



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 9, 2006

GLEN AND JEANNE WALLACE
PO BOX 711
WEISER ID 83672

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #67-598 and 67-604

Dear Claimants:

We have processed your change in ownership of the Notices of Claim referenced above. Thank you for your patience.

Enclosed are copies of the Notices of Claim for your file. Please refer to these record numbers in any future inquiries or correspondence.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claims.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Technical Section

SS:region

Enclosures:

Copies of Notices of Claim Referenced Above

SCANNED

MAR - 9 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-598 V1

WATER RIGHT NUMBER: 67-598 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GARY D BROWN 1814 WEISER RIVER RD WEISER, ID 83672 (208)549-2599
Original Owner	W JEFFERSON WEISER, ID

Priority Date: 04/01/1894

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MANNS CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01	to 11/15	0.860 CFS	
	<u>Total Diversion:</u>		0.860 CFS	

Location of Point(s) of Diversion

MANNS CREEK	NW1/4NW1/4NE1/4	Sec. 30, Twp 11N, Rge 04W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	04W	31					28.0				15.0								43.0

Total Acres: 43

Conditions of Approval:

1. 168 This right is a Secondary Right, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), and, as such, is subordinate to all Primary Rights on Mann Creek.
2. 167 This right shall receive 100% of its decreed amount until the natural flow of the waters of Mann Creek shall decrease so that all rights cannot receive 100%, at which time this right and other various decreed rights, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), shall be cut to 70% of the said amounts, beginning with the latest right and proceeding to the earliest right in the order of priority.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-598 V1

Remarks:Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number: 67
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	6/10/2004 11:23:18 AM	segbert			Active
Source	6/10/2004 11:23:43 AM	segbert			Active
POU	6/10/2004 11:24:09 AM	segbert			Active
Use	6/10/2004 11:36:16 AM	segbert			Active
Season	6/10/2004 11:36:44 AM	segbert			Active
Quantity	6/10/2004 11:37:30 AM	segbert			Active
POD	6/10/2004 11:38:38 AM	segbert			Active
Priority Date	12/2/2005 12:29:55 PM	dnarsavage			Active
POD	12/2/2005 12:32:14 PM	dnarsavage			Active
Source	12/2/2005 12:33:09 PM	dnarsavage			Active
POU	12/2/2005 12:33:37 PM	dnarsavage			Active
Use	12/2/2005 12:35:08 PM	dnarsavage			Active
Season	12/2/2005 12:35:58 PM	dnarsavage			Active
Quantity	12/2/2005 12:36:29 PM	dnarsavage			Active
Summary			12/02/2005	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-598 V1

POU	10/6/2005 10:55:01 AM	dnarsavage	Updated shape for Active POU
POU	10/6/2005 11:09:37 AM	dnarsavage	Updated shape for Active POU
POD	12/2/2005 12:32:29 PM	dnarsavage	Updated shape
Source	12/2/2005 12:33:10 PM	dnarsavage	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	12/2/2005 12:34:08 PM	dnarsavage	Edited Season Of Use
POU	12/2/2005 12:34:17 PM	dnarsavage	Updated PLS for Active POU
Use	12/2/2005 12:35:08 PM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
POD	12/2/2005 12:32:14 PM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POU	12/2/2005 12:33:37 PM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
General	12/2/2005 12:29:55 PM	dnarsavage	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (Yes) 16. Is a Priority Date remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-598 V1

Season	12/2/2005 12:35:58 PM	dnarsavage	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Summary	12/2/2005 12:38:34 PM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Quantity	12/2/2005 12:36:29 PM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?
Source	6/10/2004 11:23:44 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
POU	6/10/2004 11:24:09 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-598 V1

Priority Date	6/10/2004 11:23:19 AM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly?
Use	6/10/2004 11:36:16 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
Season	6/10/2004 11:36:44 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use?
POU	6/10/2004 11:35:36 AM	segbert	Edited shape boundary
POD	6/10/2004 11:38:38 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License?
Quantity	6/10/2004 11:37:31 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?

Water Supply Bank:



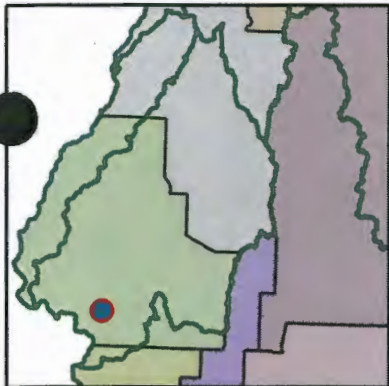
Idaho Department of Water Resources

Adjudication Claim:

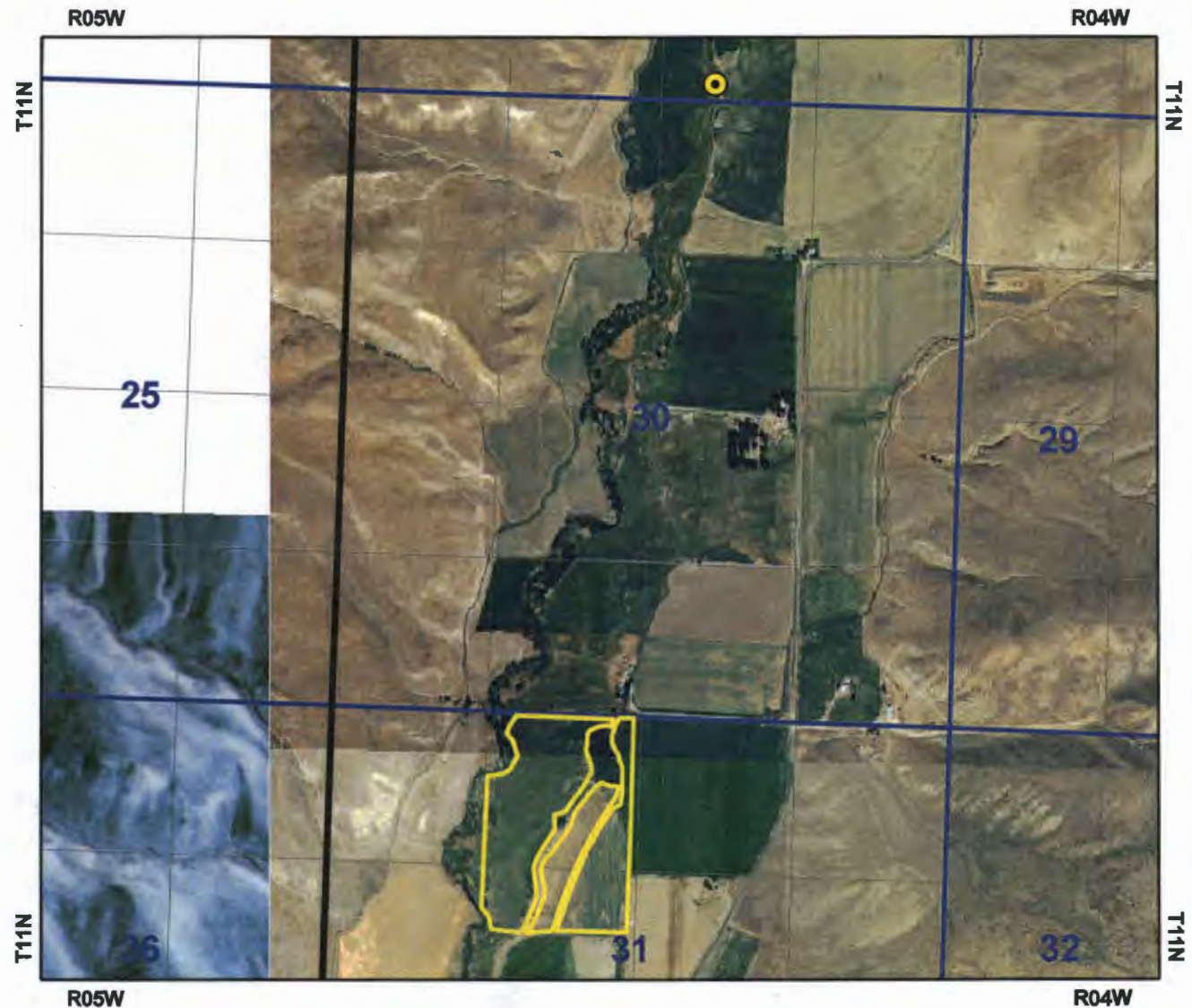
67-598

Legend

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



Washington County
IDWR Basin 67

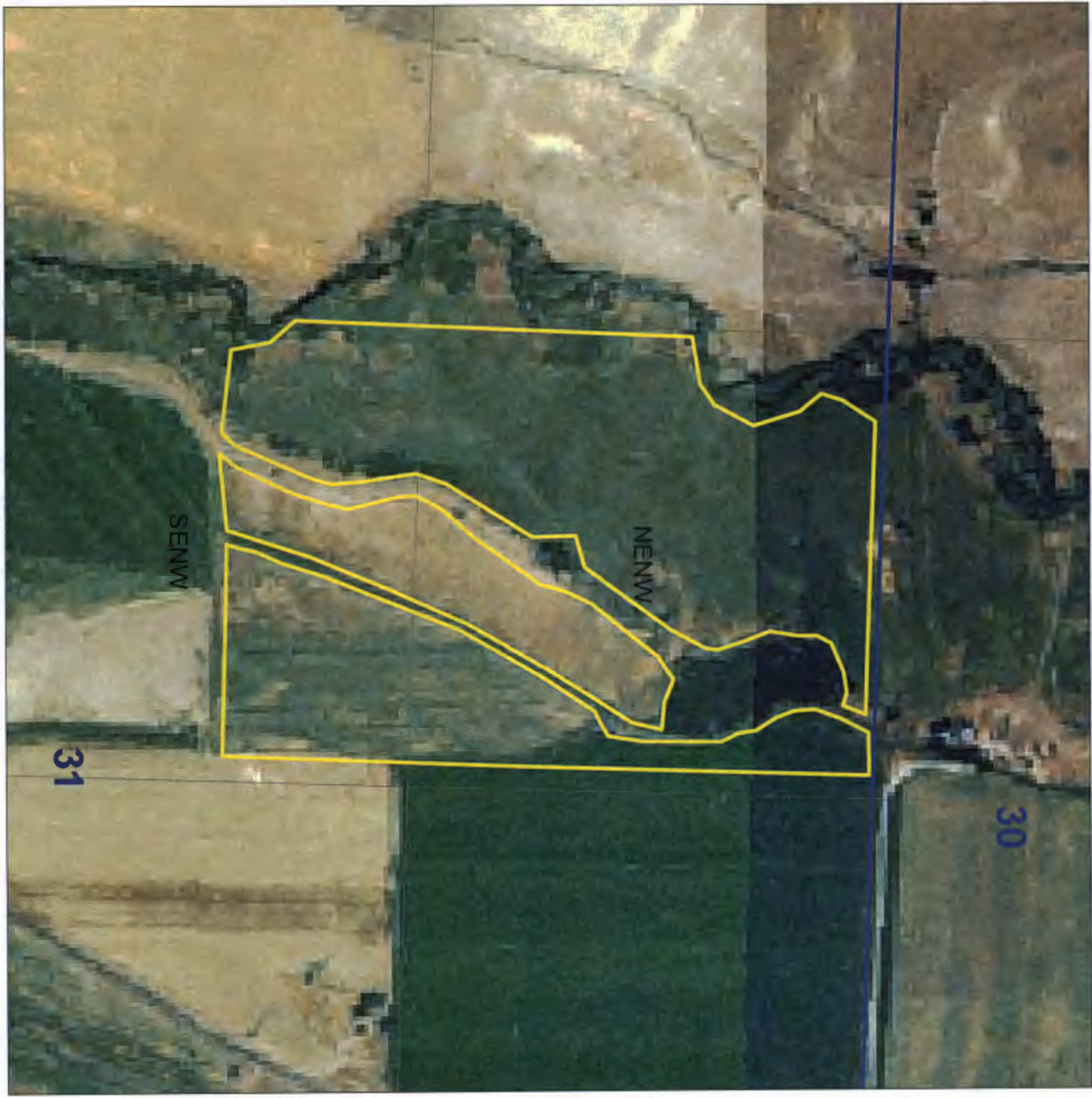
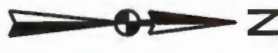


