

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 47-4083A
Date Received: 12/15/1988
Receipt No: S004509
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DOUGLAS G NEWTON Phone: (208)543-6493
1235 D E 4325 N
BUHL ID 83316

CAROL L NEWTON Phone: (208)543-6493
1235 D E 4325 N
BUHL ID 83316

2. Date of Priority: 04/01/1920

3. Source: WILSON CREEK Trib. to: MUD CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	14E	27	SW NW	TWIN FALLS	

5. Description of diverting works:

3'X2' DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.11	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

47-4083A

05/26/2006

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	14E	22	SE	SW	IRRIGATION	5
					Section Acres	5
					Total Acres	5

11. Place of use in counties: TWIN FALLS

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

WR SPLIT INTO TWO 5 ACRE PARCELS. WAS ORIGINALLY FOR .22 CFS ON 10 ACRES.

15. Basis of Claim: Statutory Claim

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

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

RECEIVED
MAY 25 2006
 DEPT. OF WATER RESOURCES
 SOUTHERN REGION

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

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
47-4083A					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) William B. Hopple
4. New Owner/Claimant(s) 500 11th Ave. N. Buhl, Id 83316
Douglas G. Newton Carol L. Newton
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address 1235 DE, 4325 N.
- City, State and ZIP Code Buhl, Id 83316
- New Telephone Number (208) 543-6493 cell # 420-4306
5. Date you acquired the property 8/22/2005

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Douglas G. Hawk

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

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
260 Third Avenue North
Twin Falls, ID 83303

Space Above This Line for Recorder's Use Only

WARRANTY DEED

Date: **August 19, 2005**

File No.: **127756-TF (sg)**

For Value Received, **Hollace Ann Hopple, who acquired title as Hollace Ann Kottraba and William B. Hopple, wife and husband**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Douglas G. Newton and Carol L. Newton, husband and wife**, hereinafter called the Grantee, whose current address is **1235 D East 4325 North, Buhl, ID 83316**, the following described premises, situated in **Twin Falls County, Idaho**, to-wit:

TOWNSHIP 9 SOUTH, RANGE 14 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO

SECTION 22: S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

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

Date: 08/19/2005

Warranty Deed
- continued

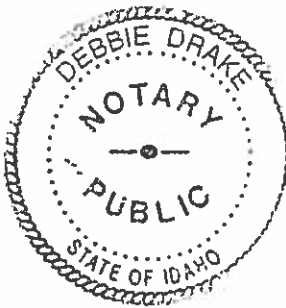
File No.: 127756-TF ()

