

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-535 V1

WATER RIGHT NUMBER: 67-535 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JESSE S MORGAN
	, ID
Original Owner	MERLE L DRAKE 1132 MANN CREEK WEISER, ID 83672 (208)549-0271
Original Owner	PAULETTE D DRAKE 1132 MANN CREEK WEISER, ID 83672 (208)549-0271
Original Owner	WILLIAM S MATHEWS
	, ID
Current Owner	CARRIE E SANDERS 2837 HIDDEN VALLEY RD TEMPLETON, CA 93465 (661)809-8880
Current Owner	GREGORY S SANDERS 2837 HIDDEN VALLEY RD TEMPLETON, CA 93465 (661)809-8880

Priority Date: 06/01/1881

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MANNS CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.420 CFS	
	<u>Total Diversion:</u>	0.420 CFS	

Location of Point(s) of Diversion

MANNS CREEK	SE1/4SE1/4	Sec. 24, Twp 12N, Rge 05W, B.M.
WASHINGTON 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	
11N	04W	6													21.0				21.0

Total Acres: 21

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-535 V1

Conditions of Approval:

1. 169 This right is a Primary Right, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), and, as such, irrespective of priority, is senior to all Secondary Rights on Mann Creek.
2. 167 This right shall receive 100% of its decreed amount until the natural flow of the waters of Mann Creek shall decrease so that all rights cannot receive 100%, at which time this right and other various decreed rights, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), shall be cut to 70% of the said amounts, beginning with the latest right and proceeding to the earliest right in the order of priority.
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. dnarsavage 1/25/2006 Quantity

Comment: The claim is for 0.35 cfs, but the claimant mentions in the remarks that this is the low-water portion, and so is 0.7 of the full water right. I used this to increase this claim to the full inch per acre as decreed.

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	6/7/2004 11:10:57 AM	segbert			Active
Source	6/7/2004 11:11:32 AM	segbert			Active
POU	6/7/2004 11:11:57 AM	segbert			Active
Use	6/7/2004 11:22:42 AM	segbert			Active
Quantity	6/7/2004 11:25:43 AM	segbert			Active
POD	6/7/2004 11:28:54 AM	segbert			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-535 V1

Season	6/7/2004 11:28:56 AM	segbert	Active
Season	6/10/2004 9:20:37 AM	segbert	Active
Priority Date	12/5/2005 10:16:00 AM	dnarsavage	Active
POD	12/5/2005 10:17:28 AM	dnarsavage	Active
Source	12/5/2005 10:18:33 AM	dnarsavage	Active
POU	12/5/2005 10:18:48 AM	dnarsavage	Active
Quantity	12/5/2005 10:20:05 AM	dnarsavage	Active
Use	12/5/2005 10:20:34 AM	dnarsavage	Active
Season	12/5/2005 10:20:59 AM	dnarsavage	Active
Summary	12/05/2005	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	10/3/2005 3:39:15 PM	dnarsavage	Updated shape for 67 14099
POU	10/3/2005 3:39:15 PM	dnarsavage	Updated shape for 0
POU	10/3/2005 3:39:15 PM	dnarsavage	Updated shape for 0
POU	10/3/2005 3:39:15 PM	dnarsavage	Updated shape for 0
POU	10/3/2005 3:39:15 PM	dnarsavage	Updated shape for 0
POU	10/3/2005 3:39:15 PM	dnarsavage	Updated shape for 0
POU	10/3/2005 3:39:15 PM	dnarsavage	Updated shape for 0
POU	10/3/2005 3:39:16 PM	dnarsavage	Updated shape for 0
POU	10/3/2005 3:39:16 PM	dnarsavage	Updated shape for 0
POU	10/3/2005 3:39:16 PM	dnarsavage	Updated shape for 0
POU	10/3/2005 3:39:42 PM	dnarsavage	Updated PLS for Active POU
POU	10/3/2005 3:39:58 PM	dnarsavage	Updated PLS for Active POU
POU	10/3/2005 3:39:59 PM	dnarsavage	Updated PLS for 67 14099
POU	10/3/2005 3:39:14 PM	dnarsavage	Updated shape for Active POU
POU	10/3/2005 3:39:15 PM	dnarsavage	Updated shape for 0
POU	10/3/2005 3:39:15 PM	dnarsavage	Updated shape for 0
POU	10/3/2005 3:39:15 PM	dnarsavage	Updated shape for 0
POU	10/3/2005 3:39:15 PM	dnarsavage	Updated shape for 0
POU	10/3/2005 3:39:16 PM	dnarsavage	Updated shape for 0
POU	10/3/2005 3:39:16 PM	dnarsavage	Updated shape for 0
POU	10/3/2005 3:39:16 PM	dnarsavage	Updated shape for 0
POU	10/3/2005 3:39:16 PM	dnarsavage	Updated shape for 0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-535 V1

