

FRASIER

11/14/2006

NOTICE OF ERROR
REPLY

RECEIVED

DEC 12 2006

DEPARTMENT OF
WATER RESOURCES

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-366

LYNN M REINHOLD
2502 CEMETERY LN
COUNCIL ID 83612
Telephone Number: (208) 253-6915

MARK C YATES
2502 CEMETERY LN
COUNCIL ID 83612
Telephone Number: (208) 253-6915

PHYLLIS R YATES
2502 CEMETERY LN
COUNCIL ID 83612-5241
Telephone Number: (208) 253-6915

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

This right # 67-366 should be in Frasier name, rather than Reinhold and Yates

2. Describe the changes you wish to make in the proposed recommendation:

Needs to have names changed and the number of acres changed from 6 to 40.

3. Give a brief explanation as to why you disagree with these portions:

as stated above, ~~LA~~ I am trying to make an appointment with Craig Saxton on this matter.

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

Dec 7, 2006

SIGNATURE:

Jack Frasier

Please print your name:

Jack Frasier

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

12/19/06: spoke with Jack 12/11/06 and explained
Reduced acreage
12-19-06

SCANNED
DEC 13 2006

Dec. 7, 2006

RECEIVED

DEC 12 2006

DEPARTMENT OF
WATER RESOURCES

Craig Saxton:

Dear Sir:

I called your office on Dec. 8 to try and make an appointment with you to get right # 67-366 changed from Yates's name to ours. We thought this had already been done.

There are two rights to this property which we purchased in 2001. One right was transferred to our name (# 67-4559), but evidently the other one (# 67-366) wasn't. I have to be in Boise on Dec. 21 and am hopeful I can meet with you on this matter.

Addressed
C. Saxton
12-19-06

Thank you:

Jack Frasier
2123 Airport Rd
Council, Idaho 83612
phone # 208-253-4758

SCANNED

DEC 13 2006

Files are
@ Western

✓ *Charles*

12-12-06



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 10, 2006

JACK AND NYLA FRASIER
2123 AIRPORT RD
COUNCIL ID 83612

RE: Snake River Basin Adjudication (SRBA)
Notice of Change of Water Right Ownership
Notices of Claim to a Water Right #67-366 and 67-4559

Dear Claimants:

We are returning your Notice of Change of Water Right Ownership form. Your Warranty Deed was missing Exhibit A. We need a copy of that exhibit, please.

Please return the form to the attention of **Craig Saxton** at this office. Please call me toll-free at 1/800-451-4129 if you have any questions.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:state

Enclosure:

Incomplete Change of Ownership Form

SCANNED
MAY 10 2006

Shurte, Jan

From: Saxton, Craig
Sent: Monday, December 11, 2006 2:28 PM
To: Music, Vicky; Brown, Kimberly; Nelson, Dan; Graves, Lori; Egbert, Sandy
Cc: Harris, Lori; Shurte, Jan
Subject: Jack Frasier (67-4559 & 67-366)

Hi Everyone,

In the box of files that got shipped over there you will find 67-4559 and 67-366. Now I don't know if they were being shipped over for a NOE or C/O but this refers to both. Since I don't know who will get it I am sending it to everyone.

For one thing 67-4559 is in Jack's name but 67-366 isn't. I am not sure why because they are both for the same ground. But anyway, if you have the documentation, please change that.

67-366: I reduced this decreed right from 0.17 cfs to 0.12 cfs because I could only find 6 acres. He said they used to irrigate more. I don't know how long ago that was but I am actually surprised that I reduced the decreed right in the first place. Could we look at that again and see if we can get back to 0.17 cfs. If we can't, he won't argue with us or file an objection.

Thanks and as always....sorry,

Craig

12/14/2006

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

RIGHT NUMBER: 67-366

NAME AND ADDRESS: JACK W FRASIER
2123 AIRPORT RD
COUNCIL ID 83612

NYLA FRASIER
2123 AIRPORT RD
COUNCIL ID 83612

SOURCE: MILL CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.170 CFS

Right Nos. 67-366 and 67-4559 are limited to a total combined diversion rate of 0.12 cfs at the field headgate.

PRIORITY DATE: 05/01/1909

POINT OF DIVERSION:

T17N R01E S31 NESWSW Lot 4 Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.170 CFS

PLACE OF USE:

IRRIGATION in ADAMS County

T16N R01W S03 NWSW 6.00

6 ACRES TOTAL

Right Nos. 67-366 and 67-4559 are limited to the irrigation of a combined total of 6.0 acres in a single irrigation season.

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 - Decreed

The portion of Right 67-366 used for conveyance losses is 0.05 cfs.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

December 7, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

JACK AND NYLA FRASIER
2123 AIRPORT RD
COUNCIL ID 83612

RE: NOTICE OF ERROR FILED ON WATER RIGHTS 67-366 AND 67-4559

Dear Mr. and Ms. Frasier:

I was asked to review the notice of error for the above files. The notice of error stated that there were more acres irrigated than what was recommended by Craig Saxton. Mr. Saxton reduced the number of acres from the 40 acres claimed and the 13.6 acres allowable under the Allison vs. Muir decree to 6 acres for both rights. In reviewing the maps made by Mr. Saxton, I agree totally with Mr. Saxton that only 6 acres could have been irrigated under these rights. The only way additional acres could have been irrigated is to run water uphill. I could find no evidence of that occurring in the aerial photos available in our office dating back to 1975.

Mr. Saxton also reduced the rate of diversion to 0.12 cfs or an inch (0.02 cfs) per acre. In my review, I discussed this issue with Mr. Saxton, and we both agreed that we shouldn't reduce the decreed right (67-366) to 0.12 cfs. The decreed right is diverted approximately 3 miles from the place of use. It is more than reasonable to assume that there would be a significant amount of ditch loss by transporting this small amount of water that distance. Therefore, we have determined that we will leave the diversion rate at the amount decreed in Allison vs. Muir at 0.17 cfs at the point of diversion. The right will be limited to 0.12 cfs at the field headgate, and the remaining 0.05 cfs will be allowed to account for ditch loss from the point of diversion to the field headgate.

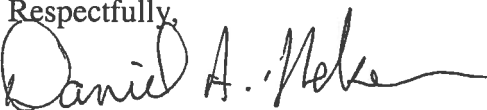
Page 2
Frasier
12/14/2006

No changes will be made to 67-4559, other than a tweak to one of the conditions that will limit the total water used on the 6 acres to an inch per acre at the field headgate. What this means is that you can only apply 6 inches of water or 0.12 cfs on your fields at any given time. You will be able to combine the two water rights in any combinations available to you as long as you do not go over the inch per acre limitation. An inch per acre at the field headgate is the maximum amount of water we can allow.

I have enclosed copies of the corrected recommendations with this letter. You should be getting a final copy of these rights that will show exactly what we will be sending to the courts within the few weeks. **Please carefully check every aspect of all of your water rights in this mailing.** It is rare that a mistake is made, but it can happen. If you find that something on the water rights are not correct at that time, you will want to make sure you file an objection to the court, and contact Craig Saxton to ensure they will be decreed correctly.

If you have any questions or concerns please contact Craig Saxton at 287-4800 or myself at the above address.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniel A. Nelson", with a long horizontal flourish extending to the right.

Daniel A. Nelson
Sr. Water Right Agent

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-366 V1

WATER RIGHT NUMBER: 67-366 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CLINTON T YATES 2123 AIRPORT RD COUNCIL, ID 83612-5241
Original Owner	DIANE J YATES 4200 HELLS CANYON DAM RD OXBOW, OR 97840
Original Owner	C W HOLMES
Original Owner	, ZZ LYNN M REINHOLD 2502 CEMETERY LN COUNCIL, ID 83612 (208) 253-6915
Original Owner	MARK C YATES 2502 CEMETERY LN COUNCIL, ID 83612 (208) 253-6915
Original Owner	PHYLLIS R YATES 2502 CEMETERY LN COUNCIL, ID 83612-5241 (208) 253-6915
Current Owner	JACK W FRASIER 2123 AIRPORT RD COUNCIL, ID 83612 (208) 253-4758
Current Owner	NYLA FRASIER 2123 AIRPORT RD COUNCIL, ID 83612 (208) 253-4758

Priority Date: 05/01/1909

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MILL CREEK	WEISER 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	0.170 CFS	
	<u>Total Diversion:</u>	0.170 CFS	

Location of Point(s) of Diversion

MILL CREEK	L4 (NE1/4SW1/4SW1/4)	Sec. 31, Twp 17N, Rge 01E, B.M.
ADAMS County		

Place of Use

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-366 V1

Twp	Rge	Sec	NE				NW				SW				SE				Totals
16N	01W	3	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	6.0
																			6.0

Total Acres: 6

Conditions of Approval:

1. X56 The portion of Right 67-366 used for conveyance losses is 0.05 cfs.
2. E51 Right Nos. 67-366 and 67-4559 are limited to a total combined diversion rate of 0.12 cfs at the field headgate.
3. E55 Right Nos. 67-366 and 67-4559 are limited to the irrigation of a combined total of 6.0 acres in a single irrigation season.
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.

