

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: A37-10264
Date Received: 6/27/1988
Receipt No: S000571
Received By: C/C F&B

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: SLIMAN LAND & LIVESTOCK
Address: 1642 B STATE HIWAY 46
GOODING ID

83330

2. Date of Priority: JAN 1, 1985

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	15E	32	SE	NE	NE		GOODING

5. Description of diverting works:
WELL & PUMP, 159'X6"

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/1 HOUSE & LAWN

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	15E	32	NE	NE		DOMEST	

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:
OWNERSHIP CHANGE MADE 6/19/95 BY TLB.

15. Basis of Claim: BENEFICIAL USE



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

JUNE 19, 1995

SLIMAN LAND & LIVESTOCK
1642 B STATE HIWAY 46
GOODING, ID 83330

RE: SRBA CLAIMS A37-00238D & A37-10264
OLESEN

DEAR CLAIMANTS:

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM(S), WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. THIS COPY IS FOR YOUR RECORDS. PLEASE REVIEW THE RECORDS THE ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CONTACT ME AT THIS OFFICE.

SINCERELY,

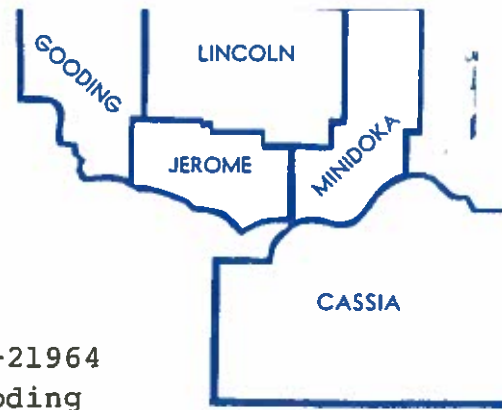
TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/TLB
ENCLOSURES

MICROFILMED
NOV 27 1995

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



February 15, 1995

REFER TO: G-21964

OFFICE: Gooding

Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

RE: Sliman-Olesen

Gentlemen:

RECEIVED

FEB 16 1995

Department of Water Resources
Southern Region

Enclosed please find a New Property Owner Notice of Change of Ownership form signed by seller and buyer. I am also attaching the recorded deed copy for your information.

It is my understanding that all Big Wood water is being transferred but 2 inches of decreed water is being retained by K. Gary Olesen on property he still owns.

I am also including your reading reports that you sent me.

If you need anything more, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Jayne Shepard".

Jayne Shepard
LAND TITLE AND ESCROW
P.O. Box 473
Gooding, Idaho 83330
208-934-8477

Enclosures

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 349, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0608 - FAX 1199



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

FEB 16 1995

Please print or type
(see instructions on back of page)

Department of Water Resources
Southern Region

DATE OF CLOSING: 2-1-95

LEGAL DESCRIPTION OF PROPERTY: Township 5 South Range 15
Section 29, SE 1/4 of SE 1/4 of 1/4 Govt. Lot, BM.
Lot 1-13 and 15 Block, Block 1, Subdivision/Townsite Wood River Narrows Sub, Gooding Co., Id.
If you have additional legal descriptions, please attach separate sheet.
attached full legal

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s)
Assigned by IDWR: AJ5808NP AJ5808NP

☐ Name and Address of Former Owner/Claimant(s)(Seller): K. Gary Olesen
73371 Pinyon Street
Palm Desert, Ca. 92260

☐ New Owner/Claimant (Purchaser): Sliman Land and Livestock, Inc.

☐ New Mailing Address: 1642 B State Highway 46, Gooding, Idaho 83330

☒ New Telephone Number: () -

☒ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: deed attached

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) David Sliman Date 2/14/95
Charles Sliman Date 2-14-95
☐ Signature of Former Owner/Claimant(s): K. Gary Olesen Date 2-1-95
Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: By:

Further Action Needed:
Date: By:

Further Action Taken
Date: By:

Final Review and Data-Entry
Date: By: HSB

Claim Numbers of Split, if any:

MICROFILMED

NOV 27 1995

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

TOWNSHIP 5 SOUTH, RANGE 15, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 29: SE $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPT tract described as follows:

Beginning at the South quarter corner of said Section 29;
Thence South 89°48'46" East along the South boundary of
Section 29, 1322.63 feet to the Southwest corner of the
SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence North 0°11'27" West along the West boundary of the
SE $\frac{1}{4}$ SE $\frac{1}{4}$, 965.38 feet to the Fales ditch, THE TRUE POINT OF
BEGINNING;
Thence South 70°48' East, 38.39 feet;
Thence North 12°59' West, 114.0 feet;
Thence North 62°19' East, 517.00 feet, record, (North
60°55'23" East, 513.76 feet measured) to the North boundary
of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence North 89°44'32" West along the North boundary of said
SE $\frac{1}{4}$ SE $\frac{1}{4}$, 460.82 feet to the Northwest corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence South 0°11'27" East along said West boundary of the
SE $\frac{1}{4}$ SE $\frac{1}{4}$, 350.22 feet to THE TRUE POINT OF BEGINNING.

NE $\frac{1}{4}$ SE $\frac{1}{4}$ lying South of Big Wood River.

Lots 1 to 13, inclusive, and Lot 15 in Block 1 of Wood River
Narrows Subdivision, Gooding County, Idaho, as the same is
platted in the official plat thereof, now of record in the
office of the Recorder of said County.

Lots 4 to 10, inclusive, in Block 3 of Wood River Narrows
Subdivision, Gooding County, Idaho, as the same is platted in
the official plat thereof, now of record in the office of the
Recorder of said County.

MICROFILMED
NOV 27 1996

WARRANTY DEED

For Value Received K. GARY OLESEN, an unmarried man
Palm Desert, CA

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

SLIMAN LAND AND LIVESTOCK, INC., an Idaho Corporation
1642 B Hwy 46
Gooding, Idaho 83330

Hereinafter called the Grantee, the following described premises situated in GOODING County, Idaho,
to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE
MADE A PART HEREOF AS IF SET FORTH IN FULL.

RESERVING

~~TOGETHER WITH~~ an easement for a drainfield located
50 feet North of Lot 3, Block 2 of the Wood River
Narrows Subdivision.

SITUATE IN GOODING COUNTY, STATE OF IDAHO.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee
and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to
and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are
free from all incumbrances except as above described and that Grantor will warrant and defend the
same from all lawful claims whatsoever.

Dated: January 30, 1995

K Gary Olesen
K. GARY OLESEN

STATE OF IDAHO, COUNTY OF

On this _____ day of _____, 19 95
before me, a notary public in and for said State, per-
sonally appeared K. GARY OLESEN

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

Notary Public

Residing at _____, Idaho.
Commission expires: _____

160238

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of *Land Title & Escrow, Inc.*

30 min, past 4 o'clock P.m. this 14
of Feb 95 12.00

HELEN A. PAOLI, Recorder
By *Albina Jones* Deputy

Exhibit "A"

TOWNSHIP 5 SOUTH, RANGE 15, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

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SE $\frac{1}{4}$ SE $\frac{1}{4}$, 965.38 feet to the Fales ditch, THE TRUE POINT OF
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of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
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SE $\frac{1}{4}$ SE $\frac{1}{4}$, 460.82 feet to the Northwest corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
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SE $\frac{1}{4}$ SE $\frac{1}{4}$, 350.22 feet to THE TRUE POINT OF BEGINNING.

NE $\frac{1}{4}$ SE $\frac{1}{4}$ lying South of Big Wood River.

Lots 1 to 13, inclusive, and Lot 15 in Block 1 of Wood River
Narrows Subdivision, Gooding County, Idaho, as the same is
platted in the official plat thereof, now of record in the
office of the Recorder of said County.

Lots 4 to 10, inclusive, in Block 3 of Wood River Narrows
Subdivision, Gooding County, Idaho, as the same is platted in
the official plat thereof, now of record in the office of the
Recorder of said County.

Together with all water and water rights, ditches and ditch rights used
thereon or appurtenant thereto, including but not limited to 38 shares
of Big Wood Canal Company Water Stock and 38 inches Decreed water right
37-1188 Priority date April 15, 1883.

SUBJECT TO THE FOLLOWING:

All reservations in patents or deeds in the chain of title.

Taxes for 1995 and subsequent years, a lien, but not yet due and payable.

Assessments levied or to be levied by the Gooding County Solid Waste
Department.

Assessments of the American Falls Reservoir District No. 2 and the
rights and powers of said District as by law provided.

