

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-544C V1

WATER RIGHT NUMBER: 67-544C V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RAYLENE HUSTON 1695 DEER CREEK RD WEISER, ID 83672 (208)549-0414
Current Owner	RODNEY W HUSTON 1695 DEER CREEK RD WEISER, ID 83672 (208)549-0414
Original Owner	LYNN HUST C/O PAULINA ARLENE HUST 1695 DEER CREEK RD WEISER, ID 83672 (208)549-0949
Original Owner	THOMAS L HUST C/O PAULINA ARLENE HUST 1695 DEER CREEK RD WEISER, ID 83672 (208)549-0949
Original Owner	HENRY T BARKER , ID

Priority Date: 06/01/1884

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MANN 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	0.320 CFS	
	<u>Total Diversion:</u>	0.320 CFS	

Location of Point(s) of Diversion

MANN CREEK	SE1/4SE1/4NE1/4	Sec. 11, 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	
12N	05W	12	16.0																16.0

Total Acres: 16

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-544C V1

Conditions of Approval:

1. 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.
2. 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.
3. 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 other rights that have not been identified as a Primary Right on Mann Creek.

Remarks:

Comments:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

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WATER RIGHT NUMBER: 67-544C V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HENRY T BARKER
	, ID
Current Owner	LYNN HUST C/O PAULINA ARLENE HUST 1695 DEER CREEK RD WEISER, ID 83672 (208)549-0949
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Priority Date: 06/01/1884

Basis: Decreed

Status: Active

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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	
12N	05W	12	16.0																16.0

Total Acres: 16

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-544C V1

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3. 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.

Remarks:Comments: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: 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>
Priority Date	6/8/2004 8:51:24 AM	segbert			Active
Source	6/8/2004 8:51:37 AM	segbert			Active
POU	6/8/2004 8:51:58 AM	segbert			Active
Use	6/8/2004 8:56:41 AM	segbert			Active
Season	6/8/2004 8:57:13 AM	segbert			Active
Quantity	6/8/2004 8:58:14 AM	segbert			Active
POD	6/8/2004 9:01:22 AM	segbert			Active
Season	6/10/2004 9:33:36 AM	segbert			Active
Priority Date	8/12/2005 9:24:57 AM	dnarsavage			Active
POD	8/12/2005 9:25:15 AM	dnarsavage			Active
Source	8/12/2005 9:25:28 AM	dnarsavage			Active
POU	8/12/2005 9:25:48 AM	dnarsavage			Active
Use	8/12/2005 9:26:15 AM	dnarsavage			Active
Season	8/12/2005 9:26:48 AM	dnarsavage			Active

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Adjudication Recommendation Report 67-544C V1

Quantity	8/12/2005 9:28:47 AM	dnarsavage	Active
Summary	08/12/2005	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Season	6/10/2004 9:33:37 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?
Priority Date	6/8/2004 8:51:25 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 ?
Source	6/8/2004 8:51:37 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	6/8/2004 8:51:58 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	9/21/2005 10:02:18 AM	dnarsavage	Updated shape for Active POU
POU	9/21/2005 9:41:17 AM	dnarsavage	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-544C V1

Summary	8/12/2005 9:29:42 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? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (No) 10. Would you like to set the verification date?
General	8/12/2005 9:24:57 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? (No) 16. Is a Priority Date remark and/or condition required?
POD	8/12/2005 9:25:15 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?
Source	8/12/2005 9:25:29 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?
POU	8/12/2005 9:25:49 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 67-544C V1

Use	8/12/2005 9:26:16 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?
Season	8/12/2005 9:26:49 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?
POU	8/12/2005 9:27:17 AM	dnarsavage	Edited Season Of Use
Quantity	8/12/2005 9:28:47 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? (No) 12. Is a Quantity remark or condition required?
POD	8/11/2005 2:09:49 PM	dnarsavage	Correlated PODID 620757 from SpatialDataID 304975 to SpatialDataID 9560
POD	8/11/2005 2:09:49 PM	dnarsavage	Correlated PODID 620757 from SpatialDataID 304975 to SpatialDataID 9560
POD	8/11/2005 2:09:49 PM	dnarsavage	Correlated PODID 620757 from SpatialDataID 304975 to SpatialDataID 9560
POU	6/8/2004 8:56:26 AM	segbert	Edited shape boundary
Use	6/8/2004 8:56:42 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?