Hollace Ann Hopple
Hollace Ann Hopple

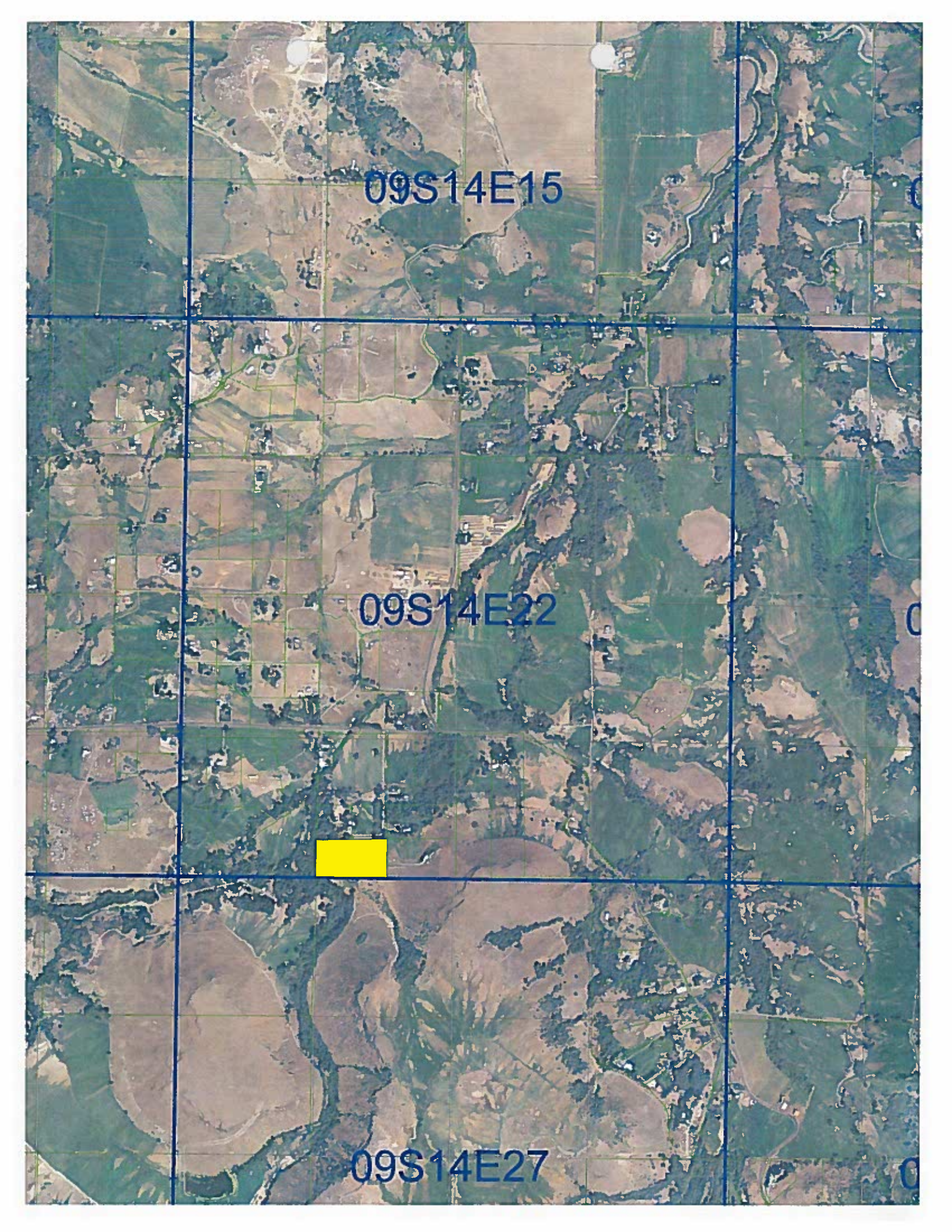
William B. Hopple
William B. Hopple

STATE OF Idaho)
COUNTY OF Twin Falls)
SS.

On this **Twenty-second day of August, 2005**, before me, a Notary Public in and for said State, personally appeared **Hollace Ann Hopple and William B. Hopple**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Debbie Drake
Notary Public for the State of Idaho
Residing at: Idaho
My Commission Expires: 4-13-06



09S14E15

09S14E22

09S14E27



Title:		Date: 05-25-2006
Scale: 1 inch = 2000 feet	File:	
Tract 1: 5.000 Acres: 217800 Sq.Feet: Closure = 0.000000 0.00 Feet: Precision ≥1/999999: Perimeter = 1980 Feet		
001=/SE,SE,SE,22,09S,14E	004=S00W 330.00	007=N90E 660.00
002=/N00E 330.00	005=N90W 660.00	
003=/N90W 3300.00	006=N00E 330.00	



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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 26, 2006

DOUGLAS AND CAROL NEWTON
1235 D E 4325 N
BUHL ID 83316

Re: SRBA Claim #47-4083A

Dear Mr. and Mrs. Newton,

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copy of the computer record of the claim noting the change in claimants. Review this record and if there is an error, or you have any questions, please contact this office.

Sincerely,

Carrie Hahn
Office Specialist

Enc.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department
of a change in address for Department records
(Please print or type)

RECEIVED
APR 14 2004
Department of Water Resources
Southern Region

[] Name(s): William Hopple

Holly Hopple

[] Old Mailing Address: William Hopple

1235 E 4325 B APT D

Buhl, Id. 83316

[] New Mailing Address: William Hopple

1235 D E. 4325 N.

Buhl, Id. 83316

Telephone Number: (208) 543 - 8398

[] Signature(s) William Hopple Holly Hopple
(must be signed by all
individuals listed unless
you have authority to sign
on their behalf) (include your title if on behalf of company or organization)

Date: 4-8-04

When complete, please mail or FAX this form to the IDWR office nearest you:

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
FAX: (208) 769-1454

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
FAX: (208) 334-2348

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
FAX: (208) 525-7177

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
FAX: (208) 736-3037

47-4083A



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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 14, 2004

WILLIAM AND HOLLY HOPPLE
1235S E 4325 N
BUHL ID 83316

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim No #47-7083A
Change of Address Notification

Dear Claimants,

Thank you for notifying us of your change in address on the water right claim referenced above. Our record has been updated accordingly.

If you have any questions, please feel free to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carrie Hahn'.

Carrie Hahn
Clerk

ANN
FEB 14 1988

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: A47-04083A
Date Received: 12/15/1988
Receipt No: 5004509
Received By: EW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM HOPPLE
Address: RT 3 BOX 293
BUHL, ID 83316 208-543-8398
2. Date of Priority: APR 01, 1920
3. Source: WILSON CREEK Trib. to: MUD CREEK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|------------|
| 09S | 14E | 27 | SW | | NW | | TWIN FALLS |
5. Description of diverting works:
3'X2' DITCH
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.110 | | |
7. Total Quantity Appropriated is:
0.110 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	14E	22	SE	SW		IRR	5.0
Section Acres							5.0
Total Acres							5.0

A47-04083A

Page 1

Date: 12/15/88

COPY

MICROFILMED
MAR 11 1993

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

14. Remarks:
WR SPLIT INTO TWO ACRE PARCELS. WAS ORIGINALLY FOR .22 CFS
ON 10 ACRES.

16. Signature(s)

Number of attachments: _____

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

State of Idaho)
County of IT) SS.

Subscribed and sworn (or affirmed) before me this 15 day

of Dec 19 88

Lois White
Notary Public

Residing at 7E

My Commission Expires 5/94

COPY

MICROFILMED

MAR 11 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES
 Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

GOVERNOR
 Governor PHILIP E. BATT

A. KETH HIGGINSON
 Director

January 10, 1995

A47-04083A
 WILLIAM HOPPLE
 RT 3 BOX 293
 BUHL

ID 83316

RE: Evidence of Priority

Dear Claimant:

 * RESPONSE DEADLINE *
 * MARCH 15, 1995 *

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, at a later date, conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided by the claimant supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the department. If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Please find enclosed a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

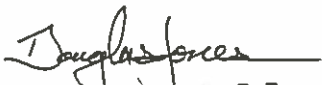
SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a

January 10, 1995
 page 2

notarized affidavit.

Please submit the required evidence supporting the priority date by March 15, 1995, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,


 Douglas Jones, P.E.
 Water Rights Supervisor

Enc.

MICROFILMED
NOV 29 1996

07/25/2006

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

RIGHT NUMBER: 47-4083A
NAME AND ADDRESS: DOUGLAS G NEWTON
1235 D E 4325 N
BUHL ID 83316
CAROL L NEWTON
1235 D E 4325 N
BUHL ID 83316

VERIFIED BY KKC

SOURCE: UNNAMED STREAM TRIBUTARY: MUD CREEK
QUANTITY: 0.110 CFS
PRIORITY DATE: 04/01/1920
POINT OF DIVERSION:

T09S R14E S27 SENWNW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.110 CFS

