

07/26/2006

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

RIGHT NUMBER: 63-32218

NAME AND ADDRESS: JOSEPH WHITFIELD
350 STILLWELL DR
EAGLE ID 83616

KATHERINE WHITFIELD
350 STILLWELL DR
EAGLE ID 83616

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 12/31/1980

POINT OF DIVERSION:

T05N R01E S29 NWSESE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
STOCKWATER	01/01 12/31	0.020 CFS

Domestic use is for 1 home.

PLACE OF USE: STOCKWATER Within ADA County

T05N R01E S29 SESE

DOMESTIC Within ADA County

T05N R01E S29 SESE

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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 - Beneficial Use

Stockwater use is for 20 range cattle.

Property is also known as Lot 11, Blk 2, Stillwell Estates #1.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

JAMES E. RISCH
Governor

KARL J. DREHER
Director

July 28, 2006

JOSEPH WHITFIELD
KATHERINE WHITFIELD
350 STILLWELL DR
EAGLE ID 83616

Re: Water Right No. 63-3483D

Dear Mr. & Mrs. Whitfield:

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

In addition we have enclosed a copy of the Notice of Claim to a Water Right 63-32218 for which we have completed the ownership change. This claim has not yet been recommended to the SRBA Court; therefore it is not necessary to notify the Court of the change. This recommendation will be completed later this year.

If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

Lori Harris
Technical Records Specialist 1
Adjudication Section
Western Region Office

LH:l
Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 29, 2005

RECEIVED

FEB 10 2006

WATER RESOURCES
WESTERN REGION

CHARLES W RUSSELL
BARBARA G RUSSELL
350 STILLWELL DR
EAGLE ID 83616

Dear Mr. & Mrs. Russell:

Enclosed for your signature, is a Notice of Claim to a Water Right for your domestic and stockwater uses. As previously discussed, a separate claim would be needed to claim the domestic and stockwater uses, since the priority date would be different than the irrigation use licensed under the Stillwell's 1966 right. This claim will cover in-house domestic, up to one-half acre of irrigation and stockwater, all not to exceed 13,000 gallons per day.

Please fill in the priority date, the number of head of stock under non-irrigation uses, sign, notarize and return the claim with the \$25.00 filing fee.

If you have any questions regarding this claim, feel free to contact our office.

Sincerely,

Jan Shurte
Water Rights Supervisor
Adjudication Section
Western Region

RECEIVED

FEB 10 2006

WATER RESOURCES
WESTERN REGION

7 February 2006

Charles and Barbara Russell
350 Stillwell Drive
Eagle, ID 83616

Ms. Jan Shurte
Water Rights Supervisor
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Subject: Russell Water Right Claims #63-03483D and #63-32218
350 Stillwell Drive, Eagle, ID 83616

Dear Jan:

Thank you for the time and attention you have provided to us during the Snake River Basin Adjudication (SRBA) process. As noted by our previous correspondence, we are concerned by changes in the priority dates for our water rights claim. To recap, we purchased our property in September 1999. As a condition of our purchase, we required the former property owners (Roger and Karen Warren) to provide us with acceptable documentation verifying both water quality and water quantity (see Attachment 1). Escrow did not close until we first received a copy of Stillwell's 1966 IDWR water rights claim (Attachment 2), and then met with representatives of your department to confirm that the water rights could be transferred to us without complication. Ultimately this water rights transfer did occur during 2000 and, as shown in Attachment 3, our water rights entitled us to:

Domestic water	01/01 – 12/31	0.040 CFS
Stock water	01/01 - 12/31	0.020
Irrigation water	3/15 – 11/15	0.080
Total consumptive use:		14.0 Acre Feet Per Annum

Fast forward to the Fall of 2005 when we learned that our water rights claim had been changed – apparently because the original Stillwell claim had been improperly recorded by IDWR. The notice we first received during late fall (later confirmed by an IDWR letter dated 12/14/05) entitled us to:

