet; thence South 89°57' West 308.70 feet to a point on the West line of said Lot 7; thence South 0°03' East along the West line of said Lot 7 a distance of 300.00 feet to the True Point of Beginning.

WHEREAS, there is located upon that real property owned and retained by first parties an artesian well producing hot water, which well and the waters therefrom are the property of first parties, and

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NUNGESTER
And
FELTON
Buhl, Idaho

Robertson signed identical agreement see Licensing file Dkt

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WHEREAS, a portion of said waters from said well have been supplied to that residence located on the property now owned by second parties and described above, and

WHEREAS, the parties desire to enter into an agreement whereby the first parties shall agree to supply on a continuing basis a portion of the waters from said well, and

WHEREAS, it is the desires of the parties hereto to specify their respective rights, duties and obligations as pertains to the use of said waters,

IT IS HEREBY AGREED as follows:

1. That first parties shall provide and supply to second parties a quantity of water from said well located and existing on property owned by first parties, not to exceed fifteen gallons per minute. (0.033 cfs)

2. That second parties shall be entitled to use said water to heat that house located upon the above-described property owned by second parties, as well as for any and all other purposes as may be desired by second parties.

3. That said hot water shall be conveyed to the property of second parties through an existing pipeline.

4. That it shall be the responsibility of first parties to maintain and keep in good repair that portion of the pipeline which is located on property owned by first parties and which is used in the delivery of said water to the property of second parties. It shall be the responsibility and duty of second parties to maintain and keep in good repair that portion of the pipeline located on the above described real property

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owned by second parties, and used in the delivery of said water to that property.

5. That in the event improvements are made to that well providing the source of the waters specified herein, or in the event maintenance costs or repair expense are incurred in connection with that well, said costs and expenses shall be born proportionately by all users of water from said well, including first parties and second parties herein. It is further understood and agreed that in the event any act of God shall require another hot water well to be drilled, or a pumping expense to be charged against the hot water, that any users of said well shall share proportionately the expense involved in pumping or redrilling the same.

6. That it is specifically understood and agreed that first parties do not guarantee unto second parties the continued supply of water from said well and shall be relieved from all obligations under this agreement in the event an act of God or other occurrence beyond first parties' control makes continued supply of said water commercially impracticable.

7. That it is understood and agreed that first parties and second parties are not the sole users from said well, but that other parties are presently sharing in the use and enjoyment of those waters. Additionally, so long as sufficient quantity of water is available from said well, first parties may, at their election, supply water to additional users not now receiving water from that well.

8. This Agreement shall bind the respective heirs,

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And
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Bubl, Idaho

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administrators, assigns and successors of the respective parties hereto.

IN WITNESS WHEREOF, we have hereunto set our hands this 25 day of August, 1977.

Johnnie Kuest
Johnnie Kuest

Bessie Kuest
Bessie Kuest

Tony H. Bertholf
Tony H. Bertholf

Donna L. Bertholf
Donna L. Bertholf

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

On this 25 day of August, 1977, before me, the undersigned, a Notary Public in and for said County and State, personally appeared JOHNNIE KUEST and BESSIE KUEST, husband and wife, known to me to be the persons whose names are subscribed to the foregoing 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 last above written.

Notary Public for Idaho
Residing at Buhl, Idaho

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HEPWORTH
HUNGESTER
And
FELTON
Buhl, Idaho

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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 47-07263

Priority: January 20, 1984 — **Maximum Diversion Rate:** 0.31 CFS; **Maximum Diversion Volume:**[1] 39.3 AF

This is to certify, that JOHNNIE KUEST
P.O. BOX 110
FILER ID 83328 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 22, 1974; and has submitted Proof of Beneficial Use on January 9, 1984. An examination indicates that the works have a diversion capacity of .310 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
HEATING	01/01 to 12/31	0.14 CFS	10.3 AF
DOMESTIC	01/01 to 12/31	0.08 CFS	1.8 AF
RECREATION	01/01 to 12/31	0.09 CFS	27.2 AF
	Totals	0.31 CFS	39.3 AF

LOCATION OF POINT(S) OF DIVERSION: SESE , Sec. 32, Township 08S, Range 14E
TWIN FALLS County

PLACE OF USE: HEATING

TWN	RGE	SEC	
08S	14E	32	SESE
		33	LOT 7(SWSW)

PLACE OF USE: DOMESTIC, same as HEATING use

PLACE OF USE: RECREATION, same as HEATING use

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 more accurately describe the beneficial use or to implement accepted standards of diversion and use 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.

