

COF

1773 MAY -8 PM 2: 47

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS

SUB CASE NO. 45-10393

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

FROM: Claimant/Seller(s):

Name and Address of Claimant/Seller(s):

Marion D Sutton

Doris Sutton

2863 Berkley

Burley ID 83318

Phone: 678-7421

TO: Claimant/Purchaser(s):

Name and Address of Claimant/Purchaser(s):

Ormand F Burch

Verlie M Burch

2863 Berkeley Ave

Burley ID 83318-3314

Phone: 678-7375

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

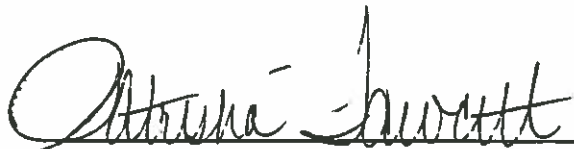
DATED: 5/6/98


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 5-8, 1998, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Marion R Sutton
Doris Sutton
Current Address Unknown
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Ormand F Burch
Verlie M Burch
2863 Berkeley Ave
Burley ID 83318-3314
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: MAY-5-1998
PAGE: A-13

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 45-10393

NAME & ADDRESS: ORMAND F BURCH
VERLIE M BURCH
2863 BERKELEY AVE
BURLEY ID 83318-3314

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 04/28/1980

POINT OF DIVERSION: T10S R23E S32 SENENE Within CASSIA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within CASSIA County
T10S R23E S32 NENE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. BHL010010090



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

May 8, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ORMAND F BURCH
VERLIE M BURCH
2863 BERKELEY AVE
BURLEY ID 83318

RE: SRBA Claim(s): 45-10393

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

AJ5809NP
No. 45-10393

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/29/98
PAGE: 7

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ORMAND F BURCH	04/28/1980	DOMESTIC	01-01 12-31	0.04 CFS	
C	VERLIE M BURCH					
	2863 BERKELEY AVE			TOTAL DIVERSION:	0.04 CFS	
	BURLEY ID 833183314					
	(208) 678-7375					

D MARION R SUTTON
D DORIS SUTTON
2863 BERKLEY
BURLEY ID 83318
(208) 678-7421

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T10S R23E S32 SENENE CASSIA County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE																			
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE	
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
---	---	---	:	---	---	---	---	---	:	---	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:	
10S	23E	32	:						:						:					:											

POU County: CASSIA

Non-Irrigation Uses: 1 HOME

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

Remarks: EXP PARCEL NO. BHL010010090

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

AJ0749NP
No. 45-10393

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 04/15/98
PAGE: 1

```
=====
OWNER      PRIORITY      USE PERIOD      DIVERSION      DIVERSION
CODE      NAME & ADDRESS      DATE      WATER USE      FROM      TO      RATE      VOLUME
-----
C  ORMAND F BURCH      04/28/1980  DOMESTIC      01-01  12-31      0.04 CFS
C  VERLIE M BURCH
    2863 BERKELEY AVE
    BURLEY ID 833183314
    (208) 678-7375
                                TOTAL DIVERSION:  0.04 CFS
=====
```

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T10S R23E S32

SENE

CASSIA County

Place of use Legal Description for: DOMESTIC

```

      NE      NW      SW      SE      :      NW      SW      SE
      NENE  NENE  NENE  NENE  :  NENE  NENE  NENE  NENE  :  NENE  NENE  NENE  NENE  :
T  R  S  :  Lt Ac Lt Ac Lt Ac Lt Ac  :  Lt Ac Lt Ac Lt Ac Lt Ac  :  Lt Ac Lt Ac Lt Ac Lt Ac  :  Lt Ac Lt Ac Lt Ac Lt Ac  :
-----
10S 23E 32 :  D      :      :      :      :      :      :      :      :

```

POU County: CASSIA

Non-Irrigation Uses: 1 HOME

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

Remarks: EXP PARCEL NO. BHL010010090

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

MAR 13 1998

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water
Southern 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): 45-10393 PR
Adjudication Claim No(s): AJ5855NP -689
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 for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant MARION R. SUTTON - DORIS SUTTON
2863 BERKELEY AVE BURLEY IDAHO
4. New Owner/Claimant(s) Ormand F. or Verlie M. Burch
Name Connector (Check one): ☐ and, ☒ or, ☐ and/or
New Mailing Address 2863 Berkeley Ave
City, State and ZIP Code Burley Idaho 83318
New Telephone Number (208) 678-7375
5. Date you acquired the property 15 Oct 1994
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS 0.04 Number of homes 1 Other uses _____
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.
7. Signature of New Owner or Claimant(s) Ormand F. Burch
Verlie M. Burch
(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.



