

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

RIGHT NUMBER: 2-10348

NAME AND ADDRESS: PHILLIP M WARNER
7548 RIVERFRONT DR
MARSING ID 83639

SUSAN H WARNER
7548 RIVERFRONT DR
MARSING ID 83639

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.020 CFS
4.890 AFY

This right mitigates for the depletion of water resulting from the diversion and use of water under Right 57-11714 pursuant to the approved mitigation plan for Right 57-11714.

PRIORITY DATE: 01/19/1949

POINT OF DIVERSION:

T02N R04W S23 NESESW Lot 4 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
<u>MITIGATION</u>	03/15 11/15	0.020 CFS
<u>IRRIGATION</u>		4.89 AFY

~~The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.~~

PLACE OF USE: MITIGATION in OWYHEE County

~~IRRIGATION in OWYHEE County~~

T02N R04W S23 Lot 4 SESW 1.50

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: BASIS OF CLAIM - License

This right is a split from former right 2-10331.

Property is also known as Lot 3, Block 1, Hidden Valley Estates.

~~This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.~~

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Water Rights: 2-10348

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

☒ Mitigation

☐ Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion

☐ Place of use

☐ Period of use

☐ Nature of use

☐ Split of water right

☐ Change in ownership

☐ Other

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: April 16, 2009



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on April 16, 2009, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Phillip M. Warner
Susan H. Warner
7548 Riverfront Dr.
Marsing ID 83639

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile


Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

April 16, 2009

PHILLIP M WARNER
SUSAN H WARNER
7548 RIVERFRONT DR
MARSING ID 83639

Re: Water Right No. 2-10348

Dear Mr. & Mrs. Warner:

Enclosed is a copy of the Notice of Completed Administrative Procedure and pertinent water right(s) recently sent to the Snake River Basin Adjudication Court in Twin Falls. These documents are now required to be filed by the Department in order to notify the Court of any changes to your water right(s).

The change to your water right is the result of an approved mitigation plan for right 57-11714. This notification to the Court does not affect the previous approval your water right(s). You will be notified of any future action on your water right(s) by the SRBA Court or Water Resources.

Please contact this office if you have any questions concerning this notification.

Sincerely,

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

JS:lh
Enclosures

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 57-11714

3. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes.

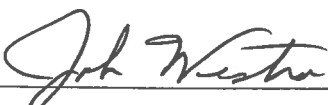
Right No.	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
2-10348	Irrigation	0.02	4.89	1.5

The land that will no longer be irrigated under this right is located within the SESW, Section 23, Township 2N, Range 4W, B.M.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this permit approval shall be reduced by the same proportion as the reduction to the mitigation rights.

4. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
5. This right does not grant any right-of-way or easement across the land of another.
6. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
7. Place of use is located within Lot 3, Blk 1, Hidden Valley Estates.
8. Domestic use is for 1 homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
9. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 13th day of April, 2009.


JOHN WESTRA, Western Regional Manager

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

RIGHT NUMBER: 2-10348

NAME AND ADDRESS: PHILLIP M WARNER
7548 RIVERFRONT DR
MARSING ID 83639

SUSAN H WARNER
7548 RIVERFRONT DR
MARSING ID 83639

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.020 CFS
4.890 AFY

PRIORITY DATE: 01/19/1949

POINT OF DIVERSION:

T02N R04W S23 NESESW Lot 4 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.020 CFS 4.89 AFY

X The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in OWYHEE County

T02N R04W S23 Lot 4 SESW 1.50

1.5 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 2-10331.

Property is also known as Lot 3, Block 1, Hidden Valley Estates.

X This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Water Rights: 2-10331 (Split)
	)	2-10346, 2-10347, 2-10348, 2-10349, 2-10351
Case No. 39576	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE
_____	)	PROCEEDING

IDWR has completed the following administrative proceeding:

- ☐ Address change
- XX Substitution of Party
- XX IC § 42-222 transfer
- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| XX Split of water right | ☐ Change in ownership |
| ☐ Other | |
- ☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: April 3, 2009



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on April 3, 2009, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐ overnight mail
Snake River Basin Adjudication	☒ regular mail
P.O. Box 2707	☐ hand-delivered
Twin Falls, ID 83303-2707	☐ facsimile

2. Copies to:

Clive Strong	☐ overnight mail
Off ice of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

United States Dept of Justice	☐ overnight mail
Environment & Natural Resource Div	☒ regular mail
550 West Fort Street MSC 033	☐ hand-delivered
Boise ID 83724	☐ facsimile

3. Copies to all parties to the subcase:

Vance Van Hall	☐ overnight mail
5552 Willow Ln	☒ regular mail
Nampa ID 83687-8424	☐ hand-delivered
	☐ facsimile