0 0.6 1.2 Miles



Prepared by D. Narsavage
On Tuesday, February 7, 2006
1987/88 Aerial Photography

67-598





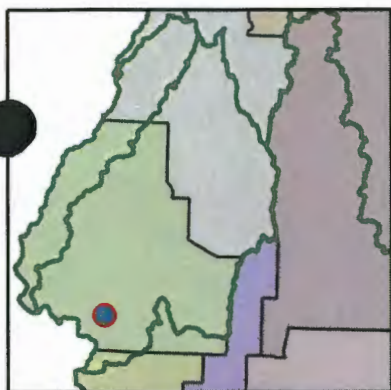
Idaho Department of Water Resources

Adjudication Claim:

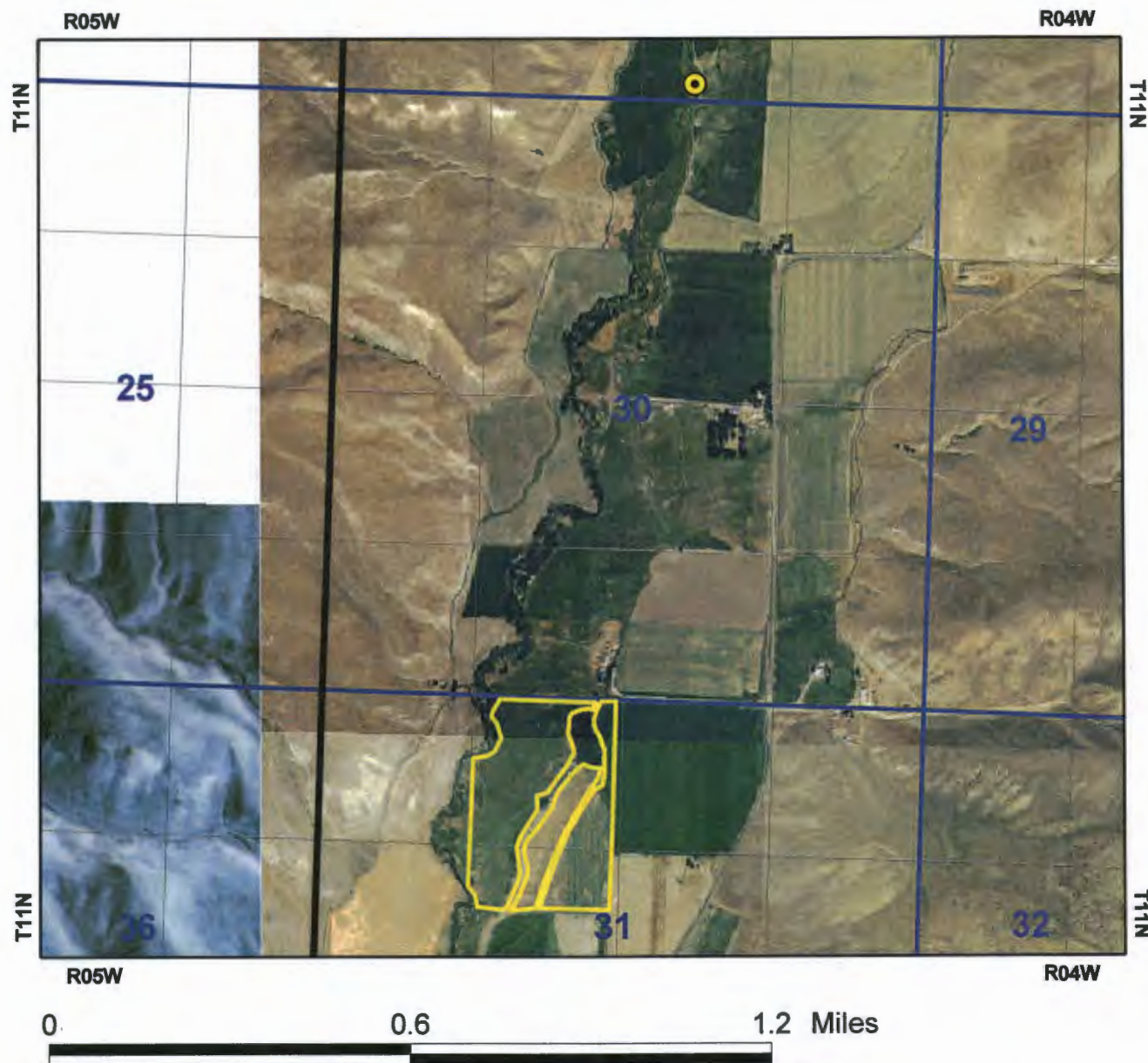
67-598

Legend

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

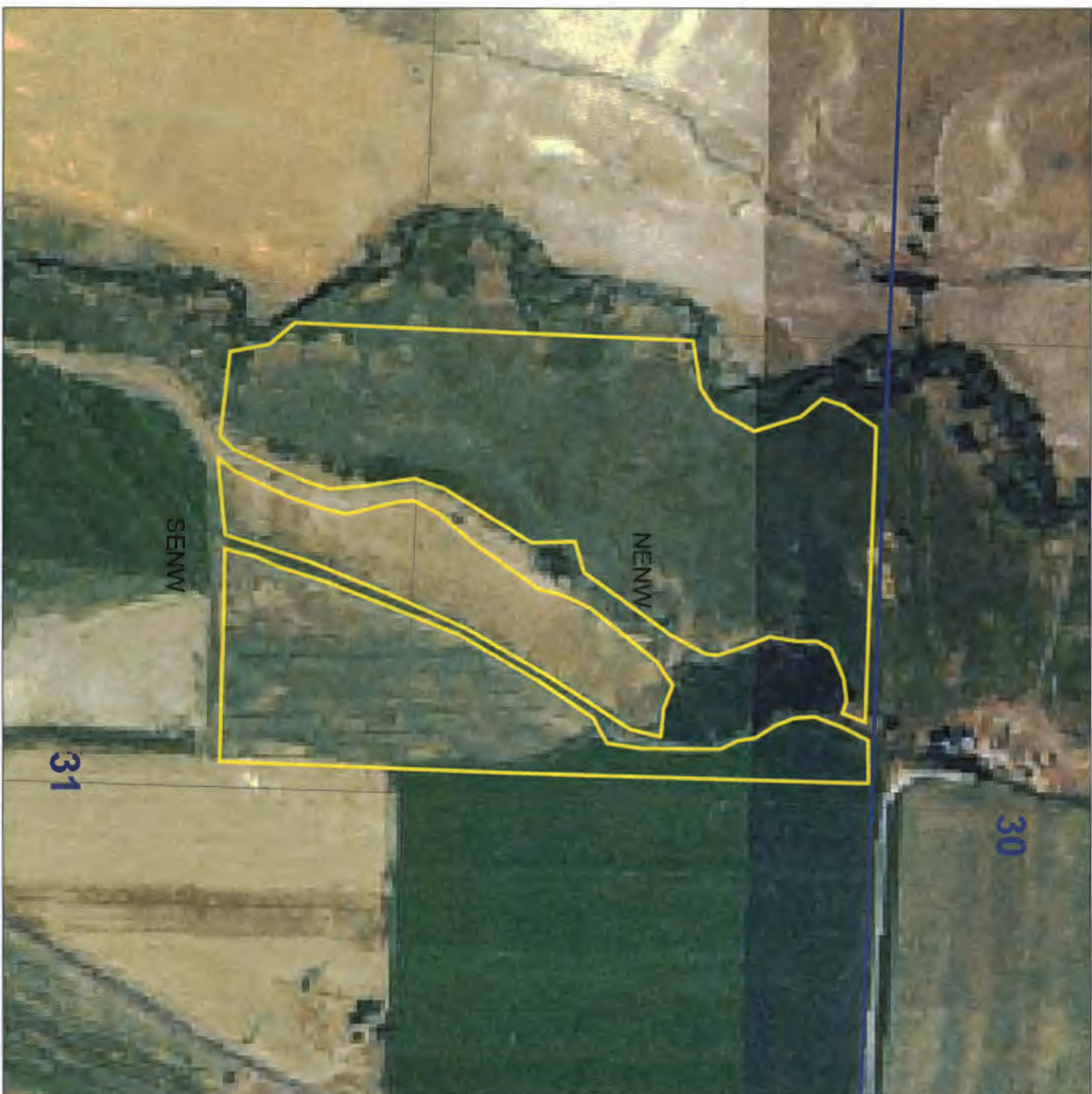
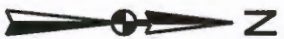


Washington County
IDWR Basin 67



Prepared by D. Narsavage
On Tuesday, February 7, 2006
1987/88 Aerial Photography

67-598



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

RECEIVED**SEP 22 2005**

Department of Water Resources

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case 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
EARL CANADA →	67-597A	—	WILSON →	67-11636	—
	✓ 67-598	—			—
	✓ 67-604	—			—
FRANK COLEMAN →	67-611A	—			—
EARL CANADA →	67-10994	—			—

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) _____

4. New Owner/Claimant(s) _____

GLEN N. and JOANNE W. WALLACE
 Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address _____

P.O. Box 711

City, State and ZIP Code _____

Weiser Id. 83622

New Telephone Number _____

(208-549-0187

5. Date you acquired the property _____

12-26-99

OKAY TO CHANGE 67-598 + 67-604 IN
 ENTIRETY.