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FEB 10 1992

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 47-07263

CONDITIONS/REMARKS:

5. The maximum combined rate of diversion under this right & Right No. 47-7146 shall not exceed 0.31 cfs.
6. Heating use is for 3 homes and a greenhouse; domestic use is for 3 homes.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 22ND day of January, 1992.

Acting for R. Keith Higginson, Director

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FEB 10 1992

MEMORANDUM

TO: File 47-7263

FROM: Jim Johnson

DATE: June 28, 1984

RE: Reinstatement of Lapsed Permit

On this day, Mr. Johnny Kuest visited this office to discuss the reinstatement of lapsed permit 47-7263. Following is a summary of the development of water under said permit:

History of Development

The water uses identified under this permit were actually developed under a previously filed permit, 47-7146. The permit was filed on May 18, 1972 and identified that water was to be used for 2 domestic units, heating of the same and irrigation within a greenhouse.

The well was completed on 11/7/1973 (see copy of well log in file) and produced a flow under an artesian head of about 450 gpm. This flow was much greater than expected and additional uses were developed than was identified on permit 47-7146.

Therefore, on 4/22/1974, Mr. Kuest filed a second permit which not only reflected the additional development that had occurred at that time but also anticipated development which would utilize the available water.

The statement of proof of beneficial use of water filed for permit 47-7146 filed on March 12, 1974 reflects the extent of development that had occurred at that time (see item B).

Mr. Kuest stated that no additional development had occurred since 3/12/1974 and at present only 3 swimming pools are in use.

Evidence of development is further shown on the field exam conducted on permit 47-7146. (See system description on field exam.)

Reason for Why Proof of Beneficial Use Was Filed Late

Mr. Kuest stated that in 1973 he filed an application for permit for appropriation of spring water to be used for domestic supply on other property he owned. This property was later sold and no development of the spring water was made. Mr. Kuest thought that the proof of beneficial use due notice and subsequent lapse notice was in reference to this and therefore did not respond. It was not until he made an office visit to the Twin Falls office in January, 1984 that he discovered the error at which time he filled out the statement of beneficial use card.

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Conclusion

Based upon the above information it appears that there is sufficient evidence already recorded within permits 47-7146 and 47-7263 to substantiate Mr. Kuest's statements and also showing that development occurred within the time allowed under permit 47-7263 as required by the provisions of Section 43-218a, Idaho Code.

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RECEIVED
JUL 12 1988
Department of Water Resources

Form 219
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 47- 7263

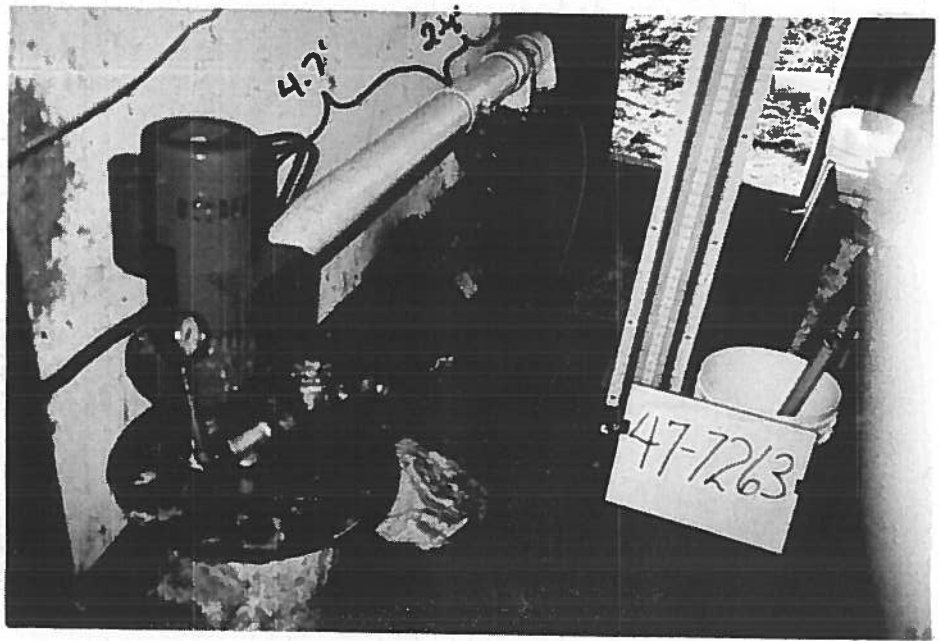
1. Owner: Johnnie Kuest Phone No. 326-4084 or 543-4897
   Current Address: P.O. Box 110, Filer IDAHO, 83328
2. Accompanied by: Same EXAM. DATE: 11-5-86
   Address: _____ Phone No. _____
   Relationship to Permit Holder: _____
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 47-7146 App 47-7852
   _____ ☑ Copies Attached
2. Other water rights with same point of diversion: 47-7146 App 47-7852
   _____ ☑ Copies Attached ☑ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

