

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-12015

WATER RIGHT NUMBER: 37-12015

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GEORGE T MERRILL AND MARILYN K MERRILL FAMILY TRUST 735 VICTOR POCATELLO, ID 83201 (208)237-6033
Original Owner	PARLEY JAMES MECHAM BOX 121 CAREY, ID 83320 (208)788-2530

Priority Date: 01/01/1880

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
<u>Total Diversion:</u>		0.040 CFS	

Location of Point(s) of Diversion

SPRING	NW1/4NW1/4NW1/4	Sec. 10, Twp 02N, Rge 21E, B.M.
BLAINE County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	21E	10						X											

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

Remarks:

1. Explanatory PARCEL NO. 02N21009449A

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-12015

Comments:

1. SEGBERT 12/3/1998 COPIED FROM REMARKS
Comment: 2 HOUSES USE SPRING FOR DOMESTIC USE, SEPERATE OWNERS.

Dates and Other Information:

Licensed Date:
Decreed Date: 1/5/2001
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 9, 2002

GEORGE AND MARILYN MERRILL FAMILY TRUST
735 VICTOR
POCATELLO ID 83201

RE: Decreed Water Right 37-12015

Dear Mr. and Mrs. Merrill:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the water right(s) noting the change in owner. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

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

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

RECEIVED
SEP 19 2002
 Department of Water Resources
 Southern Region

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	<u>37-12015</u>	☐			☐
		☐			☐
		☐			☐
		☐			☐
		☐			☐

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

A. The appropriate **FILING FEE**. See instructions for fee amounts. \$25

☒ 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)

Parley James Mecham
Box 121 Carey, ID 83320

- ☒ 4. New Owner/Claimant(s)

George T. Merrill and Marilyn K. Merrill Family Trust

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

New Mailing Address

735 Victor

City, State and ZIP Code

Pocatello, ID 83201

New Telephone Number

(208) 237-6033

5. Date you acquired the property

10-17-94

6. NA
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	_____	_____

X 7.

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

George T. Merrill
Marilyn K. Merrill

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 <u>[Signature]</u>	Date <u>9/20/02</u>	Fee <u>25.00</u>
Received by <u>[Signature]</u>	Date <u>9/20/02</u>	Receipt No. <u>5025237</u>
Processed by <u>[Signature]</u>	AJ Date <u>10/9/02</u>	WR _____ Date _____

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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-12015

NAME AND ADDRESS: PARLEY JAMES MECHAM
BOX 121
CAREY, ID 83320

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 01/01/1880

POINT OF DIVERSION: T02N R21E S10 NWNWNW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOUSE	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic Within Blaine County
T02N R21E S10 NWNW

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

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

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

WARRANTY DEED

For Value Received P.J. Mecham, also known as Parley James Mecham, a single man

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
George T. Merrill and Marilyn K. Merrill Family Trust
whose address is: 735 Victor Ave., Chubbuck, ID 83202

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

A PARCEL OF LAND LOCATED IN THE NW1/4 NW1/4 SECTION 10, TOWNSHIP 2 NORTH,
RANGE 21 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO, MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

COMMENCING at a brass cap marking the northwest corner of said Section 10,
which point is the REAL POINT OF BEGINNING; thence
S. 00° 43' 45" West, 186.39 feet along the West boundary of said Section 10
to the North corner of Tax Lot 6033; thence
South 38° 17' 30" East, 1,016.27 feet along the line common to Tax Lots
6033 and 6034; thence
North 52° 01' 48" East, 881.75 feet, more or less to the east boundary of
said NW1/4 NW1/4, Section 10; thence
North 00° 01' 23" West, 136.56 feet, more or less, along the East boundary
of said NW1/4 NW1/4, Section 10 to the Southeast boundary of Tax Lot 4455;
thence
South 40° 01' 08" West, 16.58 feet more or less, along the Southeast
boundary of Tax Lot 4455; thence
North 60° 20' 26" West, 68.07 feet, more or less, along the line common to
Tax Lots 4455 and 6034; thence
North 14° 17' 16" East, 281.94 feet, more or less, along said common line
to the northeast corner of said NW1/4 NW1/4, Section 10; thence
North 89° 32' 03" West, 1,322.25 feet, more or less, along the north
boundary of Section 10 to the POINT OF BEGINNING.

Subject to: 1/2 interest in a domestic water spring which is reserved to
the use of the grantor named herein and including a 1/2 interest in a 4-
horsepower sprinkler pump.

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

Dated: October 14, 1994

P.J. Mecham

P.J. Mecham, also known as Parley James Mecham

State of Idaho

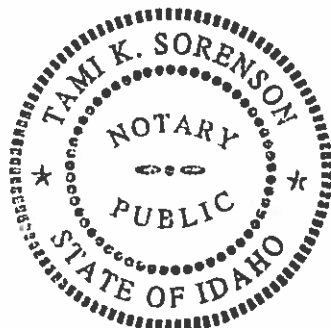
County of Blaine

On October 17, 1994 before me, the undersigned, a Notary Public in and for said State, personally appeared P.J.
Mecham, also known as Parley James Mecham personally known to me (or proved to me on the basis of satisfactory evidence) to
be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he executed the same.

WITNESS my hand and official seal.

Signature

Commission Expires: 7/12/2000



BLAINE CO. REQUEST
FIRST AMERICAN TITLE CO.
OF _____

1994 OCT 17 P 2: 23

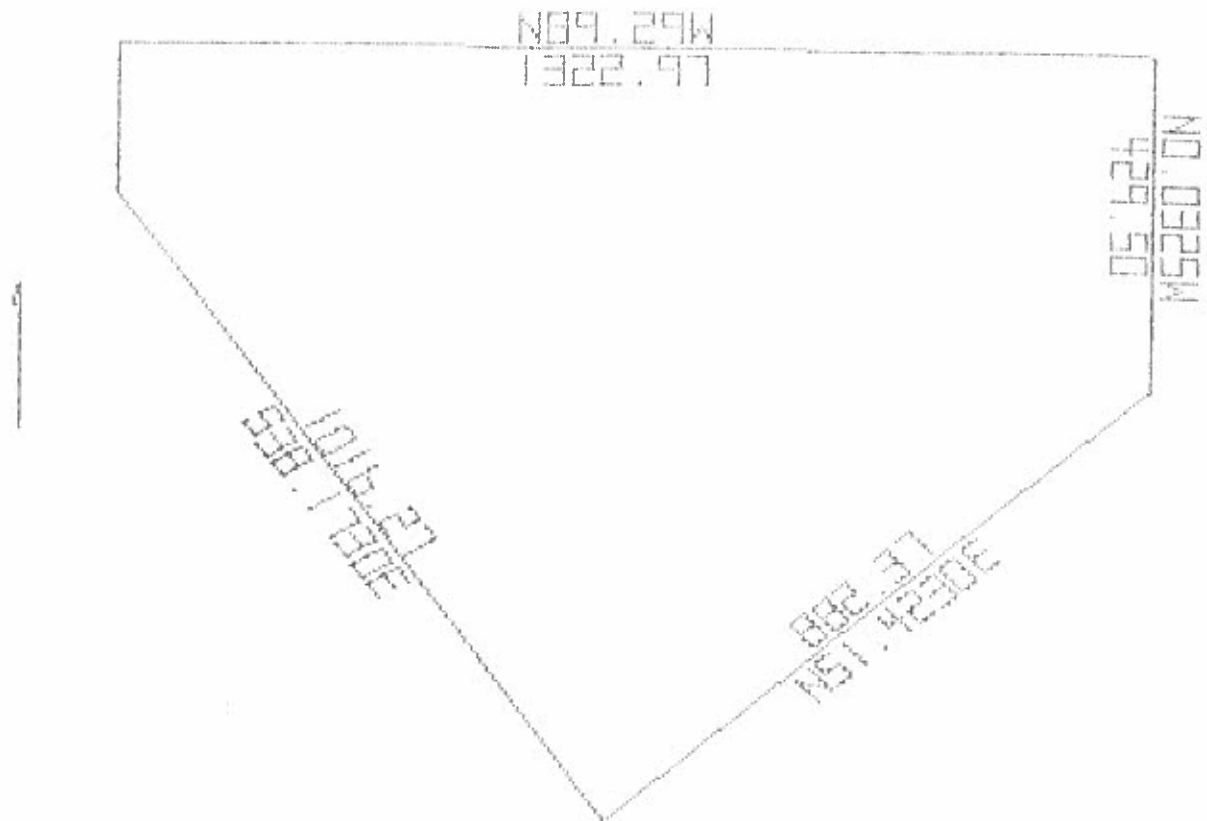
MARY GREEN, CLERK

FEES \$ 3.00

Mary Green
clerk

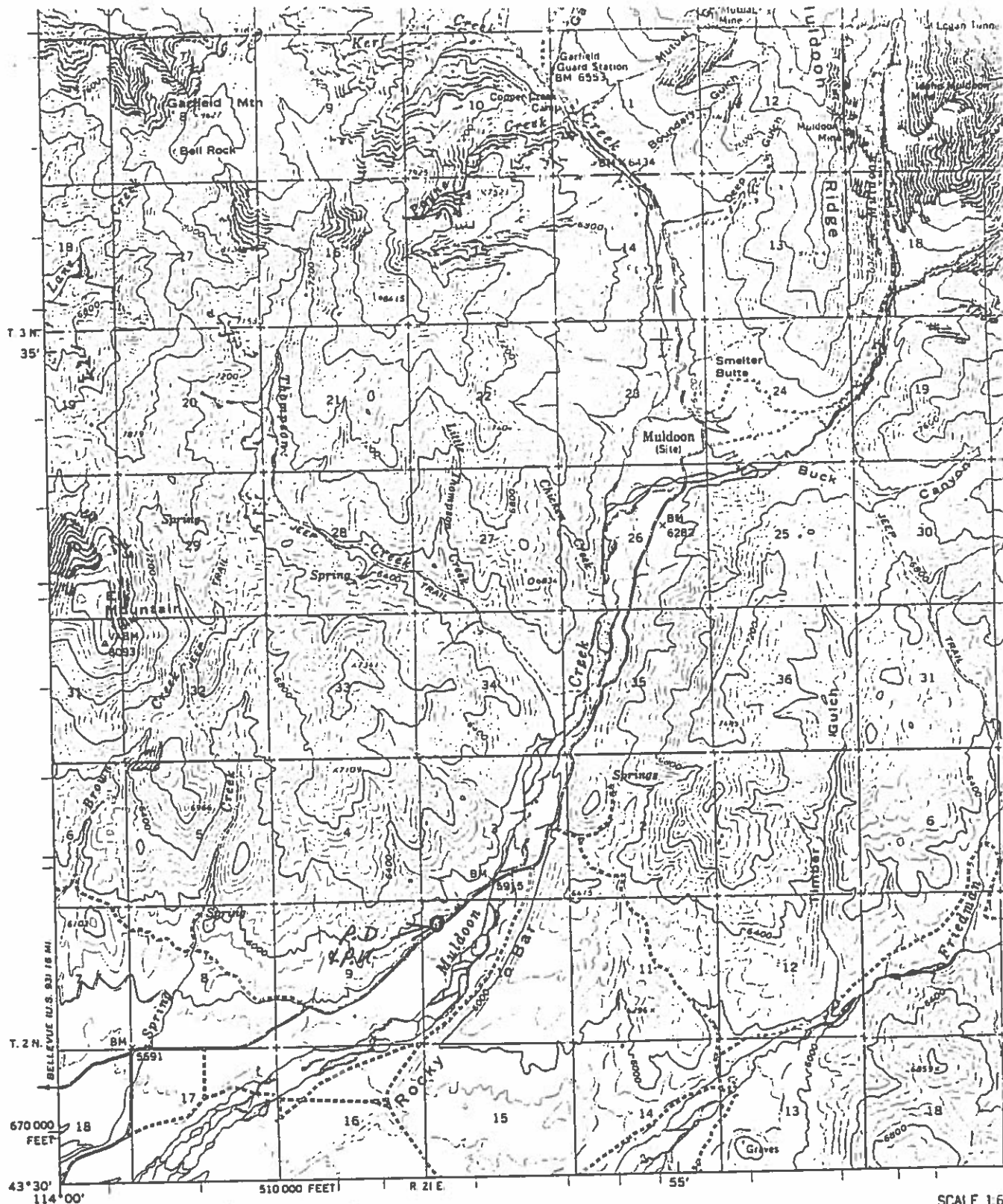
371843

Plat of Deed Calls for: 6034



6034	1	 AREA	1	.. CLOSING ERROR ..
Scale : 244 ft/in	1	Acres : 19.648	±	Bearing: S21.0558E
North Shift: +0	1	Sq. Feet : 855874	±	Feet : 4.46
East Shift : +0	1	Sq. Meters: 79513.2	±	Meters : 1.36
DMS Rotated: +000.0000	1	Perimeter : 5837.50	1	Precision: 1/857

1. S0.1018W 186.37
2. S38.1730E 1016.27
3. N51.4230E 882.37
4. N0.0325W 429.50
5. N09.29W 1322.97

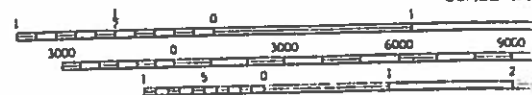
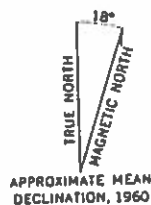


Mapped, edited, and published by the Geological Survey
Control by USGS and USC&GS

Topography from aerial photographs by photogrammetric methods
Aerial photographs taken 1957. Field check 1960

Polyconic projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system, central zone
1000-meter Universal Transverse Mercator grid ticks,
zone 12, shown in blue

Dashed land lines indicate approximate locations
Land lines unsurveyed in T. 5 N.-Rs. 21 and 22 E.,
and part of T. 3 N.-R. 22 E.



CONTOUR INTER.
DATUM IS MEAN

THIS MAP COMPLIES WITH NATION
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER
A FOLDER DESCRIBING TOPOGRAPHIC MAPS

SCHEDULE A

Order No. 17692

Policy No. H-746941

Amount of Insurance: ~~575,000.00~~

Premium: ~~\$887.00~~

Date of Policy: October 17, 1994 at 2:23 p.m.

1. Name of Insured:

George T. Merrill and Marilyn K. Merrill Family Trust

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

A fee simple estate.

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

George T. Merrill and Marilyn K. Merrill Family Trust

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

See Attached Schedule "C"

ALTA Owner's Policy
(6-1-87)
Schedule B

SCHEDULE B

Order No. 17692

Policy No. H-746941

EXCEPTIONS FROM COVERAGE

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

PART I

SECTION 1

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

SECTION 2

1. General taxes for the year 1994, a lien, not yet due or payable.
2. Subject to: 1/2 interest in a domestic water spring which is reserved to the use of the grantor named herein and including a 1/2 interest in a 4-horsepower sprinkler pump as shown in that certain Warranty Deed recorded October 17, 1994, as Instrument No. 371843, records of Blaine County, Idaho.

END OF SCHEDULE B II

SCHEDULE C

The land referred to in this policy is situated in the State of Idaho, County of Blaine and is described as follows:

A PARCEL OF LAND LOCATED IN THE NW1/4 NW1/4 SECTION 10, TOWNSHIP 2 NORTH, RANGE 21 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING at a brass cap marking the northwest corner of said Section 10, which point is the REAL POINT OF BEGINNING; thence

S. 00° 43' 45" West, 186.39 feet along the West boundary of said Section 10 to the North corner of Tax Lot 6033; thence

South 38° 17' 30" East, 1,016.27 feet along the line common to Tax Lots 6033 and 6034; thence

North 52° 01' 48" East, 881.75 feet, more or less to the east boundary of said NW1/4 NW1/4, Section 10; thence

North 00° 01' 23" West, 136.56 feet, more or less, along the East boundary of said NW1/4 NW1/4, Section 10 to the Southeast boundary of Tax Lot 4455; thence

South 40° 01' 08" West, 16.58 feet more or less, along the Southeast boundary of Tax Lot 4455; thence

North 60° 20' 26" West, 68.07 feet, more or less, along the line common to Tax Lots 4455 and 6034; thence

North 14° 17' 16" East, 281.94 feet, more or less, along said common line to the northeast corner of said NW1/4 NW1/4, Section 10; thence

North 89° 32' 03" West, 1,322.25 feet, more or less, along the north boundary of Section 10 to the POINT OF BEGINNING.

AJ5856NP

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

DATE: SEP-19-1997

PAGE: A-103

RIGHT NUMBER: 37-12015

NAME & ADDRESS: PARLEY JAMES MECHAM
BOX 121
CAREY ID 83320

*Bruce & Sherry Price
Box 1022
Bullwinkle ID 83313*

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 0.04 CFS

PRIORITY DATE: 01/01/1880

POINT OF DIVERSION: T02N R21E S10

NWNWNW

Within BLAINE County

PURPOSE AND

PERIOD OF USE: PURPOSE OF USE
DOMESTIC D/1 HOUSE

PERIOD OF USE
01-01 12-31

QUANTITY
0.04 CFS

PLACE OF USE: DOMESTIC
T02N R21E S10

Within BLAINE County
NWNW

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

2 HOUSES USE SPRING FOR DOMESTIC USE, SEPERATE OWNERS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

02N21009449A

Verified by

Duf

Date: *11-2-98*

Verification Source:

City land lpts '91+98

maps

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: A37-12015
Date Received: 10/25/1988
Receipt No: S003217
Received By: Tw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PARLEY JAMES MECHAM 208-788-2530
Address: BOX 121
CAREY, ID 83320

2. Date of Priority: JAN 01, 1880

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	21E	10	NW	NW	NW		BLAINE

5. Description of diverting works:
PIPE, TANK

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

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	21E	10	NW	NW		DOMEST	

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:
2 HOUSES USE SPRING FOR DOMESTIC USE, SEPERATE OWNERS.

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): Farley James Micharr Date: 10/25/88
Date:

State of Idaho)
County of TC) SS.

Subscribed and sworn (or affirmed) before me this 25 day
of Oct 19 88

Lon White
Notary Public

Seal

Residing at TC
My Commission Expires 5/95