DLN

FEB 13, 2006

SCANNED**MAR - 8 2006****SCANNED****SEP 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) Allen W Wallace
(include title if applicable) James W Wallace

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 W. J. H. H. Date 3-8-06 WR _____ Date _____

SCANNED

MAR - 8 2006

SCANNED

SEP 22 2005

RECEIVED
SEP 22 2005
Department of Water Resources

GRANT DEED

FOR VALUE RECEIVED, GARY D. BROWN and ANN BROWN, husband and wife, the Grantors, do hereby, grant, bargain, sell and convey unto GLEN N. WALLACE and JEANNE W. WALLACE, husband and wife, the Grantees, whose address is 704 Mann Creek Road, Weiser, Idaho 83672, the following described real estate situated in Washington County, State of Idaho, to-wit:

IN SECTION 31, TOWNSHIP 11 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN:

The NE $\frac{1}{4}$ NW $\frac{1}{4}$; the North 17 acres of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Lots 2 and 3, and a strip of land 8 $\frac{1}{2}$ rods wide off the North side of Lot 4; EXCEPTING THEREFROM the following described tract of land, to-wit:

Beginning at a point N 2° 26' E 15.2 feet from a point in the center of the county road, which point is S 87° 15' E 910 feet from a pin on the township line N 1216.4 feet from the southwest corner of said Township 11;

thence N 2° 26' E 213.2 feet, parallel to and 41.25 feet west of the west line of school buildings on the said land, to the Galloway Ditch;

thence N 69° 41' E 444.4 feet along said ditch to the east line of Lot 3 said Section 31;

thence South on said east line 368 feet to a point north 36 feet from a pin in the center of said County Road;

thence West 432.5 feet on a line parallel to and 132 feet south of the north line of Lot 4 of said Section 31 to the place of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their successors and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances except: (i) easements, restrictions, reservations, conditions and covenants of record at closing; (ii) building or use restrictions general to the area; (iii) rights reserved in federal patents or state deeds if any;

(iv) reserved oil and/or mining rights if any; (v) easements, encroachments, assessments, defects or any other matter affecting title as of the date hereof or closing.

DATED this 6TH day of December, 1999.

Gary D. Brown
Gary D. Brown

Ann Brown
Ann Brown

STATE OF IDAHO)
: SS
County of Washington)

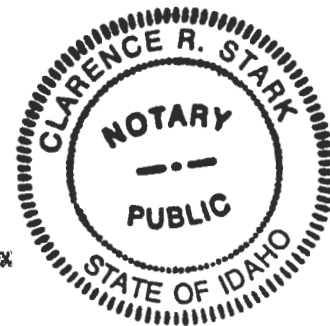
On this 6 day of DEC, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Gary D. Brown and Ann Brown known to me to be the persons who signed the foregoing instrument and acknowledged to me that they executed the same.

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

Clarence R. Stark
Notary Public for Idaho
Residing at Weiser, Idaho
Commission expires: 9/7/2005

INSTRUMENT NO. 178260
STATE OF IDAHO, COUNTY OF WASHINGTON ss,
Filed for record at the request of
WASHINGTON COUNTY TITLE
30 Min. past ELEVEN o'clock A. M.
This 6TH day of DECEMBER 19 99
Index to: DEEDS
SHARON WIDNER, Recorder Fee: \$6.00
By Jessie McElroy Deputy
WASHINGTON COUNTY TITLE

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





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 8, 2005

JEANNE W WALLACE
PO BOX 711
WEISER ID 83672

RE: SRBA claims 67-597A, 67-00598, 67-00604, 67-00611A, 67-10994 and 67-11636

Dear Mrs. Wallace,

Per our phone conversation this morning, I am sending you a change of ownership form for the above-listed claims. Please complete the change of ownership form and send it back to me, including the warranty deeds we talked about.

Please feel free to contact me at (208) 287-4907 with any questions.

Respectfully submitted,

Monica P. Van Bussum
Water Resource Agent/GIS Technician
Adjudication Bureau

SCANNED

SEP 22 2005

RECEIVED
SEP 22 2005
Department of Water Resources

WARRANTY DEED

FOR VALUE RECEIVED JACK GIBSON McCOMBER and SYLVIA MARIE McCOMBER, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto WEST BUTTE LONGHORNS, INC., an Idaho corporation with its principal place of business in Weiser, Idaho, whose address is P. O. Box 390, Weiser, Idaho 83672, Grantee, the following described premises located in Washington County, Idaho, to-wit:

PARCEL A:

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

Section 30: That part of the S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ lying westerly of an established roadway along the easterly line of said S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$; AND that part of the South one-half of Lot 4 lying East of Ohms Ditch;

Section 31: That part of Lot 1 lying East of Ohms Ditch.

TOGETHER WITH a right of way for ingress and egress over an established roadway, along the South line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 30.

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

PARCEL B:

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

Section 30: S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$.

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

The Grantors transfer all interest in and to any and all oil, mineral, gas and other hydrocarbon substances, as well as any rights to air, wind, sunlight or other potential energy sources on or above the property.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all incumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

1-nd WARRANTY DEED

LAW OFFICES
BURTON & KROLL
20 WEST COURT STREET
P. O. BOX 367
WEISER, IDAHO 83672

SCANNED
SEP 22 2005

1 DATED this 30th day of July, 1984.

2
3 Jack Gibson McComber
4 Jack Gibson McComber

5 Sylvia Marie McComber
6 Sylvia Marie McComber

7 "Grantors"

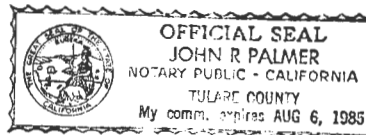
8
9 STATE OF CALIFORNIA

10 County of Tulare

11 On this the 30th day of July, 1984, before me, the undersigned,
12 a Notary Public in and for said State, personally appeared JACK
13 GIBSON McCOMBER and SYLVIA MARIE McCOMBER, husband and wife, known
14 to me to be the persons whose names are subscribed to the foregoing
15 instrument, and acknowledged to me that they executed the same.