PLACE OF USE: IRRIGATION Within TWIN FALLS County
T09S R14E S22 SESW 4.00

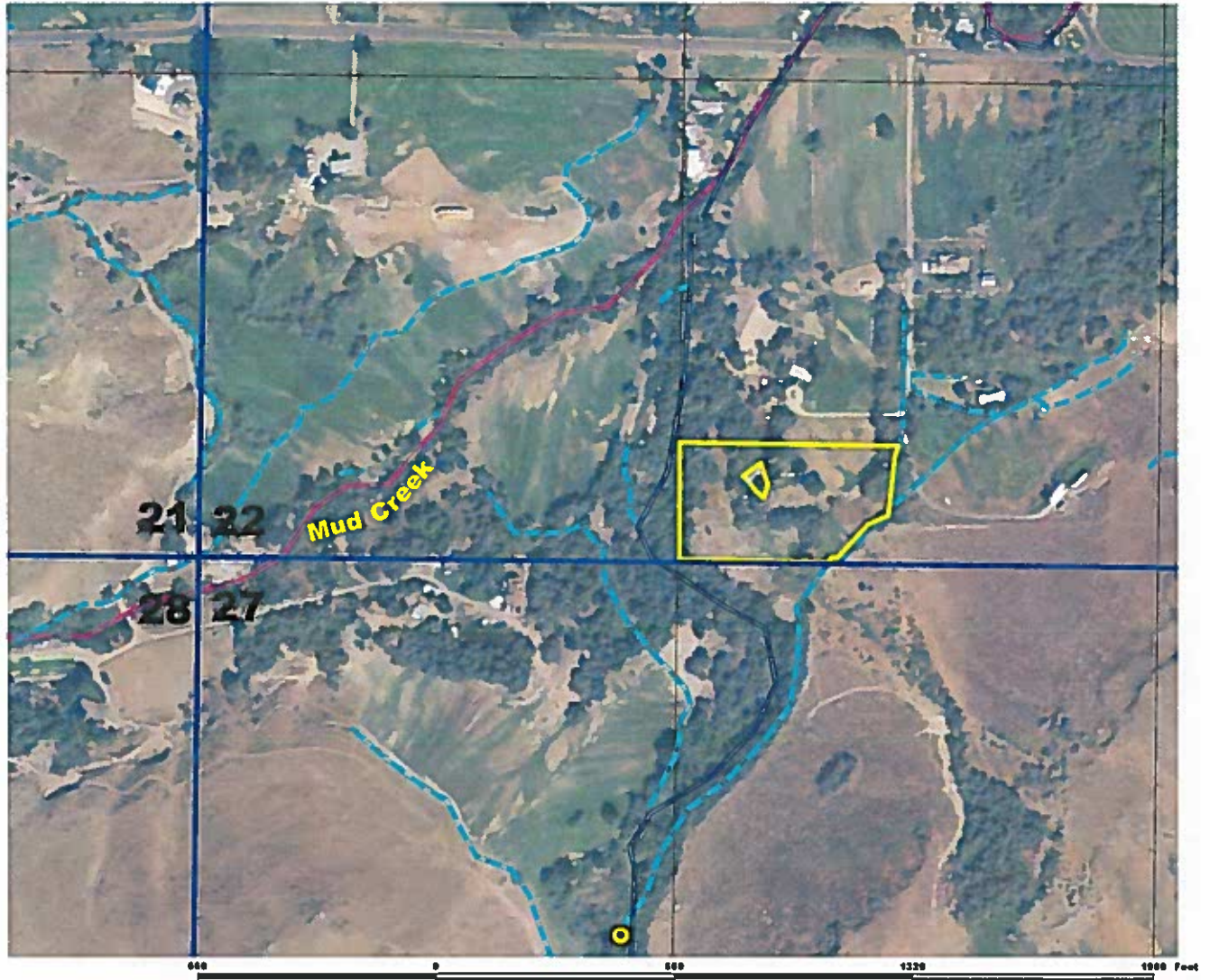
4 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Source is also known as Wilson Creek or L coulee.