Ormand F. Burch
2863 Berkeley Ave.
Burley, ID 83318-3314

over

Form No. 1402.92
(10/17/92)
ALTA Owner's Policy



POLICY OF TITLE INSURANCE



ISSUED BY

First American Title Insurance Company

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

First American Title Insurance Company

BY *Parker S. Kennedy* PRESIDENT

ATTEST *Mark R. Ames* SECRETARY

J 180956

FIRST AMERICAN TITLE INSURANCE COMPANY

OWNERS POLICY

SCHEDULE A

FILE NO.	POLICY NO.	DATE OF POLICY	AMOUNT	PREMIUM
25563	180956	November 1, 1994 at 4:19 P.M.	~~\$28,000.00~~	~~\$24.00~~

1. Name of Insured:

ORMAND F. BURCH and VERLIE M. BURCH

2. The estate or interest in the land which is covered by this Policy is:

FEE SIMPLE

3. Title to the estate or interest in the land is vested in:

ORMAND F. BURCH and VERLIE M. BURCH,
husband and wife

4. The land referred to in this Policy is described as follows:

Lot 9 in Block 1 of Hi-Land Subdivision to the City of Burley, Cassia County, Idaho, as the same is platted in the official plat thereof, now of record in the office of the Recorder of said County.

LAND TITLE AND ESCROW, INC.

Countersigned: Orin Harris
Agent

This Policy is valid only if Schedule B is attached.

**OWNERS POLICY
SCHEDULE B
EXCEPTIONS FROM COVERAGE**

Policy Number: 180956

This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of:

SECTION I

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Any lien or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
6. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.

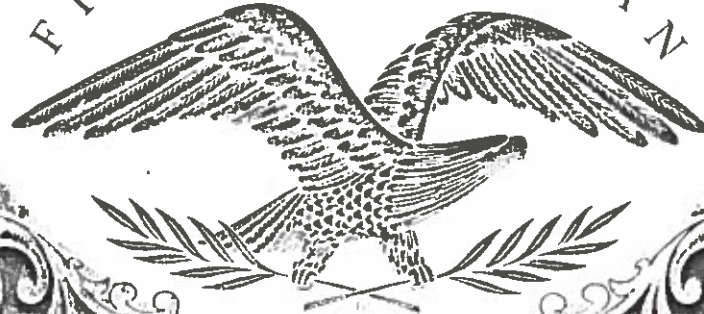
SECTION II

7. Taxes for 1994 and subsequent years, a lien, but not yet due or payable.
8. Any assessments levied, or to be levied, by the City of Burley.
9. Declaration Imposing Restrictions and Agreements on the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 32, Township 10 South, Range 23 East of the Boise Meridian (Hi-Land Subdivision), dated July 7, 1960, and recorded July 7, 1960 as Instrument No. 207218 in Book 16 of Miscellaneous in the office of the County Recorder of the County of Cassia, State of Idaho. Certificate of Appointment of Architectural Control Committee dated October 12, 1970 and recorded October 13, 1970, as Instrument No. 53292, records of Minidoka County.
10. Easement as shown on the recorded plat of Hi-Land Subdivision.

END OF SCHEDULE B

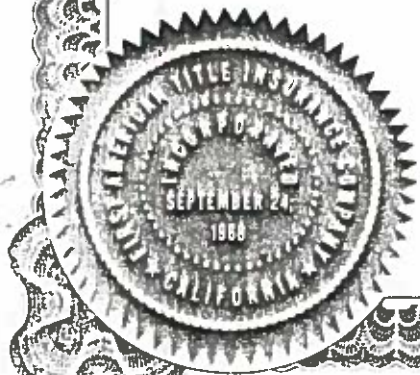
Schedule B (Owners Policy)