Remarks:Comments:

1. csaxton 3/28/2006 Delivery Records

Comment: Water master Records show delivery of this right to Fraiser.

2. csaxton 3/28/2006 Diversion Rate

Comment: Diversion Rate reduced as only 6 acres found to be irrigated. Consolidate decreed water to 1 inch per acre, but still can only recommend 0.12 cfs of the 0.17 cfs originally decreed. Might find through NOE that ground in lower QQ is irrigated.

3. dnelson 12/14/2006 Notice of Error Review

Comment: I was asked to review the notice of error for the above files. The notice of error stated that there were more acres irrigated than what was recommended by Craig Saxton. Mr. Saxton reduced the number of acres from the 40 acres claimed and the 13.6 acres allowable under the Allison vs. Muir decree to 6 acres for both 63-366 and 63-4559. In reviewing the maps made by Mr. Saxton, I agree totally with Mr. Saxton that only 6 acres could have been irrigated under these rights. The only way additional acres could have been irrigated is to run water uphill. I could find no evidence of that occurring in the aerial photos available in our office dating back to 1975.

Mr. Saxton also reduced the rate of diversion to 0.12 cfs or an inch (0.02 cfs) per acre. In my review, I discussed this issue with Mr. Saxton, and we both agreed that we should not reduce the decreed right (67-366) to 0.12 cfs. The decreed right is diverted approximately 3 miles from the place of use. It is more than reasonable to assume that there would be a significant amount of ditch loss by transporting this small amount of water that distance. Therefore, we have determined that we will leave the diversion rate at the amount decreed in Allison vs. Muir at 0.17 cfs at the point of diversion. The right will be limited to 0.12 cfs at the field headgate, and the remaining 0.05 cfs will be allowed to account for ditch loss from the point of diversion to the field headgate.

No changes will be made to 67-4559, other than a tweak to one of the conditions that will limit the total water used on the 6 acres to an inch per acre at the field headgate.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-366 V1

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: 67
 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:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	8/2/2004 10:30:54 AM	segbert			Active
POD	8/2/2004 10:31:34 AM	segbert			Active
Source	8/2/2004 10:33:51 AM	segbert			Active
POU	8/2/2004 10:35:01 AM	segbert			Active
Use	8/2/2004 10:41:28 AM	segbert			Active
Season	8/2/2004 10:41:45 AM	segbert			Active
Quantity	8/2/2004 10:42:13 AM	segbert			Active
Contacts	3/28/2006 10:01:06 AM	csaxton			Active
Priority Date	3/28/2006 10:02:02 AM	csaxton			Active
POD	3/28/2006 10:02:16 AM	csaxton			Active
Source	3/28/2006 10:05:59 AM	csaxton			Active
POU	3/28/2006 10:06:14 AM	csaxton			Active
Use	3/28/2006 10:08:49 AM	csaxton			Active
Season	3/28/2006 10:09:06 AM	csaxton			Active
Quantity	3/28/2006 10:11:31 AM	csaxton			Active
Summary			03/28/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-366 V1

POD	3/28/2006 10:02:17 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
General	3/28/2006 10:02:03 AM	csaxton	(Yes) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 2. Was the owner or the owners predecessor in interest of the place of use joined in the later decree? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	3/28/2006 10:03:26 AM	csaxton	Updated shape
POD	3/28/2006 10:04:26 AM	csaxton	Updated shape
POD	3/28/2006 10:05:43 AM	csaxton	Updated PLS
Source	3/28/2006 10:06:00 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	3/28/2006 10:06:16 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	3/28/2006 10:08:20 AM	csaxton	Updated shape for Active POU
POU	3/28/2006 10:08:30 AM	csaxton	Updated PLS for Active POU
Priority Date	8/2/2004 10:30:54 AM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-366 V1

POD	8/2/2004 10:31:33 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file?
POD	8/2/2004 10:33:31 AM	segbert	Edited point location
POU	8/2/2004 10:35:01 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file?
POU	8/2/2004 10:39:29 AM	segbert	Created polygon from PLS
Use	8/2/2004 10:41:28 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
Season	8/2/2004 10:41:45 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use?
Quantity	8/2/2004 10:42:13 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?
Source	8/2/2004 10:33:51 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
Use	3/28/2006 10:08:51 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Contacts	3/28/2006 10:01:06 AM	csaxton	(No) 1. Do you want to schedule an appointment?

Comment for 1: Desktop Review

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-366 V1

Season	3/28/2006 10:09:08 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	3/28/2006 10:11:33 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?
Summary	3/28/2006 10:14:57 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 4. Is any portion of the claim be recommended? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

04/03/2006

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

RIGHT NUMBER: 67-366

NAME AND ADDRESS: LYNN M REINHOLD
2502 CEMETERY LN
COUNCIL ID 83612

MARK C YATES
2502 CEMETERY LN
COUNCIL ID 83612

PHYLLIS R YATES
2502 CEMETERY LN
COUNCIL ID 83612-5241

SOURCE: MILL CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.120 CFS

Right Nos. 67-366 and 67-4559 are limited to a total combined diversion rate of 0.12 cfs.

PRIORITY DATE: 05/01/1909

POINT OF DIVERSION:
T17N R01E S31 NESWSW Lot 4 Within ADAMS County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	03/15 11/15	0.120 CFS
PLACE OF USE:	<u>IRRIGATION Within ADAMS County</u>		
	T16N R01W S03 NWSW	6.00	
	6 ACRES TOTAL		

total Right Nos. 67-366 and 67-4559 are limited to the irrigation of a combined of 6.0 acres in a single irrigation season.