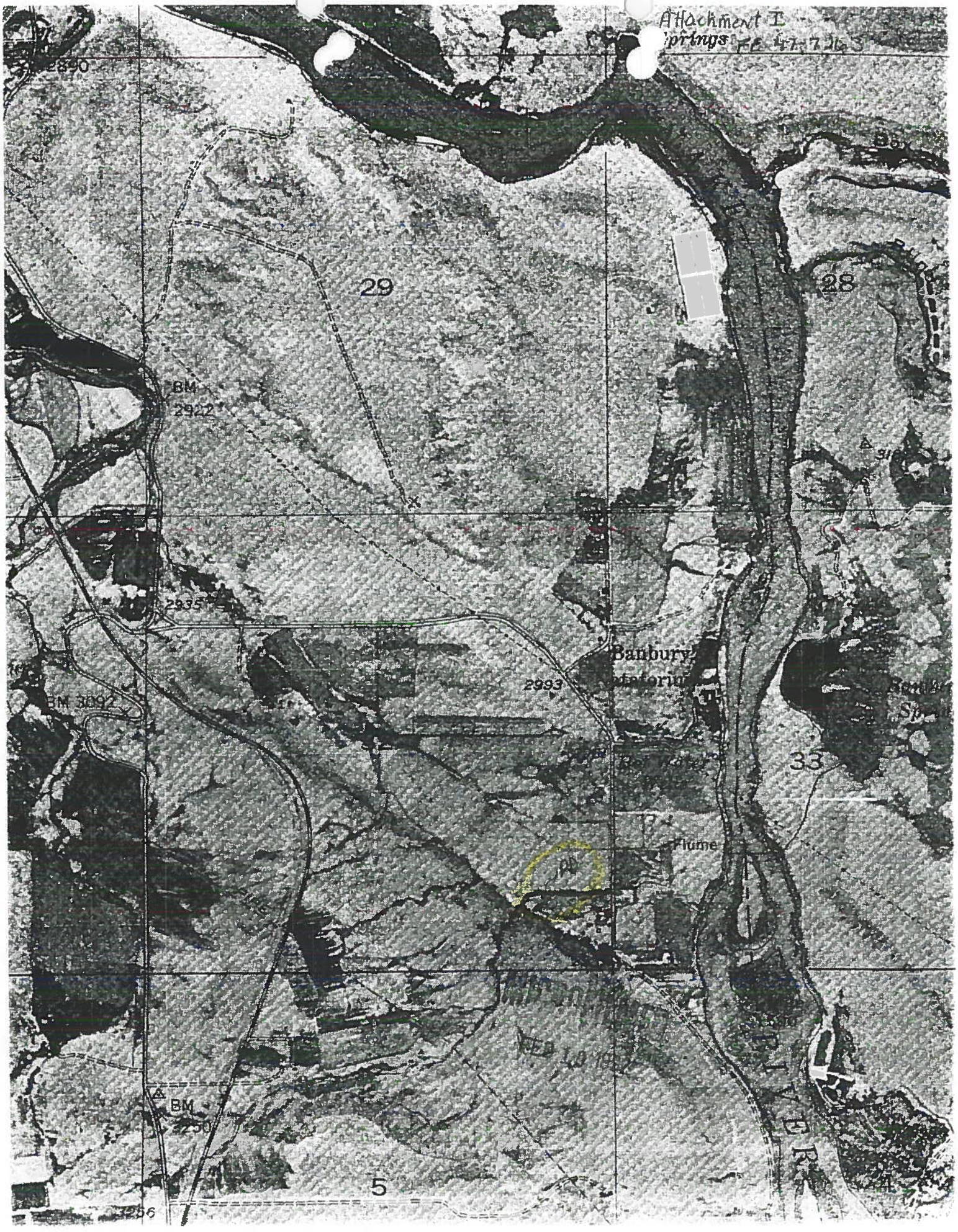
1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



RECORDED
FEB 10 1992

Scale: 1" = _____.