FIRST AMERICAN



First American Title Insurance Company

POLICY
OF
TITLE
INSURANCE



Coldwell Banker Candid Realty
P. O. Box 1165
Burley, Idaho 83318

FIRST AMERICAN TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

ORDER NUMBER: 25563

1. Effective Date: October 6, 1994 at 8:00 A.M.

2. Policy or Policies to be issued:

A. ☒ ALTA Owners Policy - Standard Coverage Amount ~~\$28,000.00~~
Form No. 1402.92 (10/17/92) Premium ~~\$575.00~~

Proposed Insured:

ORMAND F. BURCH and VERLIE M. BURCH

B. ☐ ALTA Loan Policy ☐ Standard ☐ Extended Amount \$
Form No. 1056.92 (10/17/92) Premium \$
☐ With Endorsements

Proposed Insured:

C. ☐ Amount \$
Premium \$

Proposed Insured:

3. The Estate or Interest in the land described or referred to in this Commitment and covered herein is:

FEE SIMPLE

4. Title to the Fee Simple estate or interest in said land is at the effective date hereof vested in:

**TAMARA RAE S. CONLEY and RICHARD M. SUTTON, AS TRUSTEES, and
The heirs or devisees of MARION SUTTON, deceased, their interest being subject to the
administration of the estate of said decedent.**

Doris Hunter Sutton Family Trust dated December 9, 1992

5. The land referred to in this Commitment is described as follows:

**Lot 9 in Block 1 of Hi-Land Subdivision to the City of Burley, Cassia County, Idaho, as the same
is platted in the official plat thereof, now of record in the office of the Recorder of said County.**

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B - SECTION I

REQUIREMENTS

Order Number: 25563

The following requirements must be met:

- (a) Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
- (b) Pay us the premiums, fees and charges for the policy.
- (c) Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded.

1. Conveyance from the Estate of Marion Sutton, deceased, to Tamara Rae S. Conley and Richard M. Sutton, as Trustees. 6.00

2. Deed from Tamara Rae S. Conley and Richard M. Sutton, as Trustees to Ormand F. Burch and Verlie M. Burch, husband and wife. 6.00

- (d) You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.

- (e) Release(s) or Reconveyance(s) of items:

None

- (f) Other:

- 1. Administration of the estate of Marion Sutton deceased.

NOTE: Marion Sutton died owner of said real estate and no probate or administration of Marion Sutton estate is of record. The title is subject to all rights in or claims upon or against said real estate which would or may be revealed by an administration of the estate and subject to the powers of any personal representative or administrator properly and timely executed.

- 2. This Company will require a copy of the trust instrument creating such trust, and all amendments thereto, together with a written verification by all present trustees that the copy is the true and correct copy of the trust, as it may have been amended, that it is full force and effect and that it has not been revoked or terminated.

-Continued-

CONTINUATION

SCHEDULE B - SECTION 1

Order Number: 25563

(g) You must give us the following information:

1. Any off record leases, surveys, etc.
2. Statement(s) of identity, all parties.
3. Other:

----- N O T E -----

The County Treasurer advises us that taxes for 1993 were assessed in the total sum of:
\$773.14 - TR. #RPBHL010010090A

Per Korum will be paid for 1994

NOTE: In the event this commitment is cancelled prior to the issuance of the policy committed for herein, a fee will be charged in compliance with the State of Idaho Department of Insurance Regulations.

*Atty fees \$375.00
Donald G. Chisholm*

**COMMITMENT FOR TITLE INSURANCE
SCHEDULE B - SECTION II
EXCEPTIONS**

Order Number: 25563

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction:

PART I:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Any lien or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
6. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
7. Taxes for 1994 and subsequent years, a lien, but not yet due or payable.
8. Any assessments levied, or to be levied, by the City of Burley.
9. Declaration Imposing Restrictions and Agreements on the E½NE¼ of Section 32, Township 10 South, Range 23 East of the Boise Meridian (Hi-Land Subdivision), dated July 7, 1960, and recorded July 7, 1960 as Instrument No. 207218 in Book 16 of Miscellaneous in the office of the County Recorder of the County of Cassia, State of Idaho. Certificate of Appointment of Architectural Control Committee dated October 12, 1970 and recorded October 13, 1970, as Instrument No. 53292, records of Minidoka County.
10. Easement as shown on the recorded plat of Hi-Land Subdivision.
11. Any invalidity or defect in the title of the vestees in the event that the trust referred to in the vesting portion of Schedule A is invalid or fails to grant sufficient powers to the trustee(s) or in the event there is a lack of compliance with the terms and provisions of the trust instrument.

END OF SCHEDULE B

The following numbered exceptions None will be eliminated in an ALTA Extended Coverage Policy.



State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

April 7, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Ormand F. or Verlie M. Burch
2863 Berkeley Ave.
Burley, Idaho 83318

RE: Snake River Basin Adjudication (SRBA):
Claim No(s): 45-10393

Dear Claimants:

Thank you for notifying us of the change of ownership for the above-referenced Snake River Basin Adjudication claim(s). In reviewing your request for change of ownership, however, I have found that there is a lack of documentation linking you to the original claimant for your water right. Please provide the following at your earliest convenience:

Deed of conveyance from our current owners of record, Marion R. Sutton and Doris Sutton, to the Doris Hunter Sutton Family Trust, which is listed as Grantor on your warranty deed; or a copy of your Title Insurance Policy.

Your prompt attention to this matter will be greatly appreciated, as your claim cannot be processed until all the information has been received. If you have any questions, please feel free to call me at this office.

Sincerely,

Vikie Hancock
S.R.B.A. Records Clerk

233704

WARRANTY DEED

FOR VALUE RECEIVED, DORIS HUNTER SUTTON FAMILY TRUST, the Grantor, does hereby grant, bargain, sell and convey unto ORMAND F. BURCH and VERLIE M. BURCH, husband and wife, the Grantees whose current address is 2863 Berkley, Burley, ID 83318 the following described premises, located in Cassia County, Idaho, to wit:

Lot 9 in Block 1 of Hi-Land Subdivision to the City of Burley, Cassia County, Idaho, as the same is platted in the official plat thereof, now of record in the office of the Recorder of said County, subject to easements and covenants of record.

To have and to hold the said premises with their appurtenances to the said Grantees, their heirs and assigns forever. And the Grantor does hereby covenant to and with the Grantee that Grantor is the owner in fee of said premises, that said premises are free from all encumbrances and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 15th day of October, 1994.

DORIS HUNTER SUTTON FAMILY TRUST

Tamara Rae S. Conley
Tamara Rae S. Conley, Co-Trustee

Richard M. Sutton
Richard M. Sutton, Co-Trustee

STATE OF IDAHO)
) ss.
County of Cassia)

On this 15th day of October, in the year of 1994, before me the undersigned notary public in and for said state, personally appeared TAMARA RAE S. CONLEY, known or identified to me to be the co-trustee of the Doris Hunter Sutton Family Trust whose name is subscribed to the within instrument as said co-trustee and acknowledged to me that she executed the same as said co-trustee.

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

(SEAL)

Donald J. Urshelm
Notary Public
Residing at Kempt
My Commission expires 2-98

STATE OF IDAHO)
County of Ada) ss.

On this 16th day of October, in the year of 1994, before me the undersigned notary public in and for said state, personally appeared RICHARD M. SUTTON, known or identified to me to be the co-trustee of the Doris Hunter Sutton Family Trust whose name is subscribed to the within instrument as said co-trustee and acknowledged to me that he executed the same as said co-trustee.

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

(SEAL)

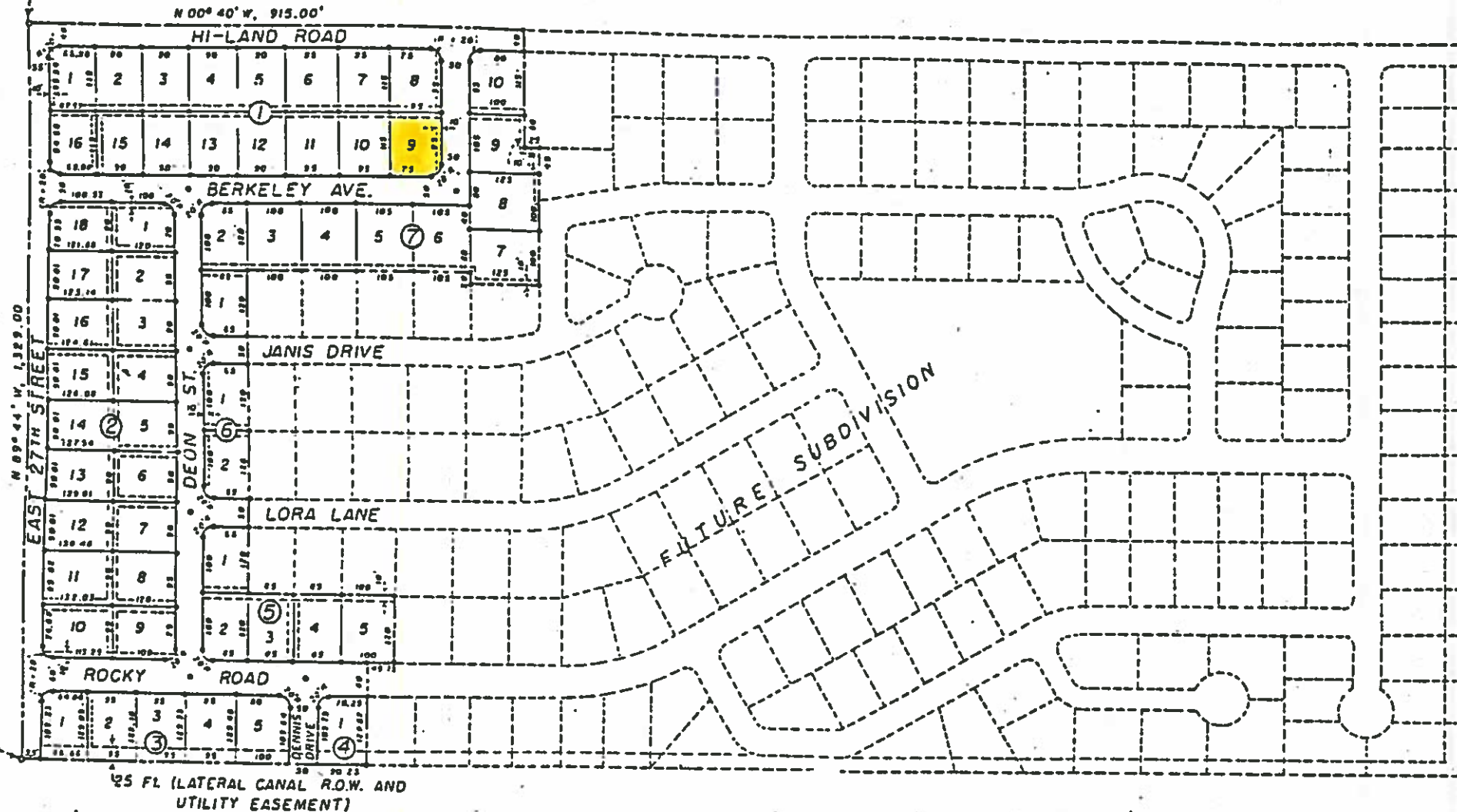
Theresa D. Zante
Notary Public
Residing at 1111 Shoshone
My Commission expires 11-98

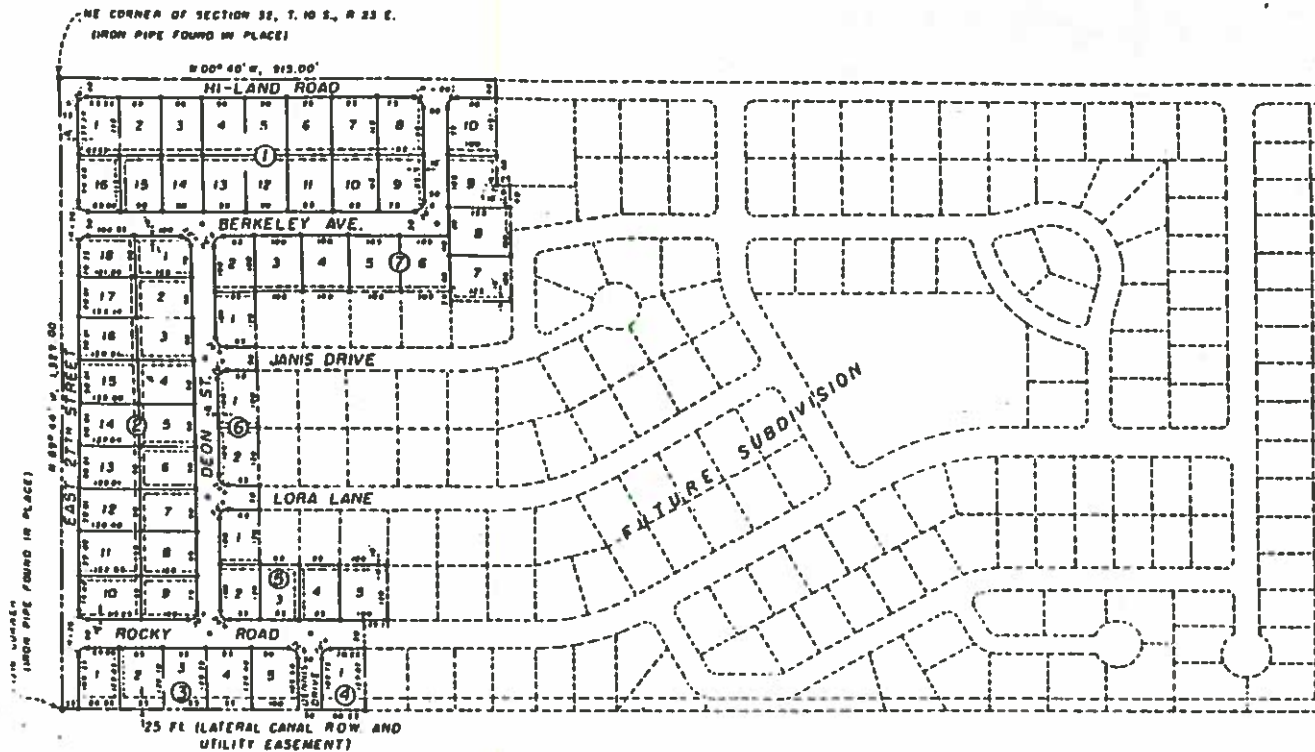
RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILE # 260
OCT NOV - 1 P 4:19
233704

HI-LAND SUBDIVISION

BURLEY, CASSIA COUNTY, IDAHO

NE CORNER OF SECTION 32, T. 10 S., R. 23 E.
(IRON PIPE FOUND IN PLACE)





LEGAL DESCRIPTION

THE PARCEL OF LAND TO BE KNOWN AS THE HI-LAND SUBDIVISION, LOCATED IN THE E $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 32, TOWNSHIP 10 SOUTH, RANGE 23 EAST, BOISE MERIDIAN, IDAHO, IS DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 32;

THENCE N89°44'W A DISTANCE OF 1,329.00 FEET ALONG THE NORTH BOUNDARY OF SAID SECTION 32 TO THE EAST $\frac{1}{4}$ CORNER BETWEEN SECTIONS 29 AND 32, T. 10 S., R. 23 E.;

THENCE S00°34'5"E A DISTANCE OF 646.91 FEET;
THENCE N89°20'E A DISTANCE OF 189.87 FEET;
THENCE S00°40'E A DISTANCE OF 49.75 FEET;
THENCE N89°20'E A DISTANCE OF 120.00 FEET;
THENCE N00°40'W A DISTANCE OF 270.00 FEET;
THENCE N89°20'E A DISTANCE OF 580.00 FEET;
THENCE S00°40'E A DISTANCE OF 410.00 FEET;
THENCE S89°20'W A DISTANCE OF 20.00 FEET;
THENCE S00°40'E A DISTANCE OF 125.00 FEET;
THENCE N89°20'E A DISTANCE OF 245.00 FEET;
THENCE N00°40'W A DISTANCE OF 25.00 FEET;
THENCE N89°20'E A DISTANCE OF 215.00 FEET

TO A POINT ON THE EAST BOUNDARY OF SECTION 32, T. 10 S., R. 23 E., B.M.;

THENCE N00°40'W A DISTANCE OF 915.00 FEET ALONG SAID EAST BOUNDARY TO THE POINT OF BEGINNING.



ENGINEER'S CERTIFICATE

I, JAMES J. SKILES, A PROFESSIONAL ENGINEER LICENSED BY THE STATE OF IDAHO, DO HEREBY CERTIFY THAT THE SURVEY DEPICTED HEREON WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT.

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC FOR THE STATE OF IDAHO

James J. Skiles
NOTARY PUBLIC

MY COMMISSION EXPIRES
JULY 1, 1962
March 22, 1962



DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

THAT THE UNDERSIGNED ARE OWNERS OF THE REAL PROPERTY AS SHOWN ON THIS PLAT, THAT THE OWNERS AGREE TO THE DESIGNATION OF THE PROPERTY SHOWN ON THE PLAT AS "TRACT NO. 1 OF THE HI-LAND SUBDIVISION", AND THAT THE PLAT IS A TRUE AND CORRECT PLAT THEREOF.

FURTHER, THAT THE OWNERS GRANT, GIVE AND DEDICATE TO THE PUBLIC SUCH PORTIONS OF LAND, AS SHOWN ON THIS PLAT AS SET APART FOR STREETS AND UTILITY EASEMENTS, FOR PUBLIC USE FOREVER, IN ADDITION TO SUCH RIGHTS NOW OF RECORD OR LEGALLY ESTABLISHED.

Otis L.orton
Ethel M.orton

NOTARY PUBLIC'S CERTIFICATE

STATE OF IDAHO } 33
COUNTY OF CASSIA }

ON THIS 22 DAY OF November, 1959, BEFORE ME, THE UNDERSIGNED, PERSONALLY APPEARED OTIS L. ORTON AND ETHEL M. ORTON, TO ME KNOWN AS THE PERSONS WHOSE NAMES APPEAR ON THE ABOVE DEDICATION CERTIFICATE, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

James J. Skiles
Notary Public for State of Idaho
My Commission Expires 3-22-62

APPROVED AND ACCEPTED THIS 2nd DAY OF November, 1959, BY THE MAYOR AND COUNCIL OF THE CITY OF BURLEY, IDAHO.

A. J. Skiles CITY CLERK
James J. Skiles MAYOR
R. J. Skiles CITY ENGINEER

PLAT OF
HI-LAND SUBDIVISION
BURLEY, CASSIA COUNTY, IDAHO

INDEXED

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: SEP-9-1997
PAGE: A-267

RIGHT NUMBER: 45-10393

NAME & ADDRESS: MARION R SUTTON
DORIS SUTTON
2863 BERKLEY
BURLEY ID 83318

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 04/28/1980

POINT OF DIVERSION: T10S R23E S32 SENENE Within CASSIA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within CASSIA County
T10S R23E S32 NENE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. BHL010010090

KKC

Claim proofread by: CS

Date: 9-26

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: A45-10393
Date Received: 4/28/1989
Receipt No: S006948
Received By: B. J. [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARION R. SUTTON 208-678-7421
Address: 2863 BERKLEY
BURLEY, ID 83318

AND/OR

Name: DORIS SUTTON 208-678-7421
Address: 2863 BERKLEY
BURLEY, ID 83318

2. Date of Priority: APR 28, 1980

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	23E	32	SE	NE	NE		CASSIA

5. Description of diverting works:
6" X 63' WELL, ONE HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/I HOUSE.

A45-10393

Page 1

Date: 04/28/89

MICROFILMED

MAR 6 8 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	23E	32	NE	NE		DOMEST	

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:
LOT 9, BLOCK ONE, HIGHLAND SUBDV.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. A45-10393Date Received 4/26/1989Receipt Number 500 6948

NOTICE OF CLAIM

RECEIVED

TO A

WATER RIGHT

APR 26 1989

ACQUIRED UNDER STATE LAW

Department of Water Resources
Southern Region Office

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Marion R. and/or Doris Sotter Phone 208 678-7421Mailing Address 2863 Berkley Burley Idaho Zip 833182. Date of Priority (Only one per claim) April 28, 1980 Month/Day/Year3. Source of water supply (Check one) (☒ Groundwater or Other () (a) _____

Name or kind of source

which is tributary to (b) _____

4. Location of point of diversion is: Township 10 Range South Range 23Section 32, SE 1/4 of N.E. 1/4 of N.E. 1/4, Govt. Lot _____, BM.,County of CassiaAdditional points of diversion if any: None5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Well 6" casing 63' deep, submersible pump on H.P. pipe to underground sprinkler to irrigate lawn and garden

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from 1-1 Month/Day to 12-31 Month/Day amount 0.04 (cfs)
(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.04 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) one household

MICROFILMED

MAR 08 1993

10. Place of use is: Township: 10 Range So. 23
Section 32, NE 1/4 of NE 1/4, Govt. Lot _____, B.M.,
County of Cassia for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any None.

