

**ACT OF THE
N FALLS**

**SUB CASE NO. 72-00109E, 72-00109L,
72-00109M**

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 Reports* for said water rights. 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: _____

4/5/00



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 4/7, 2000, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

2. One Copy to:

Claimant/Seller for Substitution of Party or attorney of record:

Jay Norris	Madi Levinson	Luther B Hortshorn
Linda Norris	4503 Hoover	465 S Linder Rd
1532 Long Drive Ct	Boise ID 83705	Meridian ID 83642
Crofton MD 21114		

3. One Copy to:

Claimant/Purchaser for Substitution of Party or attorney of record:

Jeffrey J Yeo
Jette Morache
PO Box 299
Challis ID 83226

4. One Copy to:

United States Dept of Justice
Office of the Attorney General
550 West Fort Street MSC 033
Boise ID 83724

5. One Copy to:

Chief Natural Resources Division
Environment & Natural Resource Div
PO Box 4444
Boise ID 83724



Signature of person or attorney mailing the form

AJ5859NP

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

DATE: MAR-29-200

PAGE: A-2

RIGHT NUMBER: 72-00109E

SPLIT RIGHT: SEE RIGHT NOS. 72-00109L AND 72-00109M.

AJ5856NP

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

DATE: MAR-29-2000
PAGE: A-4

RIGHT NUMBER: 72-00109L

NAME & ADDRESS: LINDA NORRIS
JAY NORRIS
1532 LONG DRIVE CT
CROFTON MD 21114

MADI LEVINSON
4503 HOOVER
BOISE ID 83705

LUTHER B HARTSHORN
465 S LINDER RD
MERIDIAN ID 83642

SOURCE: GARDEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.3 CFS

PRIORITY DATE: 05/15/1888

POINT OF DIVERSION: T13N R18E S03 SWSESE Within CUSTER County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION STOCKWATER, 20 HORSES	04-01 10-31	0.3 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T13N R18E S03 SENE 6.3 NESE 10
16.3 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
OR A COMBINED TOTAL OF 16.3 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-00106L AND 72-00109L.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
OR A COMBINED TOTAL OF 13.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-00106L, 72-00109L, AND 72-16499.

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 - DECREE

AJ5856NP

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

DATE: MAR-29-200
PAGE: A-5

RIGHT NUMBER: 72-00109L (CONT)

EXPLANATORY MATERIAL: (CONT)

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE: 72-00106L, 72-00106M, 72-00109L AND
72-00109H.

AJ5856NP

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

DATE: MAR-29-200
PAGE: A-6

RIGHT NUMBER: 72-00109M

NAME & ADDRESS: JEFFREY J YEO
JETTE MORACHE
PO BOX 299
CHALLIS ID 83226

SOURCE: GARDEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.02 CFS

PRIORITY DATE: 05/15/1888

POINT OF DIVERSION: T13N R18E S03 SWSESE Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 10-31	0.02 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T13N R18E S03 NESE 1
1 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
OR A COMBINED TOTAL OF 1 ACRE IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-00106M AND 72-00109M.

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 - DECREE

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE: 72-00106L, 72-00106M, 72-00109L
AND 72-00109M.



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

April 5, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JEFFREY J YEO
JETTE MORACHE
PO BOX 299
CHALLIS ID 83226

RE: SRBA Claim(s) 72-00109E

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Jay and Linda Norris
Madi Levinson
Luther Hartshorn

Moraish - 1.03 → 1Ac vir
16.9

$$\frac{1}{17.3}$$

$$\frac{.021}{.38 \text{ CFS}} \text{ CFS} \approx .02$$

$$32 \quad .018 \approx \frac{.02}{1.04 \text{ CFS}}$$

Low
16.1 AC

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

SEP 10 1999

Department of Water Resources
Eastern Region

RECEIVED

SEP 15 1999

Department of Water Resources
Southern Region

1. Water Right No(s).: 72-00106A and 72-00109E

Adjudication Claim No(s).: NONE

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

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

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

3. Name and Address of Former Owner/Claimant

JAY & LINDA NORRIS, LUTHER HAKTSORN, MADISON

465 S. LINDER ROAD, MERIDIAN, IDAHO 83642

4. New Owner/Claimant(s)

JEFFREY J. YEO AND JETTE MORACHE

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

New Mailing Address

P.O. BOX 299

City, State and ZIP Code

CHALLIS, IDAHO 83226

New Telephone Number

(208) 879-5066

5. Date you acquired the property

MAY 15, 1997

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate 3.25 ac Number and type of stock 0