Assessments of the Big Wood Canal Company and the rights and powers of
said Company as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal
Company.

Terms and Conditions of the usage of the Main Borneman Supply
Ditch as contained in Contract by and between S. S. Clayberg,
party of the first part, and Henry J. Borneman, party of the
second part, dated September 30, 1916, recorded October 24,
1916 in Book 1 Page 469 as Instrument Number 8630, Gooding
County records, affecting the E $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, Township 5
South, Range 15, East Boise Meridian.

Continued.....

Easement given by Big Wood Canal Company to the American Telephone and Telegraph Company of Wyoming, dated September 1, 1941, recorded January 5, 1942 in Book 5 Page 43 as Instrument Number 82583, Gooding County records, granting to said company a right of way and easement to construct, operate, maintain, replace and remove a communication system upon, across, over and under Sections 19, 20, 26, 29 and 30, all of Township 5 South, Range 15, East Boise Meridian.

Easement given by Ellen Silk Page and Emma Silk Page to The Mountain States Telephone and Telegraph Co., dated December 30, 1941, recorded May 23, 1942 in Book 5 Page 142 as Instrument Number 84185, Gooding County records, affecting a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 5 South, Range 15, East Boise Meridian.

Use of Martin Silk Ditch, or ditch number 31 on Wood River as contained in Document dated April 20, 1949, recorded April 21, 1949 in Book 9 Page 56, Gooding County records, affecting the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 5 South, Range 15, East Boise Meridian.

Power Line Easement given by Charles H. Smith and Elodia Smith, husband and wife, to Idaho Power Company, a corporation, dated June 2, 1950, recorded March 22, 1951 in Book 6 Page 599 as Instrument Number 114857, Gooding County records, affecting the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 5 South, Range 15, East Boise Meridian.

Power Line Easement given by Charles H. Smith and Elodia Smith, husband and wife, to Idaho Power Company, a corporation, dated June 5, 1952, recorded February 4, 1954 in Book 7 Page 301 as Instrument Number 123375, Gooding County records affecting the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, Township 5 South, Range 15, East Boise Meridian.

Sanitary restrictions contained on the Plat of Wood River Narrows Subdivision, recorded November 14, 1980 as Instrument Number 86272, Gooding County records.

Declaration of Covenants, Conditions and Restrictions of Wood River Narrows Subdivision, dated November 10, 1980, recorded November 14, 1980 as Instrument Number 86284, Gooding County records. Waiver of Covenants and Conditions dated October 25, 1988, recorded November 2, 1988 as Instrument Number 134361, Gooding County records.

Terms and conditions of an Agreement by and between Gooding County, Idaho, and Timothy James Spagnoletti, dated November 10, 1980, recorded November 14, 1980 as Instrument Number 86285, Gooding County records, pertaining to the roads of Wood River Narrows Subdivision.

Easements as shown on the recorded plat of Wood River Narrows Subdivision.

Subject to easement for ingress and egress over a strip of land adjacent to the bank of the Big Wood River as described in Quitclaim Deed dated May 8, 1991, recorded May 13, 1991 as Instrument Number 144792, Gooding County records, and shown on Survey dated May, 1983, recorded July 14, 1983 as Instrument Number 102287, Gooding County records.

ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

COUNTY OF RIVERSIDE

On 02/02/95 before me, *MARY J REYES*

notary public,

personally appeared *K. GARY OLESEN*

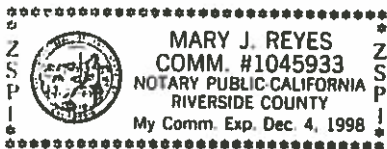
~~X personally known to me~~

-or-

proved to me on the basis of satisfactory evidence

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 in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.



Official Notary Seal

Signature of
Notary:

OPTIONAL

CAPACITY CLAIMED BY SIGNER

☒ INDIVIDUAL

☐ CORPORATE OFFICERS

Title(s):

☐ PARTNER(S) ☐ LIMITED

☐ GENERAL

☐ ATTORNEY-IN-FACT

☐ TRUSTEE(S)

☐ GUARDIAN/CONSERVATOR

☐ OTHER:

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

Title Or Type Of Document:

WARRANTY DEED

Number Of Pages:

1

Date Of Document:

01/30/95

Signer(s) Other Than Named Above:

N/A

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED

MICROFILMED

MAY 27 1995

Water Right Number - R37-00238D

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

SLIMAN LAND & LIVESTOCK

1 - 1642 B STATE HIWAY 46

2 -

3 -

City- GOODING

State- ID Zip- 83330

Phone - 208-000-0000

*** O - ORIGINAL OWNER ***

OLESEN

K GARY

1 - 73371 PINYON STREET

2 -

3 -

City- PALM DESERT

State- CA Zip- 92260

Phone - 208-000-0000

SPAGNOLETTI

TIM J

1 - PO BOX 324

2 -

3 -

City- GOODING

State- ID Zip- 83330

Phone - 208-934-8517

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/15/1883 17 SOUTHERN D - DECREED+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
BIG WOOD RIVER MALAD RIVER+ - - - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
05S 15E 28 NW NE (47) GOODING+ - - - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 0.800+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.800 0.0+ - - - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
05S 15E 29 NE SE 8.0 01 IRRIGATION (47) GOODING
05S 15E 29 SE SE 37.0 01 IRRIGATION (47) GOODING

Total Acres: 45.0

+ - - Diversion Means - SILK #31-P PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

MICROFILMED
NOV 27 1996

Water right number - R37-00238D

Prefix Translation: RESEARCH

+ - - - - - Remarks - - - - - +

EXCHANGED WR #37-0607A & 37-0608A FOR WR# 37-1188C, WHICH WAS
CHANGED TO 37-0238D. THE TRANSFER INCLUDED 40 ACRES IN SEC 32,
WHICH IS NOW NOT IRRIGATED UNDER THIS CLAIM. REFER TO TRANSFER
#2418

OWNERSHIP CHANGE MADE 6/19/95 BY TLB. OLESEN-FORMER OWNER,
SLIMAN-NEW OWNER. BOTH SIGNATURES AND WARRANTY DEED INCLUDED.

+ - - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +

W. M. CADY

+ - - - - Decree Defendant - - - +

WARD M. BRYAN, ET. AL.

+ - Decree Date - +

00/00/0000

+ - - - - - Comments - - - - - +

Date: 06/19/1995 User Id: TBACKLUN Subject: COPIED FROM REMARKS

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WHICH IS NOW NOT IRRIGATED UNDER THIS CLAIM. REFER TO TRANSFER #2418

SLIMAN-NEW OWNER. BOTH SIGNATURES AND WARRANTY DEED INCLUDED.

OWNERSHIP CHANGE MADE 6/19/95 BY TLB. OLESEN-FORMER OWNER,

+ - - Audit Fields - - +

06/19/95 TBACKLUN

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing - 00/00/0000
Objection Filed Date - 00/00/0000
Response Filed Date - 00/00/0000
Claim Received Date - 06/27/1988

Field Inspection Made - 00/00/0000
Field Inspection Flag -
Verified Date - 00/00/0000
Last Amended Date - 00/00/0000
Receipt Number - X777777
POU Ownership Flag - Y
Name Connector -

Civil Case Number - 39576
Old Case Number -
Old Judicial District -
Temporary Right - P
Water District - 37
Federal/State Indicator - S
Presumption Flag -
Notice of Error Flag -

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NOV 27 1995

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: A37-10264
Date Received: 6/27/1988
Receipt No: S000571
Received By: B.V. H.

Owner Change

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: K. GARY OLESEN
Address: 73371 PINYON STREET
PALM DESERT CA

92260

2. Date of Priority: JAN 1, 1985

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	15E	32	SE	NE	NE		GOODING

5. Description of diverting works:
WELL & PUMP, 159'X6"

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/1 HOUSE & LAWN

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	15E	32	NE	NE		DOMEST	

11. Place of use in counties: GOODING

MICROFILMED

FEB 24 1993

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

13. Other Water Rights Used:

NONE

14. Remarks:

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 _____

MICROFILMED

FEB 24 1993



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

Please print or type
(see instructions on back of page)

NOV 18 1991

DATE OF CLOSING: 11-12-1991

Department of Water Resources
Southern Region Office

LEGAL DESCRIPTION OF PROPERTY: Township 5S Range 15EBM
Section 29, SE 1/4 of SW 1/4 of 1/4, Govt. Lot _____, BM.

Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

See Attached

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- [] Water Right Number(s) A37-00238D *Corrected after phone call to Janet Gorrell, Land Title & Escrow, Goding, ID 83330, Ph. 934-8477, R. Worstelt 11/18/91*
Assigned by IDWR: A37-1188
- [] Name and Address of Former Owner/Claimant(s)(Seller): Tim J. Spagnoletti
246 Applewood Drive, Twin Falls, ID 83301
- [] New Owner/Claimant (Purchaser): K. GARY OLESEN
- [] New Mailing Address: 73371 Pinyon Street
Palm Desert, CA 92260
- [] New Telephone Number: () _____ - _____
- [] Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- [] Attach proof of ownership, describe proof attached: Copy of recorded Warranty Deed
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- [] Signature of New Owner/Claimant(s) K. Gary Olesen Date 11/11/91
Date _____
- [] Signature of Former Owner/Claimant(s): _____ Date _____
Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:
Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

MICROFILMED
FEB 24 1993

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

RECEIVED

NOV 18 1991

EXHIBIT "A"

Department of Water Resources
Southern Region Office

TOWNSHIP 5 SOUTH, RANGE 15, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 29: SE $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPT tract described as follows:

Beginning at the South quarter corner of said
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Thence South 89°48'46" East along the South bound-
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Thence North 0°11'27" West along the West boundary
of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, 965.38 feet to the Fales ditch,
THE TRUE POINT OF BEGINNING;
Thence South 70°48' East, 38.39 feet;
Thence North 12°59' West, 114.0 feet;
Thence North 62°19' East, 517.00 feet, record,
(North 60°55'23" East, 513.76 feet measured) to
the North boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence North 89°44'32" West along the North bound-
ary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$, 460.82 feet to the Northwest
corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence South 0°11'27" East along said West boundary
of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, 350.22 feet to THE TRUE POINT OF
BEGINNING.

NE $\frac{1}{4}$ SE $\frac{1}{4}$ lying South of Big Wood River.

Lots 1 to 13, inclusive, and Lot 15 in Block 1 of Wood River
Narrows Subdivision, Gooding County, Idaho, as the same is
platted in the official plat thereof, now of record in the
office of the Recorder of said County.

Lots 1 to 19, inclusive, in Block 3 of Wood River Narrows
Subdivision, Gooding County, Idaho, as the same is platted in
the official plat thereof, now of record in the office of the
Recorder of said County.

MICROFILMED

FEB 24 1993

WARRANTY DEED

For Value Received TIMOTHY J. SPAGNOLETTI, an unmarried man

RECEIVED

NOV 18 1991

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
 K. GARY OLESEN, an unmarried man
 whose address is: 73 371 Pinyon Street,
 Palm Desert, CA 92260

Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho,
 to-wit:

SEE ATTACHED EXHIBIT "A"
 (containing two pages)

COPY

146786

STATE OF IDAHO, COUNTY OF GOODING

Filed for record at the request of and by Escrow Inc

16 min. past 1 o'clock P M. this 15
Nov, 1991 at 9.00

JOHN A. MYERS Recorder

by Arbuthnot Sides Deputy

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: November 12, 1991

TIMOTHY J. SPAGNOLETTI

Timothy J. Spagnolettiby: Isabelle M. Spagnoletti, Attorney in Fact

Isabelle M. Spagnoletti (Attorney in Fact)

STATE OF IDAHO, COUNTY OF

On this _____ day of _____, 19____,
 before me, a notary public in and for said State, personally appeared _____

known to me to be the person whose name
 subscribed to the within instrument, and acknowledged
 to me that _____ executed the same.

Notary Public

Residing at _____,
 Commission expires: _____

Idaho.

STATE OF IDAHO, COUNTY OF GOODING

On this 15th day of November, 1991, before me, a notary public in and for said State, personally appeared Isabelle M. Spagnoletti known or identified to me to be the person whose name is subscribed to the within instrument as the attorney in fact of Timothy J. Spagnoletti and acknowledged to me that she subscribed the name of Timothy J. Spagnoletti as principal, and her own name as attorney in fact.

Janet A. Correll
 Notary Public for Idaho



EXHIBIT "A"

PARCEL NO. 1:

Lots 1, 2 and 3 in Block 2 of Wood River Narrows Subdivision, Gooding County, Idaho, as the same is platted in the official plat thereof, now of record in the office of the Recorder of said County.