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

18 John R. Palmer
19 Notary Public for:
20 Residing at: LINDSAY CA
21 Commission expires: 1



INSTRUMENT NO. 148861
STATE OF IDAHO, COUNTY OF WASHINGTON ss.
Filed for record at the request of

WASHINGTON COUNTY TITLE CO.

55 Min. past 2:00 o'clock P. M.
This 2ND day of MARCH 19 90

INDEX TO DEEDS
MARY KAUTZ, Recorder, Fee: \$6.00

By [Signature] Deputy

WASHINGTON COUNTY TITLE CO.

Cmp. Index ✓
Cmp. Rel. ✓
Filmt ✓
Compare ✓
Card Rel. ✓
Bk. Rel. ✓
Up-date ✓
Return ✓



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 8, 2005

JEANNE W WALLACE
PO BOX 711
WEISER ID 83672

RE: SRBA claims 67-597A, 67-00598, 67-00604, 67-00611A, 67-10994 and 67-11636

Dear Mrs. Wallace,

Per our phone conversation this morning, I am sending you a change of ownership form for the above-listed claims. Please complete the change of ownership form and send it back to me, including the warranty deeds we talked about.

Please feel free to contact me at (208) 287-4907 with any questions.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Monica', is written in dark ink.

Monica P. Van Bussum
Water Resource Agent/GIS Technician
Adjudication Bureau

CONVERSATIONAL MEMORANDUM

TO: File

FROM: Monica Van Bussum

DATE: 7 Sep 2005

RE: Phone conversation with Jeanne Wallace re: SRBA claims 67-597A, 67-598, 67-10994 and 67-11636

Jeanne Wallace phoned to explain a little of the history of the property involved and to see if she would even need to file ownership on the property.

The property they own (purchased from Gary Brown) is approximately 142 acres at the mouth of Mann Creek and was originally farmed by Gary Brown. This is an old property and was apparently homesteaded. Gary Brown was in arrears with FHA for 11 years.

The Wallaces were interested in an easement on the backside of the property, but Brown couldn't sell it because he wasn't in good standing with the FHA. Brown eventually filed for bankruptcy and came to them to borrow money to pay off the bank and he was supposed to pay them in full in one year's time. He failed to do so, and they eventually got the property after paying his bankruptcy debts. When the Wallaces acquired the property, they had the water done through Mann Creek Irrigation and have been paying Mann Creek Irrigation for 111 acres of irrigation since 1999/2000. They have spent the last five years trying to make the ditches usable and the land farmable. They have had stock on it all this time. They have been irrigating some on the backside of the property with gravity flow, but they can not pump out of the Ohms Ditch without replacing the pump, which they mean to do. They do not know how long Brown let the property lay dormant while he was having financial trouble.

I told Ms. Wallace I would check to see if their property is being claimed by Mann Creek Irrigation and, if it is, she won't need to do anything further. I told her if Mann Creek Irrigation is not claiming it, we will need to talk further and have some documentation of ownership, priority, etc.

Also received two messages from Earl Canada today, but he left no return number.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 26, 2005

EARL L CANADA JR
37200 N PENSTOCK DR
SAUGUS CA 91390

GLEN N WALLACE
PO BOX 711
WEISER ID 83672

LEONA WILSON
CLIFFORD E WILSON
1855 WEISER RIVER RD
WEISER ID 83672

RE: SRBA claims 67-597A, 67-00598, 67-10994 and 67-11636

Dear Claimants,

The Idaho Department of Water Resources is currently in the process of reviewing Snake River Basin Adjudication (SRBA) claims filed in basin 67. In my review, it appears that you now own property in Washington County that was previously owned by Gary D. Brown. The legal description is as follows:

T11N R04W S31	SE1/4 NW1/4
	NE1/4NW1/4
	NE1/4 SW1/4
	NW1/4NE1/4
	SW1/4NE1/4

Several claims to a water right have been filed on that property (enclosed).

If you use the water claimed for beneficial use, you need to file a change of ownership form in order to allow IDWR to change the name on the claims and ensure that you receive future correspondence (form enclosed).

In my initial review, despite needing a change of ownership, I have come across several issues that need to be addressed regarding the water right claims.

- 1) Looking at 1987 and 1998 aerial photography, the ground does not appear to be irrigated. Has water been put to beneficial use? If so, to what extent and how long has it been used? I have enclosed a map of the general area of irrigation

Sent
08/26
MVB

stated in your claim. Please outline the location of lands irrigated based on your claim, as well as the location of any points of diversion, if possible.

- 2) 67-597A claims 47 acres within what appeared to be approximately 128 acres originally owned by Gary D. Brown. What 47 acres are irrigated with water from 67-597A? Is it co-mingled with water from 67-10994 or 67-11636?
- 3) It appears the place of use for 67-11636 was claimed in error. The legal description on the claim is T11N R04W S31 SE1/4NW1/4. Instead, it looks like it should be T11N R04W S31 NW1/4SE1/4. Please confirm the place of use for this claim.
- 4) 67-10994 and 67-11636 are beneficial use claims. 67-10994 claims a priority date of March 15, 1945. 67-11636 claims a priority date of May 1, 1868. Evidence needs to be submitted supporting that water was put to beneficial use on those dates to the extent claimed. For your convenience, I am enclosing a pamphlet titled *Evidence Of Priority*, which describes what documents can be used to support the claimed priority date.
- 5) Because 67-10994 and 67-11636 are claimed based on beneficial use, all elements of the water rights need to be verified. IDWR personnel may need to conduct a field exam to verify the elements of the water right.

Please submit response to the items above and the required evidence supporting the priority date by September 14, 2005. PLEASE NOTE: Without the requested information, IDWR will recommend the SRBA Court decree the claim be disallowed.

I realize that this is a lot of information all at once. Please feel free to contact me at (208) 287-4907 with any questions.

Respectfully submitted,

Monica P. Van Bussum
Water Resource Agent/GIS Technician
Adjudication Bureau

Enclosure(s)

Cc: GARY D BROWN
1814 WEISER RIVER ROAD
WEISER ID 83672

RECEIVED

SEP 22 2005

Department of Water Resources

WARRANTY DEED

FOR VALUE RECEIVED, COLBY B. SANDLIAN, a divorced person dealing with his sole and separate property, and JACK R. HUNT, a divorced person dealing with his sole and separate property, 435 North Broadway, Suite 201, Wichita, Kansas 67202, the Grantors, do hereby convey and warrant unto GLEN N. WALLACE and JEANNE W. WALLACE, husband and wife, whose address is Post Office Box 329, Colusa, California 95932, the Grantees, the following described premises located in Washington County, Idaho, to-wit:

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

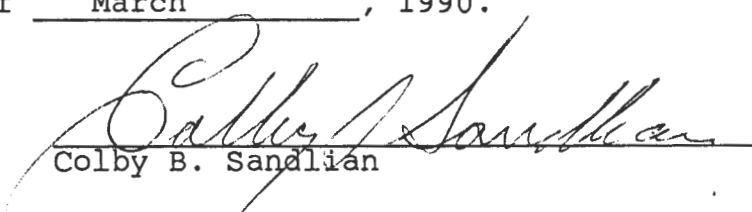
Section 29: NW1/4, N1/2SW1/4 EXCEPT right of way for Mann Creek Road;

Section 30: SE1/4NW1/4, S1/2NE1/4, NE1/4SW1/4, N1/2 SE1/4, EXCEPT right of way for Mann Creek Road.

Together with any and all tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining to the property, including all existing fixtures; SUBJECT TO any and all easements, rights-of-way, or restrictions of record, and the exceptions, provisions and reservations contained in patents or deeds from the United States of America, or the State of Idaho, or in other deeds of record.

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

DATED this 2nd day of March, 1990.


Colby B. Sandlian

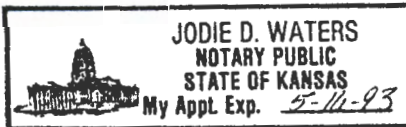


Jack R. Hunt

STATE OF KANSAS)
)
) SS.
COUNTY OF SEDGWICK)

On this 2nd day of March, 1990, before me, the undersigned, a Notary Public in and for the State of Kansas, personally appeared COLBY B. SANDLIAN, a divorced person dealing with his sole and separate property, known to me to be the person executing the within instrument, and acknowledged to me that he executed the same.

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

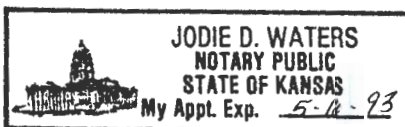


Edi S. Watkins
Notary Public for Kansas
Residing at 1430 S. Elizabeth; Wichita, KS
My Commission expires: May 16, 1993

STATE OF KANSAS)
 : ss.
COUNTY OF SEDGWICK)

On this 2nd day of March, 1990, before me, the undersigned, a Notary Public in and for the State of Kansas, personally appeared JACK R. HUNT, a divorced person dealing with his sole and separate property, known to me to be the person executing the within instrument, and acknowledged to me that he executed the same.

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





 Notary Public for Kansas
 Residing at 1430 S. Elizabeth; Wichita, KS
 My Commission expires: May 16, 1993

Instrument No. 148870
Page 3 of 3 Pages

INSTRUMENT NO. 148870
STATE OF IDAHO, COUNTY OF WASHINGTON ss.
Filed for record at the request of

WASHINGTON COUNTY TITLE CO.

00 Min. past 2:00 o'clock P. M.
This 5TH day of MARCH 19 90

INDEX TO DEEDS
MARY KAUTZ, Recorder, Fee: \$9.00

By [Signature] Deputy

WASHINGTON COUNTY TITLE CO,

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

SCANNED

SEP 27 2005

WARRANTY DEED

RECEIVED

SEP 22 2005

Department of Water Resources

For Value Received ROSITA P. MARVEL, a married woman, dealing with her sole and separate property,

the grantor, does hereby grant, bargain, sell and convey unto WEST BUTTE LONGHORNS, INC.,
an Idaho Corporation, whose
address is: P. O. Box 390
Weiser, Idaho 83672

the grantee, the following described real estate situated in Washington County,
State of Idaho, to-wit:

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

Section 29: SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Section 30: SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Section 31: E $\frac{1}{2}$ NE $\frac{1}{4}$.

EXCEPT right of way for Mann Creek Road, as granted by right of way deed
recorded in _____ of Washington County, Idaho.

704 Mann Creek Rd

3-84 MARVEL to West Butte
Longhorns (Wallace Corporation)

12-86 West Butte Longhorns
to Glen + Jeanne
Wallace

TO HAVE AND
its successors
with the said Grantee
premises are free from
recorded in Book
John and Gene Gal
strument No. 118
and that she w

Dated this 14th

4-87 Glen Wallace
quit claim to
Jeanne Wallace

STATE OF IDAHO, C

On this 14th
before me, a notary public,
appeared

Rosita P. Marvel

known to me to be the
subscriber to the within
me that

R. P. Marvel

Residing at
Comm. Expires 9/1/86

Weiser, Idaho

Fees \$2.00

Mailed to: Washington County Title

Warranty Deed

INDEXED COMPARED

INSTRUMENT No. 132601

SCANNED

SEP 22 2005

WARRANTY DEED

WEST BUTTE LONGHORNS, INC., a corporation organized and existing under the laws of the State of Idaho, with its principal office in Washington County, State of Idaho, GRANTOR, hereby grants, bargains, sells, warrants and conveys unto GLEN N. WALLACE and JEANNE W. WALLACE, husband and wife, GRANTEES, of Route 2, Box 72, Weiser, Washington County, State of Idaho, for good and valuable consideration, including redemption by GRANTEES of all stock in GRANTOR, the following described premises in Washington County, State of Idaho, to-wit:

The Southwest Quarter of the Southwest Quarter of Section Twenty-nine (29); the Southeast Quarter of the Southeast Quarter of Section Thirty (30) and the East Half of the Northeast Quarter of Section Thirty-one (31), Township Eleven (11) North of Range Four (4) West of the Boise Meridian.

Except right-of-way for Mann Creek Road, as granted by right-of-way deed recorded in Book 70 Deeds, page 538 records of Washington County, Idaho.

Subject to a reservation for all of the gas, oil and mineral rights in and to the above-described real property.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said GRANTEES, their heirs and assigns forever. And the said GRANTOR does hereby covenant with said GRANTEES that it is the owner in fee simple of said premises; that said premises are free from all encumbrances except for certain mortgages of record in the official records of Washington County, State of Idaho; and that it will warrant and defend the same from all lawful claims whatsoever.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby were duly authorized under a resolution duly adopted by the board of directors of GRANTOR at a lawful meeting duly held and attended by all directors.

IN WITNESS WHEREOF, GRANTOR has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 30 day of December, 1986.

WEST BUTTE LONGHORNS, INC.

BY: Glen N. Wallace
Glen N. Wallace, President

ATTEST:

Jeanne W. Wallace
Jeanne W. Wallace, Secretary

STATE OF IDAHO)
) ss.
County of Washington)

On this 30th day of December, 1986, before me, a Notary Public, personally appeared GLEN N. WALLACE and JEANNE W. WALLACE, known or identified to me to be the president and secretary, respectively, of WEST BUTTE LONGHORNS, INC., the corporation that executed the instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

G. Hansen McNeil
NOTARY PUBLIC for Idaho
Residing at Aspen, Idaho
My commission expires: 9/1/92

INSTRUMENT NO. 141943
STATE OF IDAHO, COUNTY OF WASHINGTON ss.
Filed for record at the request of

Washington County Title

08 4:00 o'clock P.M.
This 30th day of December 19 86

Index of Deeds as # 278
MARY KAUTZ, Recorder. Fee: \$4.00

By Shirley Joney Deputy
Return to: Washington County Title

INDEXED

COMPARED

WARRANTY DEED - 2

SCANNED
SEP 22 2005

QUITCLAIM DEED

For Value Received GLEN N. WALLACE, SR.

do hereby convey, release, remise and forever quit claim

unto JEANNE W. WALLACE
Rt. #2, Box 72, Weiser, Idaho 83672
the following described premises, to-wit:

Situate in Washington County, Idaho:

That property more particularly described on the attached
Exhibit "A".

together with their appurtenances.

Dated: 20th day of April, 1987.STATE OF IDAHO, COUNTY OF Washington
On this 20th day of April, 1987,
before me, a notary public in and for said State, personally
appeared GLEN N. WALLACE, SR.known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that he executed the same.Residing at Weiser, Idaho
Comm. Expires 3/93

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request ofat _____ minutes past _____ o'clock m.,
this _____ day of _____
19____, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____ Deputy.

Fees \$
Mail to:

SCANNED

SEP 22 2005

The Southwest Quarter of the Southwest Quarter of Section Twenty-nine (29); the Southeast Quarter of the Southeast Quarter of Section Thirty (30) and the East Half of the Northeast Quarter of Section Thirty-one (31), Township Eleven (11) North of Range Four (4) West of the Boise Meridian.

Except right-of-way for Mann Creek Road, as granted by right-of-way deed recorded in Book 70 Deeds, page 538 records of Washington County, Idaho.

Subject to a reservation for all of the gas, oil and mineral rights in and to the above-described real property.

THE McCOMBER PROPERTY

PARCEL A:

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

Section 30: That part of the $S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$ lying westerly of an established roadway along the easterly line of said $S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$; AND that part of the South one-half of Lot 4 lying East of Ohms Ditch;

Section 31: That part of Lot 1 lying East of Ohms Ditch.

TOGETHER WITH a right-of-way for ingress and egress over an established roadway, along the South line of the $SW\frac{1}{4}SE\frac{1}{4}$ of said Section 30.

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

PARCEL B:

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

Section 30: $S\frac{1}{2}$ of the $SW\frac{1}{4}$ of the $SE\frac{1}{4}$.

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

INSTRUMENT NO. 143128
STATE OF IDAHO, COUNTY OF WASHINGTON ss.
Filed for record at the request of

Burton and Kroll
28 Min. past 11:00 o'clock A. M.

This 14th day of July 1987.

Index of Deeds as # 565
MARY KAUTZ, Recorder. Fee: \$6.00

By Shirley Jones Deputy

Return to: Burton and Kroll

INDEXED COMPARED

SCANNED

SEP 22 2005