POU	10/3/2005 3:39:16 PM	dnarsavage	Updated shape for 0
POU	10/3/2005 3:39:36 PM	dnarsavage	Edited Season Of Use
Season	6/10/2004 9:20:38 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?
POD	11/21/2005 10:37:27 AM	dnarsavage	Correlated PODID 620715 from SpatialDataID 366539 to SpatialDataID 10780
POD	11/21/2005 10:37:13 AM	dnarsavage	Correlated PODID 620715 from SpatialDataID 366539 to SpatialDataID 10780
General	12/5/2005 10:16:01 AM	dnarsavage	(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? (Yes) 16. Is a Priority Date remark and/or condition required?
POD	12/5/2005 10:17:28 AM	dnarsavage	(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? (No) 10. Is a POD remark and/or condition required?
POU	12/5/2005 10:18:48 AM	dnarsavage	(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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-535 V1

Season	12/5/2005 10:20:59 AM	dnarsavage	(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?
Source	12/5/2005 10:18:33 AM	dnarsavage	(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?
Quantity	12/5/2005 10:20:06 AM	dnarsavage	(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?
Use	12/5/2005 10:20:35 AM	dnarsavage	(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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-535 V1

Summary	12/5/2005 10:21:38 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 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?
Priority Date	6/7/2004 11:10:57 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?
Source	6/7/2004 11:11:33 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?
POU	6/7/2004 11:11:57 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?
Use	6/7/2004 11:22:43 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?
POU	6/8/2005 7:40:32 AM	ssherman	Updated shape from PLS
Quantity	6/7/2004 11:25:44 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?
POD	6/7/2004 11:28:55 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-535 V1

Season	6/7/2004 11:28:56 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? (Yes) 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) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use?
POU	6/7/2004 11:21:13 AM	segbert	Edited shape boundary
POD	6/8/2005 7:39:53 AM	ssherman	Updated shape from PLS
POU	12/5/2005 10:19:15 AM	dnarsavage	Updated shape for Active POU
POD	11/21/2005 10:37:05 AM	dnarsavage	Correlated PODID 620715 from SpatialDataID 366539 to SpatialDataID 10780
POD	11/21/2005 10:37:09 AM	dnarsavage	Correlated PODID 620715 from SpatialDataID 366539 to SpatialDataID 10780
POD	11/21/2005 10:37:17 AM	dnarsavage	Correlated PODID 620715 from SpatialDataID 366539 to SpatialDataID 10780
POD	11/21/2005 10:37:23 AM	dnarsavage	Correlated PODID 620715 from SpatialDataID 366539 to SpatialDataID 10780

Water Supply Bank:

MEMORANDUM

Date: June 7, 2005

To: File

From: Monica Van Bussum

RE: SRBA Claims 67-00535, 67-14099 and 67-10477

Notes:

THIS WAS DECREED BY
JEFFERSON VS HISS ... NOT
MVA.

NO DLN 9/19/05

67-00535 was a decreed right at 5/8" to the acre. The claimant claims 1" to the acre in both 67-00535 and 67-14099. When the claim was filed, \$98 was collected from the claimant. On the receipt under "Receipt Detail," collection of funds is divided thus: \$73 for 67-00535 and \$25 for 67-10477. 67-10477 is a decreed right. However, on the receipt under "Water Right Information," 67-00535 is not mentioned as the file for which the \$73 was collected; 67-14099 is listed as that file. We think that 67-00535 was combined into 67-14099 and the appropriate bookwork was not done.

The same POU and POD are claimed for both these files. 67-14099 appears to be a combination of 67-00535 and 67-00532. Comments in both 67-00535 and 67-14099 read: "This is now a combined right representing the original 0.35 cfs of 67-00535 and a split portion, 0.12 cfs of 67-00352 for a total of 0.47 cfs."

What we will most likely do is, once the change of ownership is complete, disallow one claim (most likely 67-00535) and recommend the other to the full extent claimed (most likely 67-14099).

Receipt Details for ID C012002

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
10/5/1989 9:59:18 AM	10/5/1989	State	\$98.00	Check
Payer	DRAKE BROS PLUMBING			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
7425			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE-A67 10477

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$73.00	ADJUDICATION FEE-A67 00535	410162	9337	0	0	6490
\$25.00	ADJUDICATION FEE-A67 10477	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
67	14099		\$73.00	Claim
67	10477		\$25.00	Claim

Print Report

Memorandum

Date: January 25, 2006

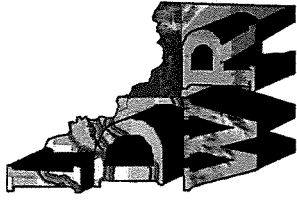
From: Dan Narsavage

Regarding: 67-535 & 67-14099

67-535 was decreed by Jefferson v Higgenbotham and so receives 1" per acre. Aside from this, I concur with Monica Van Bussum's memo of June 7, 2005.