PARCEL NO. 2:

TOWNSHIP 5 SOUTH, RANGE 15, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 29: SE $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPT tract described as follows:

Beginning at the South quarter corner of said
Section 29;
Thence South 89°48'46" East along the South bound-
ary of Section 29, 1322.63 feet to the Southwest
corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence North 0°11'27" West along the West boundary
of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, 965.38 feet to the Fales ditch,
THE TRUE POINT OF BEGINNING;
Thence South 70°48' East, 38.39 feet;
Thence North 12°59' West, 114.0 feet;
Thence North 62°19' East, 517.00 feet, record,
(North 60°55'23" East, 513.76 feet measured) to
the North boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence North 89°44'32" West along the North bound-
ary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$, 460.82 feet to the Northwest
corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence South 0°11'27" East along said West boundary
of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, 350.22 feet to THE TRUE POINT OF
BEGINNING.

NE $\frac{1}{4}$ SE $\frac{1}{4}$ lying South of Big Wood River.

Lots 1 to 13, inclusive, and Lot 15 in Block 1 of Wood River Narrows Subdivision, Gooding County, Idaho, as the same is platted in the official plat thereof, now of record in the office of the Recorder of said County.

Lots 1 to 19, inclusive, in Block 3 of Wood River Narrows Subdivision, Gooding County, Idaho, as the same is platted in the official plat thereof, now of record in the office of the Recorder of said County.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto, including but not limited to 38 shares of Big Wood Canal Company Water Stock and 40 MI Big Wood River Decreed Right 37-1188 Priority Date April 15, 1883.

SUBJECT TO THE FOLLOWING:

All reservations in patents or deeds in the chain of title.

Taxes for 1991 and subsequent years, which are not yet due and payable.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Terms and Conditions of the usage of the Main Borneman Supply Ditch as contained in Contract by and between S. S. Clayberg, party of the first part, and Henry J. Borneman, party of the second part, dated September 30, 1916, recorded October 24, 1916 in Book 1 Page 469 as Instrument Number 8630, Gooding County

records, affecting the E½SE¼ of Section 29, Township 5 South, Range 15, East Boise Meridian.

Easement given by Big Wood Canal Company to the American Telephone and Telegraph Company of Wyoming, dated September 1, 1941, recorded January 5, 1942 in Book 5 Page 43 as Instrument Number 82583, Gooding County records, granting to said company a right of way and easement to construct, operate, maintain, replace and remove a communication system upon, across, over and under Sections 19, 20, 26, 29 and 30, all of Township 5 South, Range 15, East Boise Meridian.

Easement given by Ellen Silk Page and Emma Silk Page to The Mountain States Telephone and Telegraph Co., dated December 30, 1941, recorded May 23, 1942 in Book 5 Page 142 as Instrument Number 84185, Gooding County records, affecting a portion of the NE¼NE¼ of Section 32, Township 5 South, Range 15, East Boise Meridian.

Use of Martin Silk Ditch, or ditch number 31 on Wood River as contained in Document dated April 20, 1949, recorded April 21, 1949 in Book 9 Page 56, Gooding County records, affecting the SE½SE¼ of Section 29 and the NE¼NE¼ of Section 32, Township 5 South, Range 15, East Boise Meridian.

Power Line Easement given by Charles H. Smith and Elodia Smith, husband and wife, to Idaho Power Company, a corporation, dated June 2, 1950, recorded March 22, 1951 in Book 6 Page 599 as Instrument Number 114857, Gooding County records, affecting the NE¼NE¼ of Section 32, Township 5 South, Range 15, East Boise Meridian.

Power Line Easement given by Charles H. Smith and Elodia Smith, husband and wife, to Idaho Power Company, a corporation, dated June 5, 1952, recorded February 4, 1954 in Book 7 Page 301 as Instrument Number 123375, Gooding County records affecting the SE½SE¼ of Section 29, Township 5 South, Range 15, East Boise Meridian.

Sanitary restrictions contained on the Plat of Wood River Narrows Subdivision, recorded November 14, 1980 as Instrument Number 86272, Gooding County records.

Declaration of Covenants, Conditions and Restrictions of Wood River Narrows Subdivision, dated November 10, 1980, recorded November 14, 1980 as Instrument Number 86284, Gooding County records. Waiver of Covenants and Conditions dated October 25, 1988, recorded November 2, 1988 as Instrument Number 134361, Gooding County records.