Irrigation water	03/15 – 11/15	0.076 CFS / 18.00 AFY
------------------	---------------	-----------------------

We were concerned by the ^{change}lack of year round appropriation and therefore filed at your suggestion the paperwork for a separate water rights claim for domestic water and stock water

Ms. Jan Shurte
January 31, 2005
Page 2

for which we believed we were entitled (ID #63-32218). We subsequently received a new claim for domestic and stock water which you indicated will reflect a later priority date consistent with the home construction date. This claim entitles us to an additional:

Domestic	01/01 – 12/31	0.040 CFS
Stockwater	01/01 - 12/31	0.020 CFS

We have now completed and enclosed this application, noting the date of home construction and the number of stock the property can support (20). Also enclosed is our \$25.00 filing fee.

Although we are filing this notice to wrap up our water rights claim, fundamentally we remain concerned by a process which could penalize us (or subsequent property owners) for an IDWR priority rights error. While we do not anticipate any future issues related to our water claims, we reserve our rights to readdress this matter should a future water rights dispute arise attributable to the priority date lag noted above.

Finally, there is one remaining administrative detail. We note that the actual location of our well differs from the recent map provided to us by IDWR (December 14, 2005). A corrected copy of the property map showing the accurate point of water diversion is enclosed (Attachment 4). Please make that adjustment to the file and send us confirmation.

Once again, thank you for your attention and continuing assistance. If you have any questions or comments, feel free to contact either of us at 208-938-1160.

Sincerely,



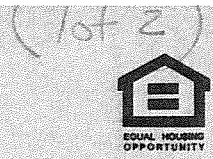
Charles Russell



Barbara Russell



Attachment 1
COUNTER OFFER # 2



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

This is a COUNTER OFFER to the Real Estate Purchase and Sale Agreement and Receipt for Earnest Money:

Earnest Money Dated: July 28, 19 99 ID# 40120

ADDRESS: 350 Stewart

Buyer(s): Barbara + Charles Russell

Seller(s): Roger + Karen Warren

☒ BUYER ☐ SELLER accepts all of the terms and conditions in the above designated agreement with the following changes or amendments:

Item 3 - Price: ~~XXXXXXXXXXXXXXXXXXXX~~ dollars.

Items 5, 15, and 17 (as they relate to timing) - The time period relative to items 5 (Additional terms and conditions - verification of water rights), 15 (Inspection), and 17 (Lead based paint disclosure) specified in the Agreement shall be reduced from 14 business days to 10 business days. Should the agreement be fully executed by 3:00 p.m. on July 30, 1999, then the above conditions shall be satisfied on or before 5:00 p.m. on August 13, 1999.

Item #20: Seller agrees to pay a maximum of \$200 lender required repairs cost.

* Item 5: Verification of water rights means that Buyers shall be satisfied, in Buyers sole and subjective discretion, with both water quality and water quantity conditions on the property. Seller shall provide to Buyer within 3 business days of acceptance legible copies of all available information.

This agreement, upon its execution by both parties, is made an integral part of the aforementioned Agreement. All other terms and conditions to remain the same. The undersigned Buyer(s) reserves the right to withdraw this offer and/or the undersigned Seller(s) reserve the right to withdraw this offer or accept any other offers at any time prior to them or their agent being in receipt of a true copy of signed acceptance of this counter offer. If a signed acceptance is not received on or before 5:00 a.m./p.m. July 30, 19 99 this counter offer shall be deemed to have expired.

Dated July 30, 19 99

BUYER Barbara Russell

Time 12:25 a.m./p.m.

BUYER Charles Russell

Dated 7-30, 19 99

SELLER Roger + Karen Warren

Time 2:30 a.m./p.m.

SELLER Karen Warren

I/We acknowledge receipt of a true signed copy of acceptance.

Dated _____, 19 ____ / ____ a.m./p.m. BUYER

Dated _____, 19 ____ / ____ a.m./p.m. SELLER

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COUNTER OFFER EFFECTIVE DATE: MARCH 1, 1999

BUYER'S COPY WITH SELLER'S ACCEPTANCE



COUNTER OFFER # 2 cont.