The claim, though, was incorrect in stating that it uses a portion of 67-532. The parcel owned by the Drakes and purchased in 2005 by the Sanders is exactly the same as that described for 67-535 in the Jefferson v Higgenbotham decree. There is no need to include any part of 67-532 in this recommendation and I won't. It is also worth mentioning that 67-532 and 67-535 are identical in every way aside from their places of use, so no one is being injured by this decision. Since this recommendation uses the exact place of use described by 67-535, I will preserve that number and disallow 67-14099.

Idaho Department of Water Resources

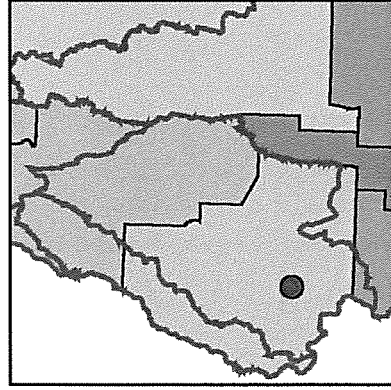


Adjudication Claim Number: **67-535**

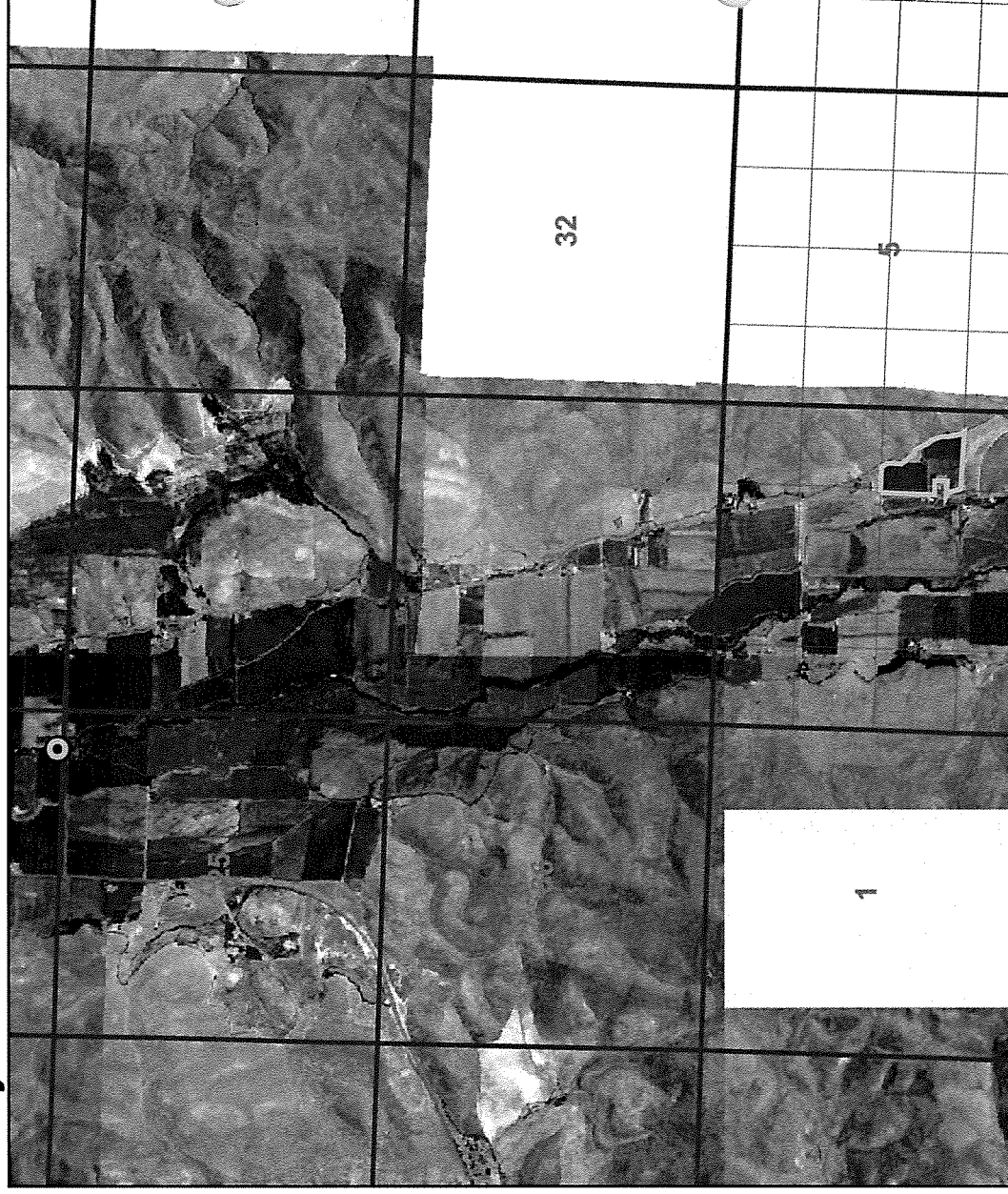
T11N R04W

Legend

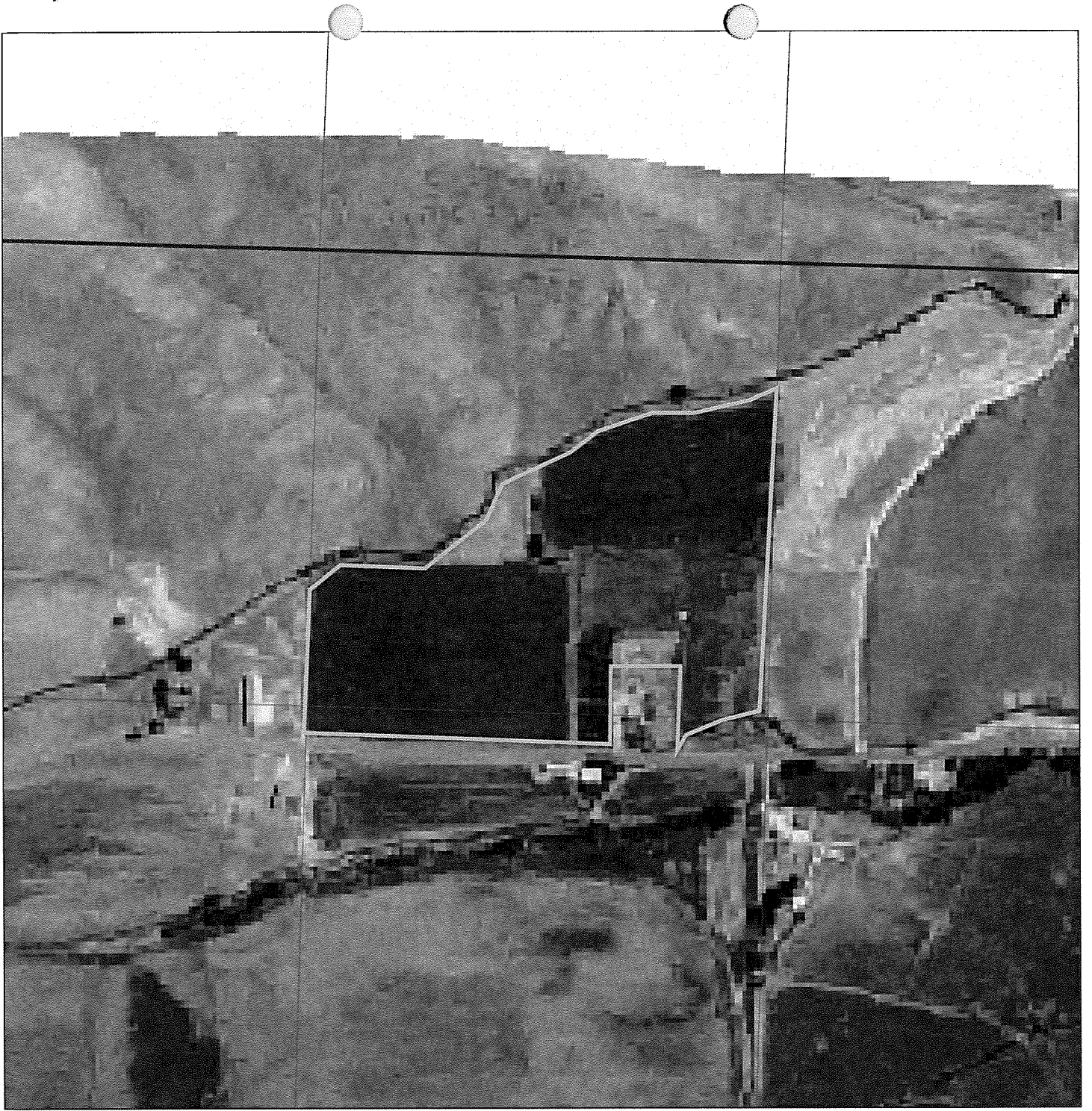
- Point of Diversion
- Place of Use
- PLS Sections
- Quarter Quarters