Diversion rate in CFS 0.063 Number of homes 1 Other uses NONE

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s)

Jeffrey J. Yeo
Jette Morache

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

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

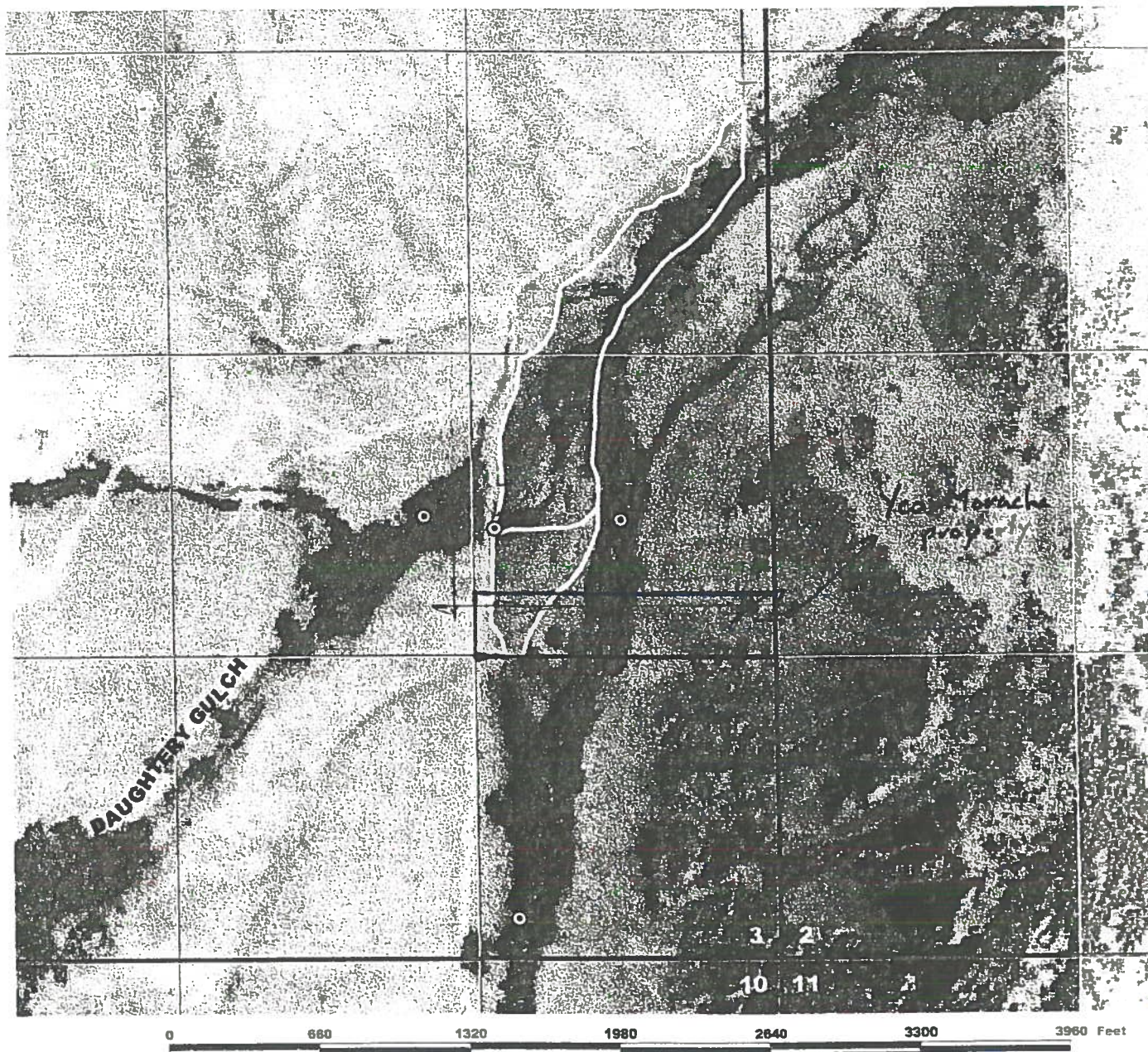
IDAHO DEPARTMENT OF WATER RESOURCES

72-00106A AND 72-00109E

SOURCE = GARDEN CREEK

72-16499

SOURCE = DAUGHTERY GULCH



RECOMMENDED PLACE OF USE
TWP 13N RNG 18E, SEC 3
data entry on October 22, 1998



- ⊙ RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- SECTION LINES
- QUARTER/QUARTER LINES

GIS PLACE OF USE PRESENTATION
1992 USDA-F AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

Form No. 1402.92
(10/17/92)
ALTA Owner's Policy



POLICY OF TITLE INSURANCE



ISSUED BY

First American Title Insurance Company

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.