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

This is a COUNTER OFFER to the Real Estate Purchase and Sale Agreement and Receipt for Earnest Money:

Earnest Money Dated: July 28, 19 99 ID# 40120

ADDRESS: 350 Stillwell

Buyer(s): Barbara & Charles Russell

Seller(s): Roger & Karen Warren

☒ BUYER ☐ SELLER accepts all of the terms and conditions in the above designated agreement with the following changes or amendments:

in possession related to the well construction, water quality, and water
quantity.

This agreement, upon its execution by both parties, is made an integral part of the aforementioned Agreement. All other terms and conditions to remain the same. The undersigned Buyer(s) reserves the right to withdraw this offer and/or the undersigned Seller(s) reserve the right to withdraw this offer or accept any other offers at any time prior to them or their agent being in receipt of a true copy of signed acceptance of this counter offer. If a signed acceptance is not received on or before _____ a.m./p.m. _____, 19 ____ this counter offer shall be deemed to have expired.

Dated July 30, 19 99

Time 12.25 a.m./p.m.

Dated 7-30, 19 99

Time 2:70 a.m./p.m.

BUYER Barbara Russell

BUYER Charles Russell

SELLER Roger Warren

SELLER Karen Warren

I/We acknowledge receipt of a true signed copy of acceptance.

Dated _____, 19 ____ / _____ a.m./p.m. BUYER _____

Dated _____, 19 ____ / _____ a.m./p.m. SELLER _____

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COUNTER OFFER EFFECTIVE DATE: MARCH 1, 1999

BUYER'S COPY WITH SELLER'S ACCEPTANCE

Attachment 2

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: A63-03483D
Date Received: 9/05/1989
Receipt No: 2010869
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: ROGER K. WARREN
Address: 350 STILLWELL DR.
EAGLE, ID 83616 208-939-0882
OR
Name: KAREN M. WARREN
Address: 350 STILLWELL DR.
EAGLE, ID 83616 208-939-0882

2. Date of Priority: JAN 07, 1966

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	01E	29	SW	NE	SE		ADA

5. Description of diverting works:
DRILLED WELL, 250' DEPTH, 8" CASING, W/PUMP PIPELINE, SPRINKLER SYS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.020		
IRRIGATION	03/15	11/15	0.080		

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

A.F.A.

8. Total consumptive use is 14.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 1 HOUSEHOLD, LAWN & GARDEN, STKWTR. TO 10HD/MIXED.

A63-03483D

Page

1

Date: 09/05/89



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

Attachment 3

May 22, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CHARLES W RUSSELL
BARBARA G RUSSELL
350 STILLWELL DR
EAGLE ID 83616

Re: Notice of Claim to a Water Right No. A63-03483D

Dear Claimants:

Enclosed is a copy of the above referenced claim which reflects the change in ownership of the land and appurtenant water right(s) covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

Thank you for your patience and cooperation, as we have had several ownership changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB:db

Enclosure

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: A63-03483D
Date Received: 9/ 5/1989
Receipt No: C010869
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: CHARLES W RUSSELL
Address: 350 STILLWELL DR
EAGLE ID 83616
208-938-1160
AND
Name: BARBARA G RUSSELL
Address: 350 STILLWELL DR
EAGLE ID 83616
208-938-1160

2. Date of Priority: JAN 7, 1966

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	01E	29	SW	NE	SE		ADA

5. Description of diverting works:
DRILLED WELL, 250' DEPTH, 8" CASING, W/PUMP PIPELINE, SPRINKLER SYS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.020		
IRRIGATION	03/15	11/15	0.080		

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

8. Total consumptive use is 14.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 1 HOUSEHOLD, LAWN & GARDEN, STKWTR. TO 10HD/MIXED.