2. ☑ Copy of U.S.G.S. Quadrangle Attached
   Showing location(s) of point(s) of diversion and place(s) of use (required).
   ☐ Aerial Photo Attached
   (required for irrigation of 10 acres or more)
   ☑ Photo of Diversion and System Attached
   (required for all but single household domestic groundwater, and stockwater.


Attachment I
Springs
2890
29
28
BM
2922
2935
Banbury
2993
BM 3092
33
Flume
BM
5
3256

MEMORANDUM

TO:FILE

FROM:ROXANNE MCCARTHY

RE: FLOW AND VOLUME RECOMMENDATIONS

DATE: 11-JAN-1990

This right documents the expansion in use of License 47-7146. The recommendations for the new right have been brought into line with the previous license for the sake of consistency.

1. Estimate of Reasonable Volume

HEATING
The new right heats three homes; the previous right heats the other four in the same subdivision. Using the examiner's method for calculating volume and the lower BTU figure calculated on the yellow memo:

$$V = \frac{105{,}932 \text{ BTU/hr/home} \times 3 \text{ homes} \times 6148 \times 24 \text{ hr} \times 0.61}{73 \text{ degrees} \times .90 \times 2.72\text{x}10 \times 21 \text{ degrees}}$$

$V = 7.62$ AFA

In addition, a new greenhouse is heated; the old greenhouse is covered by the previous right. Peak heat load (HL) is:

HL= .44 x 3448 sq.ft. x 73 degrees
HL= 110,750 BTU/hr

Inserting this in the equation for volume:

$$V = \frac{110{,}750 \text{ BTU/hr} \times 6148 \times 24 \text{ hr} \times 0.61}{73 \text{ degrees} \times .90 \times 2.72\text{x}10 \times 21 \text{ degrees}}$$

$V = 2.66$ AFA

Total volume for heating = 10.28 AFA ✓

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DOMESTIC
Assume the following uses in each home:*

washer	(3 loads/wk)(30 gal/load)(52 wks/year)	= 4680 gal/yr
dishwasher	(15 gal/load)(365 days/yr)	= 5475 gal/yr
sinks(2)	(5 gal/day)(365 days/yr)	= 1825 gal/yr
shower/bath	(15 gal/person)(4)(365 days/yr)	=21900 gal/yr
		33880 gal/yr

33880 gal/yr/home x 3 homes = 101,640 gal/yr

Total volume for domestic = ~~0.31 AFA~~ 3X.6 = 1.8 AFA SC 6/5/91

RECREATION
Assume for each pool: 1 fill/yr + daily flow for 6 months

Hiat pool: 0.00661 af + (.017 cfs)(1.9835)(180 days) = 6.08 AFA
Bertholf pool: 0.00595 af + (.019)(1.9835)(180) = 6.79 AFA
Kuest pools(2): 0.0415 af + (.04)(1.9835)(180) = 14.32 AFA

Total volume for recreation = 27.19 AFA

TOTAL COMBINED VOLUME = 37.78 AFA

2. Estimate of Reasonable Diversion Rate

HEATING
The maximum heating flows in the homes are:
Hiat 0.03 cfs
Bertholf 0.02 cfs
Kuest 0.05 cfs

Total diversion for home heating = 0.10 cfs

Total diversion for greenhouse heat = 0.04 cfs

DOMESTIC
Allow recommended amount from Memo #22, although flow is for hot water purposes only.

Total diversion for domestic use = 0.08 cfs

FEB 10 1992

RECREATION
Filling flows for the pools:
Hiat 0.09 cfs
Bertholf 0.08 cfs
Kuest 0.08 cfs
Assume that the pools are not filled at the same time.