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 - Decreed



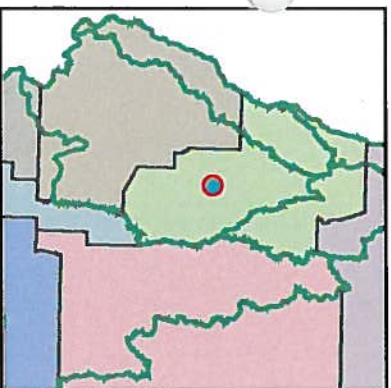
Idaho Department of Water Resources

Adjudication Claim Number: **67-366**

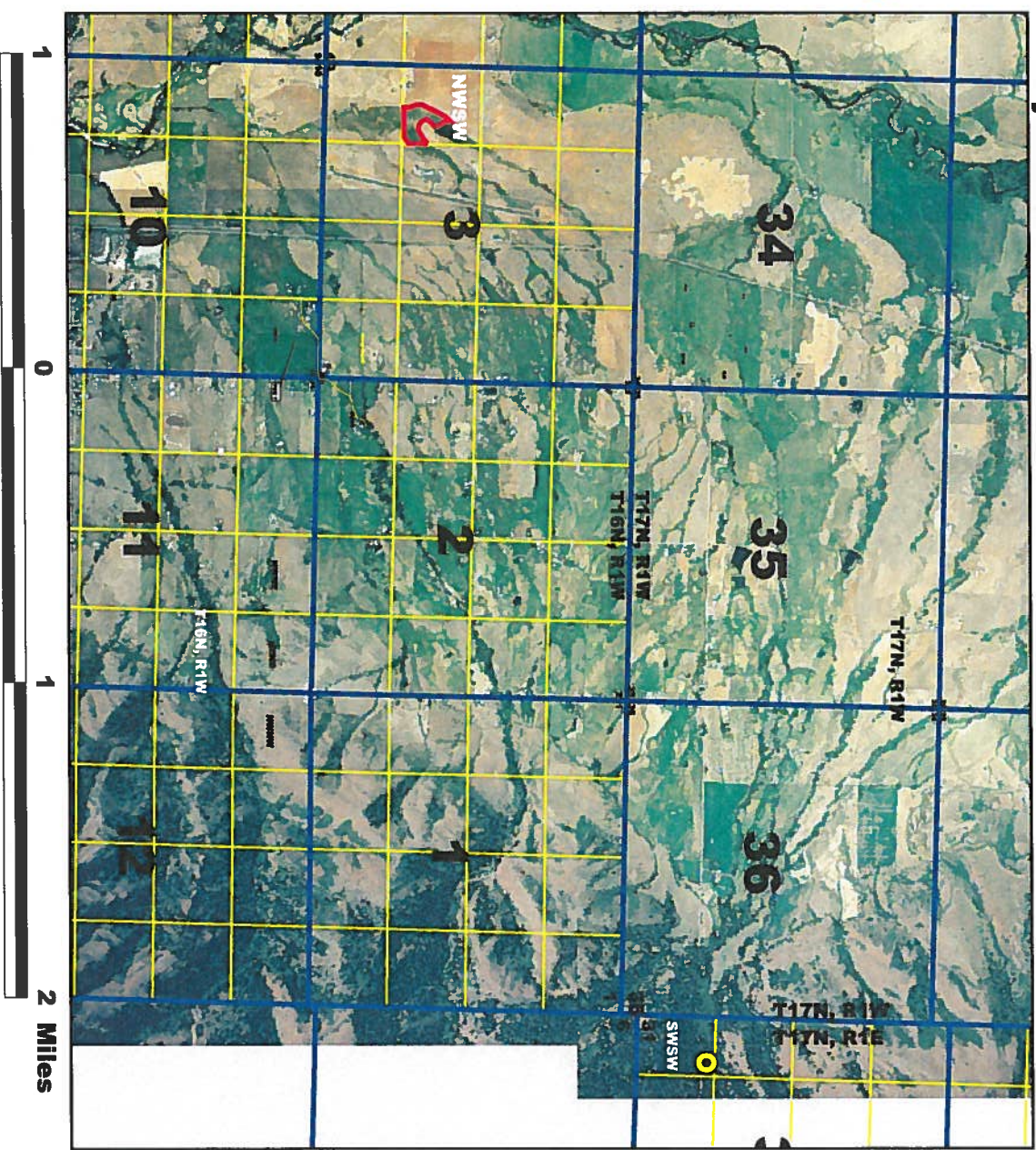
T16N R01W

Legend

- Point of Diversion
- Place of Use
- B67 sections.shp
- T16n01w.shp
- T17n01e.shp



Adams County
IDWR Basin 67



Prepared by C. Saxton
On Tuesday, March 28, 2006
1987 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-366 V1

WATER RIGHT NUMBER: 67-366 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARK C YATES 4200 HELLS CANYON DAM RD OXBOW, OR 97840
Current Owner	PHYLLIS R YATES 2123 AIRPORT RD COUNCIL, ID 83612-5241 (208)253-6840
Current Owner	DIANE J YATES 4200 HELLS CANYON DAM RD OXBOW, OR 97840
Original Owner	C W HOLMES , ZZ

Priority Date: 05/01/1909

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MILL CREEK	WEISER 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	0.120 CFS	
	<u>Total Diversion:</u>	0.120 CFS	

Location of Point(s) of Diversion

MILL CREEK	L4 (NE1/4SW1/4SW1/4)	Sec. 31, Twp 17N, Rge 01E, B.M.
ADAMS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	01W	3																	6.0

Total Acres: 6

Conditions of Approval:

1. E51 Right Nos. 67-366 and 67-4559 are limited to a total combined diversion rate of 0.12 cfs.
2. E55 Right Nos. 67-366 and 67-4559 are limited to the irrigation of a combined total of 6.0 acres in a single irrigation season.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-366 V1

3. 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:Comments:

1. csaxton 3/28/2006 Delivery Records

Comment: Water master Records show delivery of this right to Fraiser.

2. csaxton 3/28/2006 Diversion Rate

Comment: Diversion Rate reduced as only 6 acres found to be irrigated. Consolidate decreed water to 1 inch per acre, but still can only recommend 0.12 cfs of the 0.17 cfs originally decreed. Might find through NOE that ground in lower QQ is irrigated.

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: AND

Water District Number: 67

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:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	8/2/2004 10:30:54 AM	segbert			Active
POD	8/2/2004 10:31:34 AM	segbert			Active
Source	8/2/2004 10:33:51 AM	segbert			Active
POU	8/2/2004 10:35:01 AM	segbert			Active
Use	8/2/2004 10:41:28 AM	segbert			Active
Season	8/2/2004 10:41:45 AM	segbert			Active
Quantity	8/2/2004 10:42:13 AM	segbert			Active
Contacts	3/28/2006 10:01:06 AM	csaxton			Active
Priority Date	3/28/2006 10:02:02 AM	csaxton			Active
POD	3/28/2006 10:02:16 AM	csaxton			Active
Source	3/28/2006 10:05:59 AM	csaxton			Active
POU	3/28/2006 10:06:14 AM	csaxton			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-366 V1

Use	3/28/2006 10:08:49 AM	csaxton	Active
Season	3/28/2006 10:09:06 AM	csaxton	Active
Quantity	3/28/2006 10:11:31 AM	csaxton	Active
Summary	03/28/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	3/28/2006 10:02:17 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
General	3/28/2006 10:02:03 AM	csaxton	(Yes) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 2. Was the owner or the owners predecessor in interest of the place of use joined in the later decree? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	3/28/2006 10:03:26 AM	csaxton	Updated shape
POD	3/28/2006 10:04:26 AM	csaxton	Updated shape
POD	3/28/2006 10:05:43 AM	csaxton	Updated PLS
Source	3/28/2006 10:06:00 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	3/28/2006 10:06:16 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	3/28/2006 10:08:20 AM	csaxton	Updated shape for Active POU
POU	3/28/2006 10:08:30 AM	csaxton	Updated PLS for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-366 V1

Priority Date	8/2/2004 10:30:54 AM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly?
POD	8/2/2004 10:31:33 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file?
POD	8/2/2004 10:33:31 AM	segbert	Edited point location
POU	8/2/2004 10:35:01 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file?
POU	8/2/2004 10:39:29 AM	segbert	Created polygon from PLS
Use	8/2/2004 10:41:28 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
Season	8/2/2004 10:41:45 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use?
Quantity	8/2/2004 10:42:13 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?
Source	8/2/2004 10:33:51 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-366 V1

Use	3/28/2006 10:08:51 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Contacts	3/28/2006 10:01:06 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review
Season	3/28/2006 10:09:08 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	3/28/2006 10:11:33 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-366 V1

Summary	3/28/2006 10:14:57 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 4. Is any portion of the claim be recommended? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
---------	-----------------------	---------	--

Water Supply Bank:

: Needs C/O to Fraser

: Decreed @ 8.5"

8.5 inches @ $5/8$ per acre = 13.6 acres

: Found 6 acres: Rec 6 acres at 6 inches

needs:

- complete 67-366 - proof of use -
1987 water waste
report - found
in 67-349A
(Paradis)

POD, etc

may [→] not be using POD on 366 - wait for call
daughter having problem pregnancy

- reservoir dimensions

may need to amend
claim to list storage

Notes 05/31 MVB

Priority date OK: decreed.

* ~~need change of address~~ c/o - new owner: Jack Fraser
253-4758
(see 4559 notes)

Flow = ^{- decreed}
 $8.5 \text{ in} \times 0.02 = 0.170 \text{ cfs}$ - as claimed
flow measurement

POU:

NWSW Sec 3

need verification of acreage -

POD: need verified

should be approx.
13.6 acres @
5/8" / acre

Needs POD GPSd

6/28/05: field exam - met w/ Nila (sp?) Fraser, new owner.
Her husband was gone but they will decide whether
or not to pursue this claim, which would involve
finding the POD - they have not used since they
bought in 1997 (? date) but water does flow
onto their property, apparently from Mill Creek.
They may decide to stick with only their
flood water right, 67-4559, @ 1" / acre
with a later priority date.