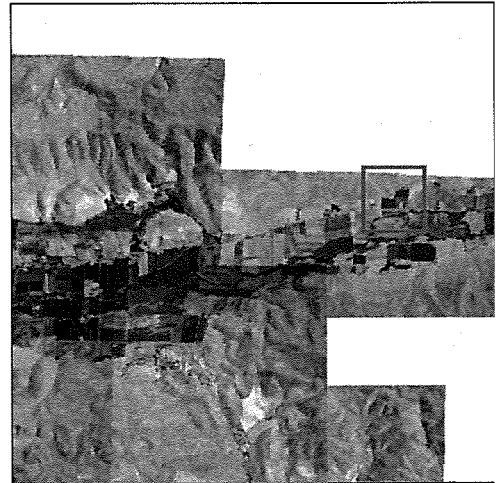
Washington County
IDWR Basin 67



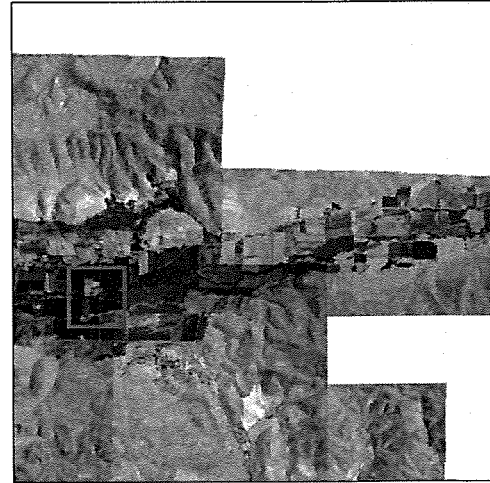
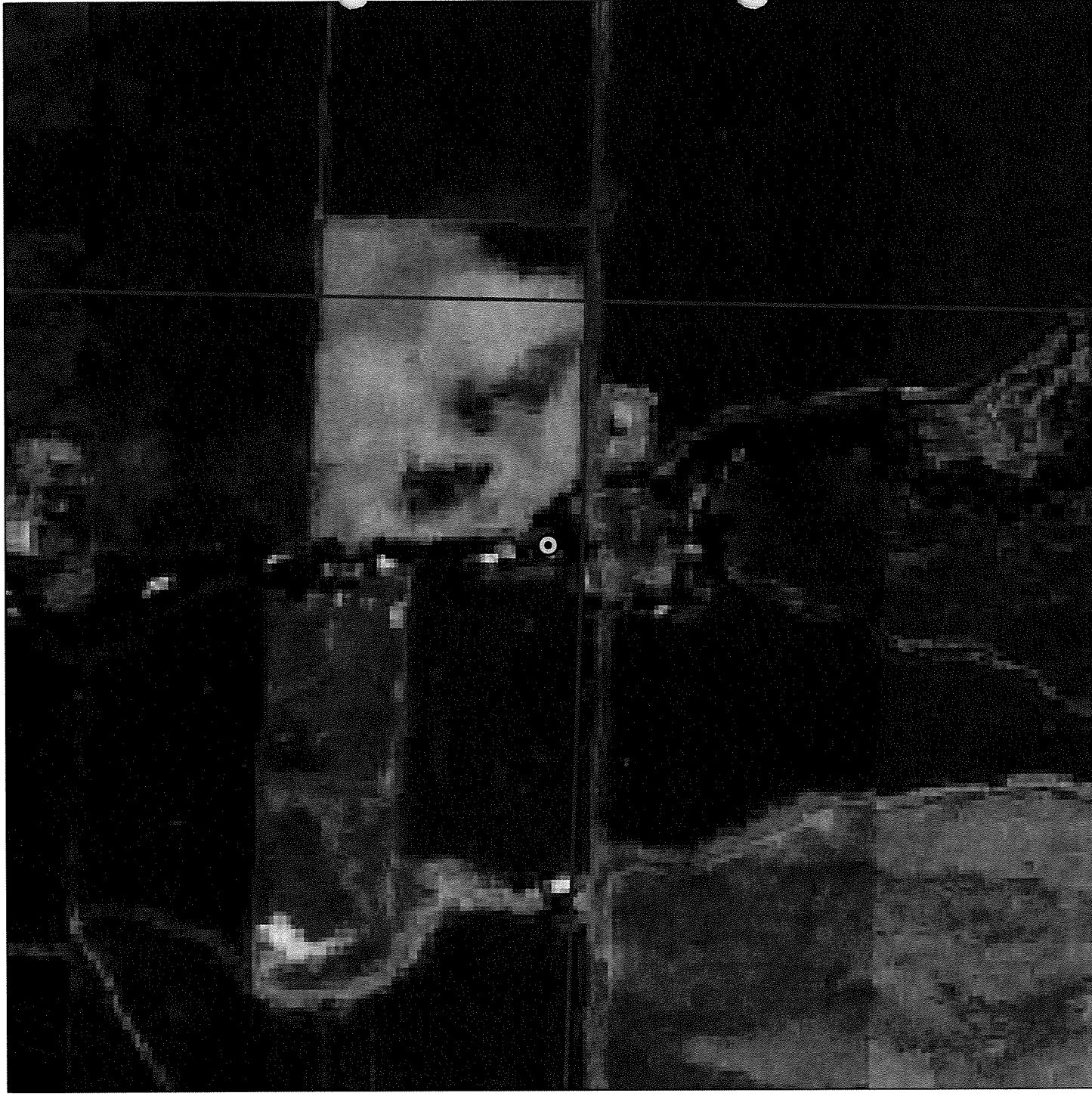
Prepared by D. Narsavage
On Wednesday, January 25, 2006
1987/88 Aerial Photography



Rec67-535



Rec67-535





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

June 7, 2005

GREGORY AND CARRIE SANDERS
2837 HIDDEN VALLEY RD
TEMPLETON CA 93465

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #67-535 and 67-14099 and
Decreed Right 67-10477

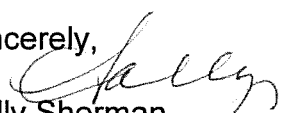
Dear Claimants:

We have processed your change in ownership of the Notices of Claim referenced above. Thank you for your patience.