IDAHO DEPARTMENT OF WATER RESOURCES

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Season	6/8/2004 8:57:14 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?
POD	6/8/2004 9:01:22 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License?
POU	11/9/2005 10:47:25 AM	dnarsavage	Updated PLS for Active POU
Quantity	6/8/2004 8:58:14 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?

Water Supply Bank:



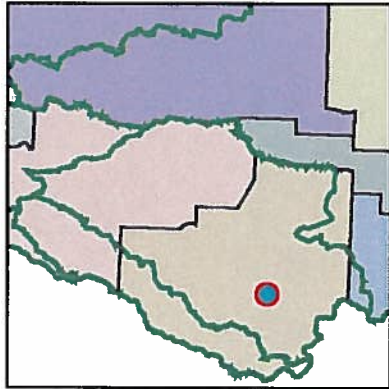
Idaho Department of Water Resources

T12N R05W

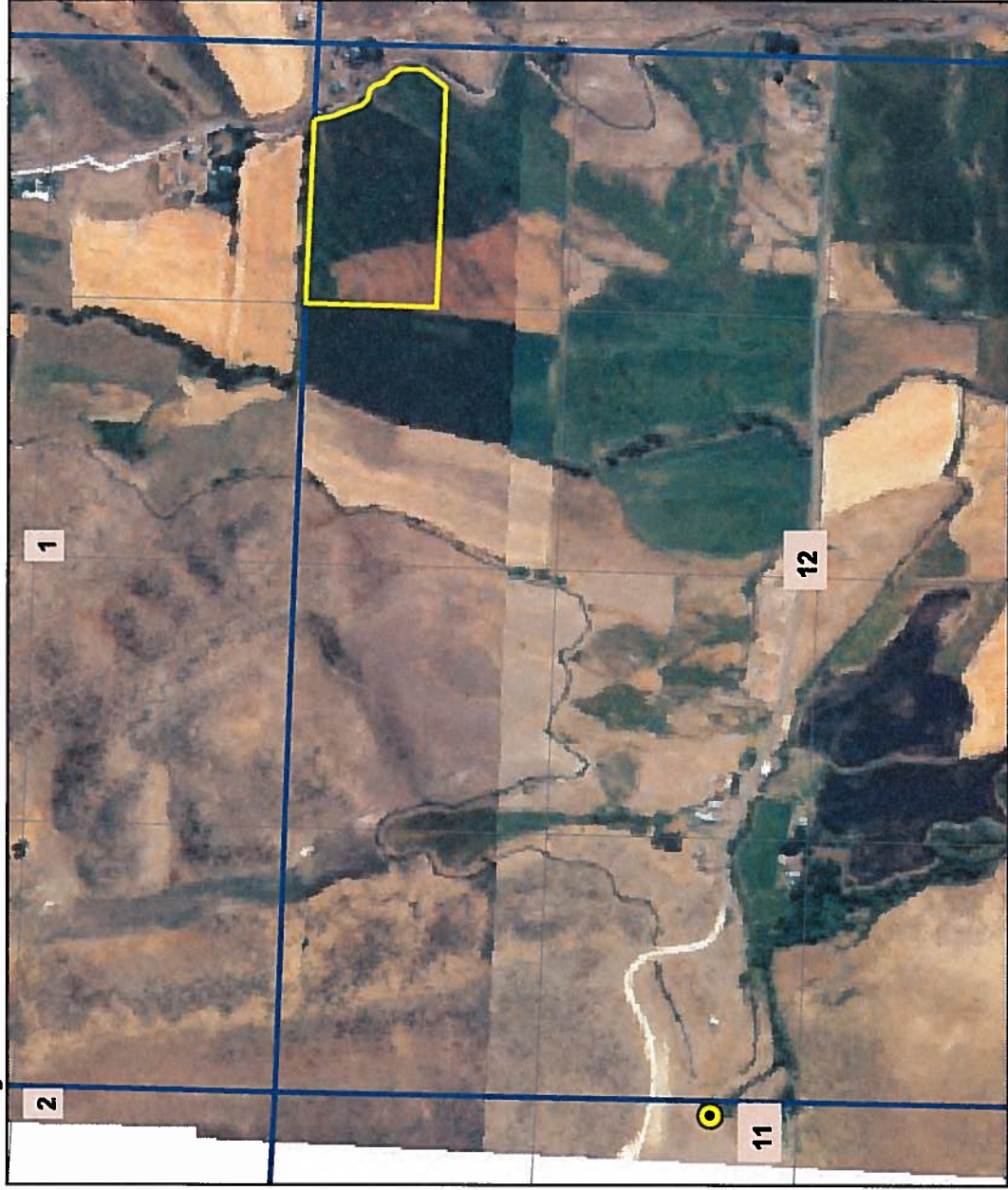
Adjudication Claim Number: **67-544C**

Legend

-  Point of Diversion
-  Place Of Use
-  PLS Sections
-  GCDBQuarter Quarters

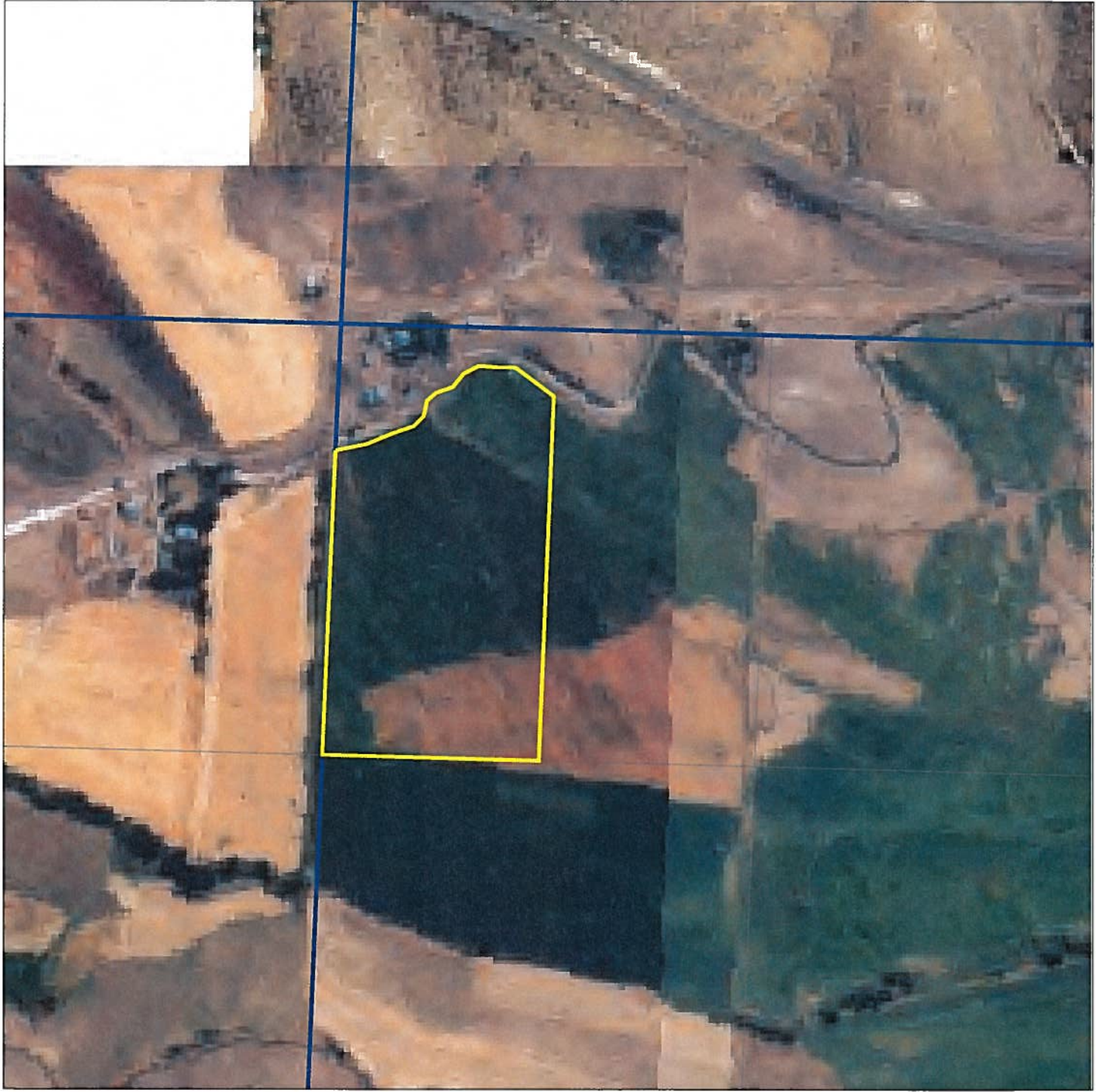


Washington County
IDWR Basin 67



Prepared by D. Narsavage
On Thursday, August 11, 2005
1987 Aerial Photography

Rec67-544C



Split Analysis

Water Right Number: 67-544

Diversion Rate: 2.99 CFS

Reviewer Name: Dan Narsavage

Date: 21-Dec-05

[illegible]

67-544A

(31.0 ac & 0.62 cfs)

67-544

(149.0 ac & 2.99 cfs)

67-544B

(16.0 ac & 0.32 cfs)

67-544C

(16.0 ac & 0.32 cfs)

67-544D

(71.0 ac & 1.42 cfs)

Right No:	Rate of Diversion	Irrigated Acres	CFS / Acre