Idaho Department of Water Resources



Adjudication Claim Number: **67-366**



Legend

-  GCDB16N01W GCDB
-  PLSS Section LinesGcdb_sections.shp



Prepared by M. Van Bussum
On Tuesday, May 31, 2005
1987 Aerial Photography

J F Lowe
L J Rhinehart
Loren Rhinehart
Anna Morrow

38 ✓
31 ✓
40 ✓
5 ✓

Mill Creek.

William Winkler, Lewis Winkler, Mrs F H Hayner,
John Kessler, Jim Kessler, Lewis Kessler, Bettie
Dickerson, Janie Hart, Ida Blanchard, William
Kessler, Elva Young and Rebecca Kessler, suc-
cessors of Alexander Kessler, deceased

25 ✓

Frederick N Watriss, Grantee of Geo M Winkler

16 2/3 ✓

12 1/2 ✓

33 1/3 ✓

20 3/4 ✓

P H Schaff and F S Galey, Grantees of Samuel Harp

37 1/2 ✓

29 ✓

Deseret Sheep Company sub for C A Martin, Grantee
of Margaret Krigbaum

41 2/3 ✓

Mill Creek (Con)

Council Valley Orchards, Grantee of J Marion
Young

10 3/4 ✓

29 ✓

37 1/2 ✓

21 1/2 ✓

27 1/2 ✓

J D Poyner and John Poyner

George T Ellis

P H Schaff and Thomas L Watt, Grantees of B F
Middleton

37 1/2 ✓

Charles Lappin and A R Felmley, Grantees of C B
Gibbs

54 ✓

James A Huston Jr. and William Spahr, Grantees
of John and J D Poyner

16 Trans 284

18 ✓

15 ✓

B W Turnipseed

J V Morrison

C W Holmes

8 1/2 ✓

Council Valley Orchards

100 ✓

Unnamed Stream.

Council Valley Orchards

100 ✓

Frank B Galey

20 ✓

C W Holmes

10 ✓

C E McDonald High water 56

34 ✓

Fort Hall Creek

C T Hamill

4 ✓

4 ✓

6 ✓

11 ✓

Louis Harp

A L Frechafer and Margaret P. Wil-

June 5, 1902 67 0344
June 5, 1902 67 0345
June 5, 1902 67 0346
June 5, 1902 67 0347

67 0348

May 1, 1878 Trans 517-537-711

May 1, 1881 67 0349

May 1, 1884 67 0350

May 1, 1893 67 0351

May 1, 1894 67 0352

May 1, 1882 67 0353

May 1, 1891 67 0354

May 1, 1884 Trans 67 0355

May 1, 1885 67 0356

May 1, 1894 67 0357

May 1, 1889 67 0358

May 1, 1886 67 0359

May 1, 1893 67 0360

May 1, 1894 67 0361

May 1, 1896 67 0362

May 1, 1899 67 0363

May 1, 1903 67 0364

July 1, 1909 67 0365

May 1, 1909 67 0366

June 1, 1906 67 0367

July 3, 1911 67 0368

March 17, 1913 67 0369

May 16, 1912 67 0370

July 2, 1892 67 0371

May 1, 1882 67 0372

May 1, 1889 67 0373

May 1, 1882 67 0374

June 1, 1911 67 0375

JUL 24 1996

WILLIAM WINKLER, LEWIS WINKLER, MRS F H HAYNER, JOHN KESSLER, JIM KESSLER, LEWIS KESSLER, BETTIE DICKERSON, JANIE HART, IDA BLANCHARD, WILLIAM KESSLER, ELVA YOUNG AND REBECCA KESSLER, successors of Alexander Kessler, deceased: The Southwest Quarter of the Northeast Quarter, Section 10, the East half of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter of Section 10 in Township 16 North, Range 1 West Boise Meridian.

FREDERICK N WATRISS: The South half of the Northwest Quarter and the North half of the Southwest Quarter, Section 35, Township 17 North Range 1 West Boise Meridian.

P H SCHAFY AND F B GALEY: The South half of the Northeast Quarter and the North half of the Southeast Quarter Section 35, Township 17 North, Range 1, West Boise Meridian.

DESERT SINK COMPANY: The Southeast Quarter of Section 34, Township 17 North, Range 1 West Boise Meridian.

COUNCIL VALLEY ORCHARDS: The South half of the Southeast Quarter, Section 35, Township 17 North, Range 1 West Boise Meridian and the North half of the Northeast Quarter, Section 2, Township 16 North, Range 1 West Boise Meridian.

J D POYNTER AND JOHN POYNTER: The North half of the Southwest Quarter and the West half of the Northwest Quarter of Section 36, Township 17 North, Range 1 West Boise Meridian.

GEORGE T WILLIS: The Southeast Quarter of the Southeast Quarter, Section 4, the Southwest Quarter of the Northwest Quarter, Section 3, and a tract bounded as follows, commencing at the Southwest corner of lot 1, said Section 4, thence north along the west side of said lot 20 rods, thence east 80 rods, thence south 20 rods, thence west 80 rods to the place of beginning, all in Township 16 North, Range 1 West Boise Meridian.

P H SCHAFY AND THOMAS L WATT: The North half of the Northwest Quarter Section 35, and 70 acres east of the right of way of the P & I N Ry. in the Southeast Quarter of the Southeast Quarter Section 27, and the Northeast Quarter of the Northeast Quarter Section 34, all in Township 17 North, Range 1 West Boise Meridian.

CHARLES LAPPIN AND A E FELLMLEY: The West half of the Southwest Quarter of Section 25, and the east half of the southeast Quarter of Section 26, Township 17 North, Range 1, West Boise Meridian.

JAMES A HUSTON, JR. and WM H SPAHR: The West half of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter, Section 36, Township 17 North Range 1 West Boise Meridian.

B W TURNIPSEED: Lot 4, the Southeast Quarter of the Southwest Quarter, and the South half of the Southeast Quarter Section 31, Township 17 North, Range 1 East Boise Meridian.

J V MORRISON: The Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter of Section 4, Township 16 North, Range 1 West Boise Meridian.

O W HOLMES: The Northwest Quarter of the Southwest Quarter Section 3, Township 16 North, Range 1 West Boise Meridian.

FRANK S GALEY: Northwest Quarter Southeast Quarter and Northeast Quarter Southeast Quarter Section 35, Township 17 North, Range 1 West Boise Meridian.

LOUIS HARP: The South half of the Northeast Quarter, and the Northeast Quarter of the Northeast Quarter, Section 23, and the Southeast Quarter of the Southeast Quarter Section 14, Township 17 North, Range 1 West Boise Meridian.

JUL 24 1996

MILL CREEK RIGHTS.

Deseret Sheep Company, substituted for C. A. Martin,
Grantee of Margaret Krigbaum,

41 2/3 May 1, 1884

William Winkler, Lewis Winkler,
Mrs. F. H. Hayner, John Kessler,
Jim Kessler, Lewis Kessler,
Bettie Dickerson, Janie Hart
Ida Blanchard, William Kessler,
Elva Young and Rebecca Kessler,
successors of Alexander
Kessler, deceased,

25

" " 1878

Charles Lappin and A. E.
Felmley, Grantee of C. S. Gibbs,

54

" " 1896

J. D. Poynor and John Poynor,

21 1/2

" " 1886

B. W. Turnipseed,

18

" " 1903

Frederick M. Watriss,
Grantee of Geo. M.
Winkler,

16 2/3
12 1/2
33 1/3
20 3/4

" " 1881
" " 1884
" " 1893
" "

P. H. Schaff and
F. S. Galey, Grantees
Samuel Hark

37 1/2
29

" " 1882
" " 1891

Council Valley Orchards
Grantee J. Marion Young

10 3/4
29
37 1/2

" " 1885
" " 1894
" " 1889

James A. Huston and William
Spahr, Grantees of John and
J. D. Poynor,

16

" " 1899

P. H. Schaff and Thomas L.
Watt, Grantees of B. F.
Middleton,

37 1/2

" " 1894

George T. Ellis

27 1/2

" " 1893

J. V. Morrison,

16

July 1 1909

C. W. Holmes

8 1/2

May 1 1909

RECORDED

JUL 24 1909

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 67-366
Date Received: 12/18/1989
Receipt No: C013565
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

NYLA FRASIER Phone: (208) 253-4758
2123 AIRPORT RD
COUNCIL ID USA 83612

JACK W FRASIER Phone: (208) 253-4758
2123 AIRPORT RD
COUNCIL ID USA 83612

2. Date of Priority: 05/01/1909

3. Source: MILL CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
17N	01E	31	NW	SW	SW	ADAMS	

5. Description of diverting works:

DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.17	

7. Total Quantity Appropriated is:
0.17 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	01W	3	NW	SW	IRRIGATION	40
					Section Acres	40
					Total Acres	40

11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed

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

RECEIVED
MAY 24 2006
DEPARTMENT OF
WATER RESOURCES

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
AS 67-4559	67-4559	none			
AS 67-366	67-366	none			

2.