Greg Sims	☐ overnight mail
Susan Sims	☒ regular mail
7530 Riverfront Dr	☐ hand-delivered
Marsing ID 83639	☐ facsimile

Phillip Warner	☐ overnight mail
Susan Warner	☒ regular mail
7548 Riverfront Dr	☐ hand delivered
Marsing ID 83639	☐ facsimile

Leo Berger
Anita Berger
2321 S San Francisco Ln
Nampa ID 83686

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Val Shap
Yevgeniya Shaposhnik
7500 Riverfront Dr
Marsing ID 83639

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile


Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

April 3, 2009

PHILLIP WARNER
SUSAN WARNER
7548 RIVERFRONT DR
MARSING ID 83639

Re: Original Water Right No. 2-10331

Renumbered to Water Right Nos. 2-10348

Dear Mr. & Mrs. Warner:

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of the original claim.

When a portion of the original water right has been conveyed to another and the original right has been split, then the original right number is renumbered to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new water right number reflects your remaining portion of the original right after the change of ownership. Enclosed is a copy of this new water right for your records. Please refer to your new number when corresponding with our office. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the SRBA Court as notification of this change.

If you have any questions concerning this ownership change, or the enclosed copy, please feel free to contact this office.

Sincerely,

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

LH:1
Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 2-10331 V1

WATER RIGHT NUMBER: 2-10331 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ESTATE OF ESTHER F ASHE C/O JACK HURT 4470 VEGAS VALLEY #108 LAS VEGAS, NV 89121 (702)457-3477
Current Owner	VANCE VAN HALL 5552 WILLOW LN NAMPA, ID 83687-8424 (208)461-2575

Priority Date: 01/19/1949

Basis: License

Status: Disallowed

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.960 CFS	418.61 AF
	<u>Total Diversion:</u>	1.960 CFS	418.61 AF

Location of Point(s) of Diversion

SNAKE RIVER L4 (NE1/4SE1/4SW1/4) Sec. 23, Twp 02N, Rge 04W, B.M.
OWYHEE County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
02N 04W 23											55.0	33.0	23.5				111.5
											L 3		L 4				
02N 04W 26							17.0										17.0
							L 1										

Total Acres: 128.5

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. K06 This right is limited to the irrigation of 92.6 acres within the place of use described above in a single irrigation season.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 2-10331 V1

3. S47 The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
4. 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.
5. X36 Rights 2-7463 and 2-2077B are also diverted through the point of diversion described above.
6. P22 Split right: See Right Nos. 2-10346, 63-10347, 2-10348, 2-10349 and 2-10351.
7. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
8. This right is a split from former right 2-10257.
9. R69 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Remarks:

Comments:

1. dshaff 3/19/2007 Change Owner Split
Comment: Split by change in ownership

2. lharris 9/30/2008 Ownership Change
Comment: This right has been split per ownership changes and transfers.

Water Supply Bank:

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 2-10348
Date Received: 12/7/1988
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

PHILLIP M WARNER Phone: (208) 896-4340
7548 RIVERFRONT DR
MARSING ID USA 83639

SUSAN H WARNER Phone: (208) 896-4340
7548 RIVERFRONT DR
MARSING ID USA 83639

2. Date of Priority: 01/19/1949

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot				County	Type
02N	04W	23	NE	SE	SW	4	OWYHEE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.02	4.89

7. Total Quantity Appropriated is:
0.02 C.F.S. and/or 4.89 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
02N	04W	23	SE	SW	4	IRRIGATION	1.5
Section Acres							1.5
Total Acres							1.5

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:

14. Remarks:

The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this 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.

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

This right is a split from former right 2-10331.

15. Basis of Claim: License

RECEIVED

RECEIVED

STATE OF IDAHO 2008
 DEPARTMENT OF WATER RESOURCES
 NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

JAN 25 2008

WATER RESOURCES
WESTERN 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 ILWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
	~~2-10257~~	yes			
	~~2-10331~~	(1-split) -	LOT 3 ONLY		
	2-10331				

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

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

no fees while right pending in SR adjudication.

Encl.

Deed - lot 3

- (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 on file with the county Planning and Zoning or Recorder's Office).

OR

- D. 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** or equivalent **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)
 1st - ① Vance Van Hall - Rt. 1, Box 16, Marsing, ID 83639
 2nd - ② Larry A. Harpe, P.O. Box 11638, Eagle, ID
 (claimant)

4. New Owner/Claimant(s)

Philip Warner and Susan H. Warner

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

New Mailing Address

7548 Riverfront Drive

City, State and ZIP Code

Marsing, ID 83639

New Telephone Number

(208) 896-4340

Email: pwarner11@msn.com
 shwarner11@msn.com

5. Date you acquired the property (Lot 3) November 19, 2007 (closing date)

6. *skip -
per
instr.*

If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number 2-10331		
Irrigation	<u>1.98 .0398 cfs</u>	<u>1.89</u>
Stock		
Domestic		
Other		
Totals	<u>.0398 cfs</u>	<u>1.89</u>
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s) Philip M. Warner
Susan Warner (title if applicable)
 (title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by DB
 Received by _____
 Processed by _____ AJ

Date 1-25-08
 Date _____
 Date _____

Receipt Amt. 0 N/A
 Receipt No. _____
 WR _____ Date _____

* SEE explanation in prior owner
 HARPS filing re Lot 3 in NE5W

200710234



Pioneer Title Co.

GOING BEYOND

8151 W. Rifleman Ave. / Boise
Idaho 83704 / (208) 377-2700

①

INDEXED
SCANNED

287631

WARRANTY DEED

For Value Received Barbara A. Harpe, a married a married woman as her sole and separate
property

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Phillip M Warner and Susan Warner, husband and wife

hereinafter referred to as Grantee, whose current address is 7548 Riverfront Drive, Marsing, ID 83639

the following described premises, to-wit:

Lot 3, Block 1, Hidden Valley Estates Subdivision, Owyhee County, Idaho, according to the plat
thereof recorded February 16, 1995 as Instrument No. 214934, records of said county.

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

Dated: November 5, 2007


Barbara Harpe

STATE OF Idaho, County of Ada, ss.

On this 13th day of November in the year of 2007, before me Camille A. [illegible], notary public
personally appeared Barbara A. Harpe known or identified to me to be the person/persons whose name
is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Pioneer Title Co.

GOING BEYOND

8151 W. Rifleman Ave. / Boise, Idaho 83704 / (208) 377-2700

November 25, 2007

Phillip M. Warner and Susan Warner
7548 Riverfront Drive
Marsing, ID 83639

Escrow No.: 287631

Seller: Barbara A. Harpe, a married a married woman as her sole and separate property
Buyer: Phillip M Warner and Susan Warner, husband and wife
Property: 7548 Riverfront Drive
Marsing, Idaho 83639

The closing of your purchase of the above-noted property has now been completed. Enclosed for your records are your original Warranty Deed and Title Insurance Policy.

We appreciate having had this opportunity to be of service to you. If you have questions or if we can help you again, please feel free to contact us.

Sincerely,

PIONEER TITLE COMPANY OF ADA COUNTY

Sue Rich-Merritt
Escrow Officer

Enclosures

sjm:m

3

01/22/2008

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 2-10331 V1

WATER RIGHT NUMBER: 2-10331 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ESTATE OF ESTHER F ASHE C/O JACK HURT 4470 VEGAS VALLEY #108 LAS VEGAS, NV 89121 (702)457-3477
Current Owner	VANCE VAN HALL RT 1 BOX 16 MARSING, ID 83639 (208)896-4848

Priority Date: 01/19/1949

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.960 CFS	418.61 AF
	<u>Total Diversion:</u>	1.960 CFS	418.61 AF

Location of Point(s) of Diversion

SNAKE RIVER L4 (NE1/4SE1/4SW1/4) Sec. 23, Twp 02N, Rge 04W, B.M.
OWYHEE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
			NE	NW	SW	SE	
02N	04W	23			55.0	33.0	111.5
					L 3	L 4	
02N	04W	26		17.0			17.0
				L 1			

Total Acres: 128.5

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. K06 This right is limited to the irrigation of 92.6 acres within the place of use described above in a single irrigation season.

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3. S47 The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
4. 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.
5. X36 Rights 2-7463 and 2-2077B are also diverted through the point of diversion described above.
6. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
7. This right is a split from former right 2-10257.
8. R69 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Remarks:Comments:

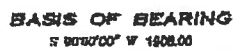
1. dshaff 3/19/2007 Change Owner Split
Comment: Split by change in ownership

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
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

Combined Use Limits:Water Supply Bank:

Hidden Valley Estates
T2N R4W S. 23



$\frac{1}{4}$ mile

JAMUAN LLC
2-10258 for
Lot 4

1.89 Acre split for
Lot 3, HARPE

NEJW
GOVT LOT 3

LOCATION OF PUMP
10X25' DOCK JUST
OFF PROPERTY
FOR EACH
LOT

Center of Section

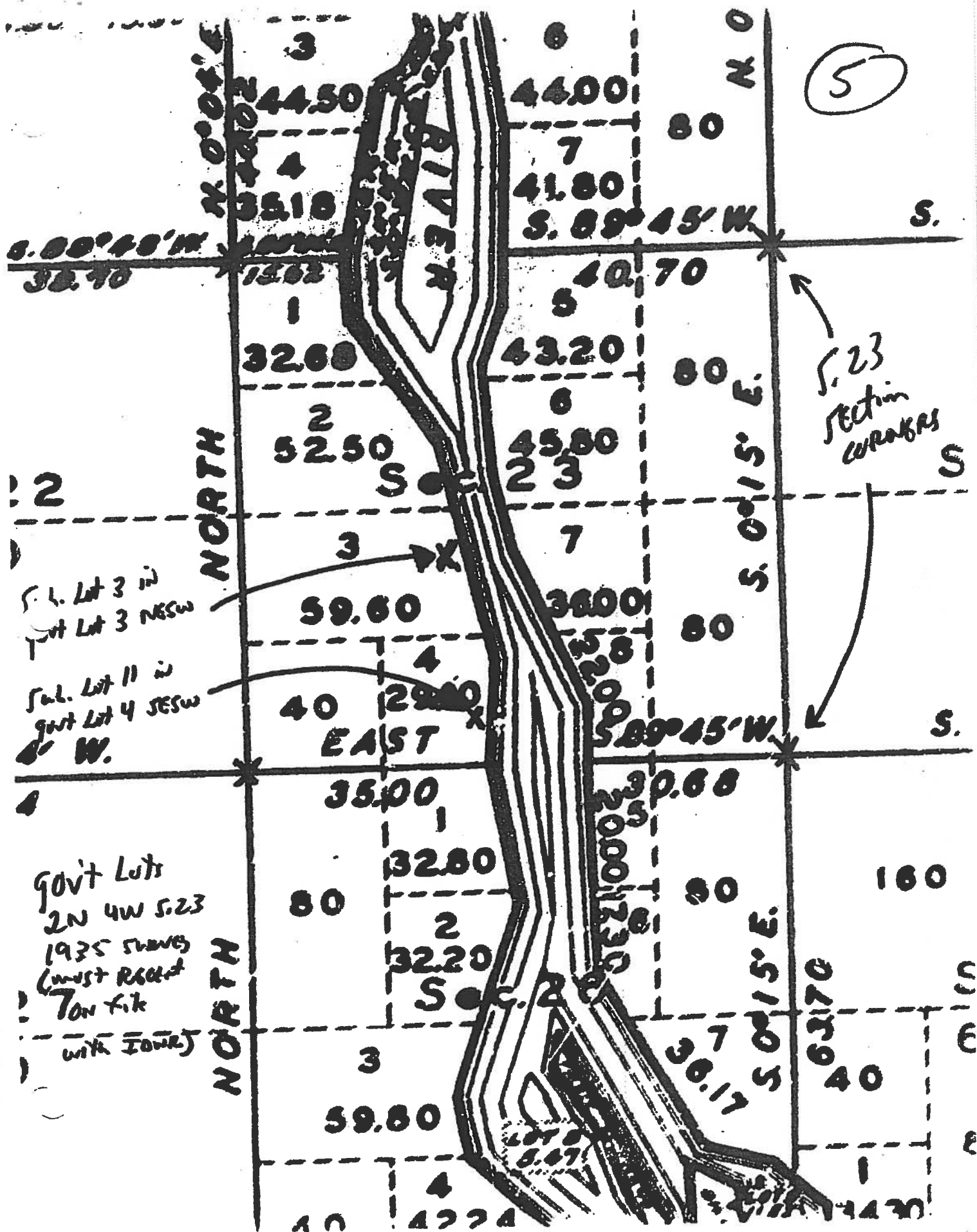
1.75 Acre
Split for
Lot 11,
HARPE

NOTES per survey into
per 2 transfer apps.
Filed 6/16/06 to establish
separate diversions for
Lots 3 & 11, HARPE.

-52 6/22/06

Subel. Lot 3 = NESW Govt. Lot 3

Subd. Lot 11 = SE SW qvrt. Lot 4



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Adjudication Claim Report 2-10331

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Original Owner	ESTATE OF ESTHER F ASHE C/O JACK HURT 4470 VEGAS VALLEY #108 LAS VEGAS, NV 89121 (702)457-3477
Current Owner	VANCE VAN HALL 5552 WILLOW LN NAMP, ID 83687-8424 (208)461-2575

Priority Date: 01/19/1949

Basis:	License
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Status: Parent

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.980 CFS	423.50 AF
	<u>Total Diversion:</u>	1.980 CFS	423.50 AF

Location of Point(s) of Diversion

SNAKE RIVER L4 (NE1/4SE1/4SW1/4) Sec. 23, Twp 02N, Rge 04W, B.M.
OWYHEE County

Place of Use

IRRIGATION

[illegible]

Total Acres: 94.1

Conditions of Approval:

1. This right is a split from former right 2-10257 .
2. P22 Split right: See Right Nos. 2-10346, 63-10347, 2-10348, 2-10349 and 2-10351.

Remarks: