

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: A61-04125
Date Received: 9/14/1989
Receipt No: C011608
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: EARL R STONE 208-587-4243
Address: 275 S 5TH E
MOUNTAIN HOME ID 83647

OR

Name: MARY A STONE 208-587-4243
Address: 275 S 5TH E
MOUNTAIN HOME ID 83647

2. Date of Priority: JAN 1, 1941

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03S	06E	23	SE	SE	NW		ELMORE

5. Description of diverting works:
WELL, PUMP & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.140		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
COMMERCIAL, RESTAURANT

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03S	06E	23	SE NW		COMMER	

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:
MOUNTAIN HOME IRRIGATION DIST.

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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

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9-14-89

C011608

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED

SEP 14 1989

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) EARLE R. OR MARYA. STONE Phone (208) 587 4243Mailing Address 275 50TH EAST Zip 83647

2. Date of Priority (Only one (1) per claim) _____

3. Source of water supply (a) GROUND WATER
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
SE 1/4 of NW 1/4 of 23 1/4, Govt. Lot, _____ B.M., County of ELMORE

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township 35 Range 6E Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,Govt. Lot _____ B.M., County of ELMOREending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.8" WELL 450 DEEP W/ 1/2 HP SUBMERSIBLE PUMP

MICROFILMED

AUG 11 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

For COMMERCIAL E.S. (both dates are inclusive) (cfs) (acre feet)
For ~~DOMESTIC~~ purposes from 1/1 to 12/31 amount .14 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) DOMESTIC, CAFE

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
35	6E	13								X									

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? ELMORE

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

14. Remarks: IRRIGATION FROM MTN. HOME IRRIGATION
COMMERCIAL USE IS DOMESTIC FOR CAFE & THE ASSOCIATED USES WITH
THE CAFE.

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AUG 11 1992

Last Name STONE Ident No. _____

Copies: White -State, Yellow-Claimant

27/10/55

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

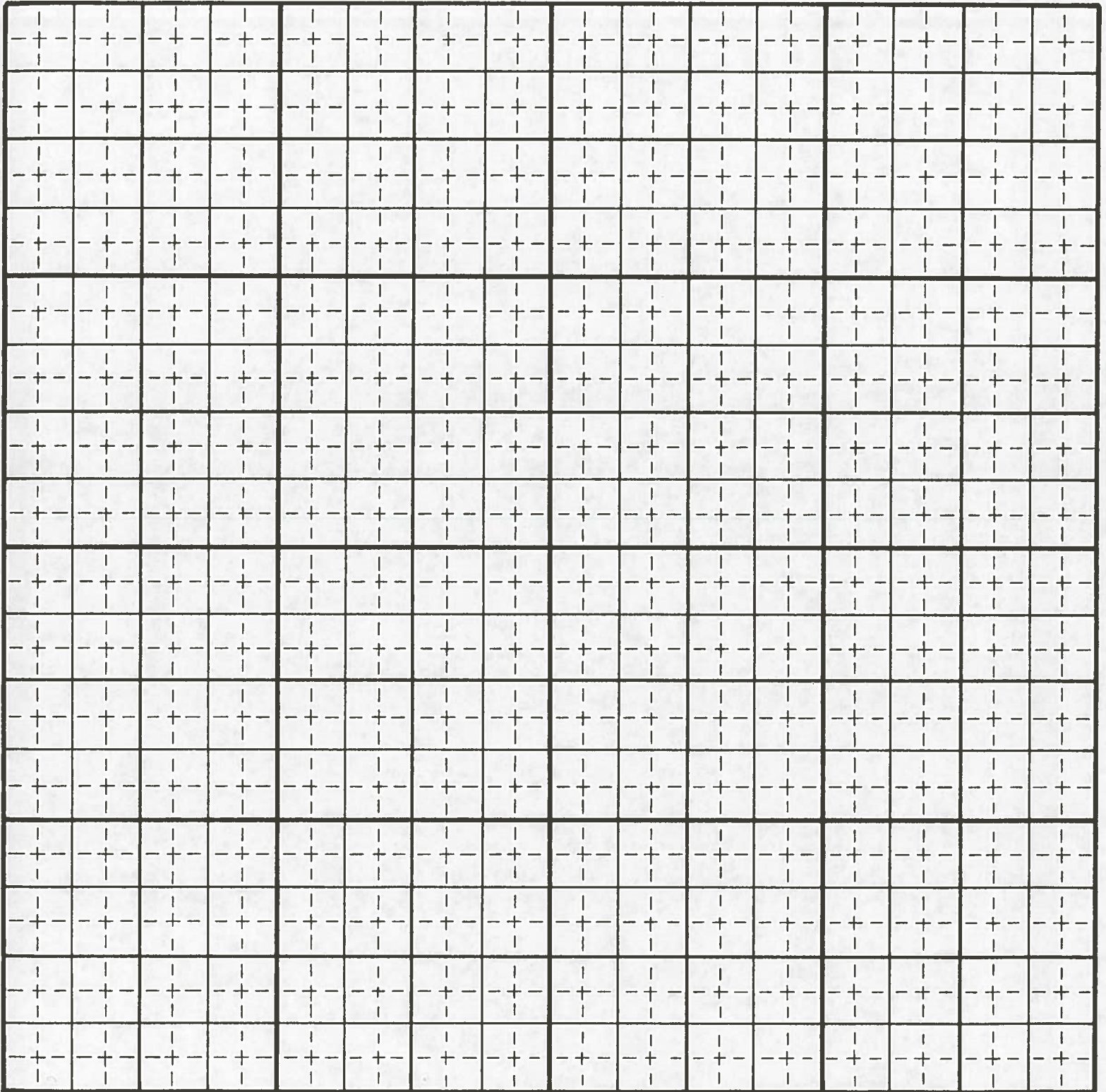
affecting your water rights that are to be mailed by the department.

are to be mailed by the department.