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	01E	29	NE	SE	IRR	4.0
			NE	SE	DOMEST	
			NE	SE	STOCK	
					Section Acres	4.0
					Total Acres	4.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
N/A

14. Remarks:

THIS RT.IS A SPLIT OF LICENSED RIGHT 63-03483 SOME OF THE GROUND
FOR WHICH THE CLAIMANT HAS ACQUIRED. THE DOMESTIC AND STOCK-
WATER USES CLAIMED REPRESENT A CHANGE IN NATURE OF USE FOR A
PORTION OF THE RIGHT AS ORIGINALLY LICENSED.
OWNERSHIP CHANGED BY DB 5/22/2000.

15. Basis of Claim: LICENSE

IDAHO DEPT OF WATER RESOURCES

Claim No. 63-3483D

Twp. 5N, Rge. 1E
Section 29



Place of Use



1/4 1/4 Lines



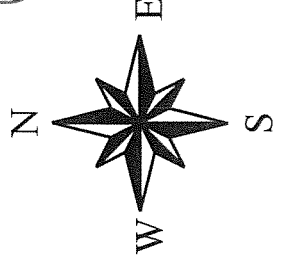
Section Lines



Pt. of Diversion

Prepared by:
Jan Shurte
11-26-05

Attachment #4



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 63-32218
Date Received: 2/10/2006
Receipt No: W033824
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JOSEPH WHITFIELD Phone: (208)938-9893
350 STILLWELL DR
EAGLE ID USA 83616

KATHERINE WHITFIELD Phone: (208)938-9893
350 STILLWELL DR
EAGLE ID USA 83616

2. Date of Priority: 12/31/1980

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	01E	29	NW SE SE	ADA	

5. Description of diverting works:

Well, pump and pipeline.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.02	
DOMESTIC	01/01	12/31	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: 20 Head

Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	01E	29	SE	SE	DOMESTIC	
			SE	SE	STOCKWATER	

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Beneficial Use

RECEIVED

JUL 19 2006

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

WATER RESOURCES
WESTERN REGION

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case 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
63-32218					
63-34830					

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)

Charles W Russell

Barbara G Russell

4. New Owner/Claimant(s)

Joseph Whitfield Katherine Whitfield

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

New Mailing Address

350 Stillwell Drive

City, State and ZIP Code

Eagle ID 83616

New Telephone Number

(208) 938-9893

5. Date you acquired the property

7/17/2006

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.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
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 Right and/or Adjudication Claim Number _____		
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)

Joseph A. Whitfield

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 *82* Date *7/19/06* Fee *N/A*
 Received by _____ Date _____ Receipt No. _____
 Processed by *JAT* AJ Date *7-26-06* WR _____ Date _____



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

WARRANTY DEED

For Value Received Charles Russell and Barbara Russell, husband and wife
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto
Joseph Alexander Whitfield and Katherine Oppedahl Whitfield, husband and wife
hereinafter referred to as Grantee, whose current address is 350 W. Stillwell Dr., Eagle, ID 83616
the following described premises, to-wit:

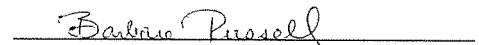
INITIAL HERE
JW
KOW

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

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

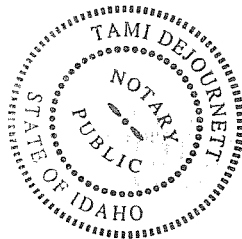
Dated: July 10, 2006


Charles Russell


Barbara Russell

STATE OF IDAHO, County of ADA, ss.

On this 14th day of July, in the year of 2006, before me Tami DeJournett, notary public personally appeared Charles Russell and Barbara Russell known or identified to me to be the person/persons whose name is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.




Tami DeJournett
Notary Public of ID
Residing at Meridian, ID
Commission expires: September 11, 2010

EXHIBIT A

Parcel I

Lot 11 in Block 2 of Stillwell Estates #1, according to the official plat thereof, filed in Book 33 of Plats at Pages 2040 and 2041, records of Ada County, Idaho.