Total diversion for recreation = 0.09 cfs

TOTAL COMBINED DIVERSION = 0.31 CFS

* Source: Colt Industries p. 94

FEB 0 1992

RECEIVED
MAY 7 1984
Department of Water Resources

Filer, Idaho
May 4, 1984

Idaho Water Resourses
Boise, Idaho 83720

Dear Sirs,

Enclosed find the papers you requiseted, we send you , also notes from each of the partys that are using the water from our well, sorry it took so long but some of them it was hard to catch at home, and some papers were lost so we had to have copies made of the ones the attorney had.

We have used the hot water at our home for heating now since 1975, this is our heating sourse.

Thank You.

Johnnie & Bessie Kuest

Johnnie Kuest
Bessie E Kuest

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4/86

For Office Use Only
Fee Received 100.00
Date 10-22-86
Receipt # 38792
Receipt by TB
Sent to S.O. 11/4/86

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

RECEIVED
NOV 5 1986
Department of Water Resources

1. Permit No. 47-7263

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☑ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Johnnie Kuest

3. Post Office Address: P.O. Box 110, Filer Idaho 83328

Telephone No. 326-4084 or 543 4897

4. Source of Water: Ground water

5. Extent of Use:

Domestic 2 (No. of households) Stockwater _____ (No. and type of stock)

Irrigation _____ (acres) Other/Remark Recreation use for 6 Swimming pools Not included in 47-7146

6. Total rate &/or volume for which proof is submitted 1.0 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

April 1974

8. Person to contact to accompany the department representative during the field examination:

SAme as Above
(Name)

Bus 326-4084 Home 543 4897 Eve & weekends
(Address) (Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

10/22/86
Date

Johnnie Kuest
Signature of Permit Holder (and title, if appropriate)

FEB 10 1992

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

a 553' well with diameters ranging from 12" to 6" well log show Artesian shut in pressure at 80psi with a temp of 105°F and flow of 450 gpm. At time of exam well is still flowing but requires a 2-5hp Centrifugal pump to produce the amt of water required to meet demand. New green house is heated by 2 4.5'x.5' x22' finned coil heat exchangers with 3 layers of copper tubing with double fans powered by a Dayton 1/3 hp elec Motor. Greenhouse has double poly film insulation with 8" Concrete walls 7ft high Roof Pitch is 5/12. Old [illegible] is 10' longer and has corrugated fiberglass cover 1 layer.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor ~~Serial~~ mod. No.	Pump Make	Pump ~~Serial~~ mod No. or Discharge Size
	A.C Smith	2.5	K48N2 E(11A)	STA-RITE	JMM 6 59

**Code to correspond with No. on map and aerial photo*

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	SE	32	8S	14E	Twin Falls	USGS Quad and ASCS Photo

6. **Place(s) of Use:** Indicate Method of Determination _____

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8S	14E	32																D	
"	"	"																R	
"	"	"																H	
"	"	33											D						
"	"	"											R						
"	"	"											H						

Lot 7

D = Domestic
R = Recreation
H = Heating

Do not use this space

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Lis. # 47-7146 Allowed .06cfs for heating 4 houses and a greenhouse based on a 6gpm measurement at one location. The combined total of the measurements of water being diverted through 3 home heating systems and 2 greenhouses was 0.19cfs This is with a lower pressure than during the Exam

REC: There was sufficient discharge from well to supply the flow through needs of all 7 potential users however filling would have to be done on a rotation basis.

HEATING: The average home heating requirement in this subdivision at the present time is [illegible] .32cfs The amount required for greenhouse heating is approx .08cfs When the Amount allowed on 47-7146 (.06cfs) is added to the amt filed on .15 total allowable is .21cfs after subtracting Greenhouse heating .08cfs all that would remain would be .13cfs which would only cover existing uses

Continued under K.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Recreation	1/1	12/31	0.32cfs	102.7 AF/ANN
Heating	9/1	6/1	0.32cfs	45.63 AF/ANN
Domestic	1/1	12/31	0.11cfs	3.36 AF/ANN
		Totals:	0.32cfs	151.7 AF/ANN

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ Other

J. AUTHENTICATION

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Field Examiner's Name: TERRY Blan