CONFIDENTIAL (U) (S) (C) (E) (F) (G) (H) (I) (J) (K) (L) (M) (N) (O) (P) (Q) (R) (S) (T) (U) (V) (W) (X) (Y) (Z) (AA) (AB) (AC) (AD) (AE) (AF) (AG) (AH) (AI) (AJ) (AK) (AL) (AM) (AN) (AO) (AP) (AQ) (AR) (AS) (AT) (AU) (AV) (AW) (AX) (AY) (AZ) (BA) (BB) (BC) (BD) (BE) (BF) (BG) (BH) (BI) (BJ) (BK) (BL) (BM) (BN) (BO) (BP) (BQ) (BR) (BS) (BT) (BU) (BV) (BW) (BX) (BY) (BZ) (CA) (CB) (CC) (CD) (CE) (CF) (CG) (CH) (CI) (CJ) (CK) (CL) (CM) (CN) (CO) (CP) (CQ) (CR) (CS) (CT) (CU) (CV) (CW) (CX) (CY) (CZ) (DA) (DB) (DC) (DD) (DE) (DF) (DG) (DH) (DI) (DJ) (DK) (DL) (DM) (DN) (DO) (DP) (DQ) (DR) (DS) (DT) (DU) (DV) (DW) (DX) (DY) (DZ) (EA) (EB) (EC) (ED) (EE) (EF) (EG) (EH) (EI) (EJ) (EK) (EL) (EM) (EN) (EO) (EP) (EQ) (ER) (ES) (ET) (EU) (EV) (EW) (EX) (EY) (EZ) (FA) (FB) (FC) (FD) (FE) (FF) (FG) (FH) (FI) (FJ) (FK) (FL) (FM) (FN) (FO) (FP) (FQ) (FR) (FS) (FT) (FU) (FV) (FW) (FX) (FY) (FZ) (GA) (GB) (GC) (GD) (GE) (GF) (GG) (GH) (GI) (GJ) (GK) (GL) (GM) (GN) (GO) (GP) (GQ) (GR) (GS) (GT) (GU) (GV) (GW) (GX) (GY) (GZ) (HA) (HB) (HC) (HD) (HE) (HF) (HG) (HH) (HI) (HJ) (HK) (HL) (HM) (HN) (HO) (HP) (HQ) (HR) (HS) (HT) (HU) (HV) (HW) (HX) (HY) (HZ) (IA) (IB) (IC) (ID) (IE) (IF) (IG) (IH) (II) (IJ) (IK) (IL) (IM) (IN) (IO) (IP) (IQ) (IR) (IS) (IT) (IU) (IV) (IW) (IX) (IY) (IZ) (JA) (JB) (JC) (JD) (JE) (JF) (JG) (JH) (JI) (JJ) (JK) (JL) (JM) (JN) (JO) (JP) (JQ) (JR) (JS) (JT) (JU) (JV) (JW) (JX) (JY) (JZ) (KA) (KB) (KC) (KD) (KE) (KF) (KG) (KH) (KI) (KJ) (KK) (KL) (KM) (KN) (KO) (KP) (KQ) (KR) (KS) (KT) (KU) (KV) (KW) (KX) (KY) (KZ) (LA) (LB) (LC) (LD) (LE) (LF) (LG) (LH) (LI) (LJ) (LK) (LL) (LM) (LN) (LO) (LP) (LQ) (LR) (LS) (LT) (LU) (LV) (LW) (LX) (LY) (LZ) (MA) (MB) (MC) (MD) (ME) (MF) (MG) (MH) (MI) (MJ) (MK) (ML) (MM) (MN) (MO) (MP) (MQ) (MR) (MS) (MT) (MU) (MV) (MW) (MX) (MY) (MZ) (NA) (NB) (NC) (ND) (NE) (NF) (NG) (NH) (NI) (NJ) (NK) (NL) (NM) (NN) (NO) (NP) (NQ) (NR) (NS) (NT) (NU) (NV) (NW) (NX) (NY) (NZ) (OA) (OB) (OC) (OD) (OE) (OF) (OG) (OH) (OI) (OJ) (OK) (OL) (OM) (ON) (OO) (OP) (OQ) (OR) (OS) (OT) (OU) (OV) (OW) (OX) (OY) (OZ) (PA) (PB) (PC) (PD) (PE) (PF) (PG) (PH) (PI) (PJ) (PK) (PL) (PM) (PN) (PO) (PP) (PQ) (PR) (PS) (PT) (PU) (PV) (PW) (PX) (PY) (PZ) (QA) (QB) (QC) (QD) (QE) (QF) (QG) (QH) (QI) (QJ) (QK) (QL) (QM) (QN) (QO) (QP) (QQ) (QR) (QS) (QT) (QU) (QV) (QW) (QX) (QY) (QZ) (RA) (RB) (RC) (RD) (RE) (RF) (RG) (RH) (RI) (RJ) (RK) (RL) (RM) (RN) (RO) (RP) (RQ) (RR) (RS) (RT) (RU) (RV) (RW) (RX) (RY) (RZ) (SA) (SB) (SC) (SD) (SE) (SF) (SG) (SH) (SI) (SJ) (SK) (SL) (SM) (SN) (SO) (SP) (SQ) (SR) (SS) (ST) (SU) (SV) (SW) (SX) (SY) (SZ) (TA) (TB) (TC) (TD) (TE) (TF) (TG) (TH) (TI) (TJ) (TK) (TL) (TM) (TN) (TO) (TP) (TQ) (TR) (TS) (TT) (TU) (TV) (TW) (TX) (TY) (TZ) (UA) (UB) (UC) (UD) (UE) (UF) (UG) (UH) (UI) (UJ) (UK) (UL) (UM) (UN) (UO) (UP) (UQ) (UR) (US) (UT) (UU) (UV) (UW) (UX) (UY) (UZ) (VA) (VB) (VC) (VD) (VE) (VF) (VG) (VH) (VI) (VJ) (VK) (VL) (VM) (VN) (VO) (VP) (VQ) (VR) (VS) (VT) (VU) (VV) (VW) (VX) (VY) (VZ) (WA) (WB) (WC) (WD) (WE) (WF) (WG) (WH) (WI) (WJ) (WK) (WL) (WM) (WN) (WO) (WP) (WQ) (WR) (WS) (WT) (WU) (WV) (WW) (WX) (WY) (WZ) (XA) (XB) (XC) (XD) (XE) (XF) (XG) (XH) (XI) (XJ) (XK) (XL) (XM) (XN) (XO) (XP) (XQ) (XR) (XS) (XT) (XU) (XV) (XW) (XX) (XY) (XZ) (YA) (YB) (YC) (YD) (YE) (YF) (YG) (YH) (YI) (YJ) (YK) (YL) (YM) (YN) (YO) (YP) (YQ) (YR) (YS) (YT) (YU) (YV) (YW) (YX) (YZ) (ZA) (ZB) (ZC) (ZD) (ZE) (ZF) (ZG) (ZH) (ZI) (ZJ) (ZK) (ZL) (ZM) (ZN) (ZO) (ZP) (ZQ) (ZR) (ZS) (ZT) (ZU) (ZV) (ZW) (ZX) (ZY) (ZZ)

