

CA

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: A37-12192
Date Received: 10/27/1988
Receipt No: C003378
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NMS LEASING, INC. 208-338-2036
Address: C/O FIRST SECURITY BANK
Corrected ~~1~~ P.O BOX 2618
in Data ATTN: STEVE ALLEN, TRUST DEPT.
Base BOISE, ID 83701

2. Date of Priority: DEC 31, 1940

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	19E	28	NE	NE	SE		BLAINE

5. Description of diverting works:
2 WELLS AND PUMPS INTERCONNECTED, 1 WITH 6" CASING & 174' DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.080		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/3 HOMES, S/50 CATTLE, 5 HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	19E	28	NE	SE		DOMEST	
			NE	SE		STOCK	

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:
NONE

14. Remarks:

2 WELLS TIED TOGETHER INTO A SINGLE SYSTEM SERVE DOMESTIC NEEDS OF ORIGINAL RANCH HOUSE (NOW THE GUEST HOUSE) AND 2 EMPLOYEE HOUSES, AS WELL AS PROVIDE STOCKWATER. FIRST WELL DUG APPROXIMATELY 1940 WHEN THE ORIGINAL RANCH HOUSE WAS MOVED TO THE SITE; SECOND WELL DRILLED IN OCTOBER, 1965.

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
FEB 26 1993

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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
document in the space below as _____ of
_____ and that the statements contained in the
_____ foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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 137-12192
Date Received 10-27-88
Receipt Number C003378

RECEIVED

OCT 27 1988

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources

Sevier Region Office For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Filing fee \$25

1. Name of Claimant(s): NMS Leasing, Inc.
Phone: (208) 338-2036
Mailing Address: c/o First Security Bank Trust Department
P.O. Box 2618
Boise, ID 83701
attn: Mr. Steve Allen, Trust Officer
2. Date of Priority: 1940
3. Source of water supply: (a) Groundwater
which is tributary to: (b)
4. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>	<u>Lot</u>	<u>County</u>
1N	19E	28	NE	NE	SE		Blaine

Additional points of diversion if any: 2 wells in above location

5. Description of diversion works: 2 wells and pumps connected together - 1 with 6 inch casing & 174 ft. deep

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Domestic	January 1	December 31	0.08 cfs
Stockwater	January 1	December 31	0.03 cfs

7. Total Quantity Claimed: 0.11 cfs
8. Total consumptive use claimed is de minimus

MICROFILMED
FEB 26 1993

9. Non-irrigation uses: Domestic - three (3) households; stockwater - 50 head of beef cattle & 5 horses.

10. Place of use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>Use</u>
1N	19E	28	NE	SE	D/S

11. Place of use is located in Blaine County.

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

13. Describe other water rights used? None.

14. Remarks: 2 wells tied together into a single system serve domestic needs of original ranch house (now the guest house) and 2 employee houses, as well as provide stockwater. First well dug approximately 1940 when original ranch house moved to site; second well drilled in October, 1965.

15. Basis of Claim: Beneficial use.

IDWR Water Right Number: N/A

Court:

Case Number:

Decree Date:

Plaintiff v. 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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet. Number of attachments - none.

[For Organizations] I do solemnly swear or affirm that I am Sec. Treas of NMS Leasing, Inc., that I have signed the foregoing document in the space below as Sec. Treas of NMS Leasing, Inc. and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent

Title of Organization

Date

State of Idaho)
County of Blaine) ss.

Subscribed and sworn before me this 25th day of October, 1988.

Notary Public

Residing at

Commission Expires

Ident No.:

Last Name: NMS Leasing
j:\nms1.clm

MICROFILMED

FEB 26 1993

**SPECIAL POWER OF ATTORNEY
(WATER RIGHTS)**

NMS LEASING, INC., an Idaho corporation (the "Corporation"), designates and appoints JAMES P. SPECK, of Ketchum, Idaho, as the Corporation's attorney in fact and agent (subsequently called "Agent") to act in the Corporation's name and for the Corporation's benefit for the specific purposes stated herein only. The Corporation grants to its Agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as the Corporation might or could do if personally present and fully competent, hereby ratifying and confirming all that the Corporation's Agent shall lawfully do or cause to be done by virtue of this Special Power of Attorney and the powers herein granted.

1. SPECIFIC GRANT OF POWER. The Corporation's agent shall have power to exercise or perform any act, power, duty, right or obligation whatsoever that the Corporation now has or may hereafter acquire, RELATING ONLY TO the preparation and filing of claims for water rights in Twin Falls County District Court Civil No. 39576, In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, and the preparation and filing of applications for permits to or transfers of water rights, or claims to water rights, with the Idaho Department of Water Resources.

2. REVOCABILITY. This Special Power of Attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by me or the Corporation's Agent and delivered to such person or institution.

3. INTERPRETATION. This instrument is to be construed and interpreted as a Special Power of Attorney and shall be limited in accordance herewith.

4. THIRD-PARTY RELIANCE. Third parties may rely upon the representations of the Agent as to all matters relating to any power granted to the Corporation's Agent, and no person who may act in reliance upon the representations of the Agent or the authority granted to the Corporation's Agent shall incur any liability to the Corporation as a result of permitting the Agent to exercise any power.

5. GOVERNING LAW. This Special Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

6. COUNTERPARTS. This Special Power of Attorney may be executed in counterparts. Each executed counterpart of this Special Power of Attorney shall have the force and effect of this original.

IN WITNESS WHEREOF, the Corporation has executed this Special Power of Attorney this 20 day of OCTOBER, 1988.

NMS LEASING, INC.

By: Thomas J. Macdonald
Thomas J. Macdonald
Secretary - Treasurer

STATE OF HAWAII }
City & County of Honolulu } ss.

On this 20 day of October, 1988, before me, the undersigned notary public in and for said state, personally appeared Thomas J. Macdonald known to me to be the secretary - treasurer of the corporation whose name is subscribed to the within Special Power of Attorney, and acknowledged to me that said corporation executed the same.

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

Linda Shaw
Notary Public for
Residing at: Honolulu, Hawaii
Notary Public, First Judicial Circuit
State of Hawaii
My commission expires 7/4/92