EXCEPT THEREFROM a tract of land situated in Lot 11, Block 2 of Stillwell Estates #1, described as follows:

Beginning at the Southwest corner of said Lot 11, being the REAL POINT OF BEGINNING;
Thence North 20°58'06" East along the West line of said Lot 11 a distance of 128.24 feet;
Thence South 4°31'09" West a distance of 119.31 feet to the North right of way of Stillwell Drive;
Thence South 88°43'33" West along said North right of way a distance of 36.50 feet to the REAL POINT OF BEGINNING.

Parcel II

A tract of land situated in Lot 1 in Block 4 of Stillwell Estates No. 3, according to the plat thereof filed in Book 39 of Plats at Page 3266, records of Ada County, Idaho described as follows:

Beginning at the Southeast corner of Lot 1;
Thence North 20°58'06" East along the East line of said Lot 1 a distance of 128.24 feet to the REAL POINT OF BEGINNING
Thence North 4°31'09" East a distance of 70.62 feet;
Thence North 33°49'18" East a distance of 60.95 feet;
Thence North 10°38'25" East a distance of 58.10 feet;
Thence South 89°49'34" East a distance of 18.00 feet to the East line of said Lot 1;
Thence South 20°58'06" West along said West line a distance of 190.61 feet to the REAL POINT OF BEGINNING.

STILLWELL ESTATE #1

Part of

Table of Curve Data

Curve	Radius	Delta	Angle	Length	Area	Ch. Bearing
1	20	88° 21' 48"	17.44	30.84	27.88	S 47° 05' 52" E
2	20	21° 39' 12"	20.58	31.77	28.67	S 42° 54' 27" W
3	242	27° 09' 56"	58.47	144.74	115.67	N 10° 40' 18" E
4	308	27° 09' 56"	74.42	146.05	144.67	N 10° 40' 18" E
5	308	25° 23' 25"	67.38	136.49	135.57	N 11° 55' 45" E
6	308	05° 32' 25"	14.90	29.78	29.77	N 05° 54' 10" W
7	242	17° 48' 19"	57.71	75.20	74.70	N 15° 21' 16" E
8	242	15° 07' 51"	27.84	55.44	55.32	N 10° 05' 04" W
9	4145	02° 53' 18"	52.55	57.05	53.66	N 10° 05' 04" W
10	204	102° 22' 11"	25.40	36.50	31.85	N 51° 45' 41" E
11	242	37° 45' 50"	82.77	159.50	156.65	N 04° 40' 15" W
12	308	17° 21' 51"	46.62	92.54	92.20	N 22° 28' 59" E
13	32	16° 04' 23"	51.28	64.85	54.50	S 26° 56' 36" E
14	70	16° 04' 23"	157.06	179.55	166.28	S 26° 56' 36" E
15	242	41° 56' 56"	92.76	171.16	173.23	N 04° 00' 29" W
16	308	41° 56' 56"	118.06	225.47	220.47	N 04° 00' 29" W
17	242	16° 20' 00"	34.75	60.99	60.75	S 51° 12' 12" E
18	308	16° 20' 00"	44.20	87.80	87.50	S 51° 12' 12" E
19	203	39° 15' 41"	140.34	245.66	230.99	S 11° 04' 45" E
20	203	39° 15' 41"	140.34	245.66	230.99	S 11° 04' 45" E
21	203	39° 15' 41"	140.34	245.66	230.99	S 11° 04' 45" E
22	2267	91° 56' 13"	23.45	36.38	32.60	N 80° 44' 17" W
23	3287	75° 59' 45"	25.68	45.60	40.47	S 15° 17' 50" W
24	267	54° 31' 30"	138.79	256.31	246.74	S 01° 46' 56" W
25	100	33° 38' 59"	30.55	57.30	58.44	S 70° 17' 08" W
26	50	33° 38' 59"	15.28	29.65	29.22	S 70° 17' 08" W
27	100	61° 35' 00"	86.37	142.48	130.75	N 66° 39' 10" E
28	50	61° 35' 00"	43.19	71.24	65.57	N 66° 39' 10" E
29	100	22° 52' 50"	20.24	37.95	37.67	S 57° 15' 30" W
30	100	22° 52' 50"	20.24	37.95	37.67	S 57° 15' 30" W
31	50	75° 30' 35"	37.34	64.15	57.04	N 02° 35' 23" E
32	100	87° 55' 24"	95.82	152.82	138.57	S 55° 55' 58" W
33	50	87° 55' 24"	47.91	76.41	69.19	S 55° 55' 58" W
34	45	171° 20' 46"	574.74	134.67	89.74	S 41° 12' 51" W
35	45	121° 09' 40"	77.00	75.16	70.37	N 7° 27' 37" W