Signature: Terry Blan FEB 10 1992

Certification Date: 5/15/91

Field Report Preparation Date: 7/2/92

CONSULTANT SEAL

K. **Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.** Whereas The applicant installed pipeline to 10 lots of a platted subdivision and has expressed his intent on Applications for Permit to deliver water to at least 7 lots and, Whereas his filing for heating was insufficient for that purpose. and whereas his filing for recreation exceeded the present systems capability by a sufficient Amount That a portion of the amount filed on for recreation could be applied to heating without exceeding the amount that could be allowed for recreation use, and whereas it is in the best interest of the State to use the water for both heating & recreation rather than recreation only. I would therefore recommend that This right when combined with Lis # 47-7146 be allowed a total 0.32cfs for recreation, 0.32 cfs for heating with the stipulation that when water is used for home heating that same water shall be used to supply the recreational right of that household. and .12cfs for domestic use. The amounts delivered to each user may be limited to the amount of beneficial use. Limited by their individual water well agreements. (See file for copies of agreement with, Berthelf & Robertson (now Hiat)

Attachm.. A

Feild Exam Measurements for 47-7263

Recreation: Hiat Pool: Fill: .576cf/6.35sec = .09cfs Flow thru .576cf/34sec = 0.017 Volume 8'x6'x6' = 288 ft³

Annual Vol: Fill daily May - Aug (weekly Sept - Apr) = $\frac{288 ft^3 \times 157 \text{ fills/ann}}{43,560 \text{ cf/AF}}$ + .017cfs x 1.9835 x 365 days/ann = $\boxed{1335 \text{ AF/ANN}}$

Berthelf pool: Vol. = 10.5' x 6.5' x 3.8' = 259.35 ft³, Fill .576cf/7.5sec = .0768 cfs

Flow through .1337cf/86sec. x 12 jets = .019cfs Annual Vol. .019cfs x 365 days/ann x 1.9835 AF/s.f.d. + $\frac{157 \text{ fills/ann} \times 259.35 ft^3/\text{fill}}{43,560 \text{ cf/AF}}$ = $\boxed{14.69 \text{ AF/ANN}}$

Kuest Pools Vol: Soaking = 5.5' x 4.5' x 5' = 123.75 + Swimming 23.4' x 12' x 6' = 1404 ft³ Fill. Swim .576cf/11.6sec + Soak .576cf/17.8sec = $\boxed{0.082 \text{ cfs}}$ Flow through Approx. .04

Annual Vol = .04cfs x 365 days/ann x 1.9835 + $\frac{1404 ft^3 \times 52 \text{ fills/ann}}{43,560 ft^3/\text{sec}}$ = $\boxed{30.63 \text{ AFA}}$

To Fill Pools

Existing Recreational diversion = 0.25cfs ÷ 3 No. of users = .083cfs Ave. diversion/user

*Existing + Potential Rec users = 7 x .083 cfs Ave div/user = 0.58 cfs Allow - 0.32 cfs = Cap.

Existing Rec. diversion (Flow thru) .076cfs ÷ No of users 3 = 0.0253 cfs/user

*Existing + Potential user = = 7 x .0253 cfs/user = 0.177 cfs

Heating: New greenhouse 121' x 28.5' with double visqueen roof 5/12 pitch 8" Concrete walls 7' high Flow .576cf/16.7sec = $\boxed{0.035 \text{ cfs}}$

Hiat House max .576/13.8sec = .04cfs Both Greenhouses .576cfs/6.71sec = .0858

Berthelf " max .08cfs Old " = .0858 - .035 = .05cfs

Kuest " max .07cfs

Existing Measured max heating = 0.19cfs ÷ 3 No of uses Mean = 0.063 Ave htg req/user

*Existing + Potential heating user = 7 x 0.063cfs Average htg req/user = 0.63cfs Allow .32cfs = Capacity

Heating Requirements ΔT 70 - (-3) = 73° e = .67 Δts = .6(105°-70) = 21°

Hiat A = 3600 ft² 2 levels H_L = 3600 ft² x .8 x 73°F x .67 = 140,861 Btu/hr

$Q_{gpm} = \frac{140,861 \text{ Btu/hr}}{500 \cdot \Delta t_s}$ = 13.4gpm ÷ 448.8 gpm/cfs = $\boxed{0.03 \text{ cfs}}$

Kuest A = 6524 2 levels H_L = 6524 x .8 x 73°F x .67 = 255,271 Btu/hr

$Q_{gpm} = \frac{255,271 \text{ Btu/hr}}{500 \Delta t_s}$ = 24.3gpm ÷ 448.8 gpm/cfs = $\boxed{0.05 \text{ cfs}}$

