

RECEIVED

MAY 25 2007

WATER RESOURCES
WESTERN REGION

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 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
107-4006	107-4006	N			

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

☒ A. The appropriate **FILING FEE**. See instructions for fee amounts.

☒ B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

☒ If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

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

Preston & Edna Kyle
350 Hwy. 95, Weiser ID 83672

4. New Owner/Claimant(s)

Thomas R. & pr Myrna J. Jones

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

New Mailing Address

360 Hwy. 95

City, State and ZIP Code

Weiser ID 83672

New Telephone Number

208 549-8552

5. Date you acquired the property

May, 2006

SCANNED

MAY 30 2007

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

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

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

7.

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

Thomas R. Jones

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 OnlyReceived by KWDate 5/25/07Fee N/A - pending in SRBA

Receipted by _____

Date _____

Receipt No. _____

Processed by MVB

AJ

Date 6/19/2007

WR _____

Date _____

okay to change

NCAP prepared 6-19-07

201208



IDWD
Order No. 0011634

WARRANTY DEED

For Value Received,

Edna I. Kyle, a widow

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

Thomas R. Jones and Myrna J. Jones, husband and wife

GRANTEE(s), whose address is: 360 Highway 95, Weiser, ID 83672

the following described real property, to-wit:

See attached Exhibit A.

TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the current year's taxes and assessments and that they will warrant and defend the same from all lawful claims whatsoever.

Edna I. Kyle
Edna I. Kyle

State of Nevada)
County of Churchill)

Instrument # 201208

WEISER, WASHINGTON, IDAHO

2006-05-03 03:34:00 No. of Pages: 4

Recorded for : AMERITITLE

SHARON WIDNER

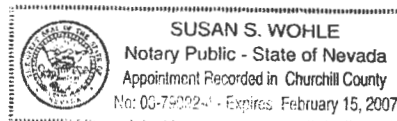
Ex-Officio Recorder Deputy Fee: 12.00

Index to: DEED

On this 1 day of May, 2006 before me a notary public in and for said State, personally appeared Edna J. Kyle known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Susan S. Wohle
Notary Public
Residing at: Weiser, Idaho Jellon, NV
Commission Expires: 10/03/07

Feb 15, 2007



SCANNED

MAY 30 2007

EXHIBIT A CONTINUED

PARCEL III:

A portion of the South half of Lot 6 of SOUTHERN IDAHO LAND COMPANY'S ORCHARD AND GARDEN TRACT, as the same are shown on the official plat of said tract now on file in the office of the County Recorder of Washington County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of the South half of said Lot 6;

thence West along the South line of the South half of said Lot 6 a distance of 628 feet;

thence North parallel to the West line of the South half of said Lot 6 a distance of 140 feet to the True Point of Beginning;

thence continuing North parallel to the West line of the South half of said Lot 6 a distance of 208 feet;

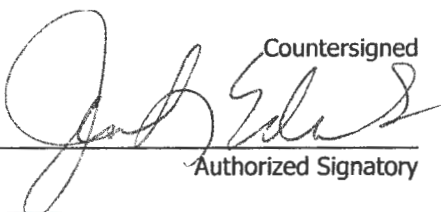
thence West parallel to the South line of the South half of said Lot 6 a distance of 208 feet;

thence South parallel to the West line of the South half of said Lot 6 a distance of 208 feet;

thence East parallel to the South line of the South half of said Lot 6 a distance of 208 feet to the True Point of Beginning.

Together with a 20 foot ingress-egress easement on an existing private road extending Westerly from the SW corner of the above described property to U.S. Highway 95.

SCHEDULE B (STANDARD COVERAGE)
OWNERS FORM

Countersigned

Authorized Signatory

SCANNED

MAY 30 2007

File No. 0011634
FURTHER EXCEPTING:

Policy No. 72106-1426174

A portion of the South half of Lot 6 of the SOUTHERN IDAHO LAND COMPANY'S ORCHARD AND GARDEN TRACT, as the same are shown on the official plat of said tract now on file in the office of the County Recorder of Washington County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of the South half of said Lot 6;
thence West along the South line of the South half of said Lot 6 a distance of 628 feet;
thence North parallel to the West line of the South half of said Lot 6 a distance of 140 feet to the True Point of Beginning;
thence continuing North parallel to the West line of the South half of said Lot 6 a distance of 208 feet;
thence West parallel to the South line of the South half of said Lot 6 a distance of 208 feet;
thence South parallel to the West line of the South half of said Lot 6 a distance of 208 feet;
thence East parallel to the South line of the South half of said Lot 6 a distance of 208 feet to the True Point of Beginning.

PARCEL II:

A portion of the S1/2 of Lot 7 and Lot 10 in the SOUTHERN IDAHO LAND COMPANY'S ORCHARD AND GARDEN TRACT, as the same are shown on the official plat of said Tract now on file in the office of the County Recorder of Washington County, all lying Northerly and Easterly of the State Highway described as follows:

Beginning at the point of intersection of the North line of the S1/2 of said Lot 7 and the East right-of-way line of State Highway;
thence Southeasterly along said right-of-way a distance of 900 feet to the centerline of a private road;
thence N 65° E along the center line of said road a distance of 600 feet;
thence Northwesterly parallel with the State Highway a distance of 600 feet to the North line of said S1/2 of Lot 7;
thence West along the North line of said S1/2 of Lot 7 a distance of 730 feet, more or less, to the Point of Beginning.

CONTINUED

SCHEDULE B (STANDARD COVERAGE)
OWNERS FORM

Countersigned

Authorized Signatory

SCANNED

MAY 30 2007

EXHIBIT A

PARCEL I:

All that part of the SW1/4SE1/4 lying Northerly and/or Easterly of the center of Crystal Lake and Easterly and/or Northeasterly of the State Highway as the same now crosses said subdivision, all being in Section 15, Township 10 North, Range 5 West of the Boise Meridian, Washington County, Idaho:

And also the S1/2 of Lot 6 and all of that part of the S1/2 of Lot 7 and all of Lots 10 and 11 lying Northerly and Easterly of the State Highway, as the same now crosses the said Lots 7, 10 and 11; and all that part of Lots 5 and 12 lying North of Crystal Lake, which lies Westerly of the following line: Beginning at a point on the North bank of Crystal Lake 680 feet East of the West line of said Lot 12 and run thence Northwesterly to a point 520 feet North of the Southwest corner of said Lot 5; all of said Lots being in the SOUTHERN IDAHO LAND COMPANY'S ORCHARD AND GARDEN TRACT, as the same are shown on the official plat of said Tract now on file in the office of the County Recorder of Washington County, Idaho.

SAVE AND EXCEPT the following described tract of land, to-wit:

A parcel of land situated within Lot 11 of Southern Idaho Land Company's Orchard and Garden Tracts as the same is shown on the official plat thereof on file in the office of the County Recorder of Washington County, Idaho, and within the SW1/4SE1/4 of Section 15, Township 10 North, Range 5 West, Boise Meridian, which parcel of land is more particularly described as follows:

Beginning at the Southwest corner of said Lot 11 of Orchard & Garden Tracts (Northwest corner of said SW1/4SE1/4);

thence N 0°00'49" W - 522.94 feet along the West line of said Lot 11 to a point on the Northeasterly right-of-way line of U.S. Highway 95;

thence S 37°22'11" E - 360.11 feet along the Northeasterly right-of-way line of said Highway 95 to the TRUE POINT OF BEGINNING, which point is within said Lot 11;

thence N 80°44'19" E - 272.80 feet;

thence S 37°22'11" E, parallel to the Northeasterly right-of-way line of said Highway 95, a distance of 478.82 feet to a point within said SW1/4SE1/4;

thence continuing S 37°22'11" E, parallel to the Northeasterly right-of-way line of said Highway 95 to the centerline of Crystal Lake;

thence Westerly along said centerline of Crystal Lake to a point on the Northeasterly right-of-way line of said Highway 95;

thence N 37°22'11" W along said right-of-way line to the TRUE POINT OF BEGINNING.

FURTHER EXCEPTING:

A portion of the S1/2 of Lot 7 and Lot 10 in the SOUTHERN IDAHO LAND COMPANY'S ORCHARD AND GARDEN TRACT, as the same are shown on the official plat of said Tract now on file in the office of the County Recorder of Washington County, all lying Northerly and Easterly of the State Highway described as follows:

Beginning at the point of intersection of the North line of the S1/2 of said Lot 7 and the East right-of-way line of State Highway;

thence Southeasterly along said right-of-way a distance of 900 feet to the centerline of a private road;

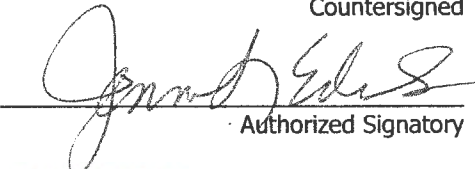
thence N 65° E along the center line of said road a distance of 600 feet;

thence Northwesterly parallel with the State Highway a distance of 600 feet to the North line of said S1/2 of Lot 7;

thence West along the North line of said S1/2 of Lot 7 a distance of 730 feet, more or less, to the Point of Beginning.

SCHEDULE B (STANDARD COVERAGE)
OWNERS FORM

Countersigned


Authorized Signatory

SCANNED

MAY 30 2007



Idaho Department of Water Resources

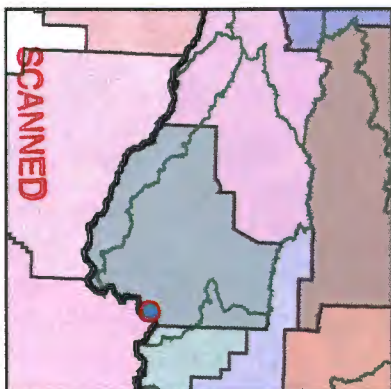
SRBA Recommendation:

67-4006

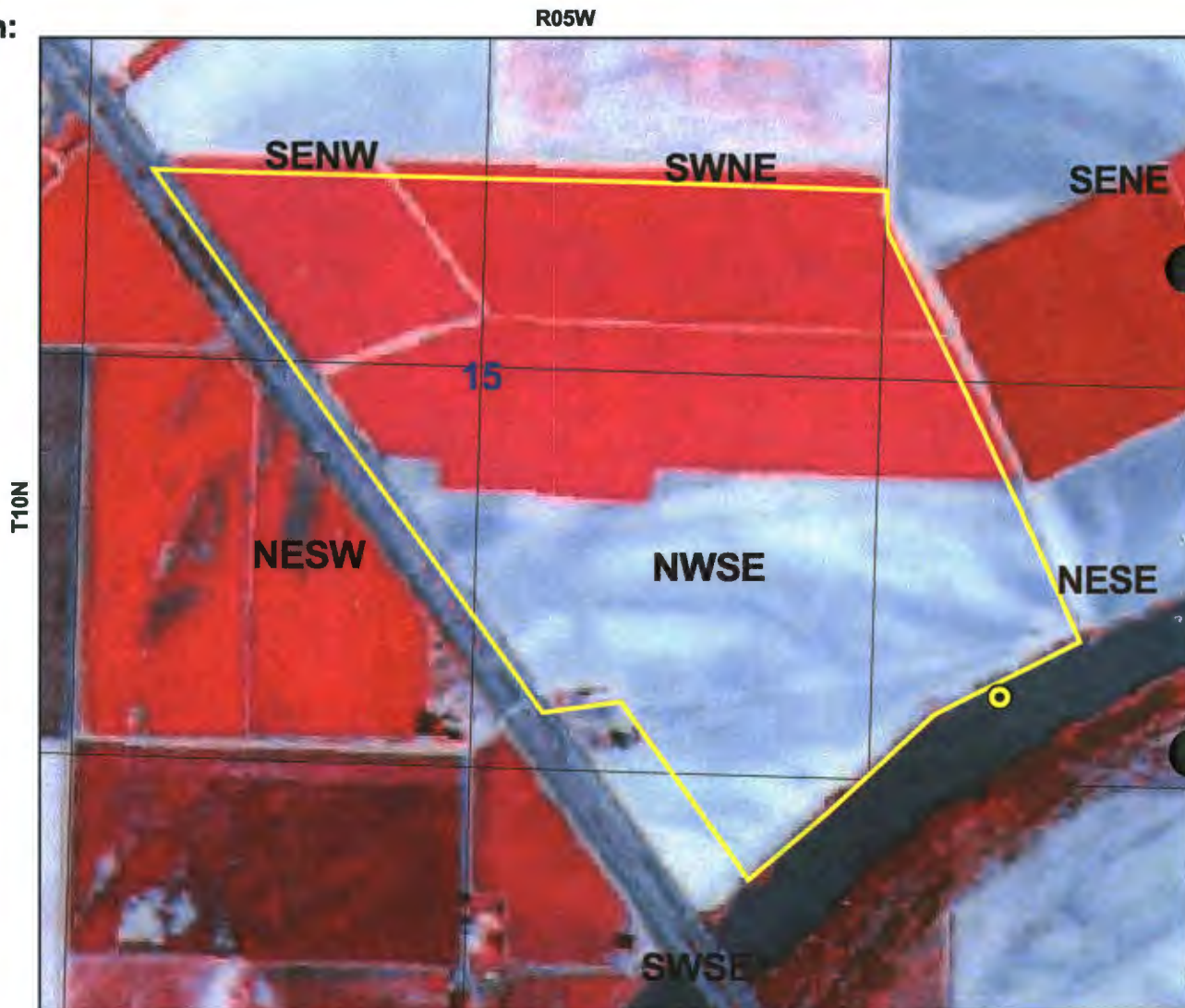
(Irrigation)

Legend

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



Washington County
IDWR Basin 67



0 0.2 0.4 Miles

Prepared by K. Walker
On Friday, May 25, 2007
1987/88 Aerial Photography

MAY 31 2007

SCANNED

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: **A67-04006**
Date Received: 10/13/1989
Receipt No: W006225
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: PRESTON F KYLE 208-549-3797
Address: 350 HWY 95
WEISER ID 83672
AND
Name: EDNA I KYLE 208-549-3797
Address: 350 HWY 95
WEISER ID 83672

2. Date of Priority: AUG 22, 1922

3. Source: BUTTERMILK SLOUGH Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	05W	15	NE	SE			WASHINGTON

5. Description of diverting works:
PUMPED, GRAVITY FLOW AND SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	10/31	1.900		

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

8. Total consumptive use is 332.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

SCANN
APR 08

MICROFILMED
OCT 22 1996

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10N	05W	15	SW		NE		IRR	18.0
			SE		NE		IRR	2.0
			SE		NW		IRR	13.0
			NE		SW		IRR	8.0
			NE		SE		IRR	15.0
			NW		SE		IRR	35.0
			SW		SE		IRR	4.0

Section Acres 95.0

Total Acres 95.0

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:
NONE

14. Remarks:
DECREASE IN NUMBER OF IRRIGATED ACRES.
OWNERSHIP CHANGED BY RDH 2/22/93.
2ND OWNERSHIP CHANGE BY RDH ON 5/8/95.

15. Basis of Claim: STATUTORY CLAIM

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): _____ Date: _____
_____ 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 _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 11/1/94

LEGAL DESCRIPTION OF PROPERTY: Township 10 N. Range 5 W
Section 15, 1/4 of 1/4 of 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

RECEIVED

MAY 03 1995

WATER RESOURCES
WESTERN REGION

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: _____
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): DAVID V. FREI AND ANNE FREI
10 SHORT STREET
WEISER, ID 83672
- ☐ New Owner/Claimant (Purchaser): PRESTON K. KYLE AND EDNA I. KYLE
- ☐ New Mailing Address: 350 Hwy 95
Weiser, ID 83672
- ☐ New Telephone Number: (208) 549-3797
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: SEE ATTACHED RECORDED WARRANTY DEED

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Preston K. Kyle Date 10/25/94
Edna I. Kyle Date _____
- ☐ Signature of Former Owner/Claimant(s): David V. Frei Date 10/25/94
Ann Frei Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED

OCT 22 1996

100-94-4605

WARRANTY DEED

For Value Received

DAVID V. FREI AND ANNE FREI, HUSBAND AND WIFE

AKA ANN FREI

RECEIVED

MAY 03 1995

WATER RESOURCES
WESTERN REGION

The grantors, do hereby grant, bargain, sell and convey unto

PRESTON F. KYLE AND EDNA I. KYLE, HUSBAND AND WIFE
the grantees, whose current address is

the following described premises, in WASHINGTON

County Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

TOGETHER WITH ALL WATER, WATER RIGHTS, DITCHES AND DITCH RIGHTS APPURTENANT
THERETO AND IN ANYWISE BELONGING.SUBJECT TO ALL VALID OUTSTANDING RESERVATIONS, EASEMENTS, RIGHTS-OF-WAY,
RESTRICTIONS, DEDICATIONS, MINERAL LEASES, MINERAL RESERVATIONS AND MINERAL
CONVEYANCES OF RECORD.TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee S
THEIR heirs and assigns forever. And the said Grantor S do hereby covenant to and
with the said Grantees, that THEY ARE the owners in fee simple of said premises; that they are free
from all incumbrances

and that THEY will warrant and defend the same from all lawful claims whatsoever.

Dated: OCTOBER 25, 1994

David V. Frei

DAVID V. FREI

Ann Frei

ANN FREI

STATE OF IDAHO, COUNTY OF WASHINGTON

On this 25TH day of OCT., 19 94
before me, a notary public in and for the said State, personally
appeared DAVID V. FREI ANDANN FREI
known or identified to me to be the person whose name
subscribed to the within instrument, and acknowledged to me
that THEY executed the same.Residing at Weiser
Comm. Expires 11/4/97
Notary Public
Idaho

STATE OF IDAHO, COUNTY OF WASHINGTON

I hereby certify that this instrument was filed for record at the
request of WEISER VALLEY TITLEat 15 minutes past FIFTEEN o'clock P.M.,
this 28TH day of OCTOBER
19 94 in my office, and duly recorded in BOOK
of Deeds BY #161668

MARY KAUTZ

Ex-Officio Recorder

By *Lisa McKnight*

Fees \$ 6.00

Mail to: WEISER VALLEY TITLE

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

AG7-04006

INSTRUMENT NO.

POOR ORIGINAL

EXHIBIT "A"

IN WASHINGTON COUNTY, IDAHO:

All that part of the SW1/4SE1/4 lying Northerly and/or Easterly of the center of Crystal Lake and Easterly and/or Northeasterly of the State Highway as the same now crosses said subdivision, all being in Section 15, Township 10 North, Range 5 West of the Boise Meridian, Washington County, Idaho;

and also the South half of Lot 6 and all that part of the South half of Lot 7 and all of Lots 10 and 11 lying Northerly and Easterly of the State Highway, as the same now crosses the said Lots 7, 10 and 11; and all that part of Lots 5 and 12 lying North of Crystal Lake, which lies Westerly of the following line: Beginning at a point on the North bank of Crystal Lake 680 feet East of the West line of said Lot 12 and run thence Northwesterly to a point 520 feet North of the Southwest corner of said Lot 5; all of said Lots being in the SOUTHERN IDAHO LAND COMPANY'S ORCHARD AND GARDEN TRACT, as the same are shown on the official plat of said Tract now on file in the office of the County Recorder of Washington County, Idaho.

SAVE AND EXCEPT the following described tract of land, to-wit:

A parcel of land situated within Lot 11 of Southern Idaho Land Company's Orchard & Garden Tracts as the same is shown on the Official Plat thereof on file in the office of the County Recorder of Washington County, Idaho, and within the SW1/4SE1/4 of Section 15, Township 10 North, Range 5 West, Boise Meridian, which parcel of land is more particularly described as follows:

Beginning at the Southwest corner of said Lot 11 of Orchard & Garden Tracts (Northwest corner of said SW1/4SE1/4);

Thence N 0 degrees 00'49" W - 522.94 feet along the West line of said Lot 11 to a point on the Northeasterly right-of-way line of U.S. Highway 95;

Thence S 37 degrees 22'11" E - 360.11 feet along the Northeasterly right-of-way line of said Highway 95 to the TRUE POINT OF BEGINNING, which point is within said Lot 11;

Thence N 80 degrees 44'19" E - 272.80 feet;

Thence S 37 degrees 22'11" E, parallel to the Northeasterly right-of-way line of said Highway 95, a distance of 478.82 feet to a point within said SW1/4SE1/4;

Thence continuing S 37 degrees 22'11" E, parallel to the Northeasterly right-of-way line of said Highway 95 to the centerline of Crystal Lake;

Thence Westerly along said centerline of Crystal Lake to a point on the Northeasterly right-of-way line of said Highway 95;

Thence N 37 degrees 22'11" W along said right-of-way line to the TRUE POINT OF BEGINNING.

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: **A67-04006**
Date Received: 10/13/1989
Receipt No: W006225
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: DAVID V FREI
Address: 10 SHORT
WEISER ID 83672

OR

Name: ANN M FREI
Address: 10 SHORT
WEISER ID 83672

2. Date of Priority: AUG 22, 1922

3. Source: BUTTERMILK SLOUGH Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	05W	15	NE	SE			WASHINGTON

5. Description of diverting works:
PUMPED, GRAVITY FLOW AND SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	10/31	1.900		

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

8. Total consumptive use is 332.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10N	05W	15	SW		NE		IRR	18.0
			SE		NE		IRR	2.0
			SE		NW		IRR	13.0
			NE		SW		IRR	8.0
			NE		SE		IRR	15.0
			NW		SE		IRR	35.0
			SW		SE		IRR	4.0

Section Acres 95.0

Total Acres 95.0

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:
NONE

14. Remarks:
DECREASE IN NUMBER OF IRRIGATED ACRES.
OWNERSHIP CHANGED BY RDH 2/22/93.

15. Basis of Claim: STATUTORY CLAIM

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): _____ Date: _____
_____ Date: _____

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

SEP 1 1992

Department of Water Resources

DATE OF CLOSING: MAY 19, 1992

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____, BM.

Lot _____, Block _____, Subdivision/Townsite _____

If you have additional legal descriptions, please attach separate sheet.

SEE ATTACHED LEGAL DESCRIPTION

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: _____

Department of Water Resources
Western Regional Office

☐ Name and Address of Former Owner/Claimant(s)(Seller): STANLEY AND RACHEL CUTLER, CUTLER FAMILY TRUST

☐ New Owner/Claimant (Purchaser): DAVID V. FREI AND ANN M. FREI

☐ New Mailing Address: 10 Short
Weiser, ID 83672

☐ New Telephone Number: () _____

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: COPY OF RECORDED WARRANTY DEED ATTACHED

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) David V. Frei Date 5-19-92

Ann M. Frei Date 5-19-92

☐ Signature of Former Owner/Claimant(s): Betty C. Duff, Trustee Date _____

Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed: _____

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any: _____

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED

OCT 22 1996

POOR ORIGINAL

154482
3

THIS INDENTURE, Made this 20th day of May, in the year 1992.
BETTY ANNE DOPF, AS TRUSTEE OF THE
between CUTLER FAMILY TRUST, BETTY ANNE DOPF, TRUSTEE
DATED MARCH 19, 1980

of Cambridge, County of Washington, State of Idaho
the part y of the first part, and DAVID V. FREI and ANNE FREI, husband and wife,
of Weiser, County of Washington
State of Idaho, the part ies of the second part.

WITNESSETH, That the said part y of the first part, for and in consideration of the sum of
DOLLARS
lawful money of the United States of America to in hand paid by the said part of
the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold and by
these presents does grant, bargain, sell, convey and confirm unto the said part ies of the second part,
and to their heirs and assigns forever, all the following described real estate situated in Washington
County, State of Idaho, to-wit:

See Exhibit A attached.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belong-
ing, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents,
issues, and profits thereof, and all estate, right, title and interest in and to the said property, as well in
law as in equity of the said part Y of the first part:

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together
with the appurtenances unto the part ies of the second part, and to their heirs and assigns forever.
And the said part Y of the first part, and its heirs, the said premises in the quiet and peaceable
possession of the said part Y of the second part their heirs and assigns against the said part Y
of the first part, and its heirs and against all and every person or persons whomsoever, lawfully
claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, the said part Y of the first part has hereunto set her
hand and seal the day and year first written.

Signed, sealed and delivered in the presence of

Betty A. Dopf, Trustee [SEAL]
[SEAL]
[SEAL]
[SEAL]

154482
3 3
POOR ORIGINAL

EXHIBIT "A"

IN WASHINGTON COUNTY, IDAHO:

All that part of the SW1/4SE1/4 lying Northerly and/or Easterly of the center of Crystal Lake and Easterly and/or Northeasterly of the State Highway as the same now crosses said subdivision, all being in Section 15, Township 10 North, Range 5 West of the Boise Meridian, Washington County, Idaho;

and also the South half of Lot 6 and all that part of the South half of Lot 7 and all of Lots 10 and 11 lying Northerly and Easterly of the State Highway, as the same now crosses the said Lots 7, 10 and 11; and all that part of Lots 5 and 12 lying North of Crystal Lake, which lies Westerly of the following line: Beginning at a point on the North bank of Crystal Lake 680 feet East of the West line of said Lot 12 and run thence Northwesterly to a point 520 feet North of the Southwest corner of said Lot 5; all of said Lots being in the SOUTHERN IDAHO LAND COMPANY'S ORCHARD AND GARDEN TRACT, as the same are shown on the official plat of said Tract now on file in the office of the County Recorder of Washington County, Idaho.

SAVE AND EXCEPT the following described tract of land, to-wit:

A parcel of land situated within Lot 11 of Southern Idaho Land Company's Orchard & Garden Tracts as the same is shown on the Official Plat thereof on file in the office of the County Recorder of Washington County, Idaho, and within the SW1/4SE1/4 of Section 15, Township 10 North, Range 5 West, Boise Meridian, which parcel of land is more particularly described as follows:

Beginning at the Southwest corner of said Lot 11 of Orchard & Garden Tracts (Northwest corner of said SW1/4SE1/4);

Thence N 0 degrees 00'49" W - 522.94 feet along the West line of said Lot 11 to a point on the Northeasterly right-of-way line of U.S. Highway 95;

Thence S 37 degrees 22'11" E - 360.11 feet along the Northeasterly right-of-way line of said Highway 95 to the TRUE POINT OF BEGINNING, which point is within said Lot 11;

Thence N 80 degrees 44'19" E - 272.80 feet;

Thence S 37 degrees 22'11" E, parallel to the Northeasterly right-of-way line of said Highway 95, a distance of 478.82 feet to a point within said SW1/4SE1/4;

Thence continuing S 37 degrees 22'11" E, parallel to the Northeasterly right-of-way line of said Highway 95 to the centerline of Crystal Lake;

Thence Westerly along said centerline of Crystal Lake to a point on the Northeasterly right-of-way line of said Highway 95;

Thence N 37 degrees 22'11" W along said right-of-way line to the TRUE POINT OF BEGINNING.

ESCROW CLOSING STATEMENT
CLOSING AGENT - Weiser Valley Title

Seller BETTY ANNE DOPF, TRUSTEE CUTLER FAMILY TRUST

Buyer DAVID V. FREI ANN FREI

Lender
Broker REALTY WORLD HORNER WEST

Loan #
Department of
VA #Western Regional

FHA #
DATE : 05/19/92

Property Address: CUTLER FARM-- SOUTH OF WE ISER ON HWY 95

	BUYER		SELLER	
	Debit	Credit	Debit	Credit
Purchase Price	90,500.00			-90,500.00
Earnest Money Paid TO RW		-1,000.00		
Cash Due From Buyer AT CLOSING		-104,614.53		
RENT DUE TO SELLER	8,800.00			-8,800.00
Irrigation IRRI PREPAID FOR '92	385.00			-385.00
Taxes due 2ND 1/2 TAXES '91			643.27	
Taxes PRORATE FOR '92		-493.47	493.47	
Title Insurance			523.50	
Re : WEISER VALLEY TITLE				
Recording Fees	6.00		6.00	
Closing Fee	117.00		117.00	
Re : WEISER ALLEY TITLE				
Brokers Commission	6,300.00			
REALTY WORLD HORNER WEST				
Cash To/From Seller			97,901.76	
TOTAL	106,108.00	106,108.00	99,685.00	99,685.00

Buyers

Seller

David V. Frei
DAVID V. FREI

Ann Frei
ANN FREI

Date May 19, 1992

Date _____

We hereby certify that the foregoing is a true and correct statement of funds received and disbursed by us in closing above transaction.

By Jenna L. Edwards
Jenna L. Edwards Escrow Officer

Closing # : 92-0154

MONTHLY/ANNUAL PAYMENTS BEGIN _____

Principal & Interest _____
Escrow fee _____
Reserve amount due _____

TOTAL PAYMENT DUE _____

BE SURE TO SIGN UP FOR THE HOMEOWNER'S TAX EXEMPTION AT THE TAX ASSESSOR'S OFFICE AS SOON AS POSSIBLE AFTER CLOSING, IF THIS IS TO BE BUYER'S HOME.

PRIOR TO NOVEMBER, ALL TAXES WILL BE PRORATED FOR 1992 AND CREDITED TO THE BUYER, AND IT WILL BE THE RESPONSIBILITY OF THE BUYER TO PAY THE '92 TAXES DUE. AFTER NOVEMBER, A PRORATED PORTION WILL BE COLLECTED FROM EACH SIDE AND THE TAXES PAID DIRECTLY TO THE TAX COLLECTOR. TAXES ARE PRORATED USING AN ESTIMATION, IF THE ACTUAL BILLINGS HAVE NOT BEEN CALCULATED BY THE ASSESSOR'S OFFICE. IF THERE IS A LARGE DECREASE OR INCREASE IN ACTUAL TAXES, IT WILL BE THE RESPONSIBILITY OF THE BUYER AND SELLER TO ADJUST THESE ACCORDINGLY, AND THEY HEREBY AGREE TO DO SO. THE BUYER WILL REIMBURSE THE SELLER FOR ANY OVER-PRORATION CREDIT, AND THE SELLER WILL REIMBURSE THE BUYER FOR ANY UNDER-PRORATION CREDIT.

WEISER VALLEY TITLE
ESCROW CLOSING INSTRUCTIONS-920154

BUYER: DAVID V. FREI AND ANN M. FREI, HUSBAND AND WIFE

SELLER: BETTY ANNE DOPF, TRUSTEE FOR CUTLER FAMILY TRUST

PLEASE CLOSE THIS TRANSACTION BASED ON THE FOLLOWING INFORMATION:
TOTAL PURCHASE PRICE: \$90,500.00 DOWN PAYMENT: ALL CASH AT TIME OF
CLOSING. EARNEST MONEY: \$1,000.00 GIVEN TO REALTY WORLD HORNER WEST

ORDER TITLE INSURANCE FROM WEISER VALLEY TITLE WITH THE POLICY AMOUNT TO
BE \$90,500.00. TITLE INSURANCE WILL BE PAID FOR BY THE SELLER.

ORDER: TRUSTEE'S DEED FROM ATTORNEY FOR CUTLER FAMILY TRUST

PRORATE TAXES BASED ON 1991 TAXES. PRORATE TAXES AS OF 5/19/92.
DOES THIS PROPERTY HAVE A HOMEOWNER'S EXEMPTION FOR TAXES AT THIS TIME?
____NO____.

THE PROPERTY IS LEASED TO BRAD ROBERTS. BUYER AND ROBERTS ARE HANDLING
THE TRANSFER OR CANCELLATION OF THE LEASE OUTSIDE OF CLOSING. BUYER WILL
REIMBURSE ROBERTS FOR ANY PREPAID EXPENSES.

IRRIGATION IS PAID THROUGH THE BUTTERMILK SLOUGH ASSOCIATION. THE FEES
ARE BILLED IN SEPTEMBER OF EACH YEAR FOR THE FOLLOWING YEAR. ALL FEES
FOR 1992 HAVE BEEN PREPAID BY THE SELLER AND WILL BE PRORATED AND
CREDITED BACK TO THE SELLER AT TIME OF CLOSING.

DOES THIS PROPERTY HAVE ANY OF THE FOLLOWING ITEMS WHICH NEED TO BE
TRANSFERRED AT CLOSING? BLM PERMIT____NO____ LAND LEASE____YES____
STATE LAND LEASE____NO____ WATER RIGHTS____YES____

CLOSING COSTS ARE TO BE SPLIT EQUALLY.
ATTORNEY FEES ARE TO BE PAID BY THE CUTLER FAMILY TRUST FOR PREPARATION
OF THE TRUSTEE'S DEED.

BUYER WILL PAY \$8,800.00 RENT TO THE SELLER AT THE TIME OF CLOSING.

COMMISSION WILL BE PAID TO REALTY WORLD HORNER WEST AT THE TIME OF
CLOSING AND WILL BE \$6,300.00 TO BE PAID BY THE BUYER.

THE SALE ALSO INCLUDES 1-10 HP IRRIGATION PUMP.

WHEN ALL DOCUMENTS HAVE BEEN SIGNED AND YOU HAVE RECEIVED ALL NECESSARY
FUNDS, YOU ARE AUTHORIZED TO RECORD THE NECESSARY INSTRUMENTS, HAVE THE
TITLE POLICY ISSUED, AND DISBURSE THE FUNDS COLLECTED IN ACCORDANCE WITH
THE CLOSING-SETTLEMENT STATEMENT.

THIS ESCROW MAY BE TERMINATED ONLY UPON WRITTEN AUTHORIZATION TO YOU BY
BOTH BUYER AND SELLER OR THEIR AUTHORIZED AGENTS. ANY EXPENSES INCURRED
BY THE ESCROW AGENT PRIOR TO ACTUAL CLOSING MAY BE DEDUCTED PRIOR TO
ACTUAL TERMINATION. IF A CONTROVERSY ARISES BETWEEN THE PARTIES HERETO,
OR WITH ANY THIRD PARTY, THE ESCROWHOLDER SHALL NOT BE REQUIRED TO
ARBITRATE OR DETERMINE THE OUTCOME, BUT MAY HOLD FUNDS AND PAPERS UNTIL
SUCH CONTROVERSY IS FULLY SETTLED AND THE ESCROW-CLOSING AGENT SHALL BE
HELD HARMLESS FROM ANY DAMAGES OR INTEREST. ALL PARTIES AGREE TO
REIMBURSE AND INDEMNIFY WEISER VALLEY TITLE FOR ALL ATTORNEY FEES, COURT
COSTS, OR OTHER EXPENSES INCURRED AS A RESULT OF PROBLEM

David V. Frei
BUYER: DAVID V. FREI

Betty Anne Dopf
SELLER: BETTY ANNE DOPF, TRUSTEE
CUTLER FAMILY TRUST

Ann M. Frei
BUYER: ANN M. FREI

SELLER:

10 Short St
ADDRESS

ADDRESS

Merri, Id 83672

DATE: MAY 19, 1992

REALTOR: Arday C. Parib
REALTY WORLD HORNER WEST

DUPLICATE

DAVID V. FREI
F/F FARMS
P O BOX 548 549-3707
WEISER, ID 83672

2261

92-7338/3241

5-19 1992

PAY TO THE
ORDER OF

Weiser Valley Title \$9,114 ⁵³/₁₀₀
Nine Thousand One Hundred Thirteen ⁵³/₁₀₀ DOLLARS



FEDERAL CREDIT UNION

P.O. BOX 1300, MOUNTAIN HOME, IDAHO 83647

FOR

David V. Frei

⑆324173383⑆

518560851 2261

DAVID OR ANN FREI
10 SHORT ST. PH. 208-549-3707
WEISER, ID 83672

NO

101

5/19 1992

92-6/1241



Weiser Valley Title

Ninety-five Thousand Five Hundred Eight ⁵⁰/₁₀₀ \$95,500 ⁰⁰/₁₀₀ DOLLARS

**First
Security
Bank**

First Security Bank of Idaho
407 State Street • P.O. Box 430
Weiser, Idaho 83672

Insured Money Market Account

Attn:

Ann Frei

⑆124100064⑆C900900308958⑆ 0101

DUPLICATE

MICROFILMED

OCT 22 1996



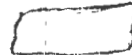
GENERAL LOCATOR

DAVID FREI APPRAISAL

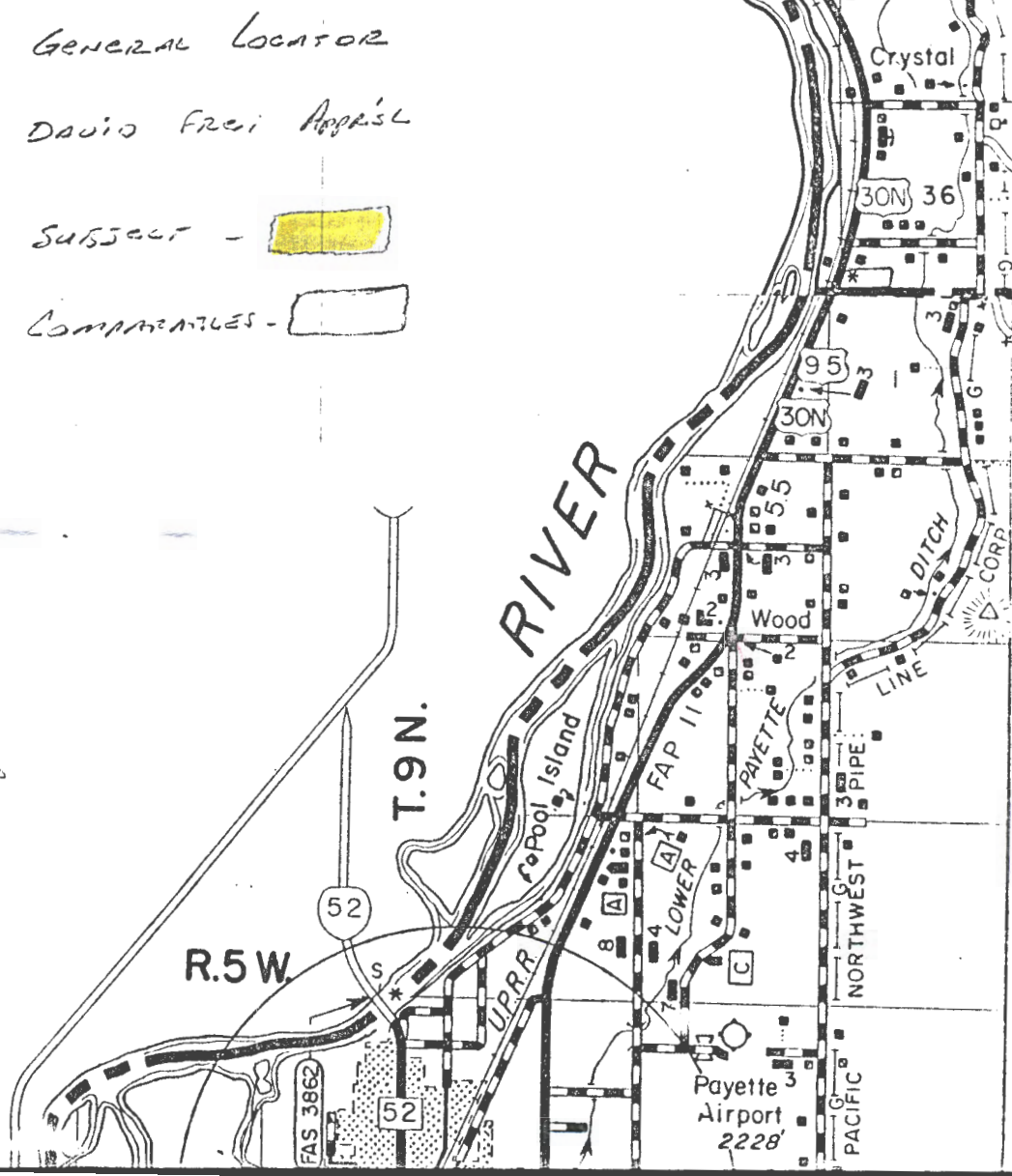
SUBJECT -



COMPARABLES -



Eng. 7 H.



Appraiser's Initials R. S. D.

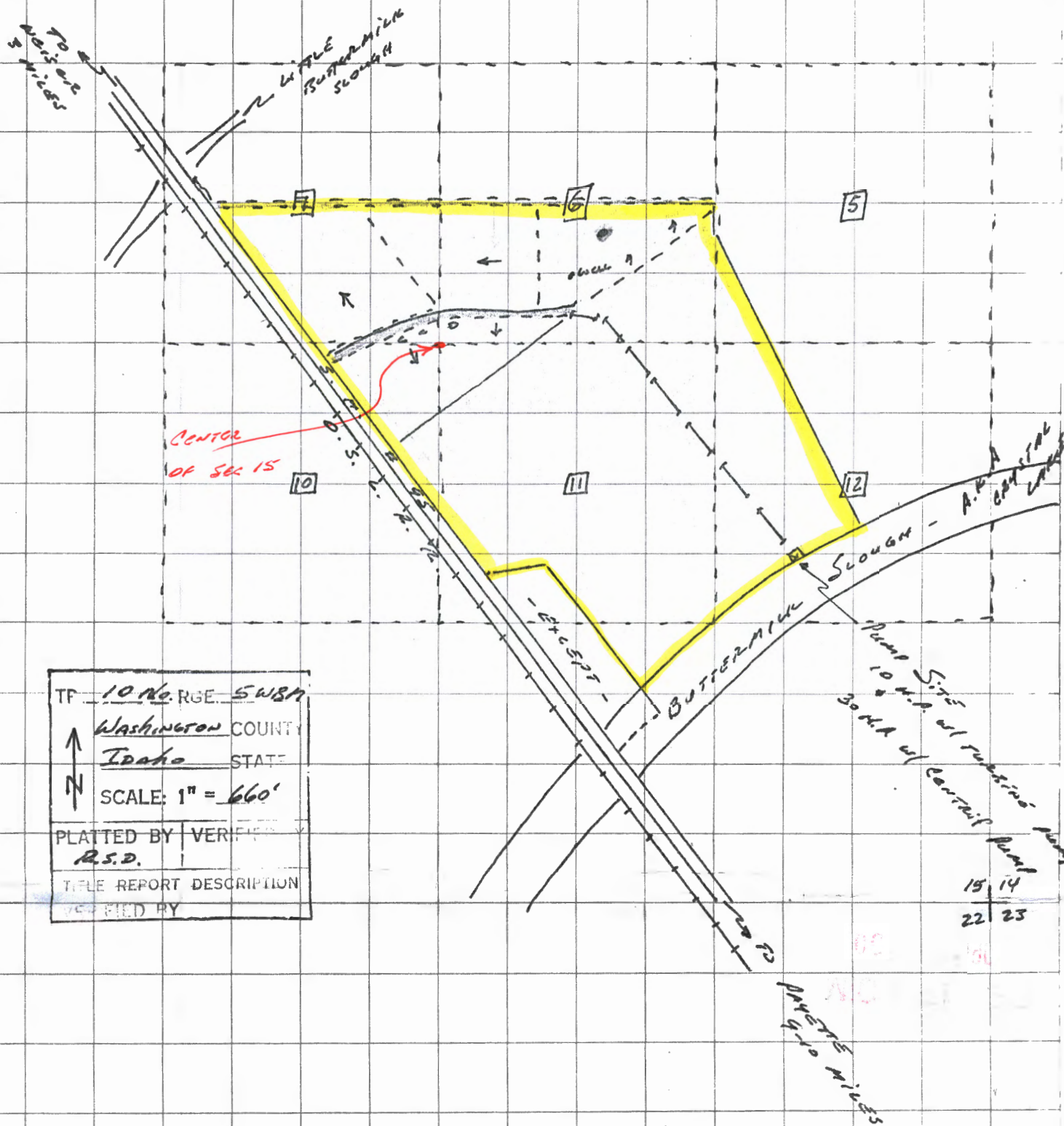
PLAT OF FARM

No. D. F. R. 1

Use Standard Legend. Indicate roads and show direction and distance to nearest town. Indicate points of compass-show scale of map. Designate section numbers at section centers. If more than one source of irrigation supply, indicate area served by each.

10 11
15 14

ORCHARD & GARDEN
TRACT'S LOT
BOUNDARIES



T₁ 10 No. R₁ 5 W 8 N
Washington COUNTY
Idaho STATE
 SCALE: 1" = 660'
 PLATTED BY R.S.D. VERIFIED BY
 TITLE REPORT DESCRIPTION
 VERIFIED BY

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: A67-04006
Date Received: 10/13/1989
Receipt No: W006225
Received By: DE AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CUTLER FAMILY TRUST 208-257-3767
Address: C/O BETTY DOPF
P.O. BOX 204
CAMBRIDGE, ID 83610

2. Date of Priority: AUG 22, 1922

3. Source: BUTTERMILK SLOUGH Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	05W	15	NE	SE			WASHINGTON

5. Description of diverting works:
PUMPED, GRAVITY FLOW AND SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	10/31	1.900		

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

8. Total consumptive use is 332.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	05W	15	SW	NE		IRR	18.0
			SE	NE		IRR	2.0

A67-04006

Page 1

Date: 11/28/89

MICROFILMED
OCT 22 1996

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): _____ Date: _____

_____ 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

RECEIVED

OCT 13 1989

Ident. Number: A67-04006

Date Received: 10-13-89

Receipt No: 10001225

Received By:

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CUTLER FAMILY TRUST

208-257-3767

Address: C/O BETTY DOPF

P.O. BOX 204

CAMBRIDGE, ID

83610

2. Date of Priority: AUG 22, 1922

3. Source: BUTTERMILK SLOUGH

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	05W	15	NE	SE			WASHINGTON

5. Description of diverting works:

PUMPED, GRAVITY FLOW AND SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	10/31	1.900		

7. Total Quantity Appropriated is:

1.900 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	05W	15	SW	NE		IRR	18.0
			SE	NE		IRR	2.0

A67-04006

Page 1

Date: 09/12/89

→ 332.5

MICROFILMED

OCT 22 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	05W	15	SE	NW		IRR	13.0
			NE	SW		IRR	8.0
			NE	SE		IRR	15.0
			NW	SE		IRR	35.0
			SW	SE		IRR	4.0
						Section Acres	95.0
						Total Acres	95.0

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:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): Betty A. Doff Date: Sept. 22, 1989

Date: _____

State of Idaho)
County of WASHINGTON) ss.

Subscribed and sworn (or affirmed) before me this 22nd day
of SEPTEMBER 19 89
B. G. Soules
Notary Public

Seal

Residing at CAMBRIDGE
My Commission Expires 8-21-91



MICROFILMED
OCT 22 1985

FOR ORIGINAL

Identification No. 67-4008

Claim No. _____

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Stanley Cutler
post office address Cambridge, Idaho

2. The point of diversion is in NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 15 Township 10N
Range 5 W B.M. located on Buttermilk Slough
(name of source)
tributary to Snake River in Washington County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

8-22-22 amount 1.9 c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use irrigation period of use from 3-15 to 10-31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of _____
length is _____ feet; height is _____ feet;
width at bottom is _____ feet; with at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is ~~well~~ flowing or pumped, pumped, lift _____, depth of ~~well~~ _____
5 feet; diameter of well is _____ inches; type of pump is turbine
capacity of pump is 150 In g.p.m.; name and address of well driller is _____

MICROFILMED
67-4008

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	05W	15	SE	NW		IRR	13.0
			NE	SW		IRR	8.0
			NE	SE		IRR	15.0
			NW	SE		IRR	35.0
			SW	SE		IRR	4.0
						Section Acres	95.0
						Total Acres	95.0

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:
NONE

14. Remarks:
DECREASE IN NUMBER OF IRRIGATED ACRES.

15. Basis of Claim: STATUTORY CLAIM

1/30/1989

FBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Cutler Family Trust

CLAIM IDENT. NO.

A67-04006

DATE RECEIVED

10-13-89

CK #

230

AMOUNT \$

145-

YES

NO

Required
Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☒ YES ☐ NO N/A ☐ NO *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO *
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO *
8. If required is a consumptive use entered? ☒ YES ☐ NO N/A ☐ NO *
- Is the consumptive use correct? ☒ YES ☐ NO N/A ☐ NO 332.5
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO N/A ☐ NO *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO N/A ☐ NO *
15. Is the basis of the claim indicated? ☒ YES ☐ NO *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO N/A ☐ NO *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? ☒ YES ☐ NO Exempt ☐ NO *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/A ☐ NO *
22. Should this claim be receipted and data entered? ☒ YES ☐ NO *

Claim checked by: LW

Date: 11-18-89

Claim must be returned to claimant:

(Yes) (No)

Claimant must be notified of modifications:

(Yes) (No)

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date:

Date:

Checked by:

Date:

Comments:

MICROFILMED

OCT 22 1996

attach well logs if available; has there been any change in pump or motor since well was first completed
 _____ if so, give dates and explain _____ NO

E. Conveying works: length of ditch to place of use is 0 feet; width of ditch at top is 6 feet; width of bottom of ditch is 3 feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is dirt _____; maximum length of pipe line to first place of use is 50 feet; diameter of pipe line is 12 inches; type of pipe steel _____; grade of pipe per 1000 feet is _____

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible.

d. If water is stored: name of reservoir _____;
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____

If feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built_____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

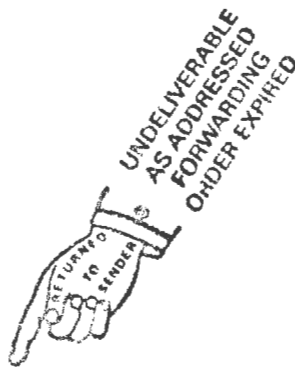
Total number of acres to be irrigated 100

Explain any significant increase in area irrigated since first use, give dates and acreages if known

MICROFILMED

001-2-359

ADDRESS SERVICE
REQUESTED



NOE
WR # 67-4006

RECEIVED
MAR 11 1995

clo on mub's desk
6/11/2007

EDNA I KYLE

PRESTON I KYLE
350 HWY 95
WATER ID 83672

SCANNED

FEB 27 2007



06/19/2007

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

RIGHT NUMBER: 67-4006

NAME AND ADDRESS: THOMAS R JONES
360 HWY 95
WEISER ID 83672

MYRNA J JONES
360 HWY 95
WEISER ID 83672

SOURCE: BUTTERMILK SLOUGH TRIBUTARY: SNAKE RIVER

QUANTITY: 1.720 CFS

PRIORITY DATE: 08/22/1922

POINT OF
DIVERSION: T10N R05W S15 NESE 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	1.720 CFS
PLACE OF USE: <u>IRRIGATION in WASHINGTON County</u>		
T10N R05W S15 SWNE 19.00	T10N R05W S15 SENE	1.60
T10N R05W S15 SENW 12.00	T10N R05W S15 NESW	6.00
T10N R05W S15 NESE 12.00	T10N R05W S15 NWSE	36.00
T10N R05W S15 SWSE 2.50		

89.1 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 - Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4006 V1

WATER RIGHT NUMBER: 67-4006 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CUTLER FAMILY TRUST C/O BETTY DOPF PO BOX 204 CAMBRIDGE, ID 83610 (208)257-3767
Original Owner	ANN M FREI 10 SHORT WEISER, ID 83672
Original Owner	DAVID V FREI 10 SHORT WEISER, ID 83672
Directors Report Owner	EDNA I KYLE 350 HWY 95 WEISER, ID 83672 (208)549-3797
Directors Report Owner	PRESTON F KYLE 350 HWY 95 WEISER, ID 83672 (208)549-3797
Original Owner	STANLEY CUTLER CAMBRIDGE, ID 83610
Current Owner	THOMAS R JONES 360 HWY 95 WEISER, ID 83672 208-549-8552
Current Owner	MYRNA J JONES 360 HWY 95 WEISER, ID 83672 (208) 549-8552

Priority Date: 08/22/1922

Basis: Beneficial Use

Status: Active

Source

BUTTERMILK SLOUGH

Tributary

SNAKE 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	1.720 CFS	
	<u>Total Diversion:</u>	1.720 CFS	

Location of Point(s) of Diversion

BUTTERMILK SLOUGH

NE1/4SE1/4

Sec. 15, Twp 10N, Rge 05W, B.M.

WASHINGTON County

Place of Use

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4006 V1

Twp	Rge	Sec	NE				NW				SW				SE				Totals
10N	05W	15	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					19.0	1.6				12.0	6.0				12.0	36.0	2.5		89.1

Total Acres: 89.1

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.

Remarks:Comments:

1. mcase 6/15/2004 POD
Comment: Updated shape

2. mcase 6/15/2004 POU
Comment: Updated Shape

3. mmount 7/31/2006 contacts
Comment: Tom Jones bought the Kyles land, have spoken with Tom and he has c/o documents - should be expecting them in the mail soon. Have not changed anything in the database yet.

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: AND/OR
Water District Number:
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:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Contacts	8/2/2006 9:52:39 AM	mmount			Active
Priority Date	8/2/2006 10:09:53 AM	mmount			Active
POD	8/2/2006 10:10:24 AM	mmount			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4006 V1

Source	8/2/2006 10:10:52 AM	mmount	Active
POU	8/2/2006 10:12:31 AM	mmount	Active
Use	8/2/2006 10:13:03 AM	mmount	Active
Season	8/2/2006 10:14:29 AM	mmount	Active
Quantity	8/2/2006 10:17:22 AM	mmount	Active
Summary	08/02/2006	mmount	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	8/29/2006 11:26:31 AM	mmount	Updated PLS for Active POU
Contacts	8/2/2006 9:52:40 AM	mmount	(No) 1. Do you want to schedule an appointment? Comment for 1: desk review
Season	8/2/2006 10:14:30 AM	mmount	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (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?
Quantity	8/2/2006 10:17:23 AM	mmount	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (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? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - During field exam obtained pump information and calculated a theoretical rate of flow based on hp, pumping level, and discharge pressure. The calculated rate of flow was 2.11 cfs

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4006 V1

Summary	8/2/2006 10:18:27 AM	mmount	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	8/29/2006 11:26:07 AM	mmount	Updated shape for Active POU
General	8/2/2006 10:09:54 AM	mmount	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Proof of Completion of Works Affidavit
POD	8/2/2006 10:10:24 AM	mmount	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	8/2/2006 10:10:52 AM	mmount	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Aerial photo, field exam, claim file
POU	8/2/2006 10:11:27 AM	mmount	Updated shape for Active POU
POU	8/2/2006 10:11:43 AM	mmount	Updated PLS for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4006 V1

POU	8/2/2006 10:12:32 AM	mmount	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Field Exam, aerial photo, claim file
Use	8/2/2006 10:13:04 AM	mmount	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field Exam, aerial photo, claim file
POD	8/2/2006 10:27:35 AM	mmount	Updated shape
POD	8/2/2006 10:28:42 AM	mmount	Updated shape

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4006 V1

WATER RIGHT NUMBER: 67-4006 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CUTLER FAMILY TRUST C/O BETTY DOPF PO BOX 204 CAMBRIDGE, ID 83610 (208)257-3767
Original Owner	ANN M FREI 10 SHORT WEISER, ID 83672
Original Owner	DAVID V FREI 10 SHORT WEISER, ID 83672
Current Owner	EDNA I KYLE 350 HWY 95 WEISER, ID 83672 (208)549-3797
Current Owner	PRESTON F KYLE 350 HWY 95 WEISER, ID 83672 (208)549-3797
Original Owner	STANLEY CUTLER CAMBRIDGE, ID 83610

Priority Date: 08/22/1922

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
BUTTERMILK SLOUGH CREEK	SNAKE 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	1.720 CFS	
	<u>Total Diversion:</u>	1.720 CFS	

Location of Point(s) of Diversion

BUTTERMILK SLOUGH CREEK	NE1/4SE1/4	Sec. 15, Twp 10N, Rge 05W, 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	
10N	05W	15			19.0	1.6				12.0	6.0				12.0	36.0	2.5		89.1

Total Acres: 89.1

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-4006 V1

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.

Remarks:Comments:

1. mcase 6/15/2004 POD
Comment: Updated shape

2. mcase 6/15/2004 POU
Comment: Updated Shape

3. mmount 7/31/2006 contacts
Comment: Tom Jones bought the Kyles land, have spoken with Tom and he has c/o documents - should be expecting them in the mail soon. Have not changed anything in the database yet.

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:
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>
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Season	8/2/2006 10:14:29 AM	mmount			Active
Quantity	8/2/2006 10:17:22 AM	mmount			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4006 V1

Summary

08/02/2006

mmount

Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	8/29/2006 11:26:31 AM	mmount	Updated PLS for Active POU
Contacts	8/2/2006 9:52:40 AM	mmount	(No) 1. Do you want to schedule an appointment? Comment for 1: desk review
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4006 V1

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4006 V1

Use	8/2/2006 10:13:04 AM	mmount	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field Exam, aerial photo, claim file
POD	8/2/2006 10:27:35 AM	mmount	Updated shape
POD	8/2/2006 10:28:42 AM	mmount	Updated shape

Water Supply Bank:

08/29/2006

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

RIGHT NUMBER: 67-4006

NAME AND ADDRESS: EDNA I KYLE
350 HWY 95
WEISER ID 83672

PRESTON F KYLE
350 HWY 95
WEISER ID 83672

*Waiting for c/c docs from
Tom Jones*

SOURCE: BUTTERMILK SLOUGH CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.720 CFS

PRIORITY DATE: 08/22/1922

POINT OF DIVERSION:

T10N R05W S15 NESE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/01 11/15

QUANTITY
1.720 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T10N R05W S15	SWNE	19.00	T10N R05W S15	SENE	1.60
T10N R05W S15	SENW	12.00	T10N R05W S15	NESW	6.00
T10N R05W S15	NESE	12.00	T10N R05W S15	NWSE	36.00
T10N R05W S15	SWSE	2.50			

89.1 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 - Beneficial Use



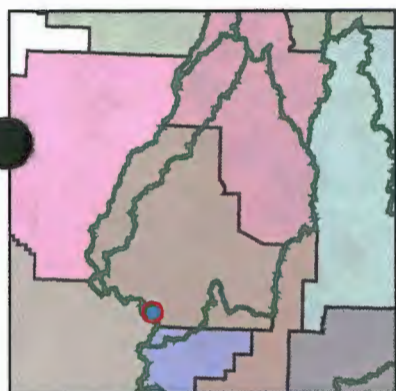
Idaho Department of Water Resources

SRBA Recommendation:

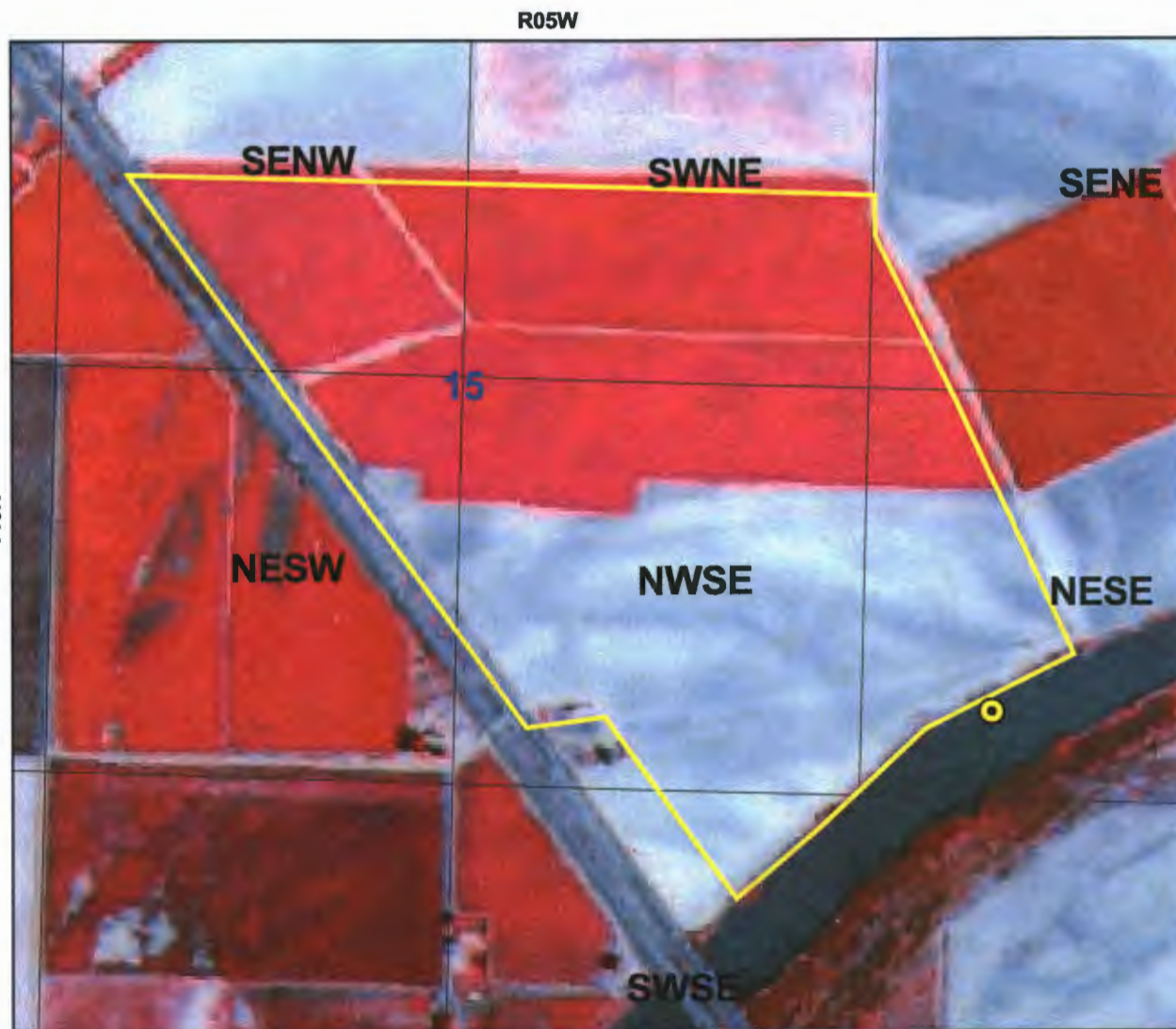
67-4006

Legend

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



Washington County
IDWR Basin 67



0 0.2 0.4 Miles



Prepared by M. Mount
On Tuesday, August 29, 2006
1987/88 Aerial Photography

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 67-4006Owner: Tom Jones Phone No. 549-8552Current Address: 360 Highway 99, Weiser ID

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER
- ☐ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property? _____

Accompanied by: Tom Jones**PRIORITY DATE** – good

- ☐ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 1922

(If priority date, based on your exam, seems questionable, explain below.)

Source: Buttermilk Slough Tributary to Snake R.

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
			NE	SE	15	10N	5W		A0017660

Description of diverting works

Pump in slough to sprinklers and underground pipe - comments: Tom said he will be changing to all flood irrigation. Currently only part of the land is flood irrig. + part is irr. via sprinklers.

OVERLAP REVIEWOther water rights with the same point of diversion: 0

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES☒ No change☐ Different UsesUse 3/01 From _____ To _____ Amount _____ CFS _____ AFAUse irr From 3/01 To 11/15 Amount 1.72 CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA☐ Changes found, the new total is, Amount _____ CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☐ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☐ No Change☐ Changes shown below:

see map
decrease in actual irrigated acres.

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: 0

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

no

Delivery System Narrative:

water pumped to underground pipe carries water to northern part of ~~the~~ property - it then moves into an open ditch & flood irrigated the northern property. The rest of the property is irr via sprinklers. But according to Tom he will be changing out sprinklers - leveling the land & flooding it.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
A0017660	Aurora Pump	65	for 80 lbs pressure w/ 5' lift.		

FLOW MEASUREMENTS:

Attach appropriate documents - see attached

NARRATIVE/REMARKS/COMMENTS

No pictures b/c camera was not working!

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU - there are none
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 7-27-06

FIELD EXAMINER: Misty Mount & Jan Dean



RCU shape after FE

THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

Water Right No.: 67-4006
Examiner: Misty Mount/Jennifer C
Date of Field Exam: 7/27/2006

P/D No.:	Existing Pump	New Pump
PUMP HORSEPOWER	65	35
BOOSTER HORSEPOWER		
PUMPING LEVEL	5	5
DISCHARGE PRESSURE	80	20
RATE OF FLOW (cfs)	2.11	4.21

The above calculates the formula =

$$Q = \frac{8.8 * (\text{Efficiency}) * \text{hp}}{\text{depth to water} + 2.31 * (\text{psi}) + \text{friction}}$$

Assumptions: %70 efficiency.
No Friction

Examiners Notes:

Idaho Department of Water Resources

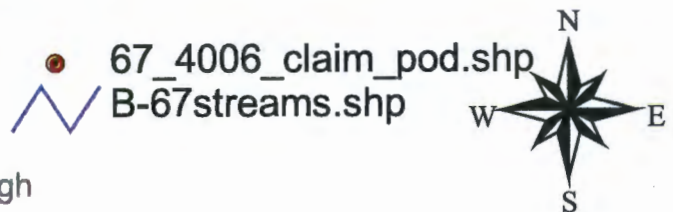
FE MAP



built in 91 - b/f was all irr.

GPS tag # A00174600

67-4006 Claimants = Kyle's
Contact = Tom Jones



Verify acres irrigated and pod off the Buttermilk Slough

Idaho Department of Water Resources

2004 Imagery



67-4006 Claimants = Kyle's
Contact = Tom Jones

Verify acres irrigated and pod off the Buttermilk Slough

-  67_4006_claim_pod.shp
-  67_4006_rec_pou.shp
-  B-67streams.shp



67-4006

located b/f Wagon
on 95

Tom Jones 949-8552 - ~~son of Kyle~~? nephew

car is good!

WKL may need c/o docs from Kyle's to Jones if necessary.

Verify irr. acres + pop.

- overlaps w/ an old permit showing proof of completion of works -

88 acres → 8am

N 95 milepost 78 next driveway on R
holstein cow mail box
360 Hwy 95

cross slough
red barn on R.

8 AM

Directions:

N on 95 @ mile post 78 look for next
driveway on the right. There is a
holstein cow mail box #360
(will cross the slough + see a red
barn on the R.)

- is pipe to open ditches -

Need a Flow measurement or capacity on ditches)

DALLEY	LAJEAN	BOX 213	83422	2-56
DANIEL	LIONEL	RT 1 BOX 798	83639	2-7199D
DANSKIN CATTLE LLC		C/O ROBERT C BAKER□□PO BOX 488	83647	2-2260
DANSKIN CATTLE LLC		C/O ROBERT C BAKER□□PO BOX 488	83647	2-7019B
DANSKIN CATTLE LLC		C/O ROBERT C BAKER□□PO BOX 488	83647	2-7022B
DANSKIN CATTLE LLC		C/O ROBERT C BAKER□□PO BOX 488	83647	2-7023B
DANSKIN CATTLE LLC		C/O ROBERT C BAKER□□PO BOX 488	83647	2-7102B
DANSKIN CATTLE LLC		C/O ROBERT C BAKER□□PO BOX 488	83647	2-7412
DANSKIN CATTLE LLC		C/O ROBERT C BAKER□□PO BOX 488	83647	2-10052
DANSKIN CATTLE LLC		C/O ROBERT C BAKER□□PO BOX 488	83647	2-10053
DARLINGTON	W KELLY	256 HARTLEY DR	59601	2-10031
DBH LLC		6814 RANDOLPH DR	83709	2-10166
DE GROOT	CHARLES	10394 MELMONT RD	83641	2-2196
DE GROOT	CHARLES	10394 MELMONT RD	83641	2-2363
DE GROOT	JANICE	10394 MELMONT RD	83641	2-2196
DE GROOT	JANICE	10394 MELMONT RD	83641	2-2363
DERCK INVESTMENT CORP		1444 KNIGHTS DR	83712	2-7017B
DEWEY	L LEROY	28313 MIDDLE RD	83676	2-2435A
DICK	RICHARD	3480 CHINDEN BLVD	83704	2-2256
DICK	YALE	3480 CHINDEN BLVD	83704	2-2256
DIRKS	MECHELLE	24762 A & A RD	83624	2-2279
DIRKS	MECHELLE	24762 A & A RD	83624	2-2418
DIRKS	MECHELLE	24762 A & A RD	83624	2-4026
DIRKS	MECHELLE	24762 A & A RD	83624	2-7012
DIRKS	MECHELLE	24762 A & A RD	83624	2-7126
DIRKS	MECHELLE	24762 A & A RD	83624	2-7389
DIRKS	MECHELLE	24762 A & A RD	83624	2-10180
DIRKS	ROBERT G	24762 A & A RD	83624	2-2279
DIRKS	ROBERT G	24762 A & A RD	83624	2-2418
DIRKS	ROBERT G	24762 A & A RD	83624	2-4026
DIRKS	ROBERT G	24762 A & A RD	83624	2-7012
DIRKS	ROBERT G	24762 A & A RD	83624	2-7126
DIRKS	ROBERT G	24762 A & A RD	83624	2-7389
DIRKS	ROBERT G	24762 A & A RD	83624	2-10180
DRAPER	CELIA C	37147 STATE HIGHWAY 78	83624-5034	2-63
DRAPER	CELIA C	37147 STATE HIGHWAY 78	83624-5034	2-2271
DRAPER	CELIA C	37147 STATE HIGHWAY 78	83624-5034	2-7032
DRAPER	CHARLES RAYMOND	37147 STATE HIGHWAY 78	83624-5034	2-63
DRAPER	CHARLES RAYMOND	37147 STATE HIGHWAY 78	83624-5034	2-2271
DRAPER	CHARLES RAYMOND	37147 STATE HIGHWAY 78	83624-5034	2-7032



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 8, 2006

PRESTON F KYLE
EDNA I KYLE
350 HWY 95
WEISER ID 83672

RE: Contact information for Snake River Basin Adjudication (SRBA) claim 67-4006

Dear Claimants:

I have been trying to contact you to schedule a field exam on the above-mentioned claim. The current phone number I have for both of you is (208) 549-3797. Upon calling that number, I heard a message that the number has been disconnected or is no longer in service. Certain elements of the claim must be verified through a field exam. If no field exam is conducted on this claim, it will be recommended as disallowed to the SRBA court.

Please contact me at (208) 287-4907 with your current contact information and to schedule a field exam.

Respectfully submitted,

Monica LB

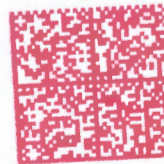
Monica P. Van Bussum
Water Resource Agent/GIS Technician
Adjudication Bureau

HO
OF WATER RESOURCES
P.O. Box 83720
0098

Return Service Requested

adix

PRESORTED
FIRST CLASS



UNITED



\$ 00.29³

02 1A
0004389390 MAY 09 2006
MAILED FROM ZIP CODE 83702

PRESTON F KYLE
EDNA I KYLE
350 HWY 95
WEISER ID 83672

RECEIVED

MAY 15 2006

DEPARTMENT OF
WATER RESOURCES

KYLE350 836722023 1805 19 05/11/06
RETURN TO SENDER
KYLE EDNA DOLLY
1795 AUCTION RD APT 2
FALLON NV 89406-2682
RETURN TO SENDER

2AAG3M5 83672



3-3-06 : Measurement of Pump Capacity is what I
need for sure.

- POD location?

- Confirm POU

- EOP - Good!

CONVERSATIONAL MEMORANDUM

Date: September 19, 2005

To: File 67-4006

From: Craig L. Saxton

Subject: Evidence of priority

Received a call from Tom Jones (549-8552) regarding EOP letter. I guess it got sent to his mom and he received it today. I checked the file before I called him back and found that there was an old permit on this file where proof of completion of works was submitted, and fees were paid, but it never became a license. In addition, under the stat claim there is an affidavit that gets them back to 1935.

So I called Tom back and told him what I had and that for sure I could go back to 1935, but I would dig through the micro film and see if I could do any better. He said that he has some old documents that he is going to send to me to see if we can do any better. I told him to ignore the deadline and we would look through what he sent in when we get it. And if I didn't get anything and the microfilm didn't show anything better, he would get 1935.

I dug through the microfilm and found that not only was proof of completion of works sent in July 1922, it was received a letter stating that it was all received and paid for was sent to on August 18, 1922. The odd thing is that the file jumps to 1971 with an order of cancellation stating the Proof was not sent by the deadline of August 2, 1923.

I will see what the claimant submits.

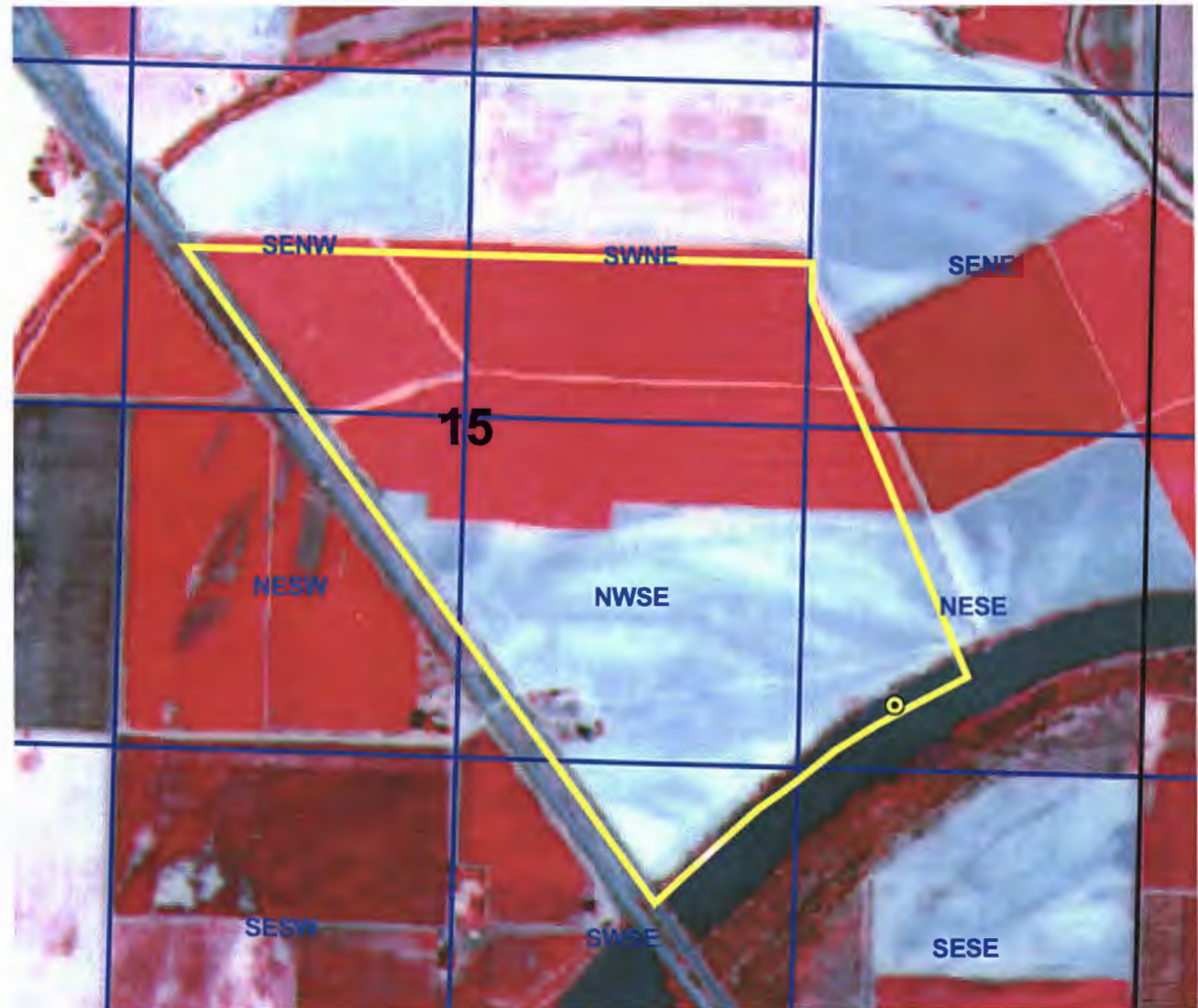
Idaho Department of Water Resources

T10N, R05W, S15

Water Right No: 67-4006

Legend

-  Point of Diversion
-  Place of Use
-  Quarter Quarter Lines
-  Section Lines



0.1 0 0.1 0.2 0.3 0.4 Miles

Prepared by Morgan Case
June 15, 2004
1987/1988 NAPP

IN THE MATTER OF:)

Stanley Cutler)

AFFIDAVIT

State of Idaho)
County of Washington)

Otto Eisenbarth

being first duly sworn,

deposes and says: from my own knowledge I know that water has been
used continuously since January 10, 1936. My brother Fred and I
purchased this property in August 1935 from August and Earl H.
Brockman. We farmed it and used the water from the Buttermilk
Slough continually since.

Otto Eisenbarth
(signature)

Subscribed and sworn to before me this _____ day of _____ 19 ____.

Edm. Whitey
(Notary Public)

Residing at Missy, Idaho

My commission expires 9-14-70

67-4006

IN THE MATTER OF:)

Stanley Cutler)

AFFIDAVIT

Washington)

State of Idaho)

County of Washington)

Fred Eisenbarth

being first duly sworn,

deposes and says: from my own knowledge I know that water has been
used continuously since January 10, 1936. My brother Otto and I
purchased this property in August 1935 from August & Earl H.
Brockman. We farmed it and used the water from the Buttermilk
Slough continually since.

x Fred Eisenbarth
(signature)

Subscribed and sworn to before me this day of September 19 68.

Adam L. King
(Notary Public)

Residing at Weiser, Idaho
My commission expires 9-12-70



17-4006

Permit No. 14835

STATE OF IDAHO
Department of Reclamation

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO,

County of Washington } ss.

August R. Rasmussen, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 14835, and that his postoffice address is Wasser

State of Idaho

Second: That the name of the stream from which said water is to be diverted is Butterfield Slough

Third: That the point of division of said water is N 6 1/2 S 3 1/4 Section 13 T. 10 N. R. 5 East B.M. Washington Co. Idaho

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Aug 2nd, 1922

Fifth: That the use for which said water is intended is Irrigation of land

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: 10 H.P. Motor direct connected to 10 inch Pump, guaranteed capacity 200 Mincks
(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

(a) Height of dam 4.0 feet, length of dam at top 10 feet, length of dam at bottom 10 feet. Material used in construction concrete

(State whether wood, earth, stone or concrete.)

(b) Capacity of reservoir 200 acre feet.

(c) Size of headgate: Width 4 feet, height 1 1/2 feet.

(d) Conduit ditch width at bottom 3 feet, width at water line 4 feet, depth of water 1 1/2 feet; diameter of pipe 1 1/4 inches, average grade per mile is 1 1/4 feet. Length of conduit is 1 1/4 miles.

Seventh: That said works are capable of conducting to the place of intended use 4.0 second feet of water.

Eighth: That water appropriated under said permit is available for 200 acres of land described as follows: 2 acres in N 6 1/2 S 3 1/4 20 acres in S 10 N 6 1/2 S 3 1/4 14 acres in S 6 1/2 N 10 S 3 1/4 32 acres in S 6 1/2 S 3 1/4 39 acres in S 10 S 6 1/2 6 acres in S 10 S 6 1/4 Sec 15 T. 10 N. 5 5 acres in S 10 N 10 S 10 in S 10 S 10 in Sec 14 T. 10 N. 5

Ninth: Remarks: That

This Permit is for August R. Rasmussen and land in the above area

August R. Rasmussen
(Sign here)

Subscribed and sworn to before me this 20th day of July, 1922

My commission expires July 6, 1926

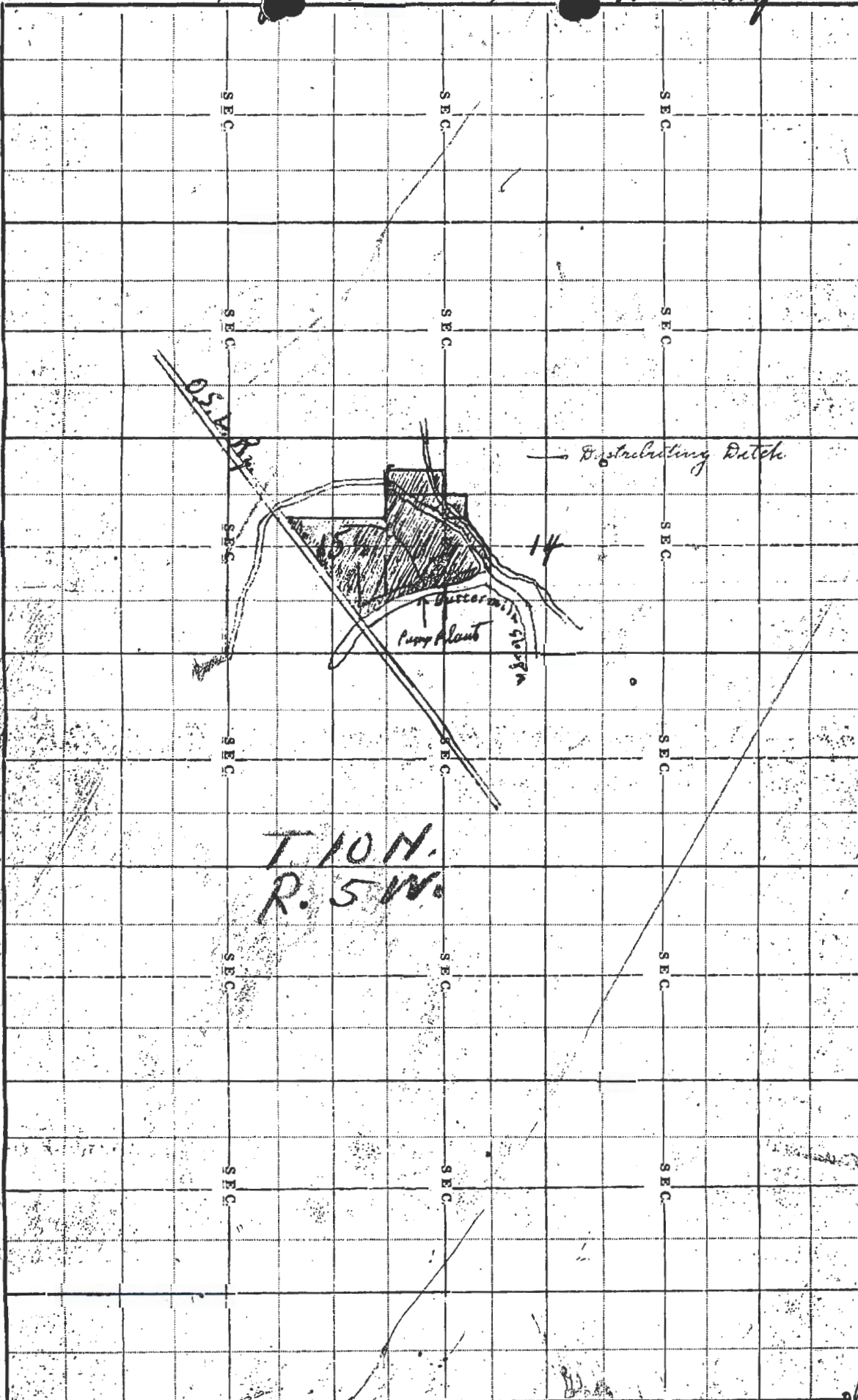
Joe Rasmussen
Notary Public.

14835

1004

NAME OF APPLICANT

August Brockman & Earl H. Brockman



SCALE: 2 INCHES = 1 MILE DRAW PLAN IN INK

124835

62-4006

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

IN THE MATTER OF CANCELLATION OF PERMIT)
)
TO APPROPRIATE THE PUBLIC WATERS OF THE)
)
STATE OF IDAHO NO. 14835/67-2131)
)
IN THE NAME OF August Brockman &)
)
Earl H. Brockman)

ORDER OF CANCELLATION

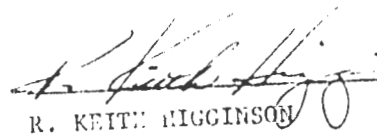
WHEREAS, the permit holder has failed to submit proof of beneficial use
of water due on August 2, 1923 ; and,

WHEREAS, on May 10, 1971, notice was sent to the holder of said
permit to appear before the Director of the Department of Water Administration
on or before June 19, 1971, to show cause why said permit should not be
cancelled; and,

WHEREAS, the holder of said permit has failed to comply with the require-
ments of said permit and has not shown adequate cause why such permit should not
be cancelled,

IT IS THEREFORE ORDERED and Permit 14835/67-2131 is hereby CANCELLED.

Dated this 16 day of August, 19 71.


R. KEITH HIGGINSON
Director

67-2131

August 18, 1921

Re: Permit No. 14835

Mr. August Brockman & Earl H. Brockman
Boise, Idaho

Gentlemen:

I am enclosing herewith your certificate
of Completion of works issued under the above
numbered permit together with receipt for fees.

Yours very truly,

W. S. CHANDLER
Commissioner of Reclamation

By
Chief Clerk

H.
Enc.
CCW-R-8194



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

May 8, 1995

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Preston F Kyle &
Edna I. Kyle
350 Hwy 95
Weiser ID 83672

NOTICE OF CLAIM NO. (S)
A67-04006

Dear Peston & Edna,

Enclosed is a copy(s) of the above referenced claim(s)
which reflects the CHANGE IN OWNERSHIP of the lands and
appurtenant water rights covered by this claim(s).

The Department will contact you in the future concerning any
requirements that may be needed in order to process this
claim(s) for final court decree.

If you have any questions concerning the enclosed claim(s),
please feel free to contact this office.

Sincerely,

Ron Howerton
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Attachment(s)

cc: DAVID FREI

SCANNED
APR 08 2004

MICROFILMED
OCT 22 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

[MAY 8, 1995]
LEONARD STEWART &
Barbara Stewart
2152 Cove Rd
Weiser Id 83672

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

[Dear Wateruser(s):]

This office has reviewed the **Notice of Change of Water Right Ownership** form submitted to our office. However, due to the items checked below, we cannot continue to process this ownership change. We are returning the Notice of Change of Ownership to you to **COMPLETE OR RESEARCH ONLY THE FOLLOWING ITEM(S) SHOWING A CHECKMARK IN THE BLANK FOR THAT ITEM(S).**

_____ **There is no existing water right in our records either under the former owner's name or for the legal description given. If, after contacting the former owner, you find more information concerning a water right, please contact us.**

_____ **Legal description of property.** Please complete showing the legal description by 1/41/4 (40-acre tract), section, township and range for the property changing ownership. If you only have a subdivision lot & block legal description, please send us a copy of your subdivision plat map.

☒ **It appears you receive your water from an irrigation district, ditch company, municipality or community water company. If this is the case, then the water right remains in the name of this entity and you should contact them concerning the ownership change.**

_____ **Name and address of former owner (seller).** This will clarify the original owner of the water right.

_____ **Name, address and phone number of new owner (purchaser).**

_____ **This change in ownership appears to result in a splitting of the water right. A split of the water right occurs when the ownership change affects only a portion of the original right. In order to accurately split this right we must know what portion of the right was sold. The amount of water in CFS, the place of use by 1/4 1/4 with the number of acres in each 1/41/4 (if applicable) and the point of diversion by 1/41/4, Section, Township and Range is needed. If this right is not being split, please submit proof of ownership for the remaining portion.**
Enclosed is a computer copy of this right for your review.

_____ **Proof of ownership is needed.** This proof can be a copy of the warranty deed, sales contract or tax assessment in your name which includes a description of this property by 1/41/4, Section, Township and Range.

MICROFILMED
OCT 22 1996

____ Signature of new owner (purchaser) is needed on this form.

☒ Other: SEE ATTACHED COMMUNICATION DOCUMENTATION

Please complete the above item(s), if required, on the Notice of Change of Water Right Ownership form and return it with the requested information to the Department of Water Resources, Western Region Office, 2735 Airport Way, Boise, ID 83705. If we do not hear from you within 30 days, the claim upon which this form was filed(if one exists), will remain in the original owner's name.

Feel free to contact this office if you have any questions concerning this letter.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

RH:r
Enclosures

MICROFILMED
OCT 22 1996

COMMUNICATION DOCUMENTATION

Claim No.A67-04006

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Ron Howerton

DATE

May 4, 1995

CUSTOMER

DAVID FREI PH # 549-3707

SUBJECT: A67-04006, Ownership Change Question

1. Called David Frei, because he is the original owner of this claim and because we received two ownership change forms with no reference to any claim # on them.
2. David said that the new owners for the above claim were the Kyle's. Source is Buttermilk Slough. This confirms the meets & bounds description received from the Kyle's.
3. The other ownership change that was filed by the Stewart's had a meets and bounds descriptions that didn't match the legal descriptions for the above claim. After checking our records, no other claims to change ownership from Frei to Stewart were found.
4. David said that the land he sold the Stewart's had water rights from Crane Creek Reservoir in the form of shares. Since this is a water delivery organization, where fees are charged for the use of the water, then NORMALLY THE WATER DELIVERY ORGANIZATION HAS LEGAL TITLE TO THE WATER RIGHTS.
5. Thus, explains our records not showing any other claims filed by David Frei in this area.

MICROFILMED

OCT 22 1995



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED
MAR 11 1993

DATE OF CLOSING: 2/12/92

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM _____
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

SEE ATTACHED LEGAL DESCRIPTION

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: _____

☐ Name and Address of Former
Owner/Claimant(s)(Seller):

David V. & Annabel M. Frei
10 Short St.
Weiser, ID 83672

☒ New Owner/Claimant
(Purchaser):

LEONARD STEWART AND BARBARA STEWART

☐ New Mailing Address:

2152 Cove Rd.
Weiser, ID 83672

☐ New Telephone Number: () _____ - _____

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of
ownership, describe
proof attached:

Recorded Warranty Deeds

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New
Owner/Claimant(s)

Leonard Stewart
Barbara Stewart

Date Feb 12 1992

Date 2-12-92

☐ Signature of Former
Owner/Claimant(s):

Date _____

Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED

OCT 22 1996

WARRANTY DEED

For Value Received RICHARD A. HILL AND BETTI C. HILL, HUSBAND
AND WIFE

The grantorS , do hereby grant, bargain, sell and convey unto

LEONARD L. STEWART AND BARBARA STEWART, HUSBAND AND WIFE
the grantee S, whose current address is 2152 COVE ROAD, WEISER, IDAHO 83672

the following described premises, in WASHINGTON County Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

ALSO 150 SHARES IN CRANE CREEK RESERVOIR INDEPENDENT WATER USERS
COMPANY AND 175 ACRE FEET INDEPENDENT WATER USERS.

ALL IRRIGATION EQUIPMENT OF EVERY KIND AND CHARACTER, TOGETHER
WITH ALL WATER, WATER RIGHTS, DITCHES AND DITCH RIGHTS USED
THEREON OR APPURTENANT THERETO.

SUBJECT TO THE TERMS AND CONDITIONS OF A "CONSERVATION EASEMENT
RESERVATIONS IN THE UNITED STATES" MORE PARTICULARLY DESCRIBED
IN QUITCLAIM DEED EXECUTED BY THE UNITED STATES OF AMERICA AS
GRANTOR TO DAVID V. FREI AND ANN M. FREI AS GRANTEE, AND
RECORDED FEBRUARY 13, 1992 AS INSTRUMENT NUMBER 153757 RECORDS
OF WASHINGTON COUNTY, IDAHO

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s
THEIR heirs and assigns forever. And the said Grantor s do hereby covenant to and
with the said Grantee s, that the y ARE the owners in fee simple of said premises; that they are free
from all incumbrances

and that the y will warrant and defend the same from all lawful claims whatsoever.

Dated: FEBRUARY 3, 1992

RICHARD A. HILL

BETTI C. HILL

STATE OF ~~MONTANA~~ COUNTY OF ~~LEWIS & CLARK~~
On this ~~3rd~~ day of FEBRUARY, 19 92
before me, Notary Public in and for the said State, personally
appeared ~~RICHARD A. HILL AND~~
~~BETTI C. HILL~~

known or identified to me to be the personS whose nameS
subscribed to the within instrument, and acknowledged to me
that ~~for this~~ executed the same.

Notary Public

Residing at Helena, MT
Comm. Expires Dec 1, 1994

STATE OF IDAHO, COUNTY OF WASHINGTON -
I hereby certify that this instrument was filed for record at the
request of WEISER VALLEY TITLE

at 21 minutes past 3 o'clock P.M.,
this 13TH day of FEBRUARY
19 92, in my office, and duly recorded in ~~BOOK~~
of Deeds at ~~Page~~ 153761

MARY KAUTZ

Ex-Officio Recorder

By ~~Barbara Hylbert~~

Fees \$ 6.00

Mail to: WEISER VALLEY TITLE

Cmp. Index
Cmp. Rel.
Film
Compare
Card Rel.
Bk. Rel.
Update
Return

INSTRUMENT NO.

A tract of land described as follows: Commencing at the West quarter corner of Section 2, Township 10 North, Range 4 West of the Boise Meridian;

Thence N 48° 30' East 1577.34 feet to a point on the Southeasterly bank of the Sunnyside Irrigation Canal, being the true point of beginning;

Thence N 59° 17' East 104.22 feet;

Thence S 56° 28' East 173.55 feet;

Thence N 76° 51' East 250.41 feet;

Thence N 4° 46' West 217.80 feet;

Thence N 58° 13' East 436.56 feet to a point on the Southeasterly bank of said Sunnyside Irrigation Canal;

Thence along said canal in a Southerly and Westerly curvilinear direction to the true point of beginning;

AND ALSO, that portion of Lot 2 of Section 3, Township 10 North, Range 4 West of the Boise Meridian, lying Southerly of Weiser River, and Easterly and Northerly of a certain drainway from the Sunnyside Ditch as the same traverses said subdivision in a Northerly direction to Weiser River;

AND ALSO, all that part of the following described lands lying between the South bank of Weiser River and the North right-of-way line of Sunnyside Ditch: The W1/2SE1/4 and the SE1/4SW1/4 of Section 35, Township 11 North, Range 4 West of the Boise Meridian, and Lots 2, 3, 4 and the SW1/4NW1/4 of Section 2, and Lot 1 and SE1/4NE1/4 of Section 3, Township 10 North, Range 4 West of the Boise Meridian, EXCEPTING THEREFROM that portion of Lot 1 and that portion of the SE1/4NE1/4 lying Northerly of the Sunnyside Ditch in said Section 3, which are situate Westerly of a certain drainway from the said Sunnyside Ditch as the same traverses said subdivisions in a Northerly direction to Weiser River.

Parcel 2

TOWNSHIP 11 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN, IN WASHINGTON COUNTY, IDAHO.

Section 35: All that part of the E1/2E1/2 and of the SW1/4NE1/4 and of the W1/2SE1/4 lying East of Weiser River, EXCEPTING that part of the W1/2SE1/4 located between the East bank of said River and the West boundary of the Sunnyside Ditch; AND ALSO, that part of the NE1/4SW1/4 lying Southerly of Weiser River;

TOWNSHIP 10 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN, IN WASHINGTON COUNTY, IDAHO:

Section 2: Lot 1, S1/2NE1/4, N1/2SE1/4, SW1/4SE1/4, SW1/4, and all that part of Lots 2 and 3 and of the S1/2NW1/4 lying Southerly and Easterly of the Sunnyside Ditch, EXCEPT a tract described as follows: Commencing at the West Quarter corner of said Section 2, thence N 48° 30' East 1577.34 feet to a point on the Southeasterly bank of said Sunnyside Ditch, being the true point of beginning; thence N 59° 17' East 104.22 feet; Thence S 56° 28' East 173.55 feet; Thence N 76° 51' East 250.41 feet; thence N 4° 46' West 217.80 feet; thence N 58° 13' East 436.56 feet to a point on the Southeasterly bank of said Ditch; thence along said Ditch in a Southerly and Westerly curvilinear direction to the point of beginning;

Section 3: All that part of the SE1/4NE1/4 lying South of the Sunnyside Ditch;

Section 11: All that part of the NW1/4 lying Northerly of the right-of-way for Cove Road.

Parcel 3

TOWNSHIP 10 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN, IN WASHINGTON COUNTY, IDAHO.

Section 1: Lot 4, SW1/4NW1/4, N1/2SW1/4.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

MAR 22 1993

DAVID V FREI &
ANN M FREI
10 SHORT
WEISER ID 83672

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

NOTICE OF CLAIM NO. (S)
A67-04006

Dear Mr and Mrs Frei,

Enclosed is a copy(s) of the above referenced claim(s) which reflects the **CHANGE IN OWNERSHIP** of the lands and appurtenant water rights covered by this claim(s).

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim(s) for final court decree.

If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

Ron Howerton
Ron Howerton
Senior Water Agent
Adjudication Section

cc: File(s)
A67-04006

MICROFILMED
OCT 22 1996