Enclosed are copies of your Notices of Claim for your file. Please refer to these record numbers in any future inquiries or correspondence. Our Water Allocations Bureau will be changing your Decreed Right #67-10477.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claims.

Sincerely,


Sally Sherman
Technical Records Specialist
Adjudication Technical Section

SS:region

Enclosures:

Copies of Notices of Claim Referenced Above

SCANNED
JUN - 7 2005

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
MAY 17 2005
 WATER RESOURCES
 WESTERN REGION

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
<u>67-535</u>	_____	___	_____	_____	___
<u>67-14099</u>	_____	___	_____	_____	___
<u>\$25.00 ← 67-10477</u>	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

RECEIVED
MAY 19 2005
 DEPARTMENT OF
 WATER RESOURCES

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) Merle L. Drake & Paulette B. Drake
1132 Mann Creek Rd, Weiser, ID 8367.
4. New Owner/Claimant(s) Gregory S. Sanders & Carrie E. Sanders
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address 2837 Hidden Valley Rd.
- City, State and ZIP Code Templeton, CA 93465
- New Telephone Number 805 434-1137 Cell: 661-809-8880
5. Date you acquired the property 5-12-05

COPY

SCANNED

JUN - 7 2005

SCANNED

JUN - 7 2005

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) *[Signature]*
(include title if applicable) *Carrin Sanders*

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 *lg* Date *5/18/05* Fee *\$25.00*
 Received by *lg* Date *5/18/05* Receipt No. *W032940*
 Processed by *lg* AJ Date *6-7-05* WR _____ Date _____

OK to change in entirety. 06/07/05 MVB

SCANNED

JUN - 7 2005

197261

Approved by:

Initials _____



Warranty Deed



FOR VALUE RECEIVED, MERLE L. DRAKE and PAULETTE D. DRAKE, husband and wife, the Grantors, do hereby, grant, bargain, sell and convey unto GREGORY S. SANDERS and CARRIE E. SANDERS, Trustees of the Gregory S. Sanders and Carrie E. Sanders Trust utta dated December 22, 1995, the Grantees, whose address is 2837 Hidden Valley Road, Templeton, CA 93465, the following described real estate situated in Washington County, State of Idaho, to-wit:

IN TOWNSHIP 11 NORTH, RANGE 4 WEST, BOISE MERIDIAN:

Section 5: SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$;

Section 6: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SUBJECT TO right of way for Mann Creek Road along the West line.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their successors 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 said premises are free from all incumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 6 day of May, 2005.

Merle L. Drake

Paulette D. Drake

STATE OF IDAHO)
: ss
County of Washington)

COPY

On this 6 day of May, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared MERLE L. DRAKE and PAULETTE D. DRAKE, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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