RECOMMENDED PLACE OF USE FOR 47-4083A



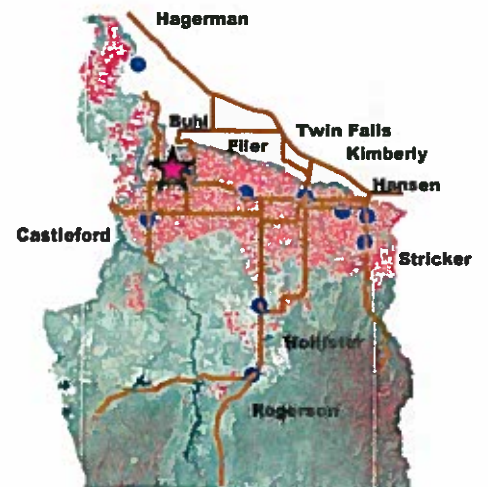
PLACE OF USE
TWP 9S, RNG 14E, SEC 22
Data entry on JuLY 25, 2006

-  **RECOMMENDED POINT OF DIVERSION**
-  **RECOMMENDED PLACE OF USE**
-  **TOWNSHIP LINES**
-  **SECTION LINES**
-  **QUARTER/QUARTER LINES**



LOCATION IN BASIN

GIS PLACE OF USE PRESENTATION
2004 AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN



File No.

47-14988=4082=4083A=10750=4083B

Melvin Pearce
Douglas Newton
Ralph Yatzeck/Bob Bowman
Leo Lawrence

6/13/14/06

On June 13, I met with Melvin and Douglas and reviewed their files , first I met Melvin and informed him that he needed to try and locate someone who could verify the priority date 1920 and he said he would to locate a neighbor that would confirm this date, and he also confirmed that right 14988 is for the East 4 acres and 4082 is for his 8 acres on the west side of his road. While visiting with these two men they both said that this POD from Wilson creek is for all 5 files and they drew out on the photo where the approx. POD is and how the main ditch flows , then we walked up the hill to where their ditch is diverted from Wilson creek which is marked approx. on the color photo. The only lands that I found not used as pasture is the South east corner of Yatzeck- Bowman property which on the side hill , there are some small areas that are rocky and look dry but they are used as pasture and growing grass with horses and stock feeding there appears that some of these small areas are not irrigated but as I observed them as rocky and hard to keep wet.

On June 14, I met with Bob Bowman and Leo, I did give Bob a change of ownership form and told him to go into IDWR and see Kelly about changing the ownership of this form and he assured me he would get in and do this next week when I had forms returned he then marked on photo where his ditches are located . I met with Leo and he verified his 5 acres on the photo and drew where his ditches are located.

6-16-06 I went back out to Douglas Newton Property to check brown areas - these are dead mustard weeds which make the land appear dry, but Doug does irrig all of his land. The S.E. corner is irrig. out of Bobs ditch

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
5 WR files	~~Doug~~ 001 1	2433822	1269126	None	1030317

Lee R. Peterson

012544



200 0 200 400 Feet

2004 imagery

SE corner is irrig. out of Bob's ditch when Bob not

All of Doug's land is irrig.



Place Of Use Data

All Flood irrig

2004 aerial photo 9S 14E Sec 22 SESW overview



Wilson Cr aka "L" Lateral

47-4082

47-4083B

47-14988

47-4083A

47-10750

*No rights
125 springs
& w w*

*Forbes
no right*

Sec 22

Sec 27

No Claim

No Claim

27

Alana

OK 5/01

Posture

*Hill side
rucky*

*has been
watered &
will be*

*Rob
Bumie*

SCANNED

FEB 14 2012

Log for claim 47-04083A

Spatial Dynamics LTD

2/20/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s14e	22	SESW	5	31	Indiscernible
Totals:			5	31	

uses same affidavit
as 47-4082

Water Right Claim Number 47-04083A
Township , 9S14E

02/20/2001