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

A. The appropriate **FILING FEE**. See instructions for fee amounts. *NO Fee*

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)

4. New Owner/Claimant(s)

New Mailing Address

City, State and ZIP Code

New Telephone Number

5. Date you acquired the property

Jack and Nyla Frasier
Name Connector (Check one) [] and, [] or, [] and/or
2123 Airport Rd
Council, Idaho 83612
() *208-253-4758*
May 24, 2001

SCANNED

MAY 03 2006

SCANNED

OCT 17 2006

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.

N/A

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 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)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 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)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7.

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Jack Frasier
N/A

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 <u>N/A</u>
Received by <u>201</u>	Date <u>12-13-06</u>	Receipt No. _____
Processed by <u>201</u> AJ	Date <u>12-13-06</u>	WR _____ Date _____

SCANNED
MAY 03 2006

SCANNED
OCT 17 2006

PARCEL 1

Township 16 North, Range 1 West, Boise Meridian, Adams County,
Idaho

Section 3: SW1/4NW1/4SW1/4

PARCEL 2

Township 16 North, Range 1 West, Boise Meridian, Adams County,
Idaho

Section 3: E1/2W1/2SW1/4, NW1/4NW1/4SW1/4, NW1/4SW1/4SW1/4

EXCEPTING THEREFROM a strip 25 feet along the entire South line
of the SW1/4SW1/4 as set forth in Book 7 Deeds page 216

EXCEPTING the right-of-way of Airport Road

RECEIVED

MAY 02 2006

DEPARTMENT OF
LAND & RESOURCES

For Value Received, THE C.T. & PHYLLIS YATES FAMILY TRUST and FLYING Y LIMITED PARTNERSHIP, an Idaho limited partnership

the grantors, do hereby grant, bargain, sell and convey unto
JACK W. FRASIER and NYLA J. FRASIER, husband and wife

the grantees, whose current address is, 2123 Airport Rd,
P.O. Box 208, Council, ID 83612

the following described premises, in Adams County, Idaho, to-wit:

SEE ATTACHED EXHIBIT 'A' MADE A PART HEREOF

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all encumbrances excepting for all easements of record, rights of way, matters visible, and all matters of record and title and that they will warrant and defend the same from all lawful claims whatsoever.

Date: May 21, 2001

THE C.T. & PHYLLIS YATES FAMILY TRUST

BY: Phyllis R. Yates
PHYLLIS R. YATES, Trustee

FLYING Y LIMITED PARTNERSHIP, an Idaho limited partnership

BY: Phyllis R. Yates
PHYLLIS R. YATES, as the surviving spouse of Clinton T. Yates, Partner

BY: Mark C. Yates
MARK C. YATES, Partner

Instrument # 99853

COUNCIL, ADAMS, IDAHO

2001-05-01 12:08:43 No. of Pages: 3

Recorded for: TIMBERLINE TITLE & ESCROW

MICHAEL FISK Fee: \$ 9.00

Ex-Officio Recorder Deputy P. J. J. J.

Index to: DBSD

STATE OF Idaho)
COUNTY OF Adams) : ss

On this 24 day of May, in the year of 2001, before me, a Notary Public in and for said State, personally appeared PHYLLIS R. YATES, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of THE C.T. & PHYLLIS YATES FAMILY TRUST, and acknowledged to me that she executed the same as Trustee of THE C.T. & PHYLLIS YATES FAMILY TRUST.



Notary Public

Residing at: Indian Valley

Commission expires: 9-17-04

SCANNED

OCT 17 2006

SCANNED

MAY 02 2006

STATE OF IDAHO)

On this 24 day of May, in the year of 2001, before me, a Notary Public in and for said State, personally appeared PHYLLIS R. YATES, as the surviving spouse of Clinton T. Yates, known or identified to me to be one of the partners of FLYING Y LIMITED PARTNERSHIP, and who subscribed said partnership name to the foregoing instrument, and acknowledged to me that she executed the same in said partnership name.



Notary Public

Residing At: Indian Valley

Commission Expires: 9-17-04

Christy A. Ward

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 67-366
Date Received: 12/18/1989
Receipt No: C013565
Received By:

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

1. Name of Claimant(s)

MARK C YATES Phone: (208) 253-6915

2502 CEMETERY LN
COUNCIL ID USA 83612

PHYLLIS R YATES Phone: (208) 253-6915

2502 CEMETERY LN
COUNCIL ID USA 83612-5241

LYNN M REINHOLD Phone: (208) 253-6915

2502 CEMETERY LN
COUNCIL ID USA 83612

2. Date of Priority: 05/01/1909

3. Source: MILL CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
17N	01E	31	NW SW SW	ADAMS	

5. Description of diverting works:

DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.17	

7. Total Quantity Appropriated is:
0.17 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	01W	3	NW	SW	IRRIGATION	40
Section Acres						40
Total Acres						40

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed

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.

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

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

RECEIVED
MAR 13 2006
WATER RESOURCES
WESTERN REGION

ed. List just the
checking in the
t in which case

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
67-14660	AJ	—	67-366	AJ	—
67-14658	AJ	—			—
67-4559	AJ	—			—
67-4244	AJ	—			—
67-2077 C	AJ	—			—

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)

Clinton T Yates
 Phyllis R Yates
 2123 Airport Rd
 Council, ID 83612

Mark C Yates
 Diane J Yates
 4200 Hell's Canyon Dam Rd
 Oxbow, OR 97840

4. New Owner/Claimant(s)

Phyllis R Yates Mark C Yates Lynn M Reinhold
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

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

New Mailing Address

2502 Cemetery Lane

City, State and ZIP Code

Council ID 83612

New Telephone Number

208 253 - 6915

5. Date you acquired the property

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

- [] Water Right Number(s): 67-14660; 67-14658; 67-4559;
67-4244; 67-2077; 67-366;
67-404; 67-405
- [] Name(s): Phyllis R Yates Mark C Yates
Lynn M Reinhold
- [] Old Mailing Address: 4200 Hell Canyon Dam Road
Oxbow, OR 97840
- [] New Mailing Address: 2502 Cemetery Lane
Council, ID 83612
- Telephone Number: (208) 253 - 6915
- [] Signature(s) of Owner(s) Lynn M Reinhold
Registered Agent + General Partner
(Include your title if on behalf of company or organization)
- Date: 3-6-2006

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MAR 15 2006

Electric Resource Strategies, Inc.

2502 Cemetery Lane
Council, ID 83612
Phone: 208-253-6916
Fax: 208-253-6918
reinhold@globalcrossing.net

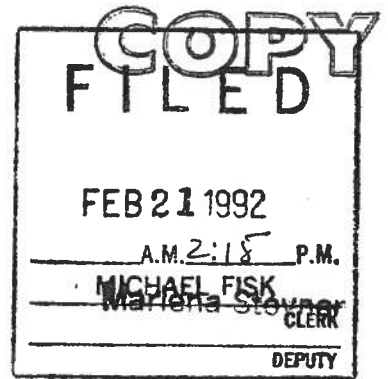
FAX TRANSMITTAL FORM

TO: Craig Saxton
Idaho Dept. of Water Resources
208-287-6700

FROM: Lynn Reinhold

COVER + TEN

YATES Divorce Decree



GREGORY C. PITTENGER
MILLEMANN & PITTENGER
ATTORNEYS AT LAW
POST OFFICE BOX 1066
706 NORTH 1ST STREET
MCCALL, IDAHO 83638
TELEPHONE: (208) 634-7641
TELECOPIER: (208) 634-4516

Attorneys for Plaintiff

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADAMS

MAGISTRATE DIVISION

DIANE J. YATES,	)	CASE NO. D-361
	)	
Plaintiff,	)	JUDGMENT AND DECREE
	)	OF DIVORCE
-vs-	)	
	)	
MARK C. YATES,	)	
	)	
Defendant.	)	
_____	)	

THIS MATTER, came on for trial before the above-entitled Court the 29th day of January, 1992. Plaintiff, Diane J. Yates was present and represented by her attorney, Gregory C. Pittenger of Millemann & Pittenger. The Defendant, Mark C. Yates was present and represented by his attorney, Howard F. Manly. The parties presented an oral stipulation and written Marital Settlement Agreement which resolves all matters and issues existing between the parties.

