

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-555B V1

WATER RIGHT NUMBER: 67-555B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MARY A SATER
	, ID
Original Owner	JOHNSON BRYANT EQUIPMENT CO PO BOX 135 WEISER, ID 83672 (208)549-0418
Original Owner	ALLEN CAPURRO 1041 MANN CREEK RD WEISER, ID 83672 (208)549-1381
Original Owner	TONYA CAPURRO 1041 MANN CREEK RD WEISER, ID 83672 (208)549-1381
Current Owner	CAPURRO FAMILY TRUST 1041 MANN CREEK RD WEISER, ID 83672

Priority Date: 04/01/1877

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	1.370 CFS	
STOCKWATER	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	1.370 CFS	

Location of Point(s) of Diversion

MANN CREEK	SE1/4SW1/4SE1/4	Sec. 13, Twp 12N, Rge 05W, B.M.
WASHINGTON County		
MANN CREEK	NE1/4NE1/4	Sec. 25, 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	25				31.5													68.5

Total Acres: 68.5

IDAHO DEPARTMENT OF WATER RESOURCES

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STOCKWATER same as IRRIGATIONConditions of Approval:

1. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
2. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
3. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
4. 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.
5. 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.
6. 168 This right is a Secondary Right, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), and, as such, is subordinate only to all rights identified as Primary Rights on Mann Creek.

Remarks:Comments:

1. mcase 5/26/2004 Quantity

Comment: Recommended flow and volume could not be determined because of split.

2. mcase 5/26/2004 POU

Comment: Total irrigated acreage claimed is greater than total decreed. Shape generated from taxlot information.

3. dnarsavage 3/24/2006 Quantity

Comment: Quantity underclaimed. Can recommend up to 1.37 CFS, but only 0.98 claimed.

4. mvanbussum 12/14/2006 NOE Quantity and POU

Comment: Per NOE correspondence, claimant wanted limiting condition removed. Decree was claimed for 0.98 cfs instead decreed quantity of 1.40 cfs. Claimed as 67-555A and 67-555B; quantity for A and B was over-recommended in relation to claimed cfs in preliminary report. Reduced quantity so it is proportionate to claimants share of claimed water for 67-555. Claimant was not notified because of time constraints, but will receive notice of change in Directors Report.

5. mvanbussum 12/20/2006 NOE POU

Comment: Claimant amended claim, so limiting condition on POU was removed.

6. mvanbussum 12/20/2006 NOE POD

Comment: Per claimant correspondence, this property is served by Adams-Sailing and Hanna ditches. Hanna ditch runs through the center of the property and Adams-Sailing runs along the west. Claimant amended PODs to be Adams-Sailing and Hanna ditch PODs. This includes an accomplished change in point of diversion. The claimant says it has been this way as long as they have been on the property and they understood when they bought it that this was the way it had always been. We have no delivery records and there are no competing claims.

7. mvanbussum 12/20/2006 NOE POD

Comment: It appears the Adams-Sailing Ditch POD has been moved from Section 24 to Section 13. Recommended claimants original claimed POD and the traditional Hanna Ditch POD. C03 condition - both are accomplished changes in point of diversion.

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Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 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	5/26/2004 11:47:47 AM	mcase			Active
Source	5/26/2004 11:47:58 AM	mcase			Active
Use	5/26/2004 11:48:11 AM	mcase			Active
Season	5/26/2004 11:48:50 AM	mcase			Active
POU	5/26/2004 12:00:46 PM	mcase			Active
Priority Date	3/24/2006 1:21:23 PM	dnarsavage			Active
POD	3/24/2006 1:21:39 PM	dnarsavage			Active
Source	3/24/2006 1:21:57 PM	dnarsavage			Active
POU	3/24/2006 1:23:01 PM	dnarsavage			Active
Use	3/24/2006 1:25:22 PM	dnarsavage			Active
Season	3/24/2006 1:26:00 PM	dnarsavage			Active
Quantity	3/24/2006 1:26:21 PM	dnarsavage			Active
Summary			03/24/2006	dnarsavage	Active
POD	12/20/2006 9:29:19 AM	mvanbussum			Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	9/29/2005 10:16:11 AM	dnarsavage	Updated shape for Active POU
POU	9/29/2005 10:16:16 AM	dnarsavage	Edited Season Of Use
POU	9/29/2005 10:16:29 AM	dnarsavage	Updated PLS for Active POU
POU	9/29/2005 10:28:46 AM	dnarsavage	Updated shape for Active POU
POU	9/29/2005 10:16:33 AM	dnarsavage	Edited Season Of Use

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POU	10/18/2005 9:24:06 AM	dnarsavage	Updated shape for Active POU
POU	5/26/2004 11:57:26 AM	mcase	Edited shape boundary
POU	5/26/2004 12:00:46 PM	mcase	(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? (No) 6. Can the claimed POU be verified using the water right file?
POD	12/20/2006 9:29:14 AM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required? Description for Question 6 - Per claimant correspondence, these have been the PODs as long as they have been on the property and the original owners said much the same.
POD	5/8/2006 2:23:27 PM	dnarsavage	Correlated PODID 619955 from SpatialDataID 306178 to SpatialDataID 10554
POD	5/8/2006 2:23:31 PM	dnarsavage	Correlated PODID 619955 from SpatialDataID 306178 to SpatialDataID 10554
POD	5/8/2006 2:23:38 PM	dnarsavage	Correlated PODID 619955 from SpatialDataID 306178 to SpatialDataID 10554
POD	5/8/2006 2:23:34 PM	dnarsavage	Correlated PODID 619955 from SpatialDataID 306178 to SpatialDataID 10554
Season	5/26/2004 11:48:50 AM	mcase	(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?

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Priority Date	5/26/2004 11:47:46 AM	mcase	(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?
Source	5/26/2004 11:47:58 AM	mcase	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
Use	5/26/2004 11:48:10 AM	mcase	(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?
POD	3/24/2006 1:21:39 PM	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	3/24/2006 1:21:58 PM	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	3/24/2006 1:23:01 PM	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?
Use	3/24/2006 1:25:22 PM	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?

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General	3/24/2006 1:21:23 PM	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?
Season	3/24/2006 1:26:00 PM	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?
Summary	3/24/2006 1:40:40 PM	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? (Yes) 10. Would you like to set the verification date?
Quantity	3/24/2006 1:26:22 PM	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?
POD	12/20/2006 9:25:20 AM	mvanbussum	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

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POD

12/20/2006 9:26:34 AM

mvanbussum

Updated shape

Water Supply Bank:



Idaho Department of Water Resources

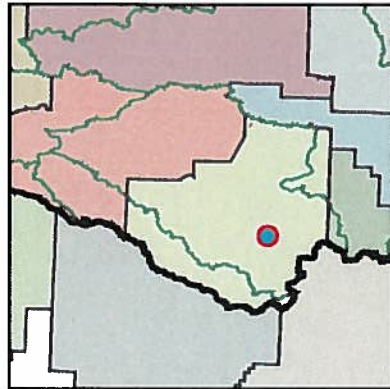
SRBA Recommendation:

67-555B

(Irrigation)

Legend

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

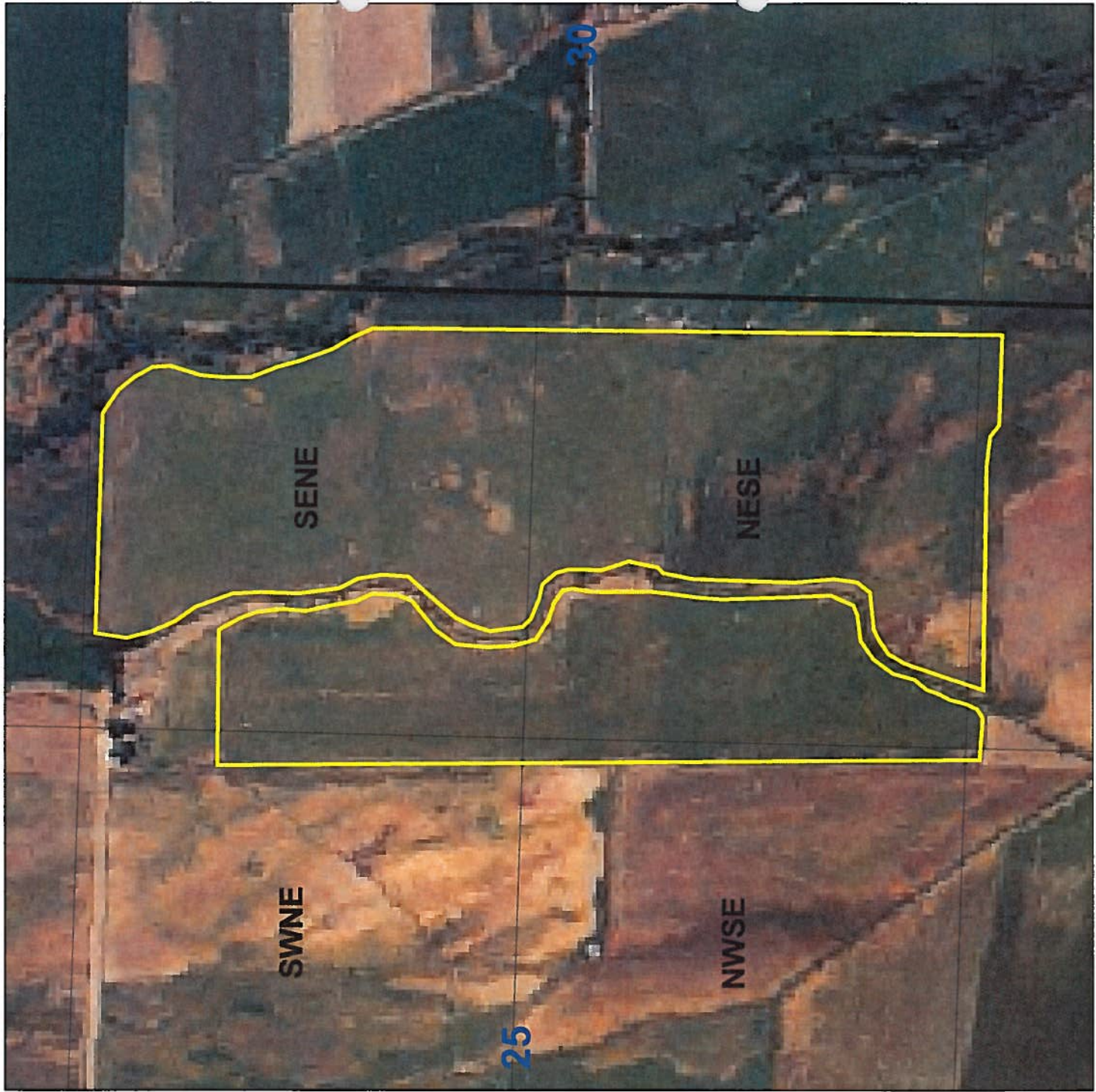


Washington County
IDWR Basin 67



Prepared by IDWR State Office
On Wednesday, December 20, 2006
1987/88 Aerial Photography

67-555B



11/14/2006

NOTICE OF ERROR
REPLY

RECEIVED
DEC 12 2006
DEPARTMENT OF
WATER RESOURCES

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

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

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

Water right number: 67-555B

ALLEN CAPURRO
1041 MANN CREEK RD
WEISER ID 83672
Telephone Number: (208)549-1381

TONYA CAPURRO
1041 MANN CREEK RD
WEISER ID 83672
Telephone Number: (208)549-1381

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

① owner
② limit of 49ac irrigation during single season

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

① Change owner to Capurro Family Trust
② remove 49ac limit & explain why it was initialed

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

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

DATE: 12-7-06

SIGNATURE: Tonya Capurro

Please print your name: TONYA CAPURRO

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

need c/o ~~to~~ to change to Capurro Family Trust
Acreage and quantity - see comments in Quicklook
& proof report.

MVB 12-14-06

SCANNED

DEC 13 2006

DEPARTMENT OF
WATER RESOURCES

JAN 16 2007



Monica,
① This is a correct
map of how the
fields are irrigated.
② The Adams Saling
flows into the Hanna.
at the south end
of our property (77ac).
Thanks
Tonya

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.

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 IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
	67-555B	no		MVB 1-23-2007	
	67-14101	no		MVB 1-23-2007	
	67-14328	already in name of Capumo Family Trust		MVB 1-23-2007	
		okay to change MVB 1-24-07			

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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. 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 or equivalent **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) Allen & Tonya Capumo
1041 Mann Creek Rd Weiser ID 83672

4. New Owner/Claimant(s) Capumo Family Trust
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address 1041 Mann Creek Rd Weiser ID 83672

City, State and ZIP Code _____

New Telephone Number (208) 549-1381

5. Date you acquired the property _____

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s) *X Braya Capurro* (title if applicable)
 _____ (title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____ Date _____ Receipt Amt. _____
 Received by _____ Date _____ Receipt No. _____
 Processed by *[Signature]* Date *1-26-07* WR _____ Date _____

NCAP prepared.

INSTRUMENT NO. 179082
PAGE 1 OF 2

QUITCLAIM DEED

For Value Received ALLEN J. CAPURRO and TONYA L. CAPURRO, the Grantors, do hereby remise, release and forever quit-claim unto THE CAPURRO FAMILY TRUST, Allen J. Capurro and Tonya L. Capurro, Co-Trustees UTA dated July 23, 1997, the Grantee, whose address is 1041 Mann Creek Road, Weiser, Idaho 83672, all the following described real estate situated in the County of Washington, State of Idaho, to-wit:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT 'A':

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors and assigns forever.

Dated this 17th day of March, 2000.

Allen J. Capurro
Allen J. Capurro

Tonya L. Capurro
Tonya L. Capurro

STATE OF IDAHO)
 : ss
County of Washington)

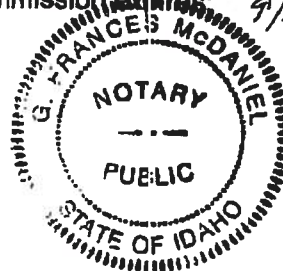
On this 17 day of March, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared ALLEN J. CAPURRO and TONYA L. CAPURRO, known to me to be the person(s) who signed the foregoing instrument and acknowledged to me that they executed the same.

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

INSTRUMENT NO. 179082
STATE OF IDAHO, COUNTY OF WASHINGTON ss,
Filed for record at the request of
WASHINGTON COUNTY TITLE
37 Min. past FOURTEEN o'clock P.M.
This 17TH day of MARCH 20 00
Index to: DEEDS
SHARON WILNER, Recorder Fee: \$6.00
By Sharon Wilner Deputy
WASHINGTON COUNTY TITLE

Comp. Index
Orig. Rel.
File
Compare
Cert. Rel.
Ex. Rel.
Up-date
Return
Copy

Frances McDaniell
Notary Public for Idaho
Residing at Weiser, Idaho
Commission expires: 9/1/04



SCANNED

JAN 26 2007

INSTRUMENT NO. 179082
PAGE 2 OF 2

EXHIBIT 'A'

IN TOWNSHIP 12 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN:

Section 25: SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;

SAVE AND EXCEPT the following described parcel:

Beginning at a point 23 feet South of the northwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 25;

Thence South 331.5 feet;

Thence Easterly 407 feet;

Thence Northerly 330 feet to a point 23 feet from the North line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence West 348 feet to the POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM the following described parcel:

Beginning at the northwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 25;

Thence South 23 feet;

Thence Easterly 348 feet;

Thence North 23 feet, to the north line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence West, along said north line 348 feet to the point of beginning.

TOGETHER WITH AND SUBJECT TO an Ingress-Egress Easement as disclosed by Instrument recorded January 25, 1994 as Instrument No. 159134, Official Records.

SCANNED

JAN 26 2007

INSTRUMENT NO. 179084
PAGE 1 OF 2

QUITCLAIM DEED

For Value Received ALLEN J. CAPURRO and TONYA L. CAPURRO, the Grantors, do hereby remise, release and forever quit-claim unto THE CAPURRO FAMILY TRUST, Allen J. Capurro and Tonya L. Capurro, Co-Trustees UTA dated July 23, 1997, the Grantee, whose address is 1041 Mann Creek Road, Weiser, Idaho 83672, all the following described real estate situated in the County of Washington, State of Idaho, to-wit:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT 'A':

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors and assigns forever.

Dated this 17th day of March, 2000.

Allen J. Caputo

Tonya L. Capurro

STATE OF IDAHO)
County of Washington) ss

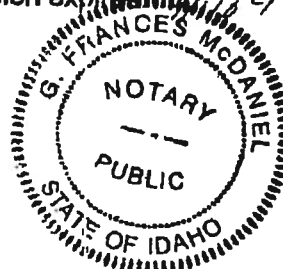
On this 17 day of March, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared ALLEN J. CAPURRO and TONYA L. CAPURRO, known to me to be the person(s) who signed the foregoing instrument and acknowledged to me that they executed the same.

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

INSTRUMENT NO. 179084
STATE OF IDAHO, COUNTY OF WASHINGTON ss.
Filed for record at the request of
WASHINGTON COUNTY TITLE
37 Min. past FOURTEEN o'clock P.M.
This 17TH day of MARCH 20 00
Index to: DEEDS
SHARON WIDNER, Recorder Fee: \$6.00
By Sharon Widner Deputy
WASHINGTON COUNTY TITLE

Comp. Index
Comp. Rel.
Film
Compare
Card Rel.
Ek. Rel.
Up-date
Reason
Copy

D. Francis McDermid
Notary Public for Idaho
Residing at Weiser, Idaho
Commission expires 11/1/81



SCANNED

JAN 7 6 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.

EXHIBIT A

JAMES E. RISCH
GovernorKARL J. DREHER
DirectorTRACT 1

TOWNSHIP 11 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN:

Section 7: All that part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ lying easterly of the centerline of the right of way for Mann Creek Road as said road crosses said subdivision;

Section 8: N $\frac{1}{2}$ SW $\frac{1}{4}$.

EXCEPTING right of way for Mann Creek Road.

TRACT 2

TOWNSHIP 11 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN:

Section 7: A parcel of land lying on the westerly side of Mann Creek Road in the said NE $\frac{1}{4}$ SE $\frac{1}{4}$ described as follows: Beginning at the northeast corner (reset by evidence) of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 7; thence South a distance of 1474.68 feet; thence West 351.02 feet to the REAL POINT OF BEGINNING; thence S 0° 36' 01" W a distance of 682.83 feet; thence N 89° 23' 59" W a distance of 123.77 feet; thence N 0° 36' 01" E a distance of 227.67 feet; thence N 4° 36' 31" W a distance of 115.61 feet; thence N 4° 25' 29" E a distance of 100.45 feet; thence N 0° 36' 01" E a distance of 239.80 feet; thence S 89° 23' 59" E a distance of 127.57 feet to the REAL POINT OF BEGINNING.

SCANNED

JAN 7 6 2007

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 67-555B
Date Received: 9/26/1989
Receipt No: M004699
Received By:

AMENDED CLAIM

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

1. Name of Claimant(s)

ALLEN CAPURRO Phone: (208)549-1381

1041 MANN CREEK RD
WEISER ID USA 83672

TONYA CAPURRO Phone: (208)549-1381

1041 MANN CREEK RD
WEISER ID USA 83672

2. Date of Priority: 04/01/1877

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	Type
12N	05W	13	SE	SW	SE	WASHINGTON	
12N	05W	24		NW	NW	WASHINGTON	
12N	05W	25		NE	NE	WASHINGTON	

5. Description of diverting works:

LATERALS AND PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	1.40	
STOCKWATER	1/01	12/31	0.02	

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

8. Total consumptive use:

9. Non-irrigation uses:
IN-STREAM STOCKWATER

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12N	05W	25	SE	NE	IRRIGATION	37
			SE	NE	STOCKWATER	
			NE	SE	IRRIGATION	40
			NE	SE	STOCKWATER	
					Section Acres	77
					Total Acres	77

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:

Ownership changed by DH 7/8/2002

THIS RIGHT IS A SECONDARY RIGHT.
WATER CARRIED IN THE ADAMS-SAILING DITCH AND HANNA DITCH.
FLOODWATER 1.4 CFS. AC. IRR.=70.

THIS RIGHT INCLUDES AN ACCOMPLISHED CHANGE IN POINT OF DIVERSION. MVB 12-19-2006

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.

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): Junya Capurso-Trustee Capurso Family Trust Date: 12-19-06

Date:

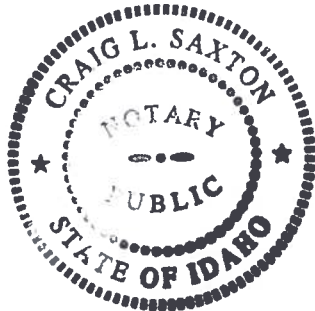
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 19th
of December 20 06 Craig L. Saxton

Notary Public

Residing at Boise ID

My commission Expires 8/14/07





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 67-555B
Date Received: 9/26/1989
Receipt No: M004699
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ALLEN CAPURRO
1041 MANN CREEK RD
WEISER ID USA 83672

Phone: (208) 549-1381

TONYA CAPURRO
1041 MANN CREEK RD
WEISER ID USA 83672

Phone: (208) 549-1381

2. Date of Priority: 04/01/1877

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	Type
12N	05W	13	SE SW SE	WASHINGTON	

5. Description of diverting works:

LATERALS AND PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	0.98	

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

8. Total consumptive use:

SCANNED
APR 06 2004

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12N	05W	25	SE	NE	IRRIGATION	37
			NE	SE	IRRIGATION	40
					Section Acres	77
					Total Acres	77

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:

Ownership changed by DH 7/8/2002

THIS RIGHT IS A SECONDARY RIGHT.
WATER CARRIED IN THE ADAMS-SAILING DITCH.
FLOODWATER 1.4 CFS. AC. IRR.=70.

15. Basis of Claim: Decreed

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

RECEIVED

APR 27 2000

WATER RESOURCES
WESTERN REGION

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

1. Water Right No(s): 67-555B, 67-540A
 Adjudication Claim No(s): _____

2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)
 - OR
 - C. If your water right or adjudication claim 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: Johnson Bryant → RAYMOND Lee AND DONNA K. ELSE

4. New Owner/Claimant(s): Allen J. AND TONYA CAPURRO
 Name Connector (Check one): ☐ and ☒ or ☐ and/or
 New Mailing Address: 1041 MANN CREEK RD
 City, State and ZIP Code: Weiser, Idaho 83672
 New Telephone Number: (208) 549-1381

5. Date you acquired the property: 10-4-1999

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right <u>77</u>	Number and type of stock <u>50 PAIR-COWS</u>
Diversion rate in CFS <u>?</u>	Number of homes you acquired <u>0</u> Other uses <u>none</u>

7. Signature of New Owner(s) Allen J. Capurro
 or Claimant(s) Tonya Capurro

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

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

QUITCLAIM DEED

For Value Received ALLEN J. CAPURRO, a married man, the Grantor, does hereby remise, release and forever quit-claim unto ALLEN J. CAPURRO and TONYA L. CAPURRO, husband and wife, the Grantees, whose address is 1041 Mann Creek Road, Weiser, Idaho 83672, all the following described real estate situated in the County of Washington, State of Idaho, to-wit:

SEE LEGAL DESCRIPTION ATTACHED:

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever.

Dated this 26th day of October, 1999.

Allen J. Capurro
Allen J. Capurro

STATE OF IDAHO)
) ss
County of Washington)

On this 26 day of October, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared ALLEN J. CAPURRO known to me to be the person who signed the foregoing instrument and acknowledged to me that he executed the same.

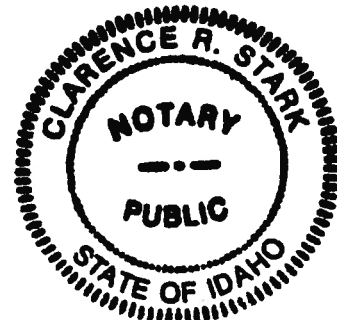
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.


 Notary Public for Idaho
 Residing at Weiser, Idaho
 Commission expires: 9/7/05

Notary Public for Idaho
Residing at Weiser, Idaho
Commission expires: 9/

INSTRUMENT NO. 177934
STATE OF IDAHO, COUNTY OF WASHINGTON ss,
Filed for record at the request of
WASHINGTON COUNTY TITLE
06 Min. past FIFTEEN o'clock P.M.
This 26TH day of OCTOBER 19 99
Index to: DEEDS
SHARON WIDNER, Recorder Fee: \$6.00
By M. Knight Deputy
WASHINGTON COUNTY TITLE

Cmp. Index
Cmp. Fil.
Film
Compare
Card Rel.
Bk. Rel.
Up-date
Return
Copy



Commitment No. T99333

SCHEDULE C

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

In Township 12 North, Range 5 West of the Boise Meridian, Washington County, Idaho:

Section 25: SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;

SAVE AND EXCEPT the following described parcel:

Commencing at a point 23 feet South of the northwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 25;

Thence South 331.5 feet;

Thence Easterly 407 feet;

Thence Northerly 330 feet to a point 23 feet from the North line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence West 348 feet to the POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO an Ingress-Egress Easement as disclosed by Instrument recorded January 25, 1994 as Instrument No. 159134, Official Records.

Attachment to Capurro/Capurro Quitclaim Deed

IN TOWNSHIP 12 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN:

Section 25: SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;

SAVE AND EXCEPT the following described parcel:

Beginning at a point 23 feet South of the northwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 25;

Thence South 331.5 feet;

Thence Easterly 407 feet;

Thence Northerly 330 feet to a point 23 feet from the North line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence West 348 feet to the POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM the following described parcel:

Beginning at the northwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 25;

Thence South 23 feet;

Thence Easterly 348 feet;

Thence North 23 feet, to the north line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence West, along said north line 348 feet to the point of beginning.

TOGETHER WITH AND SUBJECT TO an Ingress-Egress Easement as disclosed by Instrument recorded January 25, 1994 as Instrument No. 159134, Official Records.

Commitment No. T99333
Schedule B - Section 2 continued....

414
214-2000

9. Easements for irrigation or drainage ditches, canals or roads; water rights, mineral rights, claims or title to water.
10. Decree in the matter of Thomas Shannon et al vs. Thomas M. Higgenbotham et al, recorded August 16, 1913, in Book C Judgements, Page 512. In regards to the rights to waters of Mann Creek.
11. Right of Way granted to E.M. Barton, as agent for Monroe Creek Irrigation Company, and the Barton Irrigation District, recorded March 7, 1916, in Book 33 Deeds, Page 530.
12. Decree in the matter of E.V. Jefferson et al vs. Thomas M. Higgenbotham et al, recorded July 20, 1921, Book E Judgements, Page 362. In regards to the rights to waters of Mann Creek.
13. Power line easement granted to Idaho Power Company, recorded July 7, 1966, in Book 88 Deeds, Page 295.
14. Reservations in Warranty Deed dated December 13, 1991.
Grantor: Johnson-Bryant Equipment Co.
Grantee: F. Bernard Schroder and Mary Ellen Schroder, husband and wife
Recorded: December 20, 1991, Instrument No. 153451
15. Agreement and order of easement, recorded January 25, 1994 as Instrument No. 159134. **NOTE: This document contains an incorrect legal description.**

**FOR YOUR INFORMATION ONLY WE ADVISE YOU OF THE FOLLOWING
MATTER NOT WITHIN THE INSURING PROVISIONS OF THE COMMITMENT OR
POLICY:**

*According to the County records, general taxes have been assessed on the
following tax parcel which affects the land in question:*

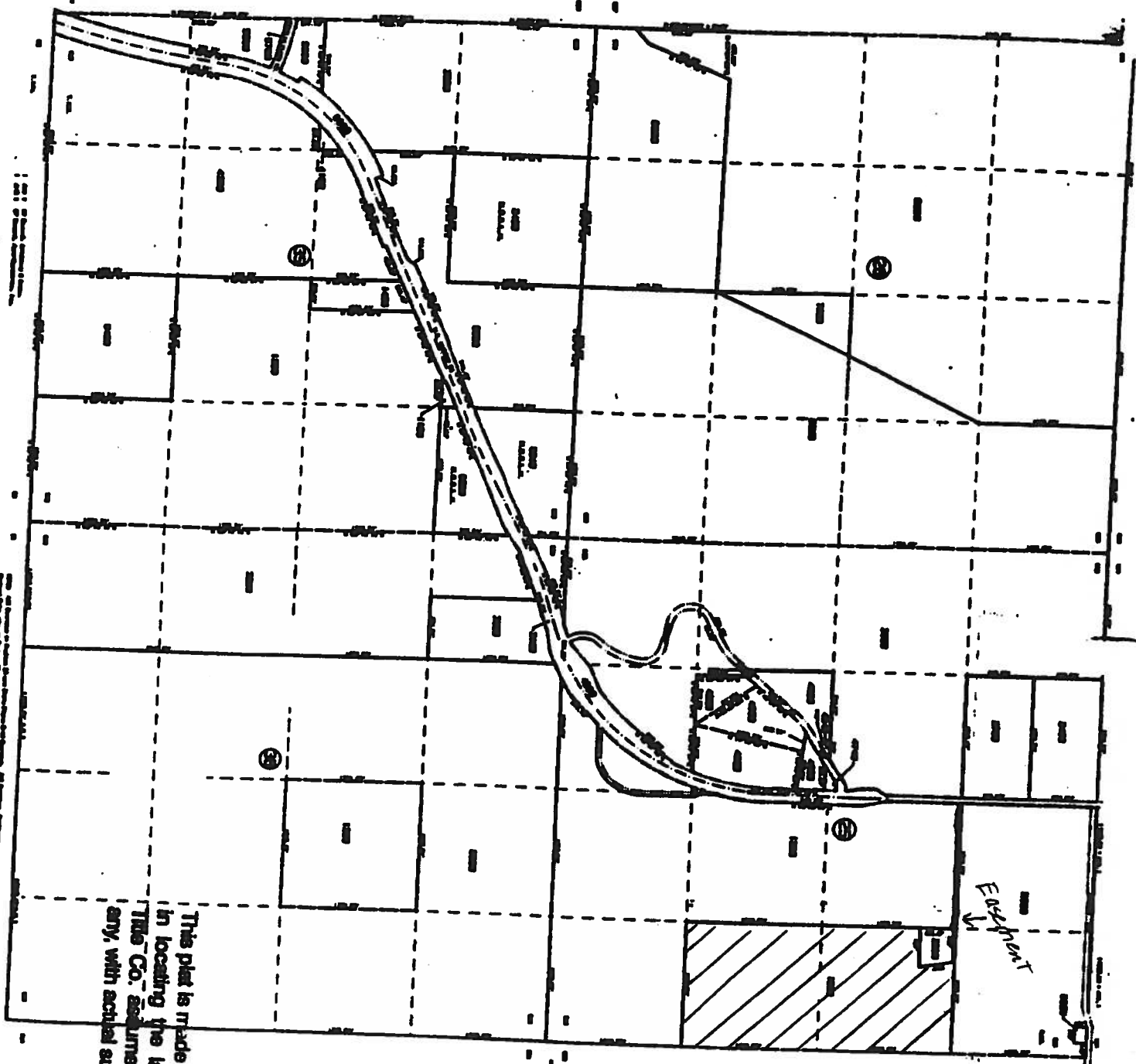
*Parcel No. RP 12N05W251800 A, originally assessed in the amount of \$1,008.34
for the year 1998, which are paid in full.*

continued...

Commitment No. T99333
Schedule B - Section 2 continued....

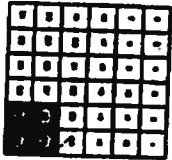
NOTE: PURSUANT TO THE STATE OF IDAHO INSURANCE REGULATIONS, A CANCELLATION FEE IS TO BE CHARGED ON ALL CANCELED ORDERS. UNLESS OTHERWISE ADVISED, ORDERS WILL BE CONSIDERED CANCELED SIX MONTHS AFTER THE EFFECTIVE DATE ON THE COMMITMENT. THE AMOUNT OF THE FEE ASSESSED SHALL BE IN ACCORDANCE WITH OUR RATE FILING WITH THE IDAHO DEPARTMENT OF INSURANCE.

NOTE: "Many companies as well as governmental agencies over which the Company has no control are often needed to provide critical information or services to consummate real estate transactions. These companies or agencies may not be prepared for "Year 2000" and related data processing errors (commonly known as "Y2K") in their computer systems. The purpose of this note is to advise you as our customer that if the companies or governmental agencies involved in this transaction are not Y2K compliant, there may be delays in consummating your transaction. Please consider this potential issue as part of your planning for closing this transaction. This Note is for information purposes only and it will not be carried over into any title policy and will not be construed in any way to modify or limit any policy which is issued pursuant to this Commitment/Report."



Eastport

WASHINGTON COUNTY
IDAHO



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



12050251800

GRANT DEED

FOR VALUE RECEIVED, RAYMOND LEE ELSE and DONNA K. ELSE, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto ALLEN J. CAPURRO, a married man, as his sole and separate property, the Grantee, whose address is 1041 Main Creek Road, Weiser, Idaho 83672, the following described real estate situated in Washington County, State of Idaho, to-wit:

SEE LEGAL DESCRIPTION ATTACHED:

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances except (i) easements, restrictions, reservations, conditions and covenants of record at closing; (ii) building or use restrictions general to the area; (iii) rights reserved in federal patents or state deeds if any; (iv) reserved oil and/or mining rights if any; (v) easements, encroachments, assessments, defects or any other matter affecting title as of the date hereof or closing.

DATED this 26 day of October, 1999.


Raymond Lee Else

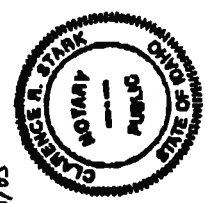
Donna K. Else

STATE OF IDAHO)
County of Washington)

On this 26 day of October, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared RAYMOND LEE ELSE and DONNA K. ELSE known to me to be the persons who signed 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
My Commission expires 5/1/05

INSTRUMENT NO. 17723
STATE OF IDAHO, COUNTY OF WASHINGTON ss.
Filed for record at the request of
WASHINGTON COUNTY TITLE
DE Min. paid \$177.00
This 26TH day of OCTOBER, 19 99
Index fee \$10.00
Scrip. \$16.00
By  Deputy
WASHINGTON COUNTY TITLE



Attachment to Elise/Caputo Grant Deed

IN TOWNSHIP 12 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN:

Section 25: SE $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{2}$ SE $\frac{1}{4}$;

SAVE AND EXCEPT the following described parcel:

Beginning at a point 23 feet South of the northwest corner of the SE $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 25;

Thence South 331.5 feet;

Thence Easterly 407 feet;

Thence Northerly 330 feet to a point 23 feet from the North line of the SE $\frac{1}{2}$ NE $\frac{1}{4}$;

Thence West 348 feet to the POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM the following described parcel:

Beginning at the northwest corner of the SE $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 25;

Thence South 23 feet;

Thence Easterly 348 feet;

Thence North 23 feet, to the north line of said SE $\frac{1}{2}$ NE $\frac{1}{4}$;

Thence West, along said north line 348 feet to the point of beginning.

TOGETHER WITH AND SUBJECT TO an Ingress-Egress Easement as disclosed by Instrument recorded January 25, 1994 as Instrument No. 159134, Official Records.

For Value Received ALLEN J. CAPURRO and TONYAL CAPURRO, the Grantors, do hereby renounce, release and forever quit-claim unto THE CAPURRO FAMILY TRUST, Allen J. Capurro and Tonya L. Capurro, Co-Trustees UTA dated July 23, 1997, the Grantee, whose address is 1041 Mann Creek Road, Weiser, Idaho 83672, all the following described real estate situated in the County of Washington, State of Idaho, to-wit:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT 'A':

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors and assigns forever.

Dated this 17th day of March, 2000.

Allen J. Caputo
FORNIA L. CASUTO

STATE OF IDAHO)
County of Washington) ss

On this 17 day of March, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared ALLEN J. CAPURRO and TONYA L. CAPURRO, known to me to be the person(s) who signed 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.

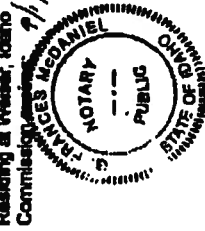
[illegible]

EXHIBIT 'A'

IN TOWNSHIP 12 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN

Section 25: SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$

SAVE AND EXCEPT the following described parcel:

Beginning at a point 23 feet South of the northwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 25;

Thence South 331.5 feet;

Thence Easterly 407 feet;

Thence Northerly 380 feet to a point 23 feet from the North line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence West 348 feet to the POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM the following described parcel:

Beginning at the northwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 25;

Thence South 23 feet;

Thence Easterly 348 feet;

Thence North 23 feet, to the north line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence West, along said north line 348 feet to the point of beginning.

TOGETHER WITH AND SUBJECT TO an Ingress-Egress Easement as disclosed by Instrument recorded January 25, 1994 as Instrument No. 159134, Official Records.

12N04W304850 251800

WARRANTY DEED

For Value Received
MARY ELLEN SCHRODER, a widow

The grantor, does hereby grant, bargain, sell and convey unto
RAYMOND LEE ELSE AND DOMINA L. ELSE, husband and wife
the grantee's, whose current address is
880 JORDAN CREEK ROAD, JORDAN VALLEY, DE 37910
the following described premises, in WASHINGTON

County Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

1-9-99

DATE	☐
PLAT	☐
LETTER	☐
SS	☒
COMP	☒
HO	☐
SPLIT	☐

Together with all water, water rights, ditches and ditch rights appurtenant thereto and in anywise belonging.

Subject to all valid outstanding reservations, easements, rights-of-way, restrictions, dedications, mineral leases, mineral reservations and mineral conveyances of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and their heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee and that she as the owner in fee simple of said premises; that they are free from all incumbrances

and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: 12/17/98
Mary Ellen Schroder
MARY ELLEN SCHRODER

STATE OF WASHINGTON, COUNTY OF WASHINGTON
On this 17th day of DECEMBER, 1998, before me, a notary public in and for the said State, personally appeared

MARY ELLEN SCHRODER

known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

Notary Public
Residing at: 540 N. 1st Ave.
Coeur d'Alene, ID 83814
Comm. Expires 4-5-99

INSTRUMENT NO.

STATE OF IDAHO, COUNTY OF WASHINGTON
I hereby certify that this instrument was filed for record at the request of WEISER VALLEY TITLE

at 08 minutes past FIFTEEN o'clock P.M.
this 18th day of DECEMBER
1998, in my office, and duly recorded in Book
101 Deeds, RECORD BY 6114932

SHARON STUMER
Notary Public
Residing at: 101 N. 1st Ave.
Coeur d'Alene, ID 83814
Comm. Expires 4-5-99

EXHIBIT "A"

FILE NO.: 100-98-6779

In Township 12 North, Range 4 West of the Boise Meridian, Washington County, Idaho:

Section 10: Lot 3, NW of Lot 4, N34°E54'W, W34°E54'W, AND W34°E54'W;

In Township 12 North, Range 5 West of the Boise Meridian, Washington County, Idaho:

Section 25: SEVEN and NINE;

SAYE AND EXCEPT the following described parcel: Commencing at a point 23 feet South of the Northwest corner of the SE1/4 of said Section 25; thence South 331.5 feet; thence Easterly 407 feet; thence Northerly 338 feet to a point 23 feet from the North line of the said SE1/4; thence West 348 feet to the point of Beginning.

TOGETHER with an Ingress-Egress Easement as disclosed by Instrument recorded January 25, 1994 as Instrument No. 159134, Official Records.

EXCEPT right of way for Menn Creek Road;

(Optional)	☐	☐	☐	☐	☐	☐
Recorded	☐	Filed	☐	Key Franchised	☐	To Treasurer
Microfilmed	☐	Dead Card	☐	Master Title	☐	
Indexed	☐	Compared	☐	Abstracted	☐	

WARRANTY DEED
(CORPORATE FORM)

JOHNSON-ERANT EQUIPMENT CO.,
organized and existing under the laws of the State of Idaho, with its principal office at MERSEN,
of County of Washington
grantor, hereby CONVEYS or GRANTS and WARRANTS TO
P. BERNARD SCHRODER and MARY ELLEN SCHRODER, husband and wife,

of 941 State Highway 407, Cathlamet, Washington County, State of Washington for the sum of
TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION— DOLLARS,
the following described tract (s) of land in Washington
County, State of Idaho:

TOWNSHIP 12 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN;
Section 30; Lot 3, 1/4 of Lot 4, BARNES, WATSON, and WATSON;
TOWNSHIP 12 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN;
Section 25; BARNES and WATSON;
EXCESS right of way for Main Creek Road;
SAVE AND EXCEPT the following described parcel: Commencing at a point 23 feet
south of the northwest corner of the SE1/4 of said Section 25; thence South
331.5 feet; thence East 407 feet; thence North 330 feet to a point 23
feet from the North line of the said SE1/4; thence West 348 feet to the point
of beginning. Together with all water rights from the Adams-Selling ditch, with
the understanding that the existing water right from the Adams-Selling
ditch on the North side of the above described parcel is to remain intact.
Location of above described property—
Barnes Co.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was
lawfully authorized and a meeting was held by the board of directors of the grantor at a lawful meet-
ing duly held and duly recorded by a person duly authorized to do so.

In witness whereof the grantor has caused its corporate name and seal to be hereunto affixed by its
officer duly authorized to do so, this 13th day of December
A. D. 1911.

JOHNSON-ERANT EQUIPMENT CO.
By Walter Bryant President
Attest: Daniel Krause Secretary

State of Idaho
County of Washington

On this 13th day of December
personally appeared before me WALTER BRYANT
who being by me duly sworn did say, each for himself, that
he, the said WALTER BRYANT
is the president, and he, the said DANIEL KRAUSE
of JOHNSON-ERANT EQUIPMENT CO.,
a corporation, and that the within and
foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board
of directors and said WALTER BRYANT and DANIEL KRAUSE
each, duly acknowledged to me that said corporation executed the same and that the seal affixed to the
said instrument is the seal of said corporation.

D. Hansen McNeil
Notary Public,
My residence is, Weiser, Idaho
My commission expires 9/1/12.

MAIL NOTICE TO:
Name: Mr. & Mrs. P. Bernard Schroder
Address: Burton & Kroll
P. O. Box 367
Weiser, Idaho 83672
City & State: _____

Warranty Deed

GRANTOR

Know All Men to These Presents, That **DELMAR D. MEUSERSMITH**

and **BETTY J. MEUSERSMITH** his wife,

of the County of Washington, State of Idaho, for and in consideration of the sum of **SEVEN FIVE THOUSAND AND NO/100** Dollars (\$75,000.00),

to have money of the United States of America, and other valuable consideration, to them to have paid by **JOHNSON-BREANT EQUIPMENT INC** an Idaho corporation.

Voluntarily, Idaho *By D. Meuser*
DELMAR D. MEUSERSMITH and **BETTY J. MEUSERSMITH**, his wife, do hereby certify that the sum of **SEVEN FIVE THOUSAND AND NO/100** Dollars (\$75,000.00) was the price of the above described property, and that the same was paid in full for the same.

Know all men, to wit:
In Township 12 North, Range 5 West of the Boise Meridian; Section 25; **SEMPER and NEISEL**.

Together with all water, water rights, ditches and ditch rights used thereon or appurtenant thereto, including but not limited to water rights under the Barn Creek Irrigation District.

Subject to exceptions and reservations contained in patents from the United States.

Subject to existing easements for roads, highways, ditches, canals, laterals and power and transmission lines.

Subject to Power Line Easement dated July 7, 1955, granted by **Delmar D. Meuser** et al, in favor of **Idaho Power Company**, a corporation, recorded in Book 88 Records, page 255, Records of Washington County, Idaho.

Subject to Mortgage, dated October 5, 1972, from **Delmar D. Meuser** et al, to **Mortgage**, in favor of **V.S. Clayton and Margaret P. Clayton**, his wife, Mortgages: recorded in Book 57 of Mortgages, page 457, in the office of the County Recorder of Washington County, Idaho, on the 5th day of October, 1972.

Subject to Agreement with **Prior Lienholder**, dated October 5, 1972, between **V.S. Clayton and Margaret P. Clayton**, his wife, and **Delmar D. Meuser** et al, recorded in Book 57 of Mortgages, page 458, in the office of the County Recorder of Washington County, Idaho, on the 5th day of October, 1972.

Subject to Mortgage, dated October 5, 1972, from **Delmar D. Meuser** et al, to **Mortgage**, in favor of **V.S. Clayton and Margaret P. Clayton**, his wife, Mortgages: recorded in Book 57 of Mortgages, page 459, in the office of the County Recorder of Washington County, Idaho, on the 5th day of October, 1972.

For 1.2.00

RECEIVED

NOV 28 1995

WATER RESOURCES
WESTERN REGION

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: A67-00555B
Date Received: 9/26/1989
Receipt No: M004699
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: JOHNSON BRYANT EQUIPMENT CO 208-549-0418
Address: PO BOX 135
WEISER ID 83672

2. Date of Priority: APR 1, 1877

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	13	SE	SW	SE		WASHINGTON

5. Description of diverting works:
LATERALS AND PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.980		

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

8. Total consumptive use is 270.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
12N	05W	25	SE	NE		IRR	37.0
			NE	SE		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	77.0
					Total Acres	77.0

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:

14. Remarks:

THIS RIGHT IS A SECONDARY RIGHT.
WATER CARRIED IN THE ADAMS-SAILING DITCH.
FLOODWATER 1.4 CFS. AC. IRR.=70.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

E. V. JEFFERSON ET. AL.

Decree Plaintiff

THOMAS HIGGENBOTHAM ET. AL.

vs

Decree Defendant

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

Renumbered to A67-005552

Ident. Number: A67-00555

Date Received: 9/26/1989

Receipt No:

Received By: *MDA 9/29*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHNSON-BRYANT EQUIPMENT CO. 208-549-0418
Address: P.O. BOX 135
WEISER, ID 83672

2. Date of Priority: APR 01, 1877

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	13	SE	SW	SE		WASHINGTON

5. Description of diverting works:
LATERALS AND PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.980		

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

8. Total consumptive use is 270.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
12N	05W	25	SE	NE		IRR	37.0
			NE	SE		IRR	40.0
Section Acres							77.0

A67-00555

Page 1

Date: 09/26/89

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OCT 22 1990 OCT 01 1992

10. Place of Use: Continued

Total Acres 77.0

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:
67-00540,

14. Remarks:
THIS RIGHT IS A SECONDARY RIGHT.
WATER CARRIED IN THE ADAMS-SAILING DITCH.
FLOODWATER 1.4 CFS. AC. IRR.=70.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

E. V. JEFFERSON ET. AL.
Decree Plaintiff

vs

THOMAS HIGGENBOTHAM ET. AL.
Decree Defendant

MICROFILMED
OCT 22 1986
MICROFILMED
OCT 01 1992

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): Daniel Krause Date: 9-26-89
 Sec. Johnson-Bryant Corp Date:

State of Idaho Washington)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 36 day
of Sept 19 89 Bruce A. Schuld
Notary Public

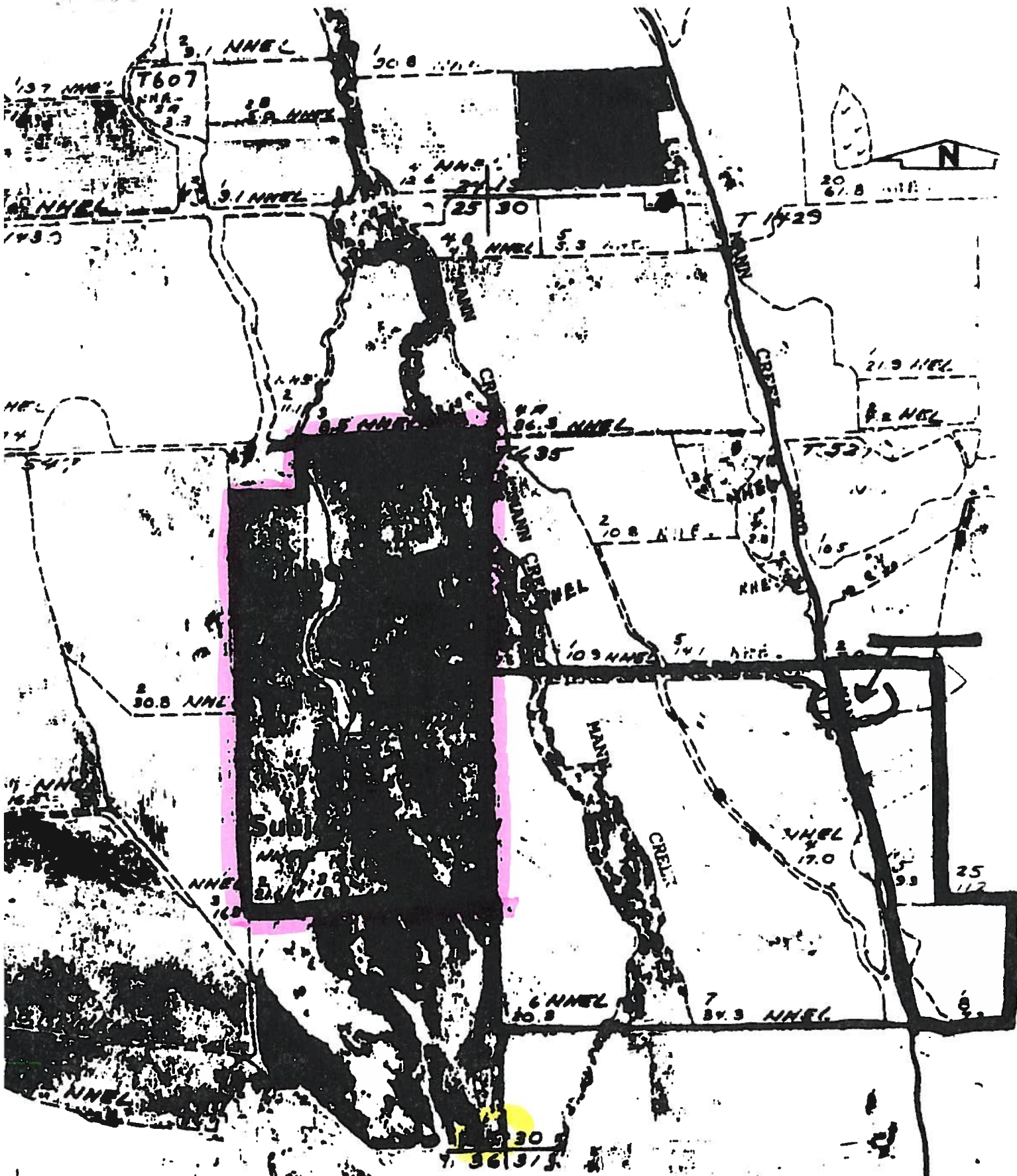
Seal

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

MICROFILMED
OCT 22 1996
MICROFILMED



MICROFILMED
OCT 22 1996
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OCT 22 1992



Aerial Photograph

SCANNED
APR 06 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

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NOV 28 1995

WATER RESOURCES
WESTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 24, 1995

Johnson-Bryant Equipment Co.
P.O. Box 135
Weiser, ID 83672

Re: Snake River Basin Adjudication (SRBA)
Washington County - Claim No. A67-00555B
Identification Number Change

Dear Claimant,

The Identification Number of your Notice of Claim to a Water Right has been changed from A67-00555 to A67-00555B. The suffix "B" has been added to the number in order to distinguish your claim from other claims that may claim a portion of the same original water right. This change does not affect your claim in any other way.

Enclosed is a computer-generated copy of your claim with the new Identification Number. Refer to this record number in any future inquiries or correspondence.

Sincerely,

Roxanne McCarthy
Sr. Water Resource Agent
Adjudication Bureau

RM:rm:west
Enclosure:
copy of claim

MICROFILMED
OCT 22 1996