67-544	2.99	149	0.020
67-544A	0.62	31	0.020
67-544B	0.32	16	0.020
67-544C	0.32	16	0.020
67-544D	1.42	71	0.020

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 67-544C
Date Received: 10/18/1989
Receipt No: C012354
Received By:

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

1. Name of Claimant(s)

RODNEY W HUSTON Phone: (208)549-0414

1695 DEER CREEK RD
WEISER ID USA 83672

RAYLENE HUSTON Phone: (208)549-0414

1695 DEER CREEK RD
WEISER ID USA 83672

2. Date of Priority: 06/01/1884

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12N	05W	11	SE SE NE	WASHINGTON	

5. Description of diverting works:

JOSLIN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.334	

7. Total Quantity Appropriated is:
0.334 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
12N	05W	12	NE	NE	IRRIGATION	16.7
					Section Acres	16.7
					Total Acres	16.7

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:

14. Remarks:

THIS IS WATER IS USED ON THE N1/2 OF THE NE1/4 OF THE NE 1/4 OF SECTION 12, TWN. 12N, RNG. 5W.

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.

MEMO

Date: January 24, 2007

To: Sally

From: Craig

Re: Change of ownership notes for Hust to Huston

Sally, this looks ok to change. The only thing I noticed on it is that the name connector on the c/o and on the deed is "and" but only one of them signed the change of ownership form. However, I double checked with Carter and he said it is community property and on the c/o, one can sign for it.

So lets change 67-544C.

However, it appears that domestic Right 67-10816 is applicable to their property too, but it is partially decreed and they didn't send any fees for it.

I am sending them a letter telling them we are processing 67-544C, but it looks like they have the other one and they need to send it in with fees...etc....

*change of
deed. 1-25-07.
NCP
prepared.*

SCANNED

JAN 25 2007



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

JAMES E. RISCH
Governor

KARL J. DREHER
Director

January 24, 2007

RODNEY W HUSTON
RAYLENE HUSTON
1695 DEER CK RD
WEISER ID 83672

RE: Change of Ownership for 67-544C and 67-10816

Dear Mr. and Ms. Huston,

The Idaho Department of Water Resources received the request to change ownership on water right recommendation 67-544C. I have reviewed the documentation submitted and we are currently processing the change for 67-544C.