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



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AUG 11 1992

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

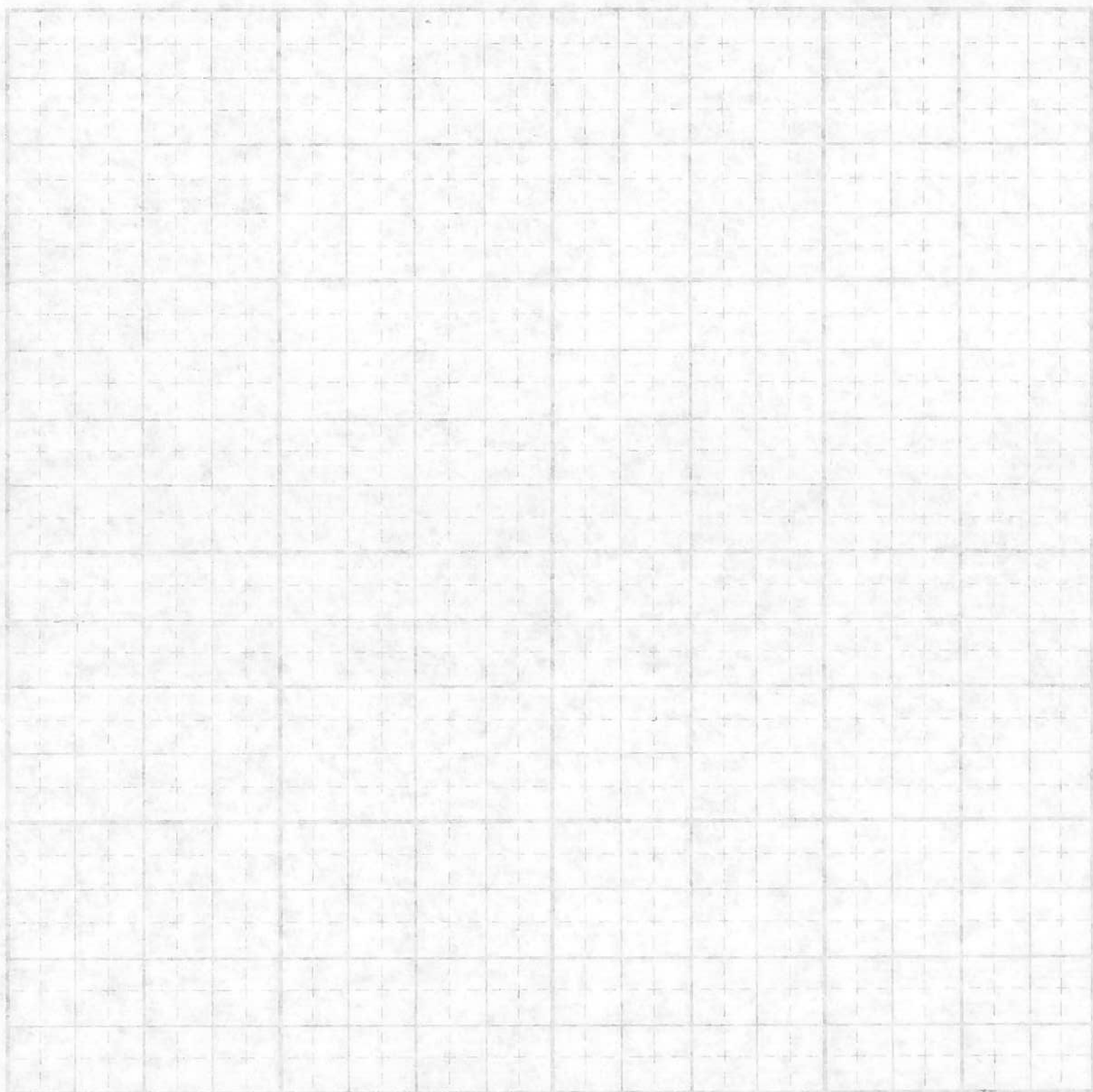
Last Name _____

Ident. No. _____

Cover: White-2000 Yellow-Clamshell

Aug 11 1983

1000-1115



Scale: 2 inches equals 1 mile

Map of Project: show clearly the point of observation, place of use, section number, township, and range number.

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

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

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Carle R. Stone Date 9-14-89

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Idaho)
County of Elmore) SS.

Subscribed and sworn (or affirmed) before me this 14 day of Sept 19 89

SEAL

Notary Public Loyce L. Priddy

Residing at McR Home

My Commission Expires April 15, 1992

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED

AUG 11 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

Last Name _____

Ident. Number _____

Clerk Name _____

Date _____

Address _____

Signature _____

should be mailed to me at the address listed below

of the statement signed above and that all notices required by law to be mailed by the director to the claimant signing above

Notice is hereby directed that _____

will be acted as attorney at law on behalf

(1) Notice of Appearance.

Please Print Name _____

My Commission Expires _____

Residing at _____

Notary Public _____

Subscribed and sworn (or affirmed) before me this _____

County of _____

State of Idaho _____

Title and Organization _____

Date _____

Signature of Approving Agent _____

and that the statements contained in the foregoing document are true and correct

document in the space below as _____

of _____

that I have signed the foregoing

For Organizations: I do solemnly swear or affirm that I am _____

Signature of Claimant (s) _____

and correct

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true

I wish to receive and pay a small amount for monthly copies of the pocket sheet

How you will receive notice in the Snake River Basin Adjudication, (b) I/we do _____ do not _____

(c) By signing below, I/we acknowledge that I/we have received, read, and understand the form entitled

(d) Signature (s) _____

Plaintiff as Defendant _____

Court _____

Case Number _____

Decree Date _____

If applicable provide IDMB Water Right Number _____

State of Idaho (check one) _____

Beneficial Use _____

Proposed Notice _____

Plaintiff _____

Benefit _____

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

WR0723NP
(OD-26)

Water Right Number - 61-04125		Prefix Translation:		WATER RIGHT		Old (D) Number -	
+	-	-	-	+	-	-	-
Last Name -		First Name -		Address -		-	
*** C - CURRENT OWNER ***		EARL R.		1 - 275 S. 5TH E.		-	
STONE				2 -		-	
				3 -		-	
				City- MOUNTAIN HOME		State- ID Zip- 83647	
				Phone -			
				1 - 275 S. 5TH E.			
				2 -			
				3 -			
				City- MOUNTAIN HOME		State- ID Zip- 83647	
				Phone -			
+	-	-	-	+	-	-	-
Priority Date -		Region -		Stage -		Status -	
01/01/1941.		14 WESTERN		S - STATUTORY CLAIM		-	
+	-	-	-	+	-	-	-
Source -		Tributary -					
GROUNDWATER							
+	-	-	-	-	-	-	-
Point of Diversion -		Stream Index (Blank if no Index Code)					
Twn	Rng	Sec	Tract	Lot	Rflg	County	
03S	06E	23	SE NW			(39) ELMORE	
+	-	-	-	-	-	-	-
Description		Period From		Period To		Diversion Rate	
		01/01		12/31		0.140	
+	-	-	-	-	-	-	-
43 - DOMESTIC		01/01		12/31		0.140	
+	-	-	-	+	-	-	-
Total Div. Rate -		Total Div. Volume -		Total Div. Capacity -		+	
0.140							
+	-	-	-	-	-	-	-
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description
03S	06E	23	SE NW			43 DOMESTIC	(39) ELMORE
+	-	-	-	-	-	-	-
Diversion Means - WELL, PUMP & PIPELINE							
+	-	-	-	-	-	-	-
Non-Irrigation Use - D/HOME, MOTEL UNITS & RESTAURANT							
+	-	-	-	-	-	-	-
Other Rights for Same Use -							
+	-	-	-	-	-	-	-
Remarks -							
No Remarks found.							
+	-	-	-	-	-	-	-
Old Water Right Numbers -							
No Old Water Right Numbers found.							
+	-	-	-	-	-	-	-
Conditions of Approval -							
No Conditions of Approval found.							

+ - Decree Date - +
00/00/0000

+
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[illegible]

-	Field Exam Fee
-	Swan Falls
-	Temporary Right
-	DLE/Carey Act
-	Water District
-	Transfer/Amended

AUG 11 1992

DATE: 02/08/99
PAGE: 1

DIVERSION
VOL 11MF

0.040 CFS

Stage: BENEFICIAL USE

ELMORE County

SE



AJ0749NP
No. R61-04125

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 02/08/99
PAGE: 2

Comments: Date: 02/08/1999 User-ID: DSHAFF Subject: REVIEW
THE CLAIMANT DID SUBMIT DOCUMENTS WITH THE ATTEMPT TO SUPPORT
THE WATER RIGHT CLAIMED. THE DOCUMENTS SUBMITTED DID NOT PROVE
THE PRIORITY DATE CLAIMED OR THE QUANTITY. THE DOCUMENTS DID
REVERSE THE PRELIMINARY DECISION OF RECOMMENDING DISALLOWING THIS
CLAIM.

Audit: 02/08/99 DSHAFF

Memorandum

To: 61-04125

From: D. Shaff 

Date: February 8, 1999

Subject: Review

The documents received by this office December 16, 1998, supported in some respects the water right claim. No doubt exists this property was conveyed to Mabe in 1943. The liens for construction labor or materials did not shed any light on whether the work was on the house or other buildings. A plat of the property representing presumably existing buildings including commercial structures is marked with a date 12-10-58. Lacking other information this date was chosen as the first proof of beneficial use.

I confirmed the location of the property as claimed by NAPP photo imagery and memory from driving by the property in the 1980's. The documents submitted by the claimant also corresponded to the same section.

The quantity of water for the water right lacking a measurement was problematic. Two other wells drilled in 1992 and 1994 reached about the same depth claimed here. A well in the SWNW had static water level (SWL) of 300 feet. A second well in the SENW at 1685 Bradford St. had a SWL of 200 feet and produced 20 gallons per minute (gpm). These findings were used to balance against a standard theoretical calculation for a diversion rate:

$Q = (P \cdot E / H) 8.8$ where Q = quantity in cfs; P = horsepower of motor/pump; E = efficiency; and H = head or lift. With a SWL of 200 feet for the head, 1.5 HP as claimed, and applying a generous 70 per cent efficiency, the quantity would be .04 cfs or 18 gpm.

The documentation and calculation taken together enabled me to reverse the preliminary recommendation to present this claim as a recommended right in the director's report.

Dept of Water Resources
SRBA Western
Ms. Roxanne Brown

12-16-98
275 So. 5th East
Mtn. Home, ID, 83647

RECEIVED

DEC 16 1998

Department of Water Resources

Dear Ms. Brown,

Enclosed, please find copies of some
Certificates, Bill of Sale, Maps, abstracts, Warranty
deeds, proofs of improvements, etc that will
probably be adequate for the water rights
we wish to protect, including # 61-04125
that we discussed over the phone yesterday.

If you should require anything additional,
please let me know, & I will do my best to
get them for you, as I am interested in
getting everything you should need in order
to protect our water rights.

Very Truly yours.
Buck R Stone

Water right #
61-04125

CERTIFICATE

The Security Title Insurance Company, an Idaho Corporation, certifies:

That the foregoing abstract of title comprises a correct abstract of all instruments of record in the office of County Recorder of Ada County, State of Idaho affecting the title to the property described in the caption of this abstract;

That during the period covered by this certificate no judgments appear in the dockets maintained in said county of any court of record against any person as named in the within chain of title which are liens against the property other than as shown herein;

That all taxes assessed against the property are shown in accordance with the assessment roll in the office of the treasurer in and for Ada County, Idaho;

That there are no probate proceedings or district court actions, which affect the title to the property except as shown herein.

Other than as shown herein this abstract does not include an examination of or a report on:

Any instrument filed or recorded in chattel or personal property records only, mineral rights, water rights, drainage rights, and matters relating thereto and any special assessments not certified to the County Treasurer for collection.

This abstract consists of 3 pages, numbered from 166 to 168 both inclusive, and covers the period of time from October 13, 1952 at 9 A. M. to March 6, 1961 at 8:00 A. M. both inclusive.

Dated at Boise, Idaho, this 6th day of March, 1961 at 8:00 A. M.
Mt. Home,

SECURITY TITLE INSURANCE COMPANY

By

Marion L. Llewellyn

Manager

B I L L O F S A L E

FOR VALUE RECEIVED MILDRED F. BONNER, a widow,

THE GRANTOR , DO ES HEREBY GRANT, BARGAIN, SELL AND CONVEY UNTO

EARLE R. STONE and MARY ALICE STONE, husband and wife,

THE GRANTEE S , THE FOLLOWING DESCRIBED PROPERTY TO-WIT:

All that certain personal property located at the Desert Inn,
Mountain Home, Idaho, more particularly described on
Exhibit "A" attached hereto, together with the right to the
use of the name "Desert Inn".

~~XXXXXXXXXX~~

TO HAVE AND TO HOLD THE SAME, TO THE SAID GRANTEE S ,their HEIRS AND ASSIGNS
FOREVER. AND THE SAID GRANTOR DO es HEREBY COVENANT TO AND WITH THE SAID
GRANTEE S , THAT t HEY WILL WARRANT AND DEFEND THE SALE OF SAID PROPERTY FROM
ALL LAWFUL CLAIMS WHATSOEVER.

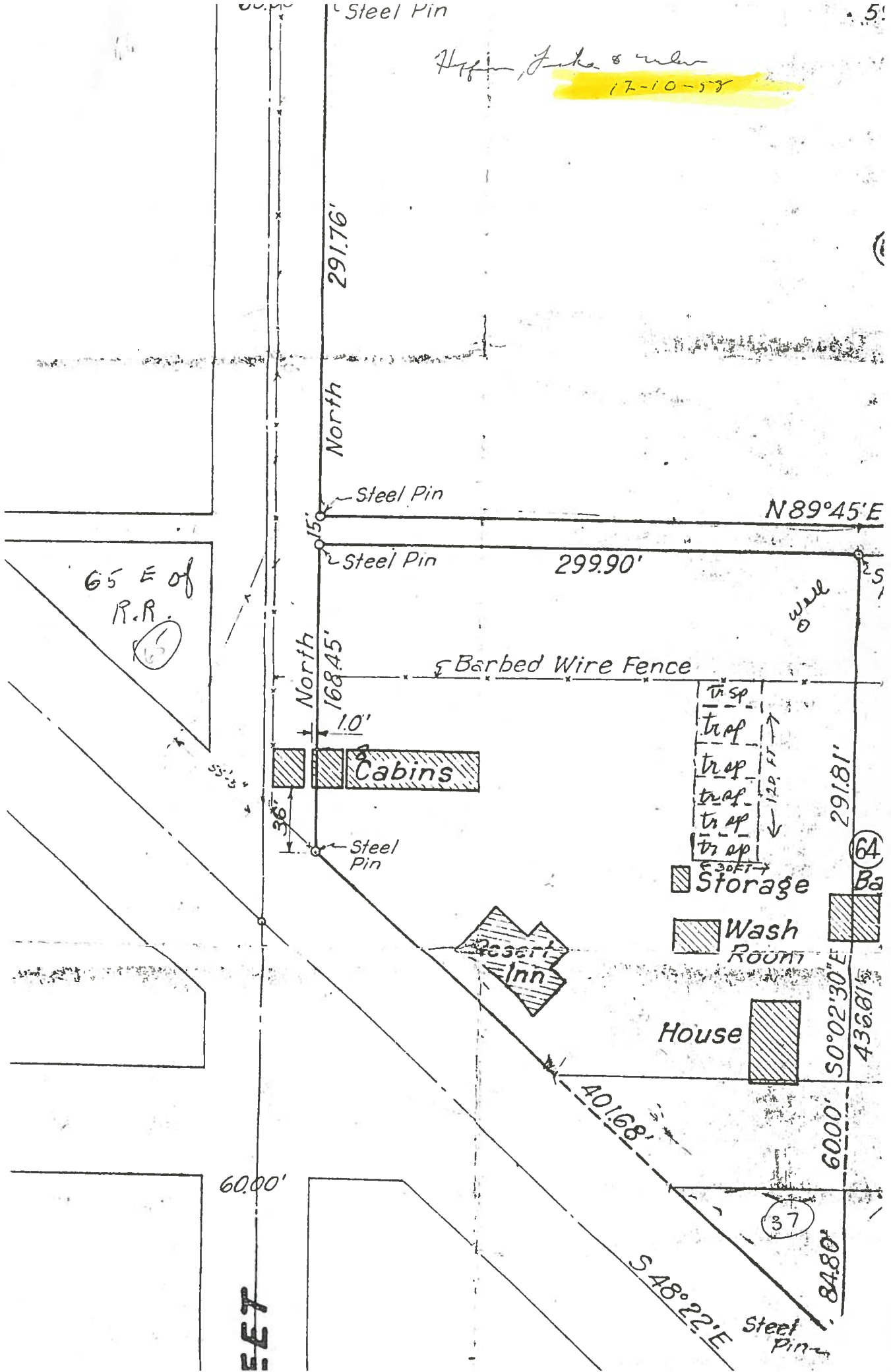
DATED: February 28, 1961.

Mildred F. Bonner

STATE OF IDAHO, COUNTY OF ADA
ON THIS 28th DAY OF February, 1961
BEFORE ME, A NOTARY PUBLIC IN AND FOR
SAID STATE, PERSONALLY APPEARED

STATE OF IDAHO, COUNTY OF *Edmore*
I HEREBY CERTIFY THAT THIS INSTRUMENT
WAS FILED FOR RECORD AT THE RE-
QUEST OF *Earle R. Stone*

Hyatt, J. & W. 17-10-58



If the document is recorded, also date of filing same.
If there are three or more names here appearing as they appear in the heading (as regards
the names are given as they appear in the heading) the three vital parts of the document (signature,
date and place) will be shown in explanation appended at the end below
of each name. If discrepancy, such as the date of the same is given
in explanation, only the date of the same is given
if the document shows no discrepancy, only the date of the same is given
if the document shows a discrepancy, only the date of the same is given
if the document shows a discrepancy, only the date of the same is given

GUARANTY TITLE & ABSTRACT CO.
MOUNTAIN HOME, IDAHO

ORVILLE OSCAR MARE and
EDNA MARE, husband and wife

TC

THOS. M. NELSON and DR. FRED
A. J. ITTNER

BARGAIN, SELL AND CONVEY

PROPERTY:-

PROPERTY:-
All of lot 63 and W $\frac{1}{2}$ of lot 64, and the W $\frac{1}{2}$ of lot 37,
North and East of the Oregon Short Line Railroad
right-of-way in Jerome's Addition to the town of
Mountain Home, Elmore County, Idaho.

SECURES:-One note of even date for \$8120.00 with interest at 6% per annum, payable in installments as follows:- Jan 15, 1951 and a like installment

follows:-
\$100.00, payable Jan.15-1951, and a like installment on the 15th day of each and every month thereafter until the entire sum of principal and interest has been paid in full, each payment to be first applied to interest and the remainder to principal.

REAL PROPERTY MORTGAGE

DATED Dec.7-1950

CONSID. 8,120.00

ACK. Dec. 7-1950
Together

Index No.
80965

Book-
48

Satisfac-
tion
Page-
432

October
28th
1950

GUARANTY TITLE & ABSTRACT CO.

MOUNTAIN HOME, IDAHO

FIRST SECURITY BANK OF
IDAHO, National Association
RELEASE OF IDAHO REAL
ESTATE MORTGAGE

By M.J. Rich, Manager,
No corporate Seal shown
(duly authorized)
DATED Oct. 27-1950

ACK. Oct. 27-1950
By M.J. Rich as Manager of
First Security Bank of Idaho
EDNA MABE, Husband and wife

RECITES:-That a certain mortgage, dated November 1,
1946 and recorded on the 6th day of December, 1946,
in the office of the County Recorder of Elmore County
State of Idaho, in Book 51 of mortgages at page 277,
has been fully satisfied by the payment of the debt
secured thereby and is hereby cancelled and discharged.

Where document is recorded, also date of filing same.
In these names as they appear in the heading (as regards
document, and acknowledgment) the discrepancy will be shown in explanation appended at the end
When acknowledgment shows no discrepancy, only the date of the same is given. If discrepant, such
discrepancy is noted, as are also any discrepancies of a miscellaneous nature.

I, Garfield Brown, Co.
County Bank of Idaho, do

Inst. No
78898

Book-
19
Liens
Page-
-614-

August
23rd
1949

GUARANTY TITLE & ABSTRACT CO. MOUNTAIN HOME, IDAHO

Pumice Products Co., a
Corporation, Plaintiff
-VS-
Orville Oscar and Edna
Mabe, husband and wife,
dba as Mabe Service
Station,
Defendant

CLAIM OF LIEN
SUB. & SWORN TO
Aug. 23-1949
Amount-\$165.41

RECITALS:-

Notice is hereby given that Pumice Products Co., a corporation has a lien upon that certain dwelling house and lots situated and described as follows: All of lot 62, 63, all of that part of W½ lot 64 lying north and E 66 the railroad and highway, all that part of the lot 66 lying North and East of the railroad and highway, all that part of lot 65 lying north and East of the Railroad and highway, and all that part of the W½ lot 36 lying North and East of the railroad and highway, all in Jerome Addition to Mountain Home as the same appears on the official plat thereof on file and record in the office of the County Recorder of the County of Elmore State of Idaho, together with any and all water right pertaining thereto.

That Orville Oscar and Edna Mabe, dba Mabe Service Station is the owner or reputed owner of the same. That claimant Pumice of Orville Oscar and Edna Mabe instance and request of Orville Oscar and Edna Mabe Mabe Service Station furnished Pumice blocks for the construction of said dwelling house in the aggregate amount of \$165.41. That claimant began to furnish materials on Aug. 1948, and ceased so to do on Aug. 27-1949. That by the direct under which he so furnished materials he was receive the sum of \$165.41 and that that is the real value thereof. That he claims a lien upon the property above mentioned for the sum of \$165.41

where document is recorded, also date of filing same. If discrepancy is noted, as are also any discrepancies of a miscellaneous nature.

Inst. No.
79372

Book-15-
Lien
Page-622

December

1949

GUARANTY TITLE & ABSTRACT CO.

MOUNTAIN HOME, IDAHO

EASTERN IDAHO CONSTRUCTION
COMPANY, an Idaho Corporation,
Claimant

VS

CLAIM OF LIEN

SUB. & SWORN TO
Dec. 5-1949

O. C. Mabe,
Owner

Amount \$500.00

When acknowledged, this document is recorded, also date of filing same.
If names are given as they appear in the heading (as regards
discrepancy in these names in the three vital parts of the document (signature,
date, and acknowledgment), the discrepancy will be shown in explanation appended at the end
of the document, and the same will be indicated in the caption by a reference mark corresponding to the one below.
When acknowledgment shows no discrepancy, only the date of the same is given. If discrepant, such
discrepancy is noted, as are also any discrepancies of a miscellaneous nature.

Notice is hereby given, That on or about the 8th day of September, 1949, the Eastern Idaho Construction Company, an Idaho corporation, with its principal place of business at Blackfoot, Idaho, entered into a contract with O. C. Mabe of Mountain Home, Idaho, to furnish certain labor, services and material for the grading, improving and surfacing of the hereinafter described premises and the street in front of and adjoining the same, and the grounds and driveways located thereon; that the said premises are situated in the incorporated city or town of Mountain Home, in the County of Elmore, State of Idaho, and more particularly described as follows, to-wit: the West half of Lot 64 in the Jerome Addition, to the City of Mountain Home, Elmore County, Idaho, according to the recorded plat thereof. That the name of the owner, or reputed owner, of said premises is O. C. Mabe, together with his wife, if any, and that the name of the person who engaged the said Eastern Idaho Construction Company, a corporation, to perform such labor and services and furnish such materials, was O. C. Mabe. That the said claimant agreed to furnish such labor services and materials for the sum of \$500.00 and that the said O. C. Mabe agreed to pay said sum of \$500.00 therefor. That said contract has been fully performed on the part of the said Eastern Idaho Construction Company, the completion, and that the said claimant furnished the same labor, services and materials and completed the same on the 10th day of September, 1949, and that 90 days have not elapsed since the said claimant ceased to furnish said labor, services and materials; that the amount of claimant's demand for the labor, services and materials so furnished is \$500.00 and that no part thereof has

GUARANTY TITLE & ABSTRACT CO.
MOUNTAIN HOME, IDAHO

22

been paid and that there is now due and unpaid thereon after deducting all just credits and offsets, the sum of \$500.00

That the said claimant now comes and claims a lien upon the said described premises and the improvements thereon for the amount of its claim, \$500.00, and costs and reasonable attorney's fees according to the statutes in such cases made and provided.

EASTERN IDAHO CONSTRUCTION COMPANY
By Roscoe H. Gardner
General Manager.

...to the three vital parts of the document...
...the discrepancy will be shown in explanation appended at the end...
...the discrepancy, only the date of the same is given. If discrepant, such...
...shows no discrepancy, only the date of the same is given. If discrepant, such...
...discrepancies of a miscellaneous nature.

67341

Book-48-
Wty. Deeds
Page-319-

February
20th
1943

Max Edward Parks,
a single man,
To

Orville Oscar Mabe

Grant, bargain, sell, convey and confirm)

PROPERTY:-

ACK. Feb. 20-1943

WARRANTY DEEDS

DATED Feb. 20-1943

CONSID. \$1.00 etc.

CO. 1

Lot sixty-two (62) containing approximately
five (5) acres, Lot sixty-three (63) contain-
ing approximately five (5) acres, a portion
North and East of railroad of Lot sixty-four
(64) containing approximately two and five-
tenths (2.5) acres, a portion of Lot sixty-four
two and five-tenths (2.5) containing approxi-
mately two and five-tenths (2.5) acres, a portion
of Railroad of Lot sixty-six (66) containing approxi-
mately two and five-tenths (2.5) acres, a portion
in Jerome Addition, Section Twenty-three (23),
Township Three (3), South, Range Six (6) East
of Boise Meridian, and any and all water rights
pertaining thereto.

\$1.65 Documentary Stamps attached and canceled.

OF-
way

at 9 A. M.
to March 6, 1961 at 8:00 A. M.
Dated at Boise, Idaho, this 6th day of March, 1961 at 8:00 A. M.
Mt. Home, both inclusive.

SECURITY

Carol your dates
this is how I spent
a little Mary Stone
for

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

VERIFIED BY

K. McCarthy
3/24/94
Page 1

Water Right Number - R61-04125

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
STONE

EARL R

1 - 275 S 5TH E
2 -
3 -

State- ID Zip- 83647

City- MOUNTAIN HOME
Phone - 208-587-4243

STONE

MARY A

1 - 275 S 5TH E
2 -
3 -

State- ID Zip- 83647

City- MOUNTAIN HOME
Phone - 208-587-4243

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
01/01/1941 14 WESTERN I - DISALLOWED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

03S 06E 23 SE NW (39) ELMORE

+ - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
10 - COMMERCIAL 01/01 12/31 0.140

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Consumptive Use - + + - - KW Usage - +
0.140 0.0

+ - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
03S 06E 23 SE NW 10 COMMERCIAL (39) ELMORE

Total Acres:

+ - - Diversion Means - WELL, PUMP & PIPELINE

+ - - Non-Irrigation Use - COMMERCIAL, RESTAURANT

+ - - Other Rights for Same Use - MOUNTAIN HOME IRRIGATION DIST.

+ - - - - - - - - - - - Remarks - - - - - +
NO LAWFUL APPROPRIATION SHOWN.

MICROFILMED
SEP 27 1996

2

7

1000 1000 1000
1000 1000 1000

1000 1000 1000
1000 1000 1000

1000 1000 1000

Prefix Translation: RESEARCH

No Old Water Right Numbers Found

NO LAWFUL APPROPRIATION SHOWN: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is PROPOSED to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is PROPOSED to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

| | | | | | |
|------------------|---------|---------|---------|---------|---------|
| + - - - | - - - + | + - - - | - - - + | + - - - | - - - + |
| Decree Plaintiff | | | | | |
| Decree Defendant | | | | | |
| Decree Date | | | | | |
| 00/00/0000 | | | | | |

| Date: | User Id: | Subject: | Reason for Disallowal | Comments |
|------------|----------|----------|-----------------------|------------------------------------|
| 04/01/1994 | | MCCARTHY | REASON FOR DISALLOWAL | |
| | | | | NO EVIDENCE OF PRIORITY SUBMITTED. |

+ - - Audit Fields - - +

04/01/94 MCCARTHY

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

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 04/01/1994 | Old Judicial District | - |
| Claim Received Date | - 09/14/1989 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - C011608 | Water District | - |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - OR | Presumption Flag | - |
| | | | | Notice of Error Flag | - |

MICROFILMED
SEP 27 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

January 28, 1993

Re: Claim No(s). AL-04125

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

EARL R STONE
MARY A STONE
275 S 5TH E
MT HOME ID 83647

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "**Priority Date**" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is under a legal requirement to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area should be conducted this summer by Department personnel. Prior to conducting the field exams, we will contact you to discuss details and schedule a time convenient for you.

Please submit the required evidence supporting the priority date(s) by March 15, 1993, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the toll-free number listed on the back page of the pamphlet or the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

MICROFILMED
SEP 27 1996