Berthelf A = 2304 2 levels H_L = 2304 x .8 x 73°F x .67 = 90,150.9 Btu/hr

$Q_{gpm} = \frac{90,150}{500 \Delta t_s}$ = 8.58gpm ÷ 448.8 gpm/cfs = $\boxed{0.02 \text{ cfs}}$ (over)

*based on No. of lots with pipeline to them. Limited to No described in App. (7)

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FEB 10 1992

47-7263 Feild exam cont ATTACH. A. CONT.

Heating Requirements cont.

Greenhouse heating Assume Design In-out T = 50°F Δt_s = 21

Old greenhouse A = 28.5' x 131' = 3748 ft² HL = 91 BTU/hr/ft² THL = 341,068 BTU/hr

$Q^{req}_{gpm} = \frac{341,068\ BTU/hr}{500 \times 21} = 32.48\ gpm \div 448.8 = 0.07$ Allow 0.05 Actual use*

* SEE ATTACHED CHART

Actual Heat load req Will be less than shown due to walls being concrete rather than glass or Plastic

New greenhouse A = 38.5 x 121' = 3448 ft² HL = 40 BTU/hr/ft² THL = 137,940 BTU/hr

$Q^{req}_{gpm} = \frac{137,940\ BTU/hr}{500 \times 21} = 13.14\ gpm \div 448.8 = 0.03\ cfs$ = Actual use

heating System Consists of 2 finned coil forced air heat exchangers

in each Greenhouse Approx dimensions = 4.5' x .5' x 2.2' with 3 Layers copper coil

FEB 10 1992

Heating Util. Calculations Ave Size home 4123 ft³ on 2 Levels Use AX.8 = 3298 ft²

Δt_s = 21 °F $T_i - T_o$ = 73° (70° − (−3°)) Degree days (DD) 6148 PEAK HL = e .44 x A 3298 ft² x ΔT 78°F = 105,932 BTU/hr

TOTAL Home heating 27.08 AF/min + Greenhouse heating 18.56 AF/min = 45.63 AF/min.

See Attachment O

RECEIVED

FEB 10 1992

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 47-7263

WATER RIGHT NUMBER: 47-7263

Owner Type	Name and Address
Current Owner	JOHNNIE KUEST PO BOX 110 FILER, ID 83328

Priority Date: 01/20/1984
Basis: License
Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From To	Diversion Rate	Annual Volume
DOMESTIC	1/01 to 12/31	0.080 CFS	1.80 AF
RECREATION	1/01 to 12/31	0.090 CFS	27.20 AF
HEATING	1/01 to 12/31	0.140 CFS	10.30 AF
	Total Diversion:	0.310 CFS	39.30 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4SE1/4 Sec. 32, Twp 08S, Rge 14E, B.M.
TWIN FALLS County

Place of Use

HEATING Within TWIN FALLS County

T08S R14E S32 SESE T08S R14E S33 Lot 7 SWSW

DOMESTIC same as HEATING
RECREATION same as HEATING

Conditions of Approval:

Remarks:

1. General The maximum combined rate of diversion under this right & Right No. 47-7146 shall not exceed 0.31 cfs.
Heating use is for 3 homes and a greenhouse; domestic use is for 3 homes.

Comments:

Dates and Other Information:

Robertson
Jones
Bothof
Hiatt

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 47-7263

Dates and Other Information:

Licensed Date: 1/22/1992
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status

Verification Log:

Element	Date Time Stamp	Reviewer	Log text

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 47-7263A

WATER RIGHT NUMBER: 47-7263A

Owner Type	Name and Address
Current Owner	REX HIATT 4785-A RIVER RD BUHL, ID 83316 (208)543-6392

Priority Date: 05/01/1974

Basis: Permit

Status: Active

Source: GROUND WATER

Tributary:

Beneficial Use	From To	Diversion Rate	Annual Volume
DOMESTIC	1/01 to 12/31	0.040 CFS	
HEATING	1/01 to 12/31	0.040 CFS	
RECREATION	1/01 to 12/31	0.040 CFS	
	Total Diversion:	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER SE1/4SE1/4SE1/4 Sec. 32, Twp 08S, Rge 14E, B.M.