- LEGEND
- Section Corner
 - 1/4 Corner
 - 1/2 Corner
 - Block Numbers
 - Lot Numbers
 - Set 48" Eber
 - Set 42" Eber
 - 10' Utility Easements

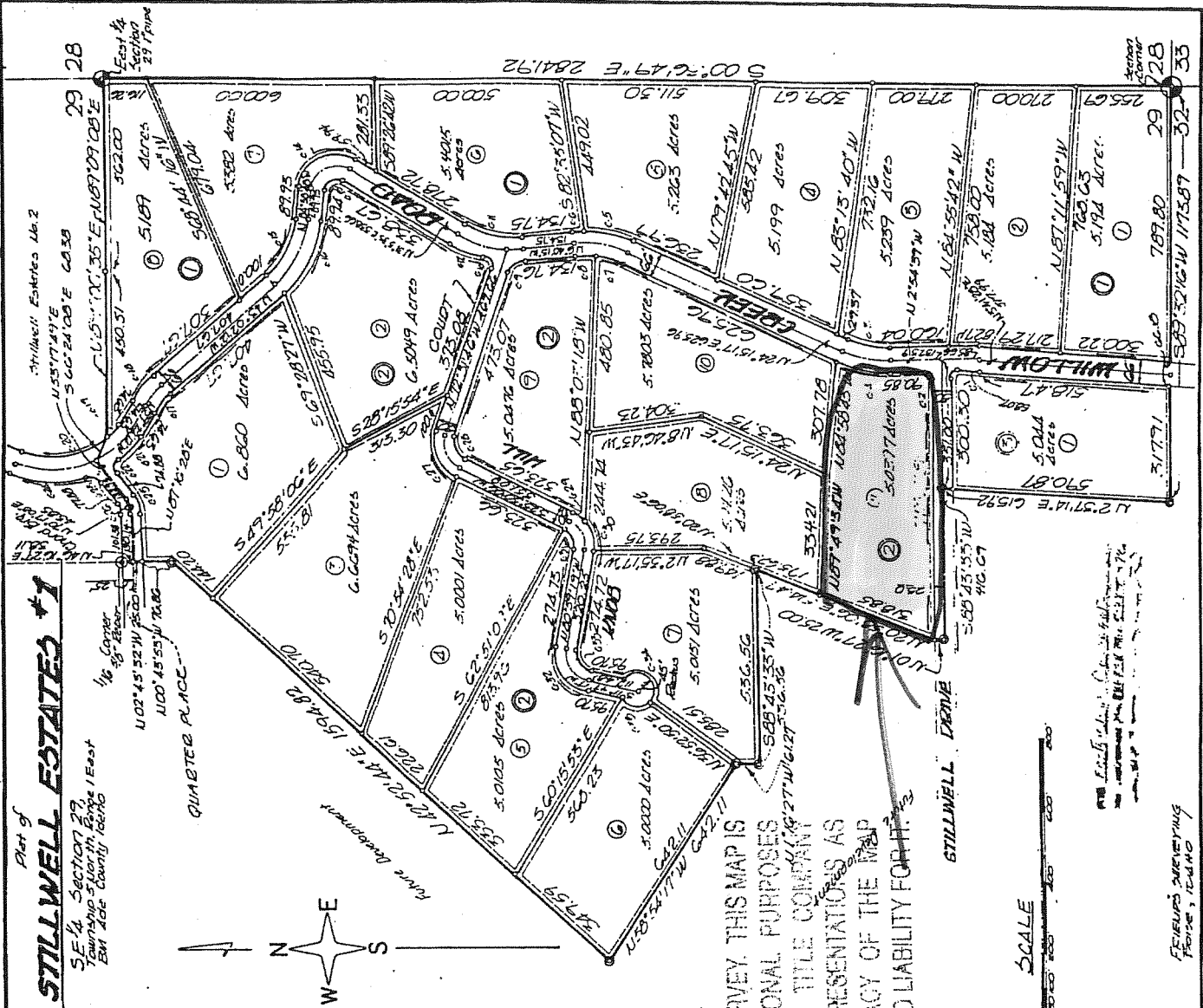
THIS IS NOT A SURVEY. THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY. PIONEER TITLE COMPANY MAKES NO REPRESENTATIONS AS TO THE ACCURACY OF THE MAP AND ASSUMES NO LIABILITY FOR THE SAME.

