

05/16/2007

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

RIGHT NUMBER: 67-599

NAME AND ADDRESS: JEANNE W WALLACE
PO BOX 711
WEISER ID 83672

GLEN N WALLACE
PO BOX 711
WEISER ID 83672

SOURCE: MANN CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.210 CFS

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.

PRIORITY DATE: 04/01/1894

This right is a Secondary Right, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), and, as such, is subordinate only to all rights identified as Primary Rights on Mann Creek.

POINT OF DIVERSION:

T11N R04W S19 SWSWSE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.210 CFS

PLACE OF USE:

IRRIGATION in WASHINGTON County

T11N R04W S30 SESW 13.00

13 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 - Decreed

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-599 V1

WATER RIGHT NUMBER: 67-599 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JEANNE W WALLACE PO BOX 711 WEISER, ID 83672 (208)549-0187
Current Owner	GLEN N WALLACE PO BOX 711 WEISER, ID 83672 (208)549-0187
Directors Report Owner	KENNETH E EBRIGHT 1447 NW 3RD AVE ONTARIO, OR 97914
Original Owner	N R MOORE , ID
Directors Report Owner	NORMA J EBRIGHT 1447 NW 3RD AVE ONTARIO, OR 97914
Original Owner	EMMA LUND MOORE , ID

Priority Date: 04/01/1894

Basis: Decreed

Status: Active

Source

MANN CREEK

Tributary

WEISER RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 11/15

Diversion Rate

0.210 CFS

Annual VolumeTotal Diversion: 0.210 CFSLocation of Point(s) of Diversion

MANN CREEK

SW1/4SW1/4SE1/4

Sec. 19, Twp 11N, Rge 04W, B.M.

WASHINGTON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
11N	04W	30	NE	NW	SW	SE	13.0
							13.0

Total Acres: 13

IDAHO DEPARTMENT OF WATER RESOURCES
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Conditions of Approval:

1. 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.
2. 168 This right is a Secondary Right, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), and, as such, is subordinate only to all rights identified as Primary Rights on Mann Creek.
3. 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.

Remarks:Comments:

1. segbert 6/10/2004 Quantity
Comment: Cannot verify the diversion rate

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 11:40:13 AM	segbert			Active
Source	6/10/2004 11:40:34 AM	segbert			Active
POU	6/10/2004 11:40:51 AM	segbert			Active
Use	6/10/2004 11:51:19 AM	segbert			Active
Season	6/10/2004 11:51:43 AM	segbert			Active
Quantity	6/10/2004 11:52:56 AM	segbert			Active
POD	6/10/2004 11:57:53 AM	segbert			Active
Priority Date	12/2/2005 11:14:55 AM	dnarsavage			Active

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POD	12/2/2005 11:15:33 AM	dnarsavage	Active
Source	12/2/2005 11:18:20 AM	dnarsavage	Active
POU	12/2/2005 11:18:30 AM	dnarsavage	Active
Season	12/2/2005 11:20:06 AM	dnarsavage	Active
Quantity	12/2/2005 11:20:31 AM	dnarsavage	Active
Summary		12/02/2005 dnarsavage	Active
Use	12/2/2005 11:21:24 AM	dnarsavage	Active
POD	5/2/2006 8:12:39 AM	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	12/2/2005 11:15:33 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Source	12/2/2005 11:18:20 AM	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?
General	12/2/2005 11:14:55 AM	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?
POU	12/2/2005 11:18:56 AM	dnarsavage	Updated shape for Active POU
Season	12/2/2005 11:20:07 AM	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?

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Summary	12/2/2005 11:21:14 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	12/2/2005 11:17:22 AM	dnarsavage	Updated shape
POU	12/2/2005 11:18:31 AM	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?
Quantity	12/2/2005 11:20:31 AM	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?
Use	12/2/2005 11:21:25 AM	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?
Quantity	6/10/2004 11:52:57 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? (No) 5. Can the claimed diversion rate and/or volume be verified using the water right file?

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Use	6/10/2004 11:51:20 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?
POU	6/10/2004 11:50:45 AM	segbert	Edited shape boundary
Season	6/10/2004 11:51:43 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?
Priority Date	6/10/2004 11:40:13 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?
Source	6/10/2004 11:40:34 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 11:40:51 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?
POD	6/10/2004 11:57:53 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License?
POD	5/2/2006 8:12:40 AM	dnarsavage	(No) 1. Is the basis of this claim a Decree or License?
POU	10/6/2005 2:51:12 PM	dnarsavage	Updated shape for Active POU

Water Supply Bank:

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

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

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

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
	67-610A			-OK to change MVB 5-16-2007	
	67-599			-OK to change MVB 5-16-2007	
	67-606A			-OK to change MVB 5-16-2007	

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. *no fee*
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s)

Kenneth & Norma Ebright

4. New Owner/Claimant(s)

Glen + Jeanne Wallace

Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

P.O. Box 711

City, State and ZIP Code

Weiser, Id.

83672

New Telephone Number

(208) 549-0187

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5. Date you acquired the property _____

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

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

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

7. Signature(s) of New Owner(s) or Claimant(s) _____

(title if applicable)

(title if applicable)

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

For IDWR Office Use Only:
 Received by _____
 Received by _____
 Processed by _____ AJ

 Date _____
 Date _____
 Date _____

 Receipt Amt. _____
 Receipt No. _____
 WR _____
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NCRP prepared 5-18-07
APR 17 2007
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MAY 18 2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**INSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary. Please attach additional sheets to the form if you require additional space to describe or explain any of the questions on the form.

Effective July 1, 2000, the Idaho Legislature amended Section 42-248, Idaho Code to include a provision for fees to file a Notice of Change in Water Right Ownership. Please see details at Line 8, below, to determine if fees are required for your filing.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office if you would like more information or need help completing this form (a list of our offices are listed on page 2 of these instructions), or call 1-800-451-4129. Water right information can be found on the Department's website using the "On-Line Data" search at: www.idwr.idaho.gov.

LINE INSTRUCTIONS:

1. If there are water rights associated with the property, **the seller should be able to provide you with the water right or adjudication claim number(s)**. Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. IDWR cannot process this change without documentation of ownership. The preferred types of documentation are listed. Contact IDWR if you have difficulty obtaining this information. **Do not** obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s).
4. Enter the name, mailing address, and telephone numbers of the new owner/claimant(s) and indicate the relationship between multiple owners by using the connector "and", "or", or "and/or" as indicated on your deed or other evidence of ownership

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5. Provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may have purchased only a portion of the water right(s) held by the seller. If this 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. For each water right requiring a split between owners, fill in the appropriate spaces. Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). **If the water right(s) will not be split, skip line 6 and go to line 7.**
7. The new owner(s) must sign the form in the space(s) provided. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.
8. The Legislature has waived the fee to file a Notice of Change in Water Right Ownership for any water right pending in a general water right adjudication such as the Snake River Basin Adjudication. This waiver ends when a partial decree is issued for the water right that has been claimed. For water rights not pending in a general adjudication, the filing fee is \$25 per water right, except for those water rights that will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided.
9. When complete, retain a copy and **file the original form with the IDWR office nearest you, with copies of your ownership documents and the appropriate filing fee:**

IDWR Northern Region
7600 Mineral Dr., Suite 100
Coeur d'Alene, ID 83815
(208) 762-2800

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

- OR -

IDWR State Office
322 East Front St
Sixth Floor
P.O. Box 83720
Boise, ID 83720-0098
(208) 287-4800

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(Optional)

Recorded ☐
 Microfilmed ☐
 Indexed ☐

Platted ☐
 Deed Card ☐
 Compared ☐

Key Punched ☐
 Master File ☐
 Abstracted ☐

To Treasurer ☐
☐

(DO NOT WRITE ABOVE THIS LINE)

WARRANTY DEED

KEE ENTERPRISES, a sole proprietorship composed of K. E. EBRIGHT
 and NORMA J. EBRIGHT, husband and wife,
 of Weiser County of Washington
 hereby CONVEYS, GRANTS and WARRANTS TO

GRANTOR(S)
 State of Idaho

GLEN N. WALLACE and JEANNE W. WALLACE, husband and wife,

GRANTEE(S)

whose current address is P. O. Box 329 Colusa, California 95932

for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION Dollars (\$10.00)

the following described tract(s) of land in Washington

County, State of Idaho:

IN WASHINGTON COUNTY, IDAHO:

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

Section 30: N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

SUBJECT to road and ditch rights of way.

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

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Department of Water Resources
 Adjudication Bureau

Location of above described property _____

House No. _____

Street _____

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WHEREAS, Assignor has acquired an equity in said real property and desires to assign said property and contract to Assignee herein, and

WHEREAS, Assignee is desirous to assume said real property contract.

NOW, THEREFORE, in consideration of the mutual promises, covenants and agreements between the parties hereto, it is hereby agreed as follows:

CONSIDERATION: That for a valuable consideration in the amount of THIRTY-NINE THOUSAND ONE HUNDRED FIFTEEN AND 46/100 (\$39,115.46) DOLLARS, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Assignor hereby assigns to the Assignee all of their right, title and interest in and to the real property herein described.

ASSUMPTION OF CONTRACTS: Assignee hereby agrees to assume all obligations under the Gabica/Kee Enterprises Contract dated the 20th day of May, 1982. Specifically, the Assignee understands that there is currently the sum of FORTY THOUSAND EIGHT HUNDRED EIGHTY-FOUR AND 54/100 (\$40,884.54) DOLLARS due and owing to John Gabica and Gene Gabica, husband and wife, which amount the Assignee agrees to assume and pay in full, with the next annual payment of \$6,535.97 including 10 1/2% interest, being due on the 20th day of May, 1992, which payment the Assignee agrees to make. The Assignee hereby agrees to assume all right, title and interest in and to the above described property and to the terms and provisions of the contract as

2 ** ASSIGNMENT OF CONTRACT

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Department of Water Resources
Adjudication Bureau

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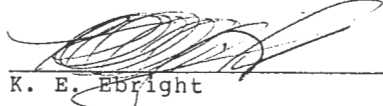
preparation of this Assignment of Contract and accompanying documents.

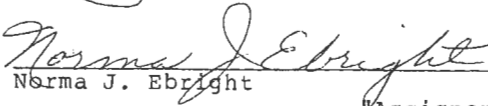
ESCROW FEE: The Assignee shall pay all escrow fees.

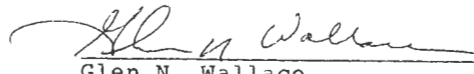
As used in this document, the masculine, feminine or neuter gender, and the singular or plural number shall each be deemed to include the others whenever the context so indicates.

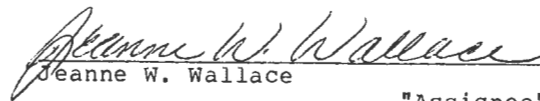
IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

KEE ENTERPRISES


K. E. Ebright


Norma J. Ebright
"Assignor"


Glen N. Wallace


Jeanne W. Wallace
"Assignee"

4 ** ASSIGNMENT OF CONTRACT

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Department of Water Resources
Adjudication Bureau

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MAY 18 2007

CONTRACT OF SALE

THIS AGREEMENT, made this 20th day of May, 1982, by and between JOHN GABICA and GENE GABICA, husband and wife, hereinafter referred to as Seller, and KEE ENTERPRISES, a sole proprietorship composed of K. E. EBRIGHT and NORMA J. EBRIGHT, husband and wife, hereinafter referred to as Buyer.

SALE: Seller, in consideration of the covenants and agreements of Buyer hereinafter contained, agrees to sell and convey unto Buyer and Buyer agrees to buy all that certain real property, together with all and singular the rights and appurtenances thereto in anywise belonging, situated in the County of Washington, State of Idaho, described as follows, to-wit:

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

Section 30: N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SUBJECT TO road and ditch rights of way.

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

PRICE AND TERMS OF PAYMENT: Buyer agrees to pay for the premises and Seller agrees to accept as the purchase price therefor the sum of SIXTY-EIGHT THOUSAND FOUR HUNDRED AND NO/100 (\$68,400.00) DOLLARS, to be paid as follows:

1. FIFTEEN THOUSAND AND NO/100 (\$15,000.00) DOLLARS on the signing and delivery of this contract, the receipt of which is hereby acknowledged, and

2. BALANCE OF FIFTY-THREE THOUSAND FOUR HUNDRED AND NO/100 (\$53,400.00) DOLLARS payable in equal annual installments of SIX THOUSAND FIVE HUNDRED THIRTY-FIVE AND 97/100 (\$6,535.97) DOLLARS, with the first of said annual payments being due on the 20th day of May, 1983, and a like payment on the 20th day of May of each and every year thereafter until both principal and interest are paid in full. Interest shall be computed at the rate of ten and one-half percent (10 $\frac{1}{2}$ %) per annum from May 20, 1982, and shall be included in said installments.

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

1-nd CONTRACT OF SALE

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Department of Water Resources
Adjudication Bureau

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MAY 18 2007

prudent owner would take. That the growing crops located on the
herein described property shall become the property of the Buyer
upon closing.

PERSONAL PROPERTY: It is understood and agreed that all
irrigation equipment currently located upon the herein described
property is included in the herein set forth selling price and
transfers to the Buyer upon closing.

TITLE INSURANCE: The Seller shall within a reasonable time
and not more than thirty days from the date of contract, provide a
title insurance policy in the amount of \$68,400.00, showing title
vested in ELDORA FOREMAN, a/k/a Eldora R. Foreman, a widow, subject
to the contract rights of John Gabica and Gene Gabica, and subject
to current taxes and any easements of record. Costs of the title
insurance policy shall be paid by the Seller, and the original policy
shall be placed in escrow.

PRIOR ENCUMBRANCES: The Buyer understands that the Seller is
purchasing this property under a Contract of Sale dated the 15th day
of April, 1980, from Eldora R. Foreman, a widow. The Seller agrees
to remain liable for all payments under the Contract of Sale, and
agrees to have the contract paid off prior to final payment under
this Contract of Sale, thereby passing free and clear title to the
Buyer herein. In the event that the Seller herein fails to make any
payments due under the FOREMAN-GABICA contract, then the Buyer herein
may make said payments and deduct those amounts so paid from the
amount due on this contract.

The escrow agent under the FOREMAN-GABICA contract (First Inter-
state Bank) shall be directed to give the Buyer herein notice of any
default filed under the FOREMAN-GABICA escrow.

ADDRESSES: For the purpose of any notices required under the
provisions of this Agreement, the following are the addresses of
the parties until such time as each shall notify the other in writing
of a change of address:

Seller: Mr & Mrs. John Gabica
Route 1, Box 132D
Weiser, Idaho 83672

Buyer: Kee Enterprises
c/o K. E. Ebright
Route #2
Weiser, Idaho 83672

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

3-an CONTRACT OF SALE

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1 Notice of Forfeiture, and in the event Buyer has not corrected the
2 default set forth in the said Notice of Forfeiture, the said escrow
3 holder is then instructed to return all papers in its possession
4 under said escrow to the said Seller, his agents or assigns.

5 IT IS FURTHER PROVIDED, that in the event of any default in
6 performance by the Buyer of any of the terms and conditions of this
7 agreement including the foregoing defaults, then in lieu of
8 declaring a forfeiture of the rights of the Buyer as hereinbefore
9 provided, the Seller at his option may declare the entire unpaid
10 balance of the purchase price immediately due and payable and
11 foreclose this contract in the manner provided by law for the fore-
12 closure of mortgages in which event a reasonable sum to be fixed by
13 the Court shall be allowed the Seller as attorney fees on such
14 foreclosure suit and the payment of said attorney fees shall be
15 secured by a lien on the above described lands with the same force
16 and effect as if they were a portion of the unpaid purchase price.

17 Attorney's fees for preparing the notice of default and any
18 other expense incurred by Sellers incident to preparation and
19 service of the notice of default shall be stated in the notice. As
20 a part of curing the default, Buyers shall pay this sum in addition
21 to the other amounts demanded on the notice.

22 ESCROW FEE: It is mutually understood and agreed that the
23 escrow fees will be divided equally between the parties.

24 LEGAL FEE: It is understood by all parties hereto that the
25 attorneys drafting this agreement represent the Seller, and the
26 Buyer is free to have this contract reviewed by an attorney of his
27 own choosing. Buyer agrees to pay to the Seller an amount equal to
28 one-half of the attorney fee incurred by the Seller as a reimburse-
29 ment of the costs of drafting this agreement.

30 ATTORNEY'S FEES: In the event suit or action arises hereunder
31 for the enforcement of any of the rights of the parties hereto, the
32 prevailing parties in such litigation shall be entitled, in addition

LAW OFFICES
BURTON & KROLL
29 WEST COURT STREET
P. O. BOX 387
WEISER, IDAHO 83672

5-nd CONTRACT OF SALE

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Adjudication Bureau

SCANNED

MAY 10 2007



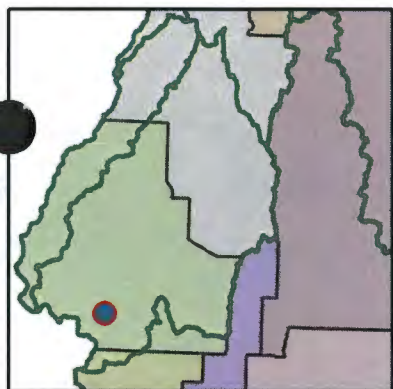
Idaho Department of Water Resources

Adjudication Claim:

67-599

Legend

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



Washington County
IDWR Basin 67

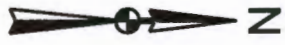


0 0.4 0.8 Miles



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

67-599



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-599 V1

WATER RIGHT NUMBER: 67-599 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KENNETH E EBRIGHT 1827 DEER CREEK RD WEISER, ID 83672 (208)549-3998
Original Owner	N R MOORE , ID
Current Owner	NORMA J EBRIGHT 1827 DEER CREEK RD WEISER, ID 83672 (208)549-3998
Original Owner	EMMA LUND MOORE , 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	0.210 CFS	
	<u>Total Diversion:</u>	0.210 CFS	

Location of Point(s) of Diversion

MANNS CREEK	SW1/4SW1/4SE1/4	Sec. 19, 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	30												13.0					13.0

Total Acres: 13

Conditions of Approval:

1. 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 67-599 V1

2. 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.
3. 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.

Remarks:Comments:

1. segbert 6/10/2004 Quantity
Comment: Cannot verify the diversion rate

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: OR
 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 11:40:13 AM	segbert			Active
Source	6/10/2004 11:40:34 AM	segbert			Active
POU	6/10/2004 11:40:51 AM	segbert			Active
Use	6/10/2004 11:51:19 AM	segbert			Active
Season	6/10/2004 11:51:43 AM	segbert			Active
Quantity	6/10/2004 11:52:56 AM	segbert			Active
POD	6/10/2004 11:57:53 AM	segbert			Active
Priority Date	12/2/2005 11:14:55 AM	dnarsavage			Active
POD	12/2/2005 11:15:33 AM	dnarsavage			Active
Source	12/2/2005 11:18:20 AM	dnarsavage			Active
POU	12/2/2005 11:18:30 AM	dnarsavage			Active
Season	12/2/2005 11:20:06 AM	dnarsavage			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-599 V1

Quantity	12/2/2005 11:20:31 AM	dnarsavage	Active
Summary	12/02/2005	dnarsavage	Active
Use	12/2/2005 11:21:24 AM	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	12/2/2005 11:15:33 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Source	12/2/2005 11:18:20 AM	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?
General	12/2/2005 11:14:55 AM	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?
POU	12/2/2005 11:18:56 AM	dnarsavage	Updated shape for Active POU
Season	12/2/2005 11:20:07 AM	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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-599 V1

Summary	12/2/2005 11:21:14 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	12/2/2005 11:17:22 AM	dnarsavage	Updated shape
POU	12/2/2005 11:18:31 AM	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?
Quantity	12/2/2005 11:20:31 AM	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?
Use	12/2/2005 11:21:25 AM	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?
Quantity	6/10/2004 11:52:57 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? (No) 5. Can the claimed diversion rate and/or volume be verified using the water right file?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-599 V1

Use	6/10/2004 11:51:20 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?
POU	6/10/2004 11:50:45 AM	segbert	Edited shape boundary
Season	6/10/2004 11:51:43 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?
Priority Date	6/10/2004 11:40:13 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?
Source	6/10/2004 11:40:34 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 11:40:51 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?
POD	6/10/2004 11:57:53 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License?
POU	10/6/2005 2:51:12 PM	dnarsavage	Updated shape for Active POU

Water Supply Bank:



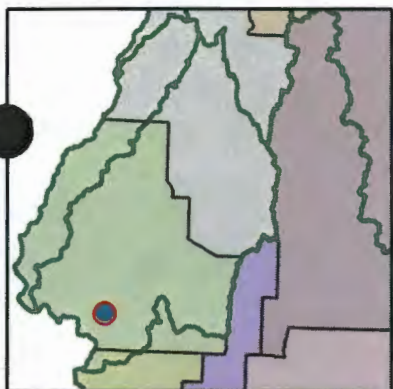
Idaho Department of Water Resources

Adjudication Claim:

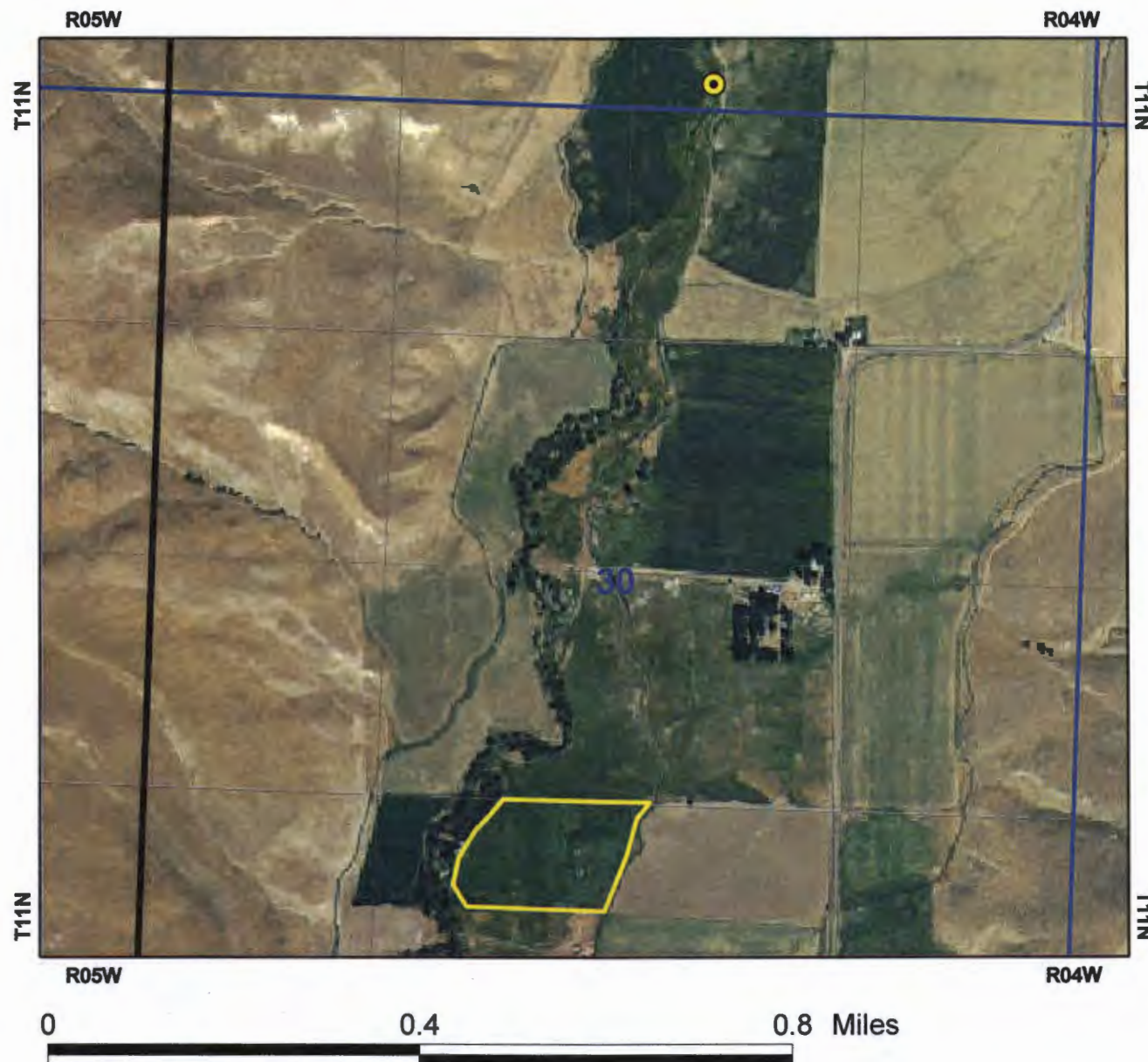
67-599

Legend

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

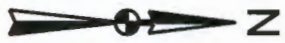


Washington County
IDWR Basin 67



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

67-599



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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A67-00599
Date Received: 9/11/1989
Receipt No: W005812
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENNETH E. EBRIGHT 208-549-3998
Address: 1827 DEER CREEK RD.
WEISER, ID 83672

OR
Name: NORMA J. EBRIGHT 208-549-3998
Address: 1827 DEER CREEK RD.
WEISER, ID 83672

2. Date of Priority: APR 01, 1894

3. Source: MANNS CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11N	04W	19	SW	SW	SE		WASHINGTON

5. Description of diverting works:
DIVERSION VIA BARTON DITCH, HEADGATE, DITCHES, FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.210		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATERING.

SCANNED
APR 06 2004

A67-00599

Page 1

Date: 09/11/89

MICROFILMED
OCT 01 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	04W	30	SE	SW		IRR	16.0
Section Acres							16.0
Total Acres							16.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
MANN CREEK IRRIG. DIST.

14. Remarks:
THIS IS A SECONDARY RIGHT IN THE MANNS CREEK DECREE. WATER IS
CARRIED IN THE BARTON DITCH. FLOODWATER RT IS .3 CFS AND LOW
WATER RIGHT IS .21 CFS.

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

E. V. JEFFERSON ET. AL.
Decree Plaintiff

vs

THOMAS HIGGENBOTHAM ET. AL.
Decree Defendant

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): Norma J. Ely Date: 9-11-89

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of September 19 89 Jan Thunte
Notary Public



Residing at Meridian ID
My Commission Expires 9-14-94

25 30

30

25 30

36 31

AW

A67-00606
DUMS DITCH
AC

16
AC
A67-00599
BARTON DITCH

16
AC

A67-00610A
LUNO DITCH

30

SEE LANE
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OCT 01 1992