WHEREFORE, the Court FINDS AND CONCLUDES as follows:

1. That the Plaintiff herein is now and for more than six (6) weeks last past preceding the commencement of this action and the filing of the complaint herein, has been a resident of the State of Idaho.

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MAR 15 2006

2. That the Plaintiff and Defendant were intermarried each to the other on July 10, 1982, and ever since said date have been and now are husband and wife.

3. That three children have been born the issue of this marriage, whose names and dates of birth are as follows:

Dillon R. Yates	Born 08/03/83
Dustin M. Yates	Born 06/23/86
Wyatt J. Yates	Born 10/15/88

That both parties are fit and proper persons to be awarded the joint legal and physical care, custody and control of the minor children and it is in the best interest of said children to do so.

4. That the parties hereto have acquired community property, and community debts which should be equitably divided.

5. That the allegations contained in Plaintiff's Complaint are sustained by the evidence, and the matters so alleged and proved on behalf of the Plaintiff are sufficient to entitle Plaintiff to the relief prayed for and as herein provided.

WHEREFORE, based on the pleadings herein and the foregoing findings and conclusions, it is HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. That the Plaintiff is granted an absolute decree to divorce from Defendant on the grounds of irreconcilable differences.

2. That the parties have hereto made a fair and equitable division of their property interests, pursuant to that certain MARITAL SETTLEMENT AGREEMENT dated October 1991, and the same is hereby approved by this Decree, but not merged herein. A copy of said Agreement is attached to this Decree.

3. That Plaintiff and Defendant shall have joint legal and physical custody of their children, to wit: Dillon R. Yates, Dustin M. Yates and Wyatt J. Yates. Physical custody of the children shall alternate between the parents weekly.

4. That if either parent shall relocate outside the boundaries of the Council, Idaho School District, in such event, sole physical custody of the minor children shall be with the

MARITAL SETTLEMENT AGREEMENT

THIS AGREEMENT, made this _____ day of October, 1991, by and between DIANE J. YATES, (hereinafter referred to as "Wife"), and MARK C. YATES, (hereinafter referred to as "Husband");

WITNESSETH:

WHEREAS, the parties hereto were intermarried on or about July 10, 1982, and ever since that time have been and now are Husband and Wife;

WHEREAS irreconcilable differences have arisen between the parties by reason of which they have separated and are now living separate and apart;

WHEREAS, Wife filed a Complaint against Husband on the 10th day of July, 1991, seeking dissolution of the parties' marriage and other relief, which action is pending as Adams County Case No. D-361; and,

WHEREAS, it is the mutual wish and desire of the parties hereto to confirm their separation and to make arrangements in connection therewith, including a full, complete, and final resolution of all issues raised by the pending divorce action, including but not necessarily limited to respective property rights and interests, claims to support and/or maintenance, child custody and visitation;

NOW, THEREFORE, for and in consideration of the premises and the mutual promises and covenants contained herein, IT IS EXPRESSLY COVENANTED AND AGREED BETWEEN THE PARTIES AS FOLLOWS:

I.

Three children have been born of the parties' marriage:

Dillion R. Yates; born August 3, 1983;
Dustin M. Yates; born June 23, 1986; and,
Wyatt J. Yates; born October 15, 1988.

II.

The parties agree that it is in the best interests of the children and the parties do agree that custody of the children shall be exercised as follows:

A. The parties shall share and exercise joint legal and physical custody of the children. Physical custody of the children shall alternate between the parties weekly.

B. The parties agree that in the event either party shall relocate outside of the boundaries of the Council School District, primary physical custody of the children shall be with the party who is not relocating. This custody arrangement shall remain in effect until modified by Order of the Court.

III.

A. The parties agree that child support shall be determined pursuant to application of the Idaho Child Support Guidelines.

B. Husband shall continue to cover the children on his current medical insurance policy or on a policy with equivalent coverage and deductibles. All deductibles and medical expenses not covered by the said policy shall be divided equally between and paid by Husband and Wife.

C. All child support payments shall be made through the Clerk of the Court, Third Judicial District, Council, Adams County, Idaho, and shall be subject to wage withholding orders, as set forth in Idaho Code Chapter 12, Title 31.

IV.

The personal exemptions with respect to the children for income tax purposes shall be shared by the parties: one party shall claim one such exemption, and the other shall claim two. With respect to 1991, the Husband may claim two, and the Wife may claim one. With respect to 1992, the Husband may claim one and the Wife may claim two. The right to claim such exemptions shall alternate each year in that fashion. To avoid confusion, the party claiming two exemptions shall list the oldest children. In the event a child dies, marries, or is otherwise no longer properly claimable, the parties shall share exemptions equally.

If only one child is claimable, the parties shall alternate from year to year, beginning with the party who last claimed one exemption when there were three.

V.

The parties agree that there are no grounds for spousal maintenance in this matter, and that none shall be paid.

VI.

The parties hereto have acquired certain community property, during the course of their marriage, the specific identity and value of which have been agreed upon between them; and, the said property shall be and hereby is divided according to the terms and conditions described hereafter.

VII.

Husband agrees to and does hereby release, transfer and assign to Wife as her sole and separate property all of his right, title and interest, both present and prospective, to and in the following described property and assets:

A. Personal Property and Other Assets:

1. 1985 Jeep Cherokee Laredo;
2. IRA in Wife's name;
3. Personal property presently in Wife's possession, together with those items listed on Exhibit "A" attached; and,
4. Current balance in all bank accounts in Wife's name.

VIII.

Wife agrees to and does hereby release, transfer and assign to Husband as his sole and separate property all of her right, title and interest, both present and prospective, to and in the following described property and assets:

A. Personal Property and Other Assets:

1. All bank accounts, certificates of deposits, IRA accounts, savings bond and other accounts currently in Husband's name;
2. All right, title and interest in the Flying Y Yates Partnership;

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Nov 1 1991

3. Satellite dish and receiver;
4. All existing livestock or proceeds of sale of livestock presently in Husband's possession; and,
5. Personal property presently in Husband's possession.

IX.

In consideration for the above-described division of community assets, Husband agrees to pay Wife the sum of One Thousand, and No/100 Dollars (\$1,000.00), payable on the date of entry of a Decree of Divorce.

X.

Wife agrees to and does hereby assume sole and exclusive liability and responsibility for the following debts:

A. All current debt, current liability and prospective liability associated with the property identified in Paragraph VII, hereinabove; and,

B. All other debts and liabilities incurred by Wife since the date of the parties' separation.

XI.

Husband agrees to and does hereby assume sole and exclusive responsibility and liability for the following debts:

A. All current debt, current liability and prospective liability associated with the property identified in Paragraph Number VIII hereinabove, West One Line of Credit; and,

B. All other personal debt and liability incurred by Husband since the date of the parties' separation.

XII.

Husband agrees to hold Wife harmless regarding and does hereby indemnify Wife from any liability associated with or stemming from the assets and property described hereinabove in Paragraph Number VIII and the debts and liability described hereinabove in Paragraph Number XI, including but not limited to any existing or prospective underlying indebtedness on such assets, and any attorney fees and costs incurred by Wife because of Husband's failure to timely and fully discharge any such liability, debt or obligation.

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MAR 15 2006

obligations of any kind or character incurred by the other from and after the date of their separation, and from any and all claims and demands, except as provided herein, it being understood and agreed that this instrument is intended to and shall settle the financial and property rights, claims, duties and obligations of the parties hereto in all respects; and, covers all property owned by them, both community and separate.

XVIII.

Any and all property acquired by either of the parties hereto, from and after the date hereof, together with all rents, issues and profits thereof, and the rents, issues and profits of any of the property hereinabove described, shall be the sole and separate property of the one so acquiring the same; and each of the parties respectively grants to the other all such future acquisitions of property as the sole and separate property of the one so acquiring the same and waives any and all claims thereto, or to any rents, issues or profits thereof.