Each lot Owner shall receive approval from the Central District Health Department on one (1) location of building site and Sewage disposal system in relation to natural drains, and the (2) on construction of Sewage Disposal System.

SCALE



FEUER'S SURVEYING
Horse, Idaho



IDAHO DEPT OF WATER RESOURCES

Claim No. 63-3483D

Twp. 5N, Rge. 1E
Section 29



Place of Use



1/4 1/4 Lines

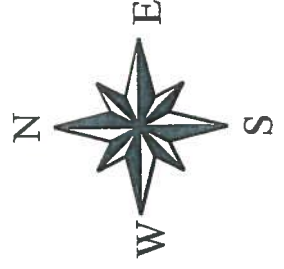


Section Lines



Pt. of Diversion

Prepared by:
Jan Shurte
11-26-05



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 63-32218
Date Received: 2/10/2006
Receipt No: W033824
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CHARLES W RUSSELL Phone: (208)938-1160
350 STILLWELL DR
EAGLE ID USA 83616

BARBARA G RUSSELL Phone: (208)938-1160
350 STILLWELL DR
EAGLE ID USA 83616

2. Date of Priority: 12/31/1980

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	01E	29	NW SE SE	ADA	

5. Description of diverting works:

Well, pump and pipeline.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.02	
DOMESTIC	01/01	12/31	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: 20 Head

Number of homes: 1

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
05N	01E	29	SE	SE		DOMESTIC	
			SE	SE		STOCKWATER	

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Beneficial Use

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 63-32218
Date Received:
Receipt No:
Received By:

RECEIVED

FEB 10 2006

WATER RESOURCES
WESTERN REGION

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CHARLES W RUSSELL Phone: (208) 938-1160
350 STILLWELL DR
EAGLE ID USA 83616

BARBARA G RUSSELL Phone: (208) 938-1160
350 STILLWELL DR
EAGLE ID USA 83616

2. Date of Priority: 1980 (well log could not be found)

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	01E	29	NW SE SE	ADA	

5. Description of diverting works:

Well, pump and pipeline.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.02	
DOMESTIC	01/01	12/31	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:

Number of homes: 1

Number of stock: 20

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	01E	29	SE	SE	DOMESTIC	
			SE	SE	STOCKWATER	

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks: letter to IDWR dated 2/7/06

15. Basis of Claim: Beneficial Use

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 X do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

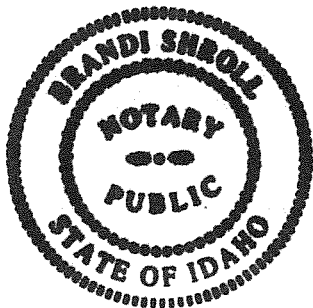
Signature of Claimant(s): Barbara Russell Date: 2/9/06
Charles V. Russell Date: "

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this
of Jan. 9 2006

Brandi Shroll

Notary Public



Residing at _____

My commission Expires 1/20/2012