Notary Public for Idaho

Residing at Weiser, Idaho

Commission expires: 3-11-2009

Instrument # 197261

WEISER, WASHINGTON, IDAHO

2005-05-11 10:22:00 No. of Pages: 1

Recorded for : WASHINGTON COUNTY TITLE

SHARON WIDNER

Ex-Officio Recorder Deputy *Lisa M. Knight* Fee: 3.00

Index to: DEED

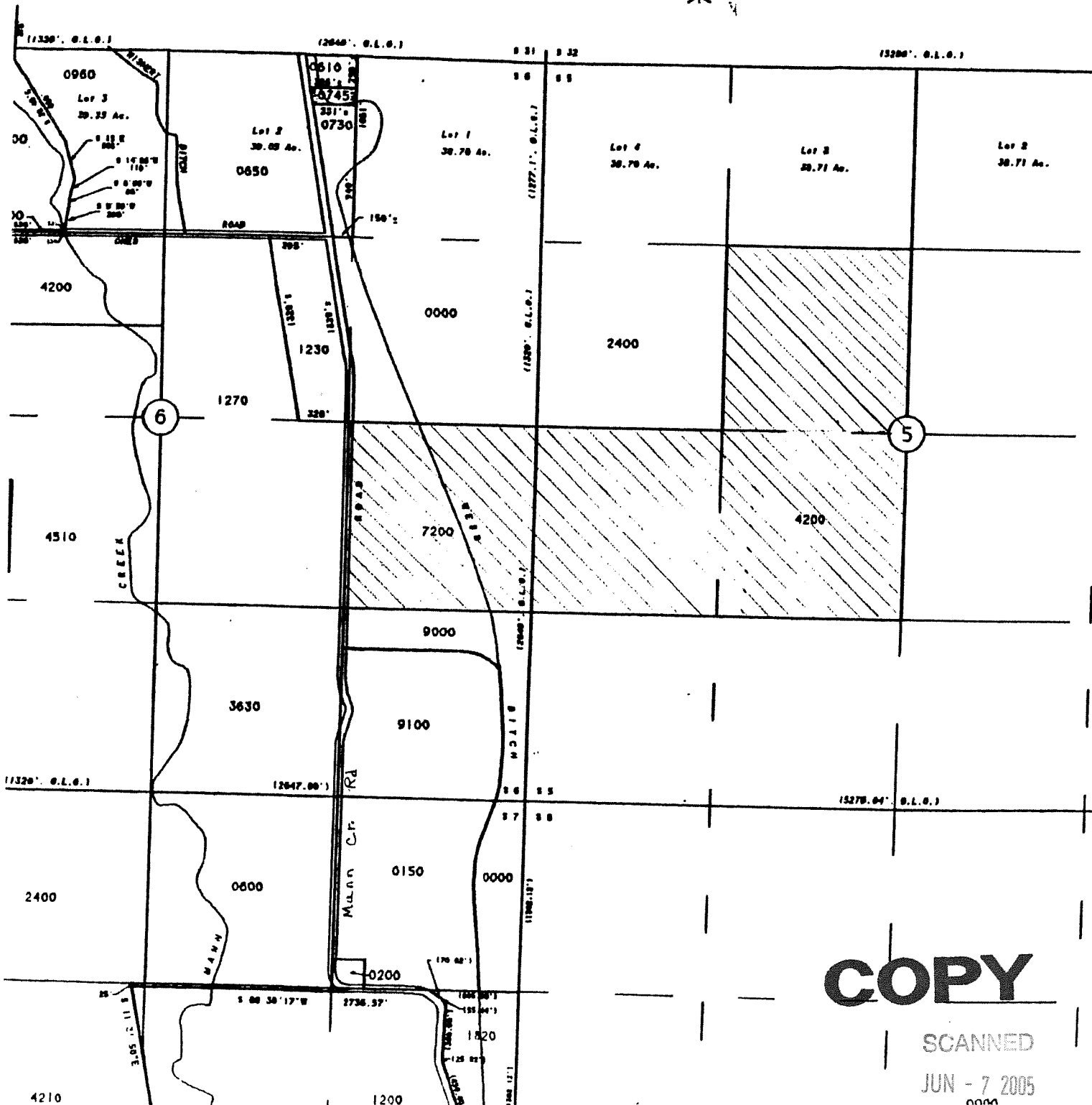
PAULA L. THOMSEN
NOTARY PUBLIC
STATE OF IDAHO

SCANNED

JUN - 7 2005

This plat is made solely for the purpose of assisting in locating the land and Washington County Title Co. assumes no liability for variations, if any, with actual survey.

N



COPY

SCANNED

JUN - 7 2005

Washington County Title Co.

35 West Idaho St.
Weiser, ID 83672

Title Insurance

(208) 414-1487
Fax (208) 414-1487
wctitle@ruralnetwork.net

Escrow Service

RECEIVED
MAY 17 2005
WATER RESOURCES
WESTERN REGION

RECEIVED
MAY 19 2005
DEPARTMENT OF
WATER RESOURCES

May 16, 2005

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

RE: Change in Water Right Ownership for #'s 67-535, 67-14099, and 67-10477

To Whom It May Concern:

Enclosed please find check #8212 in the amount of \$25.00 to cover the Change in Ownership fee on water right #67-10477. This and the other two water rights referenced above were part of the sale from Merle & Paulette Drake at 1132 Mann Creek Road, Weiser, Idaho, to Gregory S. Sanders and Carrie E. Sanders, whose address is 2837 Hidden Valley Road, Templeton, CA 93465.

Also enclosed is the Notice of Change in Water Right Ownership, a copy of the Warranty Deed, and plat map for this transaction.

If you require anything further, please let us know.

Yours truly,

WASHINGTON COUNTY TITLE CO.



Paula Thomsen

Encl.

SCANNED
JUN - 7 2005

COPY

Sanders

Drake

Page 1

06/06/2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-535

WATER RIGHT NUMBER: 67-535

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JESSE S MORGAN
	, ID
Current Owner	MERLE L DRAKE 1132 MANN CREEK WEISER, ID 83672 (208)549-0271
Current Owner	PAULETTE D DRAKE 1132 MANN CREEK WEISER, ID 83672 (208)549-0271
Original Owner	WILLIAM S MATHEWS
	, ID

Priority Date: 06/01/1881

Basis: Decreed

Status: Active

Source

MANNS CREEK

Tributary

WEISER RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to	10/31	0.470 CFS	0.470
	<u>Total Diversion:</u>		0.470 CFS	0

Location of Point(s) of Diversion

MANNS CREEK

SE1/4SE1/4

Sec. 24, Twp 12N, Rge 05W, B.M.