XIX.

Each of the parties respectively indemnifies and agrees to hold harmless the other party from and against any debts or liabilities incurred or to be incurred by him or her since the date of the separation, except as is otherwise herein expressly agreed.

XX.

The parties agree that the terms of this Agreement shall fully and finally resolve the pending Adams County action between Wife and Husband for dissolution of the parties marriage and that, subject to the approval of the Court, the terms of this Agreement shall be adopted by the Court and incorporated into the Judgment and Decree of Divorce obtained by Wife in such action, but not merged therein.

XXI.

Each party releases all right to share in the estate of the other, or to serve as executor or administrator of the estate of the other, except only as provided by Will or Codicil to will executed subsequent to the date of this Agreement.

XXII.

In the event that a dispute arises between the parties regarding the enforcement, intent, meaning, interpretation, effect or legality of this Agreement, then the prevailing party in such dispute shall be entitled to recover his/her reasonable attorneys fees and costs incurred, including fees incurred on appeal.

XXIII.

This Agreement and the documents referred to hereinabove represent and contain all of the understanding and agreements of the parties hereto with respect to the subject matter hereof. Neither party is relying on any promises or statements made by the other or by either attorney, except insofar as the same is expressly recited herein. This Agreement may be modified only by a writing signed by both parties, dated, notarized and executed subsequent to the date of this Agreement.

DATED this 30th day of September, 1991.

Diane J. Yates
DIANE J. YATES

Approved by:

Mark C. Yates
MARK C. YATES

Approved by:

Gregory C. Pittenger
GREGORY C. PITTENGER,
Attorney for Wife

Howard F. Manly
HOWARD F. MANLY,
Attorney for Husband

EXHIBIT A.

1
1

Pine buffett
Pine hutch
Miscellaneous personal items
Record albums
1967 VW
1
1 Chest freezer

STATE OF IDAHO,)
) ss.
County of Valley.)

On this ^{15th} ~~30th~~ day of October, 1991, before me,
Gregory C Pittenger, a Notary Public in and for said
State, did personally appear DIANE J. YATES, known to me to be
the person whose name is subscribed to the within instrument and
acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereto affixed my official hand
and seal, the date and year first above written.

Gregory C Pittenger
NOTARY PUBLIC FOR IDAHO
Residing at: McCall, Idaho
My Commission Expires: 12/3/94

STATE OF IDAHO,)
) ss.
County of Ada.)

On this 30th day of September, 1991, before me,
Howard F. Maly, a Notary Public in and for said
State, did personally appear MARK C. YATES, known to me to be the
person whose name is subscribed to the within instrument and
acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereto affixed my official hand
and seal, the date and year first above written.

Howard F. Maly
NOTARY PUBLIC FOR IDAHO
Residing at: Boise, Idaho
My Commission Expires: 4-16-94



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 30, 2006

LYNN M REINHOLD
2502 CEMETERY LN
COUNCIL ID 97840

RE: Change of Ownership for Snake River Basin Adjudication (SRBA) claims 67-366, 67-2077C, 67-4244, 67-4559, 67-14658, and 67-14666

IDWR received the change of ownership and change of address for you submitted. I did have enough information to make all the requested changes except for removing Diane C Yates from the claim. The divorce decree you sent talks about personal property, but does not address real property.

For your convenience, I am sending you a copy of the packet you sent in. Please re-submit it with the information showing that Diane Yates has not interest in the real property.

Please feel free to contact me if you have any questions.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosures:

CERTIFICATION OF VITAL RECORD

STATE OF ARIZONA

ORIGINAL
STATE
COPY

STATE OF ARIZONA DEPARTMENT OF HEALTH SERVICES - OFFICE OF VITAL RECORDS CERTIFICATE OF DEATH

DEATH NO. 0100

NAME OF DECEASED A. FIRST CLINTON			B. MIDDLE T.			C. LAST YATES			SEX 2. MALE	DATE OF DEATH MONTH DAY YEAR FEBRUARY 5, 1997		
RACE (e.g., white, black, American Indian, [specify tribe] etc.) SPECIFY: 4A. WHITE			WAS DECEDENT OF HISPANIC ORIGIN: (SPECIFY YES OR NO) B. NO			IF YES, INDICATE MEXICAN, SPANISH, PUERTO RICAN, CUBAN, ETC. C.			WAS DECEDENT EVER IN U.S. ARMED FORCES? (SPECIFY YES OR NO) 5. YES			
PLACE OF DEATH A. COUNTY MARICOPA			B. TOWN OR CITY SUN CITY			C. HOSPITAL OR INSTITUTION (IF RESIDENCE, GIVE STREET ADDRESS) BOSWELL MEMORIAL HOSPITAL			D. ☐ DOA ☒ OF EMER. ☐ IN PATIENT			
DATE OF BIRTH MONTH DAY YEAR FEBRUARY 26, 1926			AGE (YEARS LAST BIRTHDAY) 70			IF UNDER 1 YEAR MOS. DAYS B.			IF UNDER 1 DAY HRS. MIN. C.			
STATE AND CITY OF BIRTH (If not in USA, name country) 11. AZ PHOENIX			CITIZEN OF WHAT COUNTRY? 12. U.S.A.			SOCIAL SECURITY NO. [REDACTED]			SURVIVING SPOUSE (IF WIFE, GIVE MAIDEN NAME) 10. PHYLLIS PIKE			
USUAL RESIDENCE A. STATE 15. IDAHO			B. COUNTY ADAMS			C. TOWN OR CITY COUNCIL			D. ZIP CODE 83612			
STREET ADDRESS OR R.F.D. 15E. 2123 AIRPORT RD.			INSIDE CITY LIMITS? (SPECIFY YES or No) 15F. YES			ON RESERVATION (SPECIFY YES or No) 15G. NO			PREVIOUS STATE OF RESIDENCE 18. ARIZONA			
FATHER'S NAME A. FIRST CLINTON			B. MIDDLE T.			C. LAST YATES			MOTHER'S MAIDEN NAME A. FIRST OTTA			
INFORMANT'S SIGNATURE 21. PHYLLIS R. YATES			RELATIONSHIP TO DECEASED 22. WIFE			ADDRESS STREET NO. 23. 2123 AIRPORT RD.			CITY AND STATE COUNCIL, IDAHO			
B. MIDDLE JO			C. LAST STEPHENS			ZIP CODE 83612			EDUCATION HIGHEST GRADE COMPLETED 17. COLLEGE (1-4 or 5+)			
BURIAL, CREMATION, REMOVAL, OTHER (Specify) 24. CREMATION			DATE 25. 2/7/97			CEMETERY OR CREMATORY - NAME/LOCATION WESTSIDE CREMATORY/YOUNGTOWN, AZ			EMBALMER'S SIGNATURE 27A. NOT EMBALMED			
FUNERAL HOME NAME LUNDBERG GOLDEN DOOR MORT. 11211 MICHIGAN AVE. YOUNGTOWN,			CITY AND STATE AZ			FURNAL DIRECTOR or person acting as such (SIGNATURE) 28. [Signature]			CERT. NO. 344			
TO THE BEST OF MY KNOWLEDGE, DEATH OCCURRED AT THE TIME, DATE AND PLACE AND DUE TO THE CAUSE(S) STATED.			30. SIGNATURE AND TITLE [Signature]			DATE SIGNED (Mo., Day, Year) 31. FEBRUARY 6, 1997			HOUR OF DEATH 36. 1146			
NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or print) 33. ANN L. BUCHOLTZ, M.D., 120 S. SIXTH AVE., PHOENIX, AZ			HOUR OF DEATH 32.			PRONOUNCED DEAD (Mo., Day, Year) 37. ON FEBRUARY 5, 1997			PRONOUNCED DEAD (Hour) 38. AT 1146			
NAME AND ADDRESS OF CERTIFIER, PHYSICIAN, MEDICAL EXAMINER OR TRIBAL LAW ENFORCEMENT AUTHORITY (Type or Print) 39. ANN L. BUCHOLTZ, M.D., 120 S. SIXTH AVE., PHOENIX, AZ			AUTHORIZED FOR CREMATION (SPECIFY) ☒ Yes ☐ No			MEDICAL EXAMINER'S SIGNATURE 40. [Signature]			DATE REC'D. IN STATE OFFICE 48.			
DATE REGISTERED FEB 11 1997			REG. FILE NO. 2745			REGISTRAR'S SIGNATURE 44. Ernestine Olivas Deputy			REG. DISTRICT 0105			
SEQUENTIALLY LIST CONDITIONS, IF ANY, LEADING TO IMMEDIATE CAUSE, ENTER UNDERLYING CAUSE (DISEASE OR INJURY THAT INITIATED EVENTS RESULTING IN DEATH) LAST. 47. PART I			A. IMMEDIATE CAUSE (FINAL DISEASE OR CONDITION RESULTING IN DEATH) (ENTER ONLY ONE CAUSE ON EACH LINE) ATHEROSCLEROTIC CARDIOVASCULAR DISEASE			B. DUE TO OR AS A CONSEQUENCE OF:			C. DUE TO OR AS A CONSEQUENCE OF:			
PART II. Other significant conditions contributing to death but not resulting in the underlying cause given in Part I			AUTOPSY (Specify Yes or No) 49. NO			WAS CASE REFERRED TO MEDICAL EXAMINER (Specify Yes or No) 50. YES			APPROXIMATE INTERVAL BETWEEN ONSET AND DEATH			
MANNER OF DEATH ☒ NATURAL CAUSES ☐ ACCIDENT ☐ SUICIDE ☐ HOMICIDE ☐ PENDING INVESTIGATION ☐ UNDETERMINED			DATE OF INJURY MO DAY YR 52.			HOUR 53. M 54.			INJURY AT WORK? (Specify Yes or No) 55.			
PLACE OF INJURY (At home, farm, street, factory, office building, etc.) SPECIFY 56.			WHERE LOCATED? 57.			STREET ADDRESS 58.			CITY OR TOWN 59.			
STATE 60. ARIZONA			CITY 61. COUNCIL			STREET ADDRESS 62.			CITY OR TOWN 63.			