Terms and conditions of an Agreement by and between Gooding County, Idaho, and Timothy James Spagnoletti, dated November 10, 1980, recorded November 14, 1980 as Instrument Number 86285, Gooding County records, pertaining to the roads of Wood River Narrows Subdivision.

Easements as shown on the recorded plat of Wood River Narrows Subdivision.

Subject to easement for ingress and egress over a strip of land adjacent to the bank of the Big Wood River as described in Quitclaim Deed dated May 8, 1991, recorded May 13, 1991 as Instrument Number 144792, Gooding County records, and shown on Survey dated May, 1983, recorded July 14, 1983 as Instrument Number 102287, Gooding County records.

Any adverse claim based on the assertion that the location of the Big Wood River has moved.

Any adverse claim base on the assertion that some portion of said land is now or at any time has been within the boundaries of the Big Wood River or any other navigable body of water or by reason of the fact or claim that any portion or portions thereof have been rendered unnavigable by artificial means or have accreted to such portions so created.

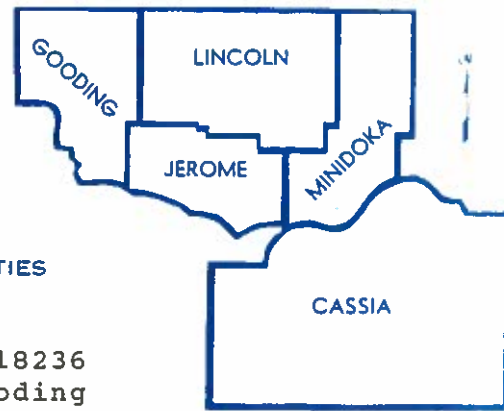
Any rights, interests or easements in favor of the public which exist or are claimed to exist over any part of said land covered by water.

Land Title and Escrow, Inc.

COMPLETE SERVICE

5 IDAHO COUNTIES

REFER TO: G-18236
OFFICE: Gooding



November 15, 1991

Mr. Bob ^{WORSTELL}~~Worstell~~
Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Real Estate Sale
Spagnoletti to Olesen

RECEIVED

NOV 18 1991

Department of Water Resources
Southern Region Office

Dear Bob:

In connection with the above referenced sale, please find enclosed the following:

1. Notice of Change of Water Right Ownership
with recorded Warranty Deed Attached.

Please transfer water right ownership to K. Gary Olesen and provide this office with copy of transfers.

Thank you for your assistance.

Sincerely,

LAND TITLE AND ESCROW, INC.


Janet Gorrell
Manager-Gooding

Enclosures

BOX 177 BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 349 JEROME, IDAHO 83338
PHONE 324-4842 - FAX 324-8961

BOX 473 GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111 RUPERT, IDAHO 83350
PHONE 436-0606 - FAX 436-1199

MICROFILMED

FEB 24 1993

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: A37-10264
Date Received: 6/27/1988
Receipt No: 5000534 5000571
Received By: TW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TIM SPAGNOLETTI 208-934-8517
Address: P.O. BOX 324
GOODING, ID 83330

2. Date of Priority: JAN 01, 1985

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	15E	32	SE	NE	NE		GOODING

5. Description of diverting works:
WELL & PUMP, 159'X6"

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/1 HOUSE & LAWN

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	15E	32	NE	NE		DOMEST	

11. Place of use in counties: GOODING

A37-10264

Page 1

Date: 06/27/88

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FEB 24 1993

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

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): *Jim Spagnuolo* Date: 6-27-88

Date: _____

State of Idaho)
County of T.F.) ss.

Subscribed and sworn (or affirmed) before me this 27 day

of June 19 88

Don White
Notary Public

Seal

Residing at T.F.