WASHINGTON 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	
11N	04W	6													23.0				23.0

Total Acres: 23

23.0

0

OK to change in entirety.
06/07/05 MJB

Conditions of Approval:

Comment:

EXP! Changed ownership per claimant request (date).

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-535

1. THIS IS A SECONDARY RIGHT.
WATER CARRIED IN THE WEBB DITCH.
FLOODWATER .5 CFS.
THIS IS NOW A COMBINED RIGHT REPRESENTING THE ORIGINAL 0.35 CFS OF 67-00535 AND
A SPLIT PORTION, 0.12 CFS OF 67-00532 FOR A TOTAL OF 0.47 CFS. B.A.S.

Remarks:Comments:Dates and Other Information:

Claim Received Date: 10/5/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
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>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

Water Supply Bank:

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A67-00535
Date Received: 10/04/1989
Receipt No: C012002
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MERLE L. DRAKE 208-549-0271
Address: 1132 MANN CREEK
WEISER, ID 83672

OR
Name: PAULETTE D. DRAKE 208-549-0271
Address: 1132 MANN CREEK
WEISER, ID 83672

2. Date of Priority: JUN 01, 1881

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12N	05W	24	SE	SE			WASHINGTON

5. Description of diverting works:
PUMPED TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.470		

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

8. Total consumptive use is 78.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

SCANNED
APR 06 2004

A67-00535

Page 1

Date: 12/05/89

MICROFILMED
OCT 01 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	04W	6	NE	SE		IRR	23.0
Section Acres							23.0
Total Acres							23.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS IS A SECONDARY RIGHT.
WATER CARRIED IN THE WEBB DITCH.
FLOODWATER .5 CFS.
THIS IS NOW A COMBINED RIGHT REPRESENTING THE ORIGINAL 0.35 CFS
OF 67-00535 AND A SPLIT PORTION, 0.12 CFS OF 67-00532 FOR A TOTAL
OF 0.47 CFS. B.A.S.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

E. V. JEFFERSON ET. AL.
Decree Plaintiff

vs

THOMAS HIGGENBOTHAM ET. AL.
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: _____

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

RECEIVED

OCT 04 1989

Ident. Number: A67-00535
Date Received: 10/02/1989 10/4/89
Receipt No: C012002
Received By: D.K.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MERLE L. DRAKE 208-549-0271
Address: 1132 MANN CREEK
WEISER, ID 83672

OR

Name: PAULETTE D. DRAKE 208-549-0271
Address: 1132 MANN CREEK
WEISER, ID 83672

2. Date of Priority: JUN 01, 1881

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12N	05W	24	SE	SE			WASHINGTON

5. Description of diverting works:
PUMPED TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.470		

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

8. Total consumptive use is 78.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

A67-00535

Page 1

Date: 10/02/89

MICROFILMED
OCT 01 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11N	04W	6	NE SE		IRR	23.0
Section Acres						23.0
Total Acres						23.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
NONE

14. Remarks:

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FLOODWATER .5 CFS.
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OF 67-00535 AND A SPLIT PORTION, 0.12 CFS OF 67-00532 FOR A TOTAL
OF 0.47 CFS. B.A.S.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

E. V. JEFFERSON ET. AL.
Decree Plaintiff

vs

THOMAS HIGGENBOTHAM ET. AL.
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: 0

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): Mark L. Drake Date: 10/2/89

Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this 2 day
of Oct 19 89 Bruce A. Schuld
Notary Public

Residing at BRUCE A. SCHULD, NOTARY PUBLIC
RESIDING AT BOISE, IDAHO
My Commission Expires MY COMMISSION EXPIRES APRIL 11, 1995

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Drake B. DossCLAIM IDENT. NO. AG 7-00535DATE RECEIVED 10/4/87

CK # _____

AMOUNT \$ _____

YES

NO

Require
Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☒ YES ☐ NO N/A ☒ YES ☐ NO *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO *
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO *
8. If required is a consumptive use entered? ☒ YES ☐ NO N/A ☒ YES ☐ NO *
- Is the consumptive use correct? ☒ YES ☐ NO N/A ☒ YES ☐ NO *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO N/A ☒ YES ☐ NO *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO N/A ☒ YES ☐ NO *
15. Is the basis of the claim indicated? ☒ YES ☐ NO *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO N/A ☒ YES ☐ NO *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? ☒ YES ☐ NO Exempt ☒ YES ☐ NO *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/A ☒ YES ☐ NO *
22. Should this claim be data entered? ☒ YES ☐ NO *

Claim checked by: RatDate: 12/5/89Claim must be returned to claimant: ☒ (Yes) ☐ (No)Claimant must be notified of modifications: ☒ (Yes) ☐ (No)

Receipt Prepared by: _____

Date: _____

Claim data entered by: _____

Date: _____

Sent to claimant by: _____

Date: _____

Checked by: Rat Date: 12/5/89Comments: Combined nit

MICROFILMED

OCT 01 1992