CERTIFIED COPY OF VITAL RECORDS

STATE OF ARIZONA

COUNTY OF MARICOPA

SS

DATE ISSUED

February 27, 1997

This is a true and exact reproduction of the document officially registered and placed on file in the VITAL RECORDS SECTION, DEPARTMENT OF HEALTH SERVICES, PHOENIX, ARIZONA issued under the authority of A.R.S. 36-341, and by direction of:

Susan Claire Cornell
Susan Claire Cornell
Chief Deputy County Registrar

SCANNED

MAR 15 2006



2739760

FILED EFFECTIVE

2005 FEB 24 AM 8:55

SECRETARY OF STATE
STATE OF IDAHO

File Number: L3613

STATEMENT OF CHANGE OF BUSINESS MAILING ADDRESS

(see reverse for instructions)

The entity identified below submits to the Secretary of State the following statement for the purpose of changing its business mailing address.

1. The name of the business entity is: Flying Y Limited Partnership

2. The business mailing address is currently on file as:

2123 Airport Road, Council, Idaho 83612

3. The business mailing address is to be changed to:

2502 Cemetery Lane, Council, Idaho 83612

4. Change of address is effective: ☒ Upon Receipt OR ☐ _____ (Date)

Signed: Lynn M Reinhold

Printed Name: Lynn M. Reinhold

Capacity: Ranch Manager/General Partner

Dated: 2-15-2005

g:\corp\forms\info\change_address.pmd

FILE ONE COPY

NO FEE REQUIRED

SCANNED
MAR 15 2006

**STATEMENT OF CHANGE OF REGISTERED OFFICE
OR REGISTERED AGENT, OR BOTH**

File #: _____

The undersigned entity submits the following statement for the purpose of changing its registered office or its registered agent, or both, in the State of Idaho.

1. The name of the entity is: Flying Y Limited Partnership
2. The street address of its present registered office is: 2123 Airport Road, Council, Idaho 83612
3. The street address (not a P.O. box) to which its registered office is to be changed is: 2502 Cemetery Lane Council, Idaho 83612
4. The name of its old registered agent is: Phyllis Yates
5. The name of its new registered agent is: Lynn M Reinhold
6. The address of the registered office and the business address of the registered agent are identical.

Dated: 2-15-2005

Signed: _____

Printed: Phyllis Yates

Capacity: General Partner

I consent to serve as registered agent
for the above-named entity.

(See reverse for instructions)

Lynn M Reinhold
(Signature of new registered agent)

SCANNED
MAR 15 2006



AMENDMENT TO CERTIFICATE OR REGISTRATION OF LIMITED PARTNERSHIP

(Instructions on back of application)

1. The name of the limited partnership is:

Flying Y Limited Partnership

If the Limited Partnership has been administratively dissolved and the name is no longer available for use, #3a below must include an amendment of name.

2. The date on which its certificate or registration of limited partnership was filed with the Idaho

Secretary of State was 12-23-1997 and it's Domestic State is: Idaho

3. The certificate of limited partnership is amended as follows: (check appropriate box(es))

☐ a. The name of the limited partnership is amended to read:

☐ b. The name and business address of the registered agent are amended to read:

☐ c. The name of each withdrawing general partner is:

☒ d. The name and business address of each new general partner are:
(if more space is needed, continue in block f)

Lynn M Reinhold

2502 Cemetery Lane

Council, Idaho 83612

☐ e. The business of the limited partnership is continued following an event of withdrawal of a general partner.

☐ f. Other amendments (optional):

4. Signature of at least one general partner and all new general partners:

Signature _____

Typed Name Phyllis Yates

Signature Lynn M Reinhold

Typed Name Lynn M Reinhold

Secretary of State use only

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Revised 11/2003

SCANNED
MAY 17 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

March 13, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Phyllis R. Yates, Mark C. Yates & Lynn M. Reinhold
2502 Cemetery Lane
Council, ID 83612

RE: Water Right No. 67-14660, 67-14658, 67-4559, 67-4244, 67-2077C, 67-366

Dear Claimant(s):

This office has received your Notice of Change of Water Right Ownership recently submitted. We also received check number 230 in the amount of \$150; however, we are returning it to you, as the ownership change fee is not required for these particular water right claims. This claim has not yet been decreed by the SRBA Court. The ownership change is being processed and a copy will be mailed to you upon completion.

Thank you for your patience and cooperation. If you have any questions regarding this letter, feel free to contact this office at (208) 334-2190

Sincerely,

Liberty Gagnon

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region

LG: lg

Enclosures

FLYING Y RANCH LYNN M REINHOLD OR P R YATES 2502 CEMETERY LN PH. 208-253-6915 COUNCIL, ID 83612-5036		230 92-372/1231 3623
DATE <u>3-10-2006</u>		
PAY TO THE ORDER OF <u>IDWR</u>	\$ <u>150.00</u>	
<u>One hundred fifty and no/100</u> DOLLARS		
usbank.com		
FOR <u>change in ownership fees</u>		
<u>Lynn M Reinhold</u>		

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MAR 15 2006

\$500

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: A67-00366
Date Received: 12/18/1989
Receipt No: CO135105
Received By: RAJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: C. T. YATES 208-253-6840
Address: HC 62, BOX 1550
COUNCIL, ID 83612
AND/OR
Name: PHYLLIS R. YATES 208-253-6840
Address: HC 62, BOX 1550
COUNCIL, ID 83612
AND/OR
Name: MARK C. YATES 208-253-6053
Address: HC 67, BOX 2335
COUNCIL, ID 83612
AND/OR
Name: DIANE J. YATES 208-253-6053
Address: HC 67, BOX 2335
COUNCIL, ID 83612

2. Date of Priority: MAY 01, 1909

3. Source: MILL CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01E	31	NW	SW	SW		ADAMS

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.170		

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

A67-00366

Page 1

Date: 12/18/89

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APR 02 2004

MICROFILMED

OCT 01 1992

8. Total consumptive use is 120.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	01W	3	NW	SW		IRR	40.0
Section Acres							40.0
Total Acres							40.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
A67-04559

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JOHN T. MUIR

Decree Plaintiff

vs

WILLIAM ALLISON

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not + wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1 (map)

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): X [Signature] Date: X 12/18/89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 18th day
of December 19 89

[Signature]
Notary Public

Seal

Helen Harrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994