My Commission Expires 5/95

Idaho Department of Water Resources
Adjudication Bureau
Statehouse
Boise, ID 83720

Presorted

U.S. Postage
Permit No.1
Boise, ID 83720
First Class

TIM SPAGNOLETTI
P.O. BOX 324

GOODING ID 83830

OCT 06 1989

Department of Water Resources

IMPORTANT WATER RIGHTS INFORMATION

SPECIAL NOTICE TO CLAIMANTS OF SMALL DOMESTIC AND STOCKWATER RIGHTS IN THE SNAKE RIVER BASIN ADJUDICATION FOR MORE INFORMATION CALL (208) 334-2510

In the past, you filed a notice of claim to a water right for domestic and/or stockwater (D&S) use in the Snake River Basin Adjudication (SRBA). In response to concerns expressed by many members of the public as to the requirement to file a notice of claim for small D&S water rights in the SRBA, IDWR sought approval of a special procedure for the adjudication of such water rights. After lengthy negotiations with the U. S. Department of Justice, a special procedure was devised that will relieve small D&S users of the requirement to file a Notice of Claim for such water rights at this time. The District Court in the SRBA has approved this special procedure.

Since notices of claims may be filed, but are no longer required to be filed for small D&S water rights in the SRBA, persons who filed a claim for small D & S uses prior to the adoption of this special procedure may withdraw their notice of claim and obtain a refund of the filing fee. If you choose to withdraw your claim you will need the following information:

CLAIM NUMBER: A37-10264

CLAIM FEE:

\$25.00

RECEIPT NUMBER: S000571

WITHDRAWAL REQUEST MUST BE MAILED BEFORE 11/10/1989

772

Please carefully read the following information to determine if your water right qualifies for the special procedure and if you wish to withdraw your notice of claim. If you do wish to withdraw your notice of claim, please complete the form on the last page of this notice and return it to the address shown on the back page by the date shown above.



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FEB 24 1993

If you do NOT withdraw your notice of claim, it will remain on file with IDWR for investigation, inclusion in the Director's Report, and inclusion in the decree of water rights, in accordance with the adjudication procedures set forth by statute. It is IDWR's recommendation that the best (and cheapest) way to assure the security of your small D&S water right is to NOT withdraw the claim and allow the right to be adjudicated. If you do NOT wish to withdraw your notice of claim to a small D&S water right, you need do nothing in response to this notice and you will be notified when your right is recommended to the court.

THE SPECIAL PROCEDURE FOR SMALL DOMESTIC AND STOCKWATER RIGHTS

A notice of claim may, but is not required to be, filed for small D&S water rights in the SRBA at this time. The fee for filing a notice of claim to a small D&S water right at this time is \$25.00. If a notice of claim is filed at this time the claim will be reviewed as part of IDWR's investigation of water rights, included in the Director's Report which contains recommendations as to water rights to be decreed, and included in the district court's decree of water rights, in accordance with the adjudication procedures set forth by statute in Title 42, Chapter 14, of the Idaho Code.

A small D&S water right will not be forfeited and the priority date will not be lost if a notice of claim for the water right is not filed in the SRBA at this time. The owner of a small D&S water right may file a motion with the court to have the water right adjudicated when the need arises at a later date. ("Adjudicated" means determined by the district court and included in the district court's decree of water rights.) The procedure for adjudicating a small D&S water right at a later date is described in an order by the district court and is similar to the supplemental adjudication procedure set forth at Idaho Code 42-1405. If a motion to have a small D&S water right adjudicated is filed at a later date, the claimant will be required to bear the cost of filing the motion and serving notice of the motion and to pay IDWR's cost of investigating and preparing a report of the water right claimed. These costs are likely to be more than \$25.00.

Small D&S water rights will not be subject to distribution by a watermaster in a water district unless all of the small D&S water rights have been adjudicated, or unless the director of IDWR determines that distribution of small D&S water rights by the watermaster is necessary. ("Not subject to distribution by a watermaster" means that the watermaster will not shut off small D&S water rights to provide water for senior water rights, and will not shut off other water rights to provide water for a senior small D&S water right.)

If the director determines that distribution of small D&S water rights in a water district is necessary, then the owner of a small D&S water right that has not been adjudicated will be required to have the water right adjudicated in order to have it distributed by the watermaster. Also, the owner of a small D&S water right that has not been adjudicated will be required to agree to have it adjudicated before the owner can seek approval of a change of the water right (such as a change in point of diversion, change in place of use, change in nature of use, etc.)

There are two limitations that will apply when the owner of a small D&S water right files a motion with the district court in the SRBA to have the water right adjudicated at a later date. First, the water right owner will only be allowed to claim a water right that is within the definition of small D&S use, as defined by the adjudication statute. (The definition of small D&S use is discussed below.) Second, the extent of a small D&S water right is limited by actual beneficial use. There