CUSTER COUNTY TITLE, INC.
8th & Main
P.O. Box 370
Challis, ID 83226
(208) 879-4424
Fax: (208) 879-5249

Agent for:

First American Title Insurance Company

First American Title Insurance Company

BY

Parker S. Kennedy

PRESIDENT

ATTEST

Mark A. Green

SECRETARY

COUNTERSIGNED BY:

Larry Lindt

J 530927



SCHEDULE C

Order No. 9473

Policy No. J 530927

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

TOWNSHIP 13 NORTH, RANGE 18 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

Section 3:

A fraction of the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, Township 13 North, Range 18 East, Boise Meridian, Custer County, Idaho, described as:

Beginning at the Southwest corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$; thence East along the South line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, 1320 feet, more or less, to the Southeast Corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$; thence North along the East boundary line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, 264 feet; thence West parallel to the South line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, 1320 feet, more or less, to the West line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$; thence South along the West line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, 264 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM:

A fraction of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 13 North, Range 18 East, Boise Meridian, Custer County, Idaho more particularly described as follows, to-wit:

Beginning at the Southwest corner of the said NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3; run thence Northerly along the Westerly boundary of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3 a distance of 264.0 feet; thence East parallel to the Southerly boundary of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ 176.0 feet; thence South 0° 31' West, 264.1 feet to a point on the Southerly boundary of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3; thence West along said Southerly boundary 164.0 feet to the point of beginning.

EXCEPTING and reserving from the above described tract of land and easement for a road right of Way 20.0 feet in width, along the Southerly boundary, extending from the Southeasterly corner in a Westerly direction to the present County Road.

SCHEDULE B

Order No. 9473

Policy No. J 530927

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

PART I

SECTION 1

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; © water rights, claims or title to water whether or not the matters excepted under (a), (b), or © are shown by the public records.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
7. General taxes for the year 1997, which are a lien, payable on or before December 20 of said year.

SCHEDULE A

Order No. 9473

Policy No. J 530927

Amount of Insurance: \$26,500.00

Premium \$252.00

Date of Policy: March 17, 1997 4:20 P.M.

1. Name of Insured:

JEFFERY J. YEO AND JETTE MORACHE

2. The estate or interest in the land which is covered by this policy is:

A FEE SIMPLE

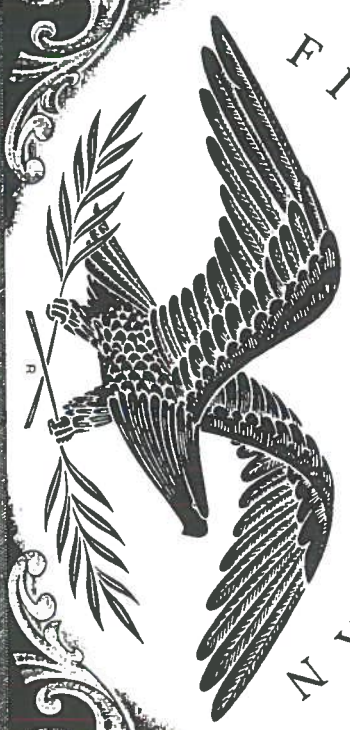
3. Title to the estate or interest in the land is vested in:

JEFFERY J. YEO AND JETTE MORACHE

4. The land referred to in this policy is described as follows:

See attached Schedule C

FIRST AMERICAN



First American Title Insurance Company

POLICY
OF
TITLE
INSURANCE



Form No. 1402.92
(10/17/92)
ALTA Owner's Policy



POLICY OF TITLE INSURANCE



ISSUED BY

First American Title Insurance Company

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.



CUSTER COUNTY TITLE, INC.
8th & Main
P.O. Box 370
Challis, ID 83226
(208) 879-4424
Fax: (208) 879-5249
Agent for:

First American Title Insurance Company

First American Title Insurance Company

BY *Parker S. Kennedy* PRESIDENT

ATTEST *Mark R. Gmery* SECRETARY
COUNTERSIGNED BY: *Patsy Lindt*

J 530947



SCHEDULE A

Order No. 9524

Policy No. J 530947

Amount of Insurance: \$5,000.00

Premium \$150.00

Date of Policy: May 16, 1997 4:07 P.M.

1. Name of Insured:

JEFFREY J. YEO AND JETTE MORACHE, husband and wife

2. The estate or interest in the land which is covered by this policy is:

A FEE SIMPLE

3. Title to the estate or interest in the land is vested in:

JEFFREY J. YEO AND JETTE MORACHE, husband and wife

4. The land referred to in this policy is described as follows:

See attached Schedule C

SCHEDULE B

Order No. 9524

Policy No. J 530947

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

PART I

SECTION 1

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; © water rights, claims or title to water whether or not the matters excepted under (a), (b), or © are shown by the public records.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
7. General taxes for the 1997, which are a lien, payable on or before December 20 of said year.
8. Easement 20 Feet in width contained in the Deed dated August 25, 1977, from Michael Henry Madson et. ux. to Johnny D. Norris et. ux., recorded August 25, 1977, as instrument No. 144587, records of Custer County, Idaho.

SCHEDULE C

Order No. 9524

Policy No. J 530947

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

A fraction of the NE¹/₄SE¹/₄ of Section 3, Township 13 North, Range 18 East, Boise Meridian, Custer County, Idaho more particularly described as follows, to-wit:

Beginning at the Southwest corner of the said NE¹/₄SE¹/₄ of Section 3; run thence Northerly along the Westerly boundary of the NE¹/₄SE¹/₄ of Section 3 a distance of 264.0 feet; thence East parallel to the Southerly boundary of said NE¹/₄SE¹/₄ 176.0 feet; thence South 0° 31' West, 264.1 feet to a point on the Southerly boundary of the NE¹/₄SE¹/₄ of Section 3; thence West along said Southerly boundary 164.0 feet to the point of beginning.

FIRST AMERICAN



First American Title Insurance Company



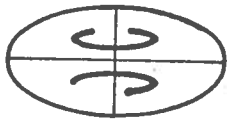
POLICY
OF

TITLE
INSURANCE



LEGEND

- Lot boundary
- Subdivision
- ⊕ Government
- 1/2" x 24" steel
- 1/2" x 24" steel



Johnston & Co.
engineers
salmon idaho

$$1 \text{ mm} = 391 \text{ ft}$$

$$\text{Road} = 13,098.5 \text{ ft}^2$$

$$1 \text{ ac} = 43,560 \text{ ft}^2$$

N 0° 33' 08" W

1056.60'

NE 1/4 SE 4

$$1.03 \text{ ac} = 44,867 \text{ ft}^2$$

$$- 13,099 \text{ ft}^2 \text{ (county road = RECW)}$$

$$\frac{31,765 \text{ ft}^2}{2,033 \text{ ft}^2} \text{ (easement)}$$

$$\frac{29,735 \text{ ft}^2}{16,236 \text{ ft}^2} \text{ (septic setback from neighbor ditch)}$$

$$13,497 \text{ ft}^2 = 0.31 \text{ ac} @ \$3,802/\text{ac} = \$1,178$$

50' setback - septic
1-50' from ditch - septic

Road

County

264.00'

176.00'

50'

50'

50'

264.00'

50° 33' 08" E

20' wide easement

176.00'

1.03 ac total

N 89° 29' 35" E

1148.69'

$$6.98 \text{ Ac} @ \$3,502/\text{ac}$$

1149.18'

S 89° 29' 35" W
1325.62'

corner land near
rock outcrop

N 0° 19' W (Rec.)
N 0° 39' 35" W (mea)

264.00'

33.34

3

(2410.98)

N 0° 00' 32" E
2425.26'

(N 0° 19' W)

N 0° 27' 27" W
2650.28'

(2640')

3

10

N 89° 25' 40"
5310.56'

N 89° 53' 14"
5273.18'

264.00'

N 0° 39' 33" W (ma)

10.55.09'

3-2

CERTIFICATE OF SURVEYOR

I, David L. Couch, R.L.S. No. 970, State of Idaho, do hereby certify that the survey represented on this plat was performed by me or under my supervision in accordance with the laws of the State of Idaho, in September, of 1981.

173319

COUNTY RECORDER'S CERTIFICATE

State of Idaho
County of Custer
This is to certify that the foregoing plat was filed in the office of the Recorder of Custer County, Idaho, on this 14th day of February, 1985, at 1:57 p.m. and duly recorded in the records of Survey. Book: _____ at page _____
State of Idaho Recorder
Ex-Officio Recorder

NOTE: This document was misrecorded in Lemhi County and found in February 1985. Taken to Custer County for recording.

- LEGEND
- Lot boundary line
 - Subdivision boundary line
 - ⊕ Government Corner found
 - 1/2" x 24" steel rod set as boundary corner
 - 1/2" x 24" steel bar with plastic cap

Johnston · couch
engineers · surveyors
salmon · idaho



Section Plan
Scale 1" = 1000'

N