TWIN FALLS County

Place of Use

DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 14E 32																X	

HEATING

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 14E 32																X	

RECREATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 47-7263A

08S 14E 32					X

Conditions of Approval:

Remarks:

1. General THIS WELL IS SHARED BY SEVERAL WATER USERS. PORTION OF THE WR #47-07263 FOR 1.0 CFS.

Comments:

Dates and Other Information:

Claim Received Date: 11/16/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 47-7263B

WATER RIGHT NUMBER: 47-7263B

Owner Type	Name and Address
Current Owner	JOHNNIE KUEST PO BOX 110 FILER, ID 83328 (208)326-4084

Priority Date: 05/01/1974

Basis: Permit

Status: Active

Source: GROUND WATER

Tributary:

Beneficial Use	From To	Diversion Rate	Annual Volume
HEATING	1/01 to 12/31	0.120 CFS	
RECREATION	1/01 to 12/31	0.880 CFS	
DOMESTIC	1/01 to 12/31	0.040 CFS	
	Total Diversion:	0.880 CFS	

Location of Point(s) of Diversion

GROUND WATER SW1/4SE1/4SE1/4 Sec. 32, Twp 08S, Rge 14E, B.M.

TWIN FALLS County

Place of Use

HEATING

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 14E 32																X	

RECREATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 14E 32																X	

DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 47-7263B

08S 14E 32					X

Conditions of Approval:

Remarks:

1. General THIS WELL IS SHARED BY SEVERAL WATER USERS. PORTION OF THE WR #47-07263 FOR 1.0 CFS. THIS CLAIMANT SOLD OFF PORTIONS TO THE OTHER WATER USERS EQUAL TO 20 GPM. THE REMAINDER OF THE WR HAS BEEN RETAINED BY CLAIMANT.

Comments:

Dates and Other Information:

Claim Received Date: 12/8/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Robertson, Jean

To: Jones, Doug; Hancock, Vikie; Christensen, Kelly
Subject: and another thing...

47-07263B - Johnnie Kuest

A realtor was in the other day and wanted to do an ownership change on this or a part of this right. When I looked over the deeds, they referred to the SWSW. Lot 7, of Section 33. There are two claims (parts A & B) against the license, but both are claimed in the SESE of Section 32. I told her it looked like these people probably need to file a new claim for this part of the right. She may come back with some stuff while I'm gone (in fact, I hope she does!) but anyway, consider this a **HEADS UP!**

(I'll leave some stuff on my chair about it. The real claim file is at the contractors so I just made some copies of the micro-film claim.) Ba-bye!

RECEIVED
AUG 16 1995
Department of Water Resources
Southern Region

TITLEFACT, Inc.

1994011506

TitleFact, Inc.
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

***** *SPACE ABOVE FOR RECORDER* *****
35462fc

WARRANTY DEED

FOR VALUE RECEIVED **JOHNIE KUEST aka JOHNNIE KUEST AND ELSIE KUEST, husband and wife,** hereinafter called the grantor, hereby grants, bargains, sells and conveys unto **ROBERT J. BARNES AND LOUISE A. BARNES, husband and wife,** hereinafter called grantee, whose address is: **4791 River Road, Buhl, ID 83316** the following described premises, in Twin Falls County, Idaho, to-wit:

Township 8 South, Range 14 East, Boise Meridian, Twin Falls County, Idaho
Section 32: A parcel of ground located in the SE¼SE¼, more particularly described as follows:
COMMENCING at the Southeast corner of said Section 32;
THENCE North 00°03' West along the East line of said Section 32, a distance of 519.00 feet to the TRUE POINT OF BEGINNING;
THENCE North 89°03' West, a distance of 241 feet;
THENCE North 00°03' West, a distance of 271 feet;
THENCE South 89°03' East a distance of 241 feet to a point on the East line of said Section 32;
THENCE South 00°03' East a distance of 271 feet along the East line of said Section 32 to the TRUE POINT OF BEGINNING.

SUBJECT TO: Twin Falls County Highway Right of Way

TOGETHER WITH: 1/50 shares of Banbury Pipeline water

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

Dated: June 23, 1994

Johnnie Kuest
JOHNIE KUEST aka JOHNNIE KUEST

Elsie Kuest
ELSIE KUEST

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