However, during my review I found a partially decreed domestic right, 67-10816, that appears to be applicable to your property (copy enclosed). Because 67-10816 has already been partially decreed by the SRBA court, there is a \$25 filing fee to change ownership.

I am sending you a new change of ownership form along with a copy of the deed you sent in. If 67-10816 is in fact applicable to your property, please complete the change of ownership form and re-submit it along with the filing fee of \$25.00.

I apologize for the inconvenience. Please feel free to give me a call if you have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Craig L. Saxton', is written over a horizontal line.

Craig L. Saxton
Water Right Supervisor
Adjudication Bureau

Enclosures

SCANNED
JAN 24 2007

DEC 06 2006

RECEIVED
DEPARTMENT OF
WATER RESOURCES
DEC 06 2006
DEPARTMENT OF
WATER RESOURCES

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.

- 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 67-544C	OK CS	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

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

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

- Name and Address of Former Owner/Claimant(s) Lynn Ann Hust
- New Owner/Claimant(s) Rodney W Huston & Raylene Huston
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 1695 Derr Creek Road
City, State and ZIP Code Weiser IDAHO 83672
New Telephone Number (208) 549-0414
- Date you acquired the property Nov 25 2003

SCANNED

DEC 11 2006

Approved by:

Initials R.H. H

191992 RECEIVED

DEC 06 2003

DEPARTMENT OF
WATER RESOURCES



Warranty Deed

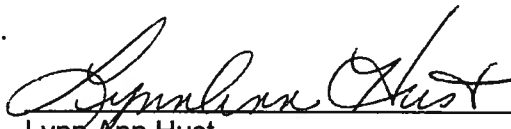


FOR VALUE RECEIVED, LYNN ANN HUST, a widow, the Grantor, does hereby, grant, bargain, sell and convey unto RODNEY W. HUSTON and RAYLENE HUSTON, husband and wife, the Grantees, whose address is 1695 Deer Creek Road, Weiser, ID 83672, the following described real estate situated in Washington County, State of Idaho, to-wit:

IN TOWNSHIP 12 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN:
Section 12: N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.

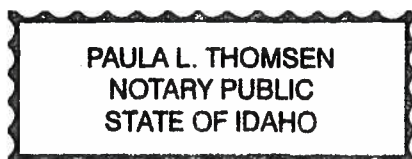
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that she is the owner in fee simple of said premises; that said premises are free from all incumbrances, and that she will warrant and defend the same from all lawful claims whatsoever.

DATED this 19 day of November, 2003.


Lynn Ann Hust

STATE OF IDAHO)
: ss
County of Washington)

On this 19th day of November, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared LYNN ANN HUST known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she 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: 3-11-2003

Instrument # 191992

WEISER, WASHINGTON, IDAHO

2003-11-25 12:09:00 No. of Pages: 1

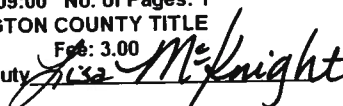
Recorded for : WASHINGTON COUNTY TITLE

SHARON WIDNER

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: DEED



SCANNED

DEC 11 2003

RECEIVED

11/14/2006

DEC 06 2006

DEPARTMENT OF
WATER RESOURCES

NOTICE OF ERROR
REPLY

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: 67-544C

LYNN HUST
C/O PAULINA ARLENE HUST
1695 DEER CREEK RD
WEISER ID 83672
Telephone Number: (208) 549-0949

THOMAS L HUST
C/O PAULINA ARLENE HUST
1695 DEER CREEK RD
WEISER ID 83672
Telephone Number: (208) 549-0949

*Please change Name
to Rodney W Huston
Raylene Huston*

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation; no changes need to be made.

DATE: 12-1-06 SIGNATURE: *Raylene Huston*

Please print your name: Raylene Huston

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

SCANNED

DEC 08 2006

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: A67-00544C
Date Received: 10/18/1989
Receipt No: C012354
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THOMAS L. HUST
Address: C/O PAULINA ARLENE HUST
1695 DEER CREEK RD.
WEISER, ID

208-549-0949

OR

Name: LYNN HUST
Address: C/O PAULINA ARLENE HUST
1695 DEER CREEK RD.
WEISER, ID

83672

208-549-0949

83672

2. Date of Priority: JUN 01, 1884

3. Source: MANN 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	11	SE	SE	NE		WASHINGTON

5. Description of diverting works:
JOSLIN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.334		

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

A.F.A.

8. Total consumptive use is 58.5 Acre Feet Per Annum.

9. Non-irrigation uses:

SCANNED
APR 06 2004

A67-00544C

Page 1

Date: 06/11/90

MICROFILMED
OCT 01 1992

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 18 1989

Ident. Number: A67-00544C
Date Received: 10/13/1989
Receipt No: D.K.
Received By: CD12354

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources

1. Name: THOMAS L. HUST 208-549-0949
Address: C/O PAULINA ARLENE HUST
1695 DEER CREEK RD.
WEISER, ID 83672
OR
Name: LYNN HUST 208-549-0949
Address: C/O PAULINA ARLENE HUST
1695 DEER CREEK RD.
WEISER, ID 83672

2. Date of Priority: JUN 01, 1884

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
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9. Non-irrigation uses:

A67-00544C

Page 1

Date: 10/13/89

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OCT 01 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12N	05W	12	NE NE		IRR	16.7
Section Acres						16.7
Total Acres						16.7

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:
MANN CREEK RESERVOIR

14. Remarks:

THIS IS WATER IS USED ON THE N1/2 OF THE NE1/4 OF THE NE 1/4 OF
SECTION 12, TWN. 12N, RNG. 5W.

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: -1-

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): Arlene Hust Date: 10-13-89

J.D.D. Thomas B. Hust Date: 10-13-89

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 13th day
of October 19 89

Carter Fritschle
Notary Public

Seal

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My commission Expires March 21, 1994

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO

NAME
STREET
ADDRESS
CITY
STATE
ZIP

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

POWER OF ATTORNEY — GENERAL (includes optional DURABLE POWER OF ATTORNEY)
 KNOW ALL PERSONS BY THESE PRESENTS: That I, Thomas Lyle Hust

the undersigned (jointly or severally, if more than one) hereby make, constitute and appoint Arlene Hust

my true and lawful Attorney for me and in my name, place and stead and for my use and benefit:

(a) To ask, demand, sue for, recover, collect and receive each and every sum of money, debt, account, legacy, bequest, interest, dividend, annuity and demand (which now is or hereafter shall become due, owing or payable) belonging to or claimed by me, and to use and take any lawful means for the recovery thereof by legal process or otherwise, and to receive and deliver a satisfaction or release therefor, together with the right and power to compromise or compound any claim or demand.

(b) To exercise any or all of the following powers as to real property, any interest therein and/or any building thereon: To contract for, purchase, receive and take possession thereof and of evidence of title thereto; to lease the same for any term or purpose, including leases for business, residence, and oil and/or mineral development, to sell, exchange, grant or convey, the same with or without warranty, and to mortgage, transfer in trust, or otherwise encumber or hypothecate the same to secure payment of a negotiable or non-negotiable note or performance of any obligation or agreement.

(c) To exercise any or all of the following powers as to all kinds of personal property and goods, wares and merchandise, choses in action and other property in possession or in action: To contract for, buy, sell, exchange, transfer and in any legal manner deal in and with the same, and to mortgage, transfer in trust, or otherwise encumber or hypothecate the same to secure payment of a negotiable or non-negotiable note or performance of any obligation or agreement.

(d) To borrow money and to execute and deliver negotiable or non-negotiable notes therefor with or without security, and to loan money and receive negotiable or non-negotiable notes therefor with such security as he/she shall deem proper.

(e) To create, amend, supplement and terminate any trust and to instruct and advise the trustee of any trust wherein I am or may be trustor or beneficiary, to represent and vote stock, exercise stock rights, accept and deal with any dividend, distribution or bonus, join in any corporate financing, reorganization, merger, liquidation, consolidation or other action and the extension, compromise, conversion, adjustment, enforcement or foreclosure, singly or in conjunction with others of any corporate stock, bond, note, debenture or other security, to compound, compromise, adjust, settle and satisfy any obligation, secured or unsecured, owing by or to me and to give or accept any property and/or money whether or not equal to or less in value than the amount owing in payment, settlement or satisfaction thereof.

(f) To transact business of any kind or class and as my act and deed to sign, execute, acknowledge and deliver any deed, lease, assignment of lease, covenant, indenture, indemnity, agreement, mortgage, deed of trust, assignment of mortgage or of the beneficial interest under deed of trust, extension or renewal of any obligation, subordination or waiver of priority, hypothecation, bottomry, charter party, bill of lading, bill of sale, bill, bond, note, whether negotiable or non-negotiable, receipt, evidence of debt, full or partial release or satisfaction of mortgage, judgment and other debt, request for partial or full reconveyance of deed of trust and such other instruments in writing of any kind or class as may be necessary or proper in the premises.

(g) [Strike if not applicable.] This Power of Attorney shall not be affected by subsequent incapacity of the principal (and shall remain effective for a period of _____ years after the disability or incapacity occurs).

(h) [Strike if not applicable.] This Power of Attorney shall become effective upon the incapacity of the principal (and shall remain effective for a period of _____ years after the disability or incapacity occurs).

(i) If (g) and/or (h) are not stricken, the following warning applies: **WARNING TO PERSON EXECUTING THIS DOCUMENT:**

This is an important legal document. It creates a durable power of attorney. Before executing this document, you should know these important facts:

1. This document may provide the person you designate as your attorney in fact with broad powers to manage, dispose, sell, and convey your real and personal property and to borrow money using your property as security for the loan.
2. These powers will exist for an indefinite period of time unless you limit their duration in this document. These powers will continue to exist notwithstanding your subsequent disability or incapacity.
3. You have the right to revoke or terminate this power of attorney.
4. If there is anything about this form that you do not understand, you should ask a lawyer to explain it to you.

GIVING AND GRANTING unto my said Attorney full power and authority to do and perform all and every act and thing whatsoever requisite, necessary or appropriate to be done in and about the premises as fully to all intents and purposes as I might or could do if personally present, hereby ratifying all that my said Attorney shall lawfully do or cause to be done by virtue of these presents. The powers and authority hereby conferred upon my said Attorney shall be applicable to all real and personal property or interests therein now owned or hereafter acquired by me and wherever situate.

My said Attorney is empowered hereby to determine in his/her sole discretion the time when, purpose for and manner in which any power herein conferred upon him shall be exercised, and the conditions, provisions and covenants of any instrument or document which may be executed by him/her pursuant hereto, and in the acquisition or disposition of real or personal property, my said Attorney shall have exclusive power to fix the terms thereof for cash, credit and/or property, and if on credit with or without security.

When the context so requires, the masculine gender includes the feminine and/or neuter, and the singular number includes the plural.

WITNESS my hand this 30 day of August, 1989

STATE OF CALIFORNIA

COUNTY OF Kern

On this 31st day of August, in the year 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Thomas Lyle Hust

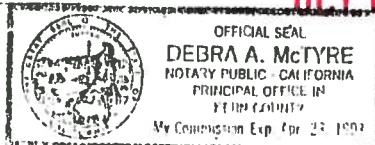
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed it.

WITNESS my hand and official seal

Notary Public in and for said State.

POWER OF ATTORNEY GENERAL (includes optional DURABLE POWER OF ATTORNEY)
 WOLCOTT'S FORM 1400 Rev. 12-86
 © 1989 WOLCOTT'S, INC. (print class 3)

This document forms a part of a legal proceeding. In the field, read above. Before you sign, read it, fill in all blanks, and make a copy for your papers to your jurisdiction. Consult a lawyer for advice on the form's use for your purpose.



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OCT 01 1992