11. In which county (ies) are lands listed above as place of use located? Cassia.

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

None

14. Remarks: Lot 9 B1K1 Highland Subdivision

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Marion R. Sutton Date 4/24/89
Doris Sutton Date 4-24-89

For Organizations: I do solemnly swear or affirm that I am _____

of _____, Title _____, that I have signed the foregoing

document in the space below as _____ of _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)

County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 24th day of April 19 89

SEAL

Notary Public [Signature]

Residing at Heyburn, Id.

My Commission Expires Oct. 1991

Last Name _____ Ident No. _____

MICROFILMED
Copies: White-State, Yellow-Claimant
MAR 08 1993

AJ5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

09/07/91 07:43:48
PAGE 1

WATER RIGHT NUMBER - A45-10393

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - LAST NAME - - - - +

+ - FIRST NAME - - +

+ - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
SUTTON

MARION R.

1 - 2863 BERKLEY

2 -

3 -

CITY- BURLEY

STATE- ID ZIP- 83318

PHONE - 208-678-7421

SUTTON

DORIS

1 - 2863 BERKLEY

2 -

3 -

CITY- BURLEY

STATE- ID ZIP- 83318

PHONE - 208-678-7421

+ - - PRIORITY DATE - - +
04/28/1980

+ - - - REGION - - - +
ERROR IN REGION

+ - - - STAGE - - - +
J - BENEFICIAL USE

+ - - - STATUS - - - - +

+ - - - - SOURCE - - - - - +
GROUNDWATER

+ - - - - TRIBUTARY - - - - - +

+ - - - - POINT OF DIVERSION - - - - - +
TWN RNG SEC TRACT LOT RFLG COUNTY STREAM INDEX (BLANK IF NO INDEX CODE)

10S 23E 32 SE NE NE (31) CASSIA

+ - - - - WATER USE - - - - - +
CODE DESCRIPTION PERIOD FROM PERIOD TO DIVERSION RATE DIVERSION VOLUME

43 - DOMESTIC

01/01

12/31

0.040

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +
0.040 0.0

+ - - - - PLACE OF USE - - - - - +
TWN RNG SEC TRACT LOT ACRES CODE DESCRIPTION COUNTY

10S

23E

32

NE NE

43 DOMESTIC

(31) CASSIA

+ - - DIVERSION MEANS - 6" X 63' WELL, ONE HP PUMP

+ - - NON-IRRIGATION USE - D/1 HOUSE.

+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - REMARKS - - - - - +
LOT 9, BLOCK ONE, HIGHLAND SUBDV.

+ - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.

+ - - - - CONDITIONS OF APPROVAL - - - - - +
NO CONDITIONS OF APPROVAL FOUND.

MICROFILMED
OCT 27 1994

AJ5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

09/07/91 07:43:48
PAGE 2

WATER RIGHT NUMBER - A45-10393

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - DECREE PLAINTIFF - - - +

+ - - - - DECREE DEFENDANT - - - +

+ - DECREE DATE - +
00/00/0000

+ - - AUDIT FIELDS - 04/28/89 WORSTELL

```

+-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+
                                     -COMMENTS-
                                     NO COMMENTS FOUND

```

```
+ - - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - +
```

COURT REPORT FILING	- 00/00/0000	FIELD INSPECTION MADE	- 00/00/0000	CIVIL CASE NUMBER	- 39576
OBJECTION FILED DATE	- 00/00/0000	FIELD INSPECTION FLAG	-	OLD CASE NUMBER	-
RESPONSE FILED DATE	- 00/00/0000	VERIFIED DATE	- 00/00/0000	OLD JUDICIAL DISTRICT	-
CLAIM RECEIVED DATE	- 04/28/1989	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	- P
PROOF DUE DATE	- 00/00/0000	PROOF MADE DATE	- 00/00/0000	WATER DISTRICT	-
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- S006948	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	POU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	- AND/OR	NOTICE OF ERROR FLAG	-

BHL 010010090

DATA ENTRY

ENTERED 11-27-92
CHECKED 2/6/93

"Verified By"

Topo Map/Ortho-PQ
ASCC Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED
OCT 19 1991

PROOF
SEP 16 1991

CERTIFIED
OCT 26 